HEALTH, ENVIRONMENT AND SAFETY IN THE WORKPLACE:

A study on training to improve HES in Bulgaria, Romania and Norway

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Preface

This report originates from two projects supported by grants from Norway through the Norwegian Co-operation Programme for Economic Growth and Sustainable Development. The theme of the projects was Health, Environment and Safety (HES) in the workplace and they were mainly carried out in Bulgaria and Romania. Within these projects there was a strand allowing researchers in the three countries to investigate a special topic coming up during the project activities, which concentrated on setting up HES training courses in Bulgaria and Romania. It was agreed that this topic should be training to improve HES, with a particular emphasis on training of workers’ representatives. The fact that the projects aimed at improving the social dialogue in Bulgaria and Romania implied that the topic of HES training for managers was also tabled.

The present report contains three chapters and is structured in the same way as similar reports produced by the project teams in Bulgaria and Romania:


2. Signs and evidence of how workers’ representatives in charge of Health, Environment and Safety are being trained.


In a separate annex, observations based on a short comparison of the three countries are formulated.

This report has been drafted by Nadezhda Daskalova (Bulgaria), Valeriu Frunzaru (Romania), in addition to Odd Bjørn Ure and Line Eldring (Norway). We are grateful for the continued support from the project coordinator Hans Øyvind Nilsen (Norwegian Confederation of Trade Unions, LO) and the input from the trade unions involved in the three countries.

Compiled at Fafo, Institute for Labour and Social Research, Oslo, March 2011.
PART 1. BULGARIA

Chapter 1: OVERVIEW OF LEGISLATION AND REGULATIONS ON TRAINING OF WORKERS’ REPRESENTATIVES FOR HEALTH AND SAFETY AT WORK IN BULGARIA

Introduction

Health and Safety at Work Law (HSWL)\(^1\) was adopted in 1997 and came into force on 1 January 1998. Through the years the Law has been subject to several amendments, the last adopted in mid 2010. This law sought to complete transposition of the EU 'framework' health and safety Directive (89/391/EEC) and all related to it Directives, as well as the ILO Conventions in this field. The HSWL specifies the main rights and obligations of all participants in the labour process: the state, the employers, the workers and other organisations, institutions and bodies in charge for the H&S provision. The national policy for promotion of H&S at work was launched and implemented with wide participation and consensus among the social partners based on national, sector/branch, territorial, and enterprise social dialogue.

Unlike other countries the representation of workers in health and safety matters is realised only through elected workers’ H&S representatives in Working conditions councils (WCC) and Working conditions groups (WCG).

1. The institutional context of training for health and safety representatives

According to the HSWL Working conditions councils/Working conditions groups should be established in enterprises through which the consultations and dialogue between employees and employers on H&S issues should be develop.

The HSWL contains binding provisions (Art. 27 and Art. 28) related to establishment and composition of the WCC and WCG, as follows:

- **Working Conditions Committee** should be established in enterprises with more than 50 employees
- **Working Conditions Group** should be established in enterprises with between 5 to 50 employees
- Employees’ representatives in WCC and WCG should be elected by the general Assembly of the employees/Assembly of proxies under the provisions of Art. 6 of the Labour code
- The WCC comprises representatives of the employer and the employees on parity basis but no more than 10 persons. Nominations for employees’ representatives could be made by trade union organisation/s and employees, which are not members of trade unions
- WCG comprises two persons - the employer or manager and one representative of the employees nominated and elected as those in Working Conditions Committee
- The Chair of the WCC is the employer (the owner, the manager, the executive director, etc.), while the Deputy-chair should be employees’ representative.

\(^1\) Available at: [http://otgovori.info/legislation/ZZBUT.pdf](http://otgovori.info/legislation/ZZBUT.pdf) (in Bulgarian)
The labour legislation does not provide a special protection against dismissal of the members of the WCC/WCG as that, which is provided for the trade union leadership and the employee representatives for information and consultation. However, the HSWL provides for protection of employees’ representatives against placing them in more unfavourable position due to their engagement with H&S.

Along with that the tripartite and bipartite bodies for social dialogue established at all levels of the industrial relations system also take up the issues related to health and safety at work. The collective agreements at enterprise and sector/branch level contain some provisions on H&S, including training, in a special chapter named ‘Healthy and save working conditions’.

2. The rules for training in Health Environment and Safety established in acts and regulations

In order to carry out their responsibilities the members of the WCC and WCG should be trained on main issues related to H&S.

According to the HSWL (Art.30) the representatives in the WCC/WCG receive training according to curricula, procedure and conditions defined in special Ordinance № 4 of 03.11.1998 concerning the training of representatives in the working conditions committees and groups in the enterprises of the Labour Minister and the Minister of Health.

The main regulations for training of the WCC and WCG members include:

- The training is obligatory (Art. 30 of HSWL)
- The initial training should be no less than 30 hours (carried out no latter than 1 month after the election of the members)
- The initial training aims at acquisition of knowledge and skills necessary for the realisation of the rights and obligations under the HSWL
- The training should take place during the normal working hours without loss of income
- All costs associated with the training of representatives should be undertaken by the employer
- Along with the initial training the employer should provide regular annual training of the representatives. This training is minimum 6 hours
- The initial training include themes, as follows:
  - State policy, legislative framework and management of activities related to the H&S at national level;
  - Company policy and organisation of activities for promotion of healthy and safe working conditions in the company;
  - Rights and obligations of the participants in the production process, related to OSH;
  - Occupational risks, risks prevention and measures for health promotion;
  - Risk assessments and information sources;
  - Occupational accidents and diseases and related health, social and economic consequences;

2 Promulgated SG, issue 133 of 11.11.1998, amended, issue 85 of 17.10.2000 (In Bulgarian)
- Social partnership, rights and obligations of the representatives, team work, main tasks of the WCC and WCG;
- Requirements for training, instruction and information of employees on H&S issues;
- Special protection of some categories of workers;
- Organisation of control.

- The annual training includes the themes, as follows:
  - Updating of knowledge;
  - Increasing effectiveness of representatives and development of personal skills;
  - Changes in legislation and regulations related to H&S at work;
  - Improvement of methods for realisation of their activities.

- Training providers should be registered in the General Labour Inspectorate – Executive Agency (GLI-EA) trade companies, organizations, professional centres and employers.

- Upon the completion of the initial training the participants receive certificate, and the training organisations should prepare annual report to be presented in the District directorate of the GLI-EA.

- The GLI-EA is responsible for the overall control of the training of representatives.

The National Working Conditions Fund managed on tripartite principle also provides funding of training organised by the employers’ organisations and trade unions under well grounded proposal.

In addition, the training and the elaboration of training materials is also funded in the framework of projects of the employers’ organisations and trade unions, or by some NGOs, e.g., in Bulgaria very active in this respect is the Friederich Ebert Foundation.

3. The comprehensiveness of the rules for training in health and safety at the workplace

Both the establishment of WCC and WCG and the training of representatives are binding for all workers and employer representatives in work places with more than 5 employees. Thus, the regulative base exists for wide participation of all representatives and their capacity building.

While the trade union organisations in enterprises are very strongly involved in all issues related to the working conditions, in enterprises without trade union organisations the WCC or WCG is one of the main channels for workers representation and participation in H&S matters.

The social partners, both employers organisations and trade unions at national and sector/branch level also organise training for their affiliated members on H&S issues, namely on legislative development, specific issues and good practice in different branches and companies. They also can reach concrete provisions on training of representatives in collective agreements, which according to legislation must more favourable than those stipulated by the Ordinance 4.

The training of the WCC and WCG representatives is conducive to increased effectiveness of their work, to improved social dialogue and in the long run to better working conditions and well-being of Bulgarian workers.
Unfortunately, the findings of the Survey on Working Conditions Committees conducted in the framework of this project by the Institute for Social and Trade Union Research at CITUB in six pilot branches showed that in many enterprises the legislative provisions for training have not been observed.

The survey also provided useful information on main fields in which the workers’ representatives need training.

Chapter 2. Signs and evidence of how workers’ representatives in Working conditions committees and Working conditions groups are being trained in Bulgaria

1. The state-of-affairs according to surveys and reports

The institutional framework for social dialogue and workers participation related to OSH issues is established at all levels of the industrial relations system – from the workplace to the national level with the formation of the National Working Conditions Council (NWCC), branch and regional working conditions councils and Working Conditions Committees and Groups in the enterprises.

However, in the practice there are a range of shortcomings. Even the best legislation is not enough for providing good working conditions; it is rather merely an important and necessary first step. The challenge that both the government and the social partners face is its effective enforcement. An additional challenge poses the ineffective activity of some of the established social partnership bodies. This also refers vastly to Working Conditions Committees and Working Conditions Groups as there are a range of shortcomings in their formation and functioning. In many enterprises they exist merely ‘on paper’.

In Bulgaria there is a lack of research and reliable statistics both on the number of the WCCs and WCGs and on their activities, efficiency and challenges they face as a body for workers’ representation and participation in the enterprises. The same is valid for the participation in training.

Some information on the existence of working conditions bodies give the reports of the General labour Inspectorate - Executive Agency (GLI-EA) and some European surveys. However these sources do not provide information on issues related to training of H&S workers’ representatives. There is also a lack of surveys outlining the trends over the years.

The EU-OSHA’s European Survey of Enterprises on New and Emerging Risks (ESENER)\(^3\) conducted in 2009 provides comparative data for Bulgaria, Norway and Romania on trade union representation and workers representation by health and safety representative and health and safety committee. Bulgaria and Norway are cited between the European countries with highest formal OSH representation, Norway - as one of the countries with highest presence of health and safety representatives (92%), higher being only in Italy (98%). Bulgaria is the country in which Health and safety committees are most frequently reported (68%). According to the data presented on the Figure below the trade union representation in Bulgarian

establishments is comparatively low at about 22% (compared to Norway, which is the country with the highest rate of trade union representation).

**Figure 1: Formal trade union and H&S representation (%)**

![Graph showing formal trade union and H&S representation (%)](image)

- HS committee: 35.34% (Romania), 44.7% (Norway), 68.32% (Bulgaria)
- HS representative: 17.48% (Romania), 68.28% (Norway), 67.63% (Bulgaria)
- TU representation: 21.68% (Romania), 86.48% (Norway)


At the background of the declining trade union membership and the lack of trade union representation in many enterprises, despite without collective bargaining mandate, the significance of the Working conditions committees/groups as a unique channel for workers interests on health and safety representation is increasing.

The General Labour Inspectorate in its inspections is checking the existence of Working Conditions Committee or Working Conditions Group in the companies inspected. According to the GLI-EA Annual report on activities in 2009 WCC&WCG were established in 49% of the companies inspected.

At this background the survey ‘HEALTH AND SAFETY COMMITTEES & GROUPS: COMPOSITION, ACTIVITIES AND PROBLEMS’ conducted in the framework of the 2008/108471 project ‘Health, Safety and Environment (HSE) in the Work Place’ is the first ever survey on Working conditions committees and groups in the country. It aims at studying the role and functioning of WCC&WCG in the six pilot sectors and at outlining the possible areas for trade union intervention for capacity building of the WCC&WCG and supporting the social dialogue on OSH.

Specific aims of the survey conducted by ISTUR in the framework of the CITUB-LO project are as follows:

- To study the establishment, composition, functioning and main directions of activity of the WCC&WCG considering the related legislative requirements in the enterprises in the six pilot sectors;
- To identify the main supporting or hindering factors;
- To assess the training needs and the need for institutional support; and on this basis

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*The Project is supported by a grant from Norway through the Norwegian Cooperation Programme for Economic Growth and Sustainable Development with Bulgaria*
To outline the necessary activities of the relevant institutions, able to support the effectiveness of the WCC&WCG; as well
To propose general framework for the establishment of the WCC&WCG network.

The Questionnaire contains 34 questions aiming to obtain information on: the type of enterprise – size, ownership; working conditions - occupational hazards and accidents; composition and activity of the WCC&WCG; hindering and supporting the activity of WCC&WCG factors; profile of the workers representative in WCC&WCG.

SWOT analysis of the strengths and weaknesses, opportunities and treats related to the social dialogue on H&S and the activity of WCC&WCG was conducted as a base for the working out training modules and the framework of the WCC&WCG network.

The analyses in the six pilot branches are published on the web-site of the project www.hse-bg.org and have been presented and discussed during the workshops and seminars conducted under the project programme.

2. Discrepancies between existing laws/regulations and the reality

Occupational Health and Safety (OHS) legislative compliance was one of the focuses of the ISTUR survey carried out in the framework of the joint project of LO-N and CITUB. The survey findings underline the gaps between the legislation requirements and the practice in the six pilot branches as far as both the rights and functions of the members of the WCC and WCG and obligations of the employer to provide appropriate conditions for their realization are considered. The gap analysis provided a roadmap for the individual branches to improve performance and served as a specific base for the elaboration of branch action plans.

In this part we shall discuss just revealed gaps in the training of the workers representatives in the WCC and WCG. As stated in the first chapter, according to the HSWL the representatives in the WCC/WCG receive initial and regular annual training according to curricula, procedure and conditions defined in special Regulation No 4/1998 of the Labour Minister and the Minister of Healthcare. It provides for obligatory initial 30 hours training and annual 6 hours training during the working time and paid by the employer. Trade unions and employers’ associations also organise training of their representatives in WCC/WCG. However the experts consider that it is not adequate at the background of the low capacity level of some of the workers representatives and the complexity of the national and community legislation, the newly emerging risks, and the rapid technological development.

2.1. Observations on deficient follow-up of laws and regulations for HSE training of workers representatives

The 2008/108471 Health, Safety and Environment (HSE) in the Workplace, Bulgaria project survey findings show that workers representatives in some branches did not participate in any training during the last 12 months before the survey, e.g., each second in the maritime transport, each fourth in the energy sector, each seventh in the construction sector. In most cases the training has been organised by the employers. However in some branches trade unions have been also active in organising training for workers representatives in WCC/WCG, especially trade unions in healthcare, metallurgy and maritime transport.

| Table 1: Participation in training in the last 12 month preceding the survey (%) of cases |
|---------------------------------|-----------------|-------|-------|----------------|----------------|
| Health care                     | Metallurgy      | Energy | Transport | Construction | Maritime transport |

The Project is supported by a grant from Norway through the Norwegian Cooperation Programme for Economic Growth and Sustainable Development with Bulgaria
Проект с финансовата подкрепа на Правителството на Норвегия чрез Норвежката програма за сътрудничество за икономически растеж и
### 2.2. Participation in initial and annual training

The survey results show that in some companies the binding requirement for initial and further annual training of the members of the WCC&WCG is not realised. According to between 54 to 88% of the respondents to the survey in different branches the employer is providing conditions for participation in initial training. (See Figure 2).

The data show that employers in the metallurgy (88,2%) and construction (92,3%) best comply with the legislative requirements for provision of initial training of the WCC and WCG, while there are grounds for a serious concern in the healthcare, energy and transport with some ¾ of respondents stating that the employer provides initial training, and especially in the maritime transport with just about half of the respondents stating the same.

**Figure 2: Provision of initial training by the employer (%)**

<table>
<thead>
<tr>
<th>Industry</th>
<th>Provided</th>
<th>To some extent</th>
<th>Not Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maritime tr.</td>
<td>53,8</td>
<td>46,2</td>
<td>0,0</td>
</tr>
<tr>
<td>Construction</td>
<td>92,3</td>
<td>6,9</td>
<td>0,8</td>
</tr>
<tr>
<td>Transport</td>
<td>75,9</td>
<td>17,2</td>
<td>6,9</td>
</tr>
<tr>
<td>Energy</td>
<td>75</td>
<td>16,7</td>
<td>8,3</td>
</tr>
<tr>
<td>Metallurgy</td>
<td>88,2</td>
<td>8,9</td>
<td>2,9</td>
</tr>
<tr>
<td>Health care</td>
<td>74</td>
<td>21,4</td>
<td>4,2</td>
</tr>
</tbody>
</table>

4 The construction is an exception due to the more stringent requirements and regular inspections.

5 At the seminar of the Maritime transport the participants representing mainly the WCC of the company ‘Navigation Maritime Bulgare-Varna’ expressed some doubts about these striking data. In the discussions however it became clear that participants to the survey were also members of the WCC&WCG of the own and managed vessels of the company fleet, where obviously exist problems with the training of the members of the WCC and WCG.
However in most pilot branches significantly lower is the share of respondents who said that the employer is providing the obligatory annual training at the expense of the responses that the employer provide conditions for annual training to some extend or is not providing at all.

In this respect most prominent is the situation in the maritime transport with just 25% stating that employer provide conditions for annual training, over 50% - providing to some extend and about 21% – does not provide; healthcare – with half of respondents answering that the employer provided annual training and the other half – that he provides to some extend or not at all, and in the construction respectively - 63,2%, 33,3% and 3,5%. In the energy sector and in the metallurgy about 80% of respondents stated that the employer provided conditions for annual training of the workers H&S representatives.

According to the legislative regulations the length of the initial training must be 30 hours (or about four to five days). However an expert estimation based on the information about OSH training conducted in 2009 shows that in most cases the courses lasted one or two days and only in rare cases – three days.

All organisations and employers which conducted training of the WCC and WCG members must present information about the programme, number of participants and courses conducted in the regional offices of GLI-EA. Despite that there is not official reliable and systematic information in this respect. In its inspection the GLI-EA did not check if the training due had been conducted and did not impose sanctions upon employers.

**Figure 3: Provision of annual training by the employer (%)**

<table>
<thead>
<tr>
<th>Industry</th>
<th>Provided</th>
<th>To some extent</th>
<th>Not provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maritime</td>
<td>25%</td>
<td>54,2%</td>
<td>20,8%</td>
</tr>
<tr>
<td>Construction</td>
<td>63,2%</td>
<td>33,3%</td>
<td>3,3%</td>
</tr>
<tr>
<td>Transport</td>
<td>69,2%</td>
<td>11,5%</td>
<td>19,2%</td>
</tr>
<tr>
<td>Energy</td>
<td>83,3%</td>
<td>8,3%</td>
<td>8,3%</td>
</tr>
<tr>
<td>Metallurgy</td>
<td>78,1%</td>
<td>18,8%</td>
<td>3,3%</td>
</tr>
<tr>
<td>Health care</td>
<td>50,5%</td>
<td>32,1%</td>
<td>17,4%</td>
</tr>
</tbody>
</table>

**Source:** ISTUR survey, 2009

### 2.3. Training needs assessment

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*The Project is supported by a grant from Norway through the Norwegian Cooperation Programme for Economic Growth and Sustainable Development with Bulgaria*
The ISTUR Survey includes also a question about training needs of the workers H&S representatives in the WCC&WCG. A training needs analysis for each branch was undertaken to determine the fields for training and elaboration of training materials in view to fill the gap between current knowledge and needs in the individual branches.

The Survey results indicate that the workers representatives in WCC&WCG have a serious need for training. Even those that have attended the statutory training stressed on the need for further education.

Five priority areas (with some variations in the separate branches, as shown on the Figure 4) have been identified:

1. Legislation on H&S
2. Best national/branch practices on H&S
3. Best European practices on H&S
4. Labour legislation
5. Types of occupational risks and risk assessment

The workers representatives in WCC&WCG need training also on:

6. Specific workplace hazards
7. Nature and measures for stress and violence at the workplace prevention
8. Skills for team working and
9. Communication skills

Figure 4: Areas in which there is a need for training (% of cases)
The network of WCC&WCG to be established in the framework of the project is also considered as an opportunity for increasing the knowledge and experience of the members of WCC. Willingness to participate in the network expressed between 64.0% (maritime transport) and 96.4% (metallurgy), mainly because they expect:

- To receive actual and useful information
- To exchange experience and best practices
- To increase their own capacity and to be more effective in their work as workers representatives
- To receive quality methodological support.

Table 2: Share of respondents who expressed willingness to participate in the WCC network (%)

<table>
<thead>
<tr>
<th>Branch</th>
<th>Maritime transport</th>
<th>Transport</th>
<th>Metallurgy</th>
<th>Health care</th>
<th>Construction</th>
<th>Energy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Share of respondents</td>
<td>64,0</td>
<td>92,6</td>
<td>96,4</td>
<td>93,7</td>
<td>93,1</td>
<td>83,3</td>
</tr>
</tbody>
</table>

Source: ISTUR survey, 2009

Those that said they are not willing to participate in the network stated as reasons, as follows: lack of time for full and engaged participation; lack of Internet access or other reasons.
2.4. On which level are there strong discrepancies?

**Firm size**

The HSWL is binding for all enterprises, including micro and small enterprises. WCC and WCG must be established in all enterprises with 5 and more workers.

However there are no reliable data and information on the discrepancies in training according to the firm size, sector/branch and public private sector. The ISTUR survey also does not provide breakdown of data due to the small sample.

There are some indirect indicators, which prove the expert view that in small and medium-sized enterprises there are significant discrepancies related to OSH, including provision of training.

The regular annual reports on activities and national campaigns in different branches of the General Labour Inspectorate (GLI-EA) contain some information on the establishment of WCC/WCG in the enterprises inspected. For 2009, the GLI reported the establishment of WCC/WCG in 48% of the inspected enterprises (over 38 000, more than 80% of which are SMEs). According to the GLI inspections, in small companies the violations of the H&S requirements are frequent and the implementation of the OSH framework is delayed and not full. The GLI stressed the slowing pace of setting up WCC/WCG in retail trade, forestry, hotels and restaurants, real estate, renting activities and business services, where SMEs prevail. GLI-EA report also stressed that not all WCC/WCG function well, and in many SMEs involvement of worker representatives is only “on paper”, a mere administrative formality.

The research project S.M.A.L.L. - Representation and Voice in Small and Medium Enterprises: Monitoring Actors, Labour Organisations and Legal Frameworks, which was carried out in 8 European countries (published in 2007) provides some information on the discrepancies between the legislation and the practice in Bulgarian SME. The Final report of the this project contains a chapter on Labour relations, collective bargaining and employee voice in SMEs in Central and Eastern Europe with analysis of 6 case studies of Bulgarian SMEs. As authors stressed ‘The case studies demonstrated that in SMEs the H&S observation is not rigorous and important differences between legislation and practice exist. In those firms it appeared that neither employers nor employees were interested in health and safety’. It suggests that the absence of formal channels of representation (trade union organisation and WCC/WCG) in SMEs hides the existence of a number of informal compromises between employers and employees over H&S matters.

**Differences between branches and the private/public sector**

The already analyzed findings of the ISTUR survey about the provision of initial and annual training of the workers H&S representatives in the working conditions committees and groups showed that the provision of training is uneven in the six pilot branches. To some extent it depends on the size of the enterprises.

The comparison between the six pilot sectors show that the initial training is better organised in:

- Metallurgy (where prevail large private enterprises (over 250 employees) with foreign and mixed Bulgarian-foreign ownership and subsidiaries of MNCs
- Construction (public medium sized and large companies).

Annual training is better organised in the energy sector (big companies, public companies and mixed Bulgarian-foreign ownership)

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7 The Final report of the Project is available at: http://www.workinglives.org/londonmet/library/k90595_3.pdf
2.5. Any reasons or explanations given for offering less training to shop stewards than stated in legal requirements

Small and medium-sized enterprises face a number of difficulties in complying with occupational health and safety (OSH) regulations owing to fewer resources and less awareness of the costs of non-compliance in terms of higher risks. Employee OSH representatives are frequently lacking knowledge and information, especially in smaller companies, making it more difficult to implement the participatory approach envisaged by the 1989 EU Framework Directive on health and safety.

The main reasons mentioned in some surveys, especially for SMEs⁸, are: very complicated legislation, lack of financial resources, lack of information, low level of capacity and awareness on the existing legislation and regulations both of some employers and workers representatives in WCC&WCG.

2.6. Summary of the discrepancies encountered (and discussion of the validity of the stated reasons for offering less HSE training than required)

In Bulgaria there is a lack of research and reliable statistics on the WCC and WCG and on their activities, efficiency and challenges they face as a body for workers representation and participation in the enterprises, in particular about the organisation of training and all challenges related to it. There is no also information about the quality of training and the specific problems the members of WCC face in different branches and in public and private sector. We lack information about the reasons of employers for not providing training.

At this background the survey conducted in the framework of the 2008/108471 Health, Safety and Environment (HSE) in the Work place, Bulgaria project fills to some extend the gap in studying some issues related to training in the six pilot sectors.

The main discrepancies between the legislative requirements and the practice identified in the ISTUR survey include: low level of provision of the binding initial and annual training; non-observance of the required length of training and thus narrowing the content of training. These discrepancies are more typical of SMEs.

The main reasons according to some surveys include: very complicated legislation, lack of financial and human resources. These reasons are proved by the expert estimations according to which the implementation of the H&S legislation and EU requirements is very expensive for the companies, in particular for small ones.⁹

The findings of the ISTUR survey will help to outline the possible areas for trade union intervention for the capacity building of the workers representatives in WCC&WCG through the training, elaboration of training materials in the areas identified and the establishment of a network of the WCC&WCG.

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Chapter 3: Suggestions for an efficient follow-up of Bulgarian rules on health and safety training for workers representatives in the WCC & WCG

This part of the report aims to outline some suggestions for increasing compliance with the legislation related to training of the workers representatives in WCC & WCG and recommendations how to compensate the gaps identified in the second part of the report.

1. Short-term improvements in the training situation of the workers representatives in the WCC & WCG

Short term improvements are possible through the implementation of the activities in the framework of the 2008/108471 Health, Safety and Environment (HSE) in the Workplace, Bulgaria project:

- Workshops, seminars, discussions
- Exchange of experience and best practices with colleagues from the corresponding branches in Norway
- Elaboration, implementation and assessment of action plans
- Elaboration of training materials in line with the identified needs (ISTUR survey, need assessment)
- Elaboration of compendium of best practices in the pilot branches
- Establishment of WCC network.

However this is just the beginning of a long way ahead as the Bulgarian team and its partners view the activities under the project as a process rather than an event. Long term improvements are needed in many fields, e.g., in legislation, awareness of all stakeholders, especially of employers and trade unions, control bodies activity, development of efficient WCC & WCG.

2. Long-term work for ensuring sufficient training for the workers representatives in the WCC & WCG

According to available international evidence and to results of the ISTUR survey, workers representatives in WCC & WCG need adequate training and trade union support. However, without a genuine commitment of employers towards worker participation in occupational health and safety, and without the necessary reinforcement of public authorities to mediate in the defence of workers’ rights, they will rarely have an impact on the working environment in the company.

The evidence of ISTUR study suggests that existing legal requirements – on such matters as the provision of training, the receipt of information, engagement in risk assessment, prior consultation over workplace changes that might affect OHS and liaison with Labour inspection representatives — are all unevenly enforced in practice and sometimes ignored, while compliance varies widely with the size of the firm. In addition these requirements, especially as far as training is considered, are rarely, if ever, the subject of enforcement by the regulatory agencies.

If the wide legal basis was to be properly implemented it would considerably improve the present situation. Actions to secure such implementation are therefore required.
2.1. Legislative improvements

The legislative framework (Law on Working Conditions, Ordinance 4 on training of members of WCC&WCG, LAW on Labour Inspection, etc.) should be amended to include provisions for:

- Improved training framework and regulation of training of the members of WCC&WCG, employers, officials responsible for H&S in the company

- Specific training to be delivered following risk assessment, changes in technology (including materials or substances), work organisation and work processes

- Support for improving the compliance with the training regulations in small and medium-sized firms as the legislation lays down the same obligations for training for all workplaces

- Increasing role of General Labour Inspectorate – Executive Agency (GLI-EA) in seeking compliance with the legal requirements for training of the WCC&WCG (inspections is entitled to check also the provision of statutory initial and annual training of the WCC&WCG members, plans for training, etc.). Improvements in this field must be considered at the background of the overall improvement of the control over the compliance with the legislation on workers representation on health and safety matters.

- Elaboration of annual reports on the situation with training in companies by the Regional Branches of the GLI-EA where the training conducted should be registered and analyzed in dynamic.

- Monitoring of the quality of training of the members of the WCC&WCG (curricula, training methods used, etc.) as there are many providers of such training (elaboration of monitoring targets).

In wider context we must also consider if the existing legislation and regulations sufficiently address the current situations in which the employment relationship is realised and if the legislation provides for worker representation and consultation of all workers in these changed employment situations (part-time, temporary, agency employees, multi-employer workplaces or home working employees). However, these issues should remain part of the larger debate of all stakeholders (Ministry of Labour and Social Policy, GLI-EA, social partners and other relevant institutions) on the future of regulatory framework on health and safety.

Returning to our current report it is necessary to consider practical steps to ensure the relevance of the legal provisions on training of H&S representatives to these new employment circumstances.

2.2. Increasing employer's commitment

The ISTUR survey revealed that the effective activity of the WCC&WCG, including participation in training faced some obstacles or limitations. There were two main aspects of such limitations. One

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10 The training regulations are set up in different documents, e.g., the training of members of the WCC&WCG are regulated by Ordinance No 4/1998, the training of official responsible for H&S is regulated by the ordinance N7/2007. However we did not find regulation under which the managers are required to participate in the training programs. Indeed, the employer organisations provide training for their members but the membership in employer organisations is very low.

11 It is worth mentioning that the Ordinance 4 on training of the members of WCC&WCG has been adopted in 1998 and last amended in 2000.

12 See ‘Health and safety committees & groups: composition, activities and problems.’ Survey data analyses.
concerned the limited development of the consultative structures (i.e., WCC&WCG) and processes themselves; the other concerned the inability of WCC&WCG members to find time to engage fully with these structures and processes, or to receive adequate training (and in line with the statutory length of the initial training of 30 hours).

However, both aspects are under the control of management and dependent on its will and capacity to ensure and facilitate participation in WCC&WCG and their activities.

In this respect it is important that the employer ensured:

- Statutory initial and annual training of the members of the WCC&WCG.
- The necessary time for members of WCC&WCG to undertake their functions, attend committee meetings and receive the statutory initial and annual statutory training.

The improvement of the training at company level should include:

- Regular training needs assessment
- Written training plan/s based on the outcome of a training needs analysis
- Record keeping of training delivered and administrative data base of participant
- Monitoring and verification of the training delivered by internal and/or external providers
- Regular reviewing and evaluating of the training curricula in view to address changes in legislation or any changes within the company that impact on OHS training requirements.

2.3. Trade union priorities

The unions have a key role to play in promoting and supporting worker participation and representation in health and safety. One of the key to success in this area is the trade union training of workers representatives in the WCC&WCG, as it is fundamental in developing and reinforcing a worker-centred approach to health and safety. The trade union training provides also for taking in account the changes that have taken place in the structure, organisation and labour relations contexts of the work situations in different branches in which WCC&WCG function.

In order to better address the training of workers representatives and to provide effective support to their activities CITUB and its branch affiliated members need to:

- Integrate these issues into their training strategies, programmes and action plans.
- Propose measures for capacity building of the workers representatives in WCC&WCG through improved access to information, training and methodological support, based on an in-dept need assessment and research.
- Improve horizontal and vertical coordination in the CITUB system aiming at more effective formation, development and utilization of the expert and organisational potential of CITUB for supporting the development of the H&S bodies at all levels and providing synergy of their training activities, including elaboration of a common register of the participants in different training events.


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Проект с финансова подкрепа на Правителството на Норвегия чрез Норвежката програма за сътрудничество за икономически растеж и
• Exchange experience and introduce best national and European practices related to the development of training in the field of health and safety at work.

• Develop a WCC&WCG network and ensuring its sustainability. The establishment of such network is strongly supported by the participants in the survey and by the branch trade union leadership in the pilot sectors. The survey confirmed also that e-learning through the network can be an effective tool for reinforcing learning (training on new regulations, best national and European practices, and any other actual developments) and capacity building of the workers representatives.

• Develop targeted training data bases in few directions, as follows: methodological documents, legislation, statistical information, informational and training materials, research results, best practices, etc. to be used by the network participants.

• Work out training modules and information materials on the basis of the identified needs in the pilot branches.

2.4. Shared responsibility and commitment of the government and social partners

According to available international evidence and to results of the ISTUR survey, workers representatives in WCC&WCG need adequate training and trade union support. However, without a genuine commitment of employers towards worker participation in occupational health, and without the necessary legislative provisions and reinforcement of public authorities, they will rarely have an impact on the working environments in the company.

In this respect, the development of an effective and meaningful social dialogue at all levels is key to the success as the implementation and operation of the regulations related both to training and the overall activity of the WCC&WCG are more dependent on the wider relationship between the trade unions and the management within each establishment (self-regulation) than any external enforcement pressure.

Further coordinated actions and policy and shared commitment of trade unions and employers are needed for:

• The implementation of the law providing for the establishment of working conditions committees or groups in all companies and adequate training and access to expertise and information for their members.

• More enlarged role of collective agreements at all levels, namely at company level for improvement of the training.

• Elaboration of joint training programmes of CITUB and employers and employer organisations for strengthening the position of Working conditions councils and Groups, including:

  - Training tailored to the learning needs consistent with the roles and responsibilities of the WCC&WCG members and with the specific conditions in the different branches.

  - Training of employer and trade union representatives in competence, which goes beyond an understanding of relevant legal or technical requirements and encompasses also „co-operative competence” (after exchange of experience with the Norwegian colleagues on its content/curricula and possible provision of training materials)?

• Elaboration and implementation of a joint research agenda of social partners (and all stakeholders) on OSH issues. The findings of surveys and programmes carried out must serve as

13 Provided in the 2006-2008 State sector collective agreement in Norway
a basis for more comprehensive policy, improved social dialogue, collective bargaining and activity aimed at better working environment.

PART 2. ROMANIA

Chapter 1: Overview of Romanian national laws and regulations on health and safety committee

Introduction

In order to strengthen the organisation and operational capacity of workplace health and safety committees in Romania by rendering the activity of member thereof more efficient, this paper presents the composition and the functions of this committee according with law.

Before presenting the laws and regulations on occupational health and safety committee I will present the historical and legislative contexts of the nowadays committee. The paper underlines the evolution of the principles that have ruled the activity of the committee during the years, as well.

1. Historical context

The workplace health and safety committee is not something new for post-communist Romania, it can be found in communism as ‘work safety technical commission’. According to law 5 in 1965 on labour safety, labour safety in a state issue in The Social Republic of Romania. Article 8 of this law stipulates the fact that those who organise, control and run the work process are duly in charge and liable for complying with labour safety measures. Given the mutual ownership of production facilities (state monopoly), supervisors, enterprise managers, the president of the executive committee of popular councils were responsible for safety, whilst at ministry level, ministers had this responsibility. The ultimate goal was „to ensure the best labour conditions, to prevent labour accidents and professional illnesses” (Art. 2).

After the fall of the communist regime, the law 5 of 1965, with its further amendments, continued to be in force after 1990 until the labour safety law 90 of 1996 came into force. According to this law, both the employer and employee are responsible for complying with safety regulations, the former is not the state any longer, but, generally-speaking, a legal or natural person. According to law 90 of 1996, by involving employees in safety meant reducing the compulsory aspect of meeting specific norms, informing the head of department the technical breakdowns or any other situation presenting a hazard and stop work should any imminent hazards appear. According to the order 187 on April 15th 1998 on approving the Regulations for organising and operating the workplace health and safety committee, the status of employees’ representatives in the workplace health and safety committee is not conditioned by undergoing training. But in companies with more than 300 employees, they will benefit from training on safety, at the expense of the employer.

In order to become member of the European Union (EU) Romania accepted the acquis communautaire, inclusive the regulations regarding health and safety in work. To respect the most important EU rule in this field, the framework directive 89/391/CEE on introducing measures to promote the improvement of employees’ safety and health on the job became part of the Romanian strategy. In order to fully transpose the acquis communeautaire in the area of workplace health and safety, in 2006, one year before Romania’s accession to the European Union, law 319 of July 4th 2006 on workplace health and safety was passed.
2. Health and safety committee. Composition and functions

Maybe the most important novelty brought by law 319 of 2006 is that it introduces the principle of the balanced participation of the employer and employees in the workplace health and safety-related issues. Actually, article 18 in the law reiterates almost word for word, article 11 in the 89/391/CEE directive. Moreover, article 19 mentions the fact that at the ‘employer’s level, the workplace health and safety committees are set-up, organised and operated’. The enforcement norms of law 319/2006, Chapter IV, include details about how workplace health and safety committees are set-up, operate and what their responsibilities are. These norms were changed in September 2010 by the GD 955/2010. I will briefly present the composition and responsibilities of workplace health and safety committee and their relationship to the employees.

1. The presence of the workplace health and safety committee in companies with a minimum of 50 employees is compulsory, and depending on the activity and identified hazards, the labour inspector may impose that a committee be set-up in companies with less than 50 employees. In the companies with less than 50 employees who don’t have a committee, the role of this institution is taken by the employees’ representatives with specific responsibilities in the area of workplace health and safety.

2. The workplace health and safety committee is made up of employees’ representatives with specific responsibilities in the area of workplace health and safety, on the one hand, and the employer or his/her legal representatives in equal numbers as the employees’ representatives and the safety physician, on the other hand’. Therefore, ‘the balanced participation’ results from the equal number of employees and employer’s representatives.

3. The representatives of the employees in the workplace health and safety committee are elected by the employees from the employees’ representatives with specific responsibilities in the area of workplace health and safety. The organisation of these elections should be ruled in the collective bargaining agreement, the internal regulations or the organisation and operation regulations.

4. The employees’ representatives with specific responsibilities in the area of workplace health and safety are elected, as well, by the employees. They should be for example at least 1 for 10 to 49 employees and 8 for more than 4000 employees.

5. The number of the representatives in the workplace health and safety committee correlate with the number of the employees of the company (the minim is 2 and the maxim is 8). Practically the number of the employees’ representatives with specific responsibilities in the area of workplace health and safety should be higher than the number of the representatives of the employees in the workplace health and safety committee, but the low is not very clear in this regard.

6. The activities of the members of the committee should be done during the working time, and the number of hours allocated for these activities correlates with the number of the employees of the company (from 2 hours to 20 hours per month).

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15 GD 955/2010 did important changes in what concern the status of the employees’ representatives with specific responsibilities in the area of workplace health and safety.
16 GD 1425/2006 mentions that if a company has between 50 and 100 employees, the workplace health and safety committee should have 2 employees’ representatives. GD 955/2010 stipulates that the companies with 10 to 100 employees should have at least 2 employees’ representatives in the committee.
17 For example if a company has 40 employees, there should be at least 1 employees’ representative with specific responsibilities in the area of workplace health and safety and (if it has a committee) at least 2 employees’ representatives in the workplace health and safety committee.
7. Only people with a minimum level of training in workplace health and safety may be employees’ representatives with specific responsibilities in the area of workplace health and safety, and implicit members of the workplace health and safety committee. One must mention the fact that the employing institution has to bear the cost of the training needed for performing as member of the workplace health and safety committee. This could be interpreted that the company is not obliged to cover the cost of the minimum training needed to become employees’ representative with specific responsibilities in the area of workplace health, and implicit member of the committee.

8. A minimum level of training in safety is to have 40-hour training course on workplace health and safety. The members of the workplace health and safety committee should know:
- the framework law regarding the workplace health and safety
- general notions regarding workplace health and safety
- particular (according to economical sector where s/he works) notions regarding workplace health and safety
- how to provision first aid.

9. The president of the workplace health and safety committee is the employer or his representative and s/he has the main responsibility to make the committee works. The employer has to submit to the members of the workplace health and safety committee all the necessary information for their activity. At least every year the employer should submit to the committee a written report regarding the health and safety within the company during the previous year.

10. The committee responsibilities are rather consulting and monitoring, as it does not have decision power. Thus, according to article 67, the committee ‘analyses, ’follows’, ‘proposes’, ‘debates’, or ‘performs checks’¹⁹. Law 319 of 2006 stipulates that ‘workers representatives with specific responsibility for the safety and health of workers shall have the right to ask the employer to take appropriate measures and to submit proposals to him to that end to mitigate hazards for workers and/or to remove sources of danger.’ (law 319/2006, Art. 18). In the enforcement norms of the law, when presenting the responsibilities of the committee the word ‘ask’ is no longer used. For example, according to the article 67, letter j, the workplace health and safety committee analyses the causes of work-related accident or illness and can propose additional measures to the ones disposed by others investigators.

11. The fact that the workplace health and safety committee decides only with at least two third of the presented members, the two parts of the committee (employees and employer representatives) should make concessions each other to take a decision. Instead of that, because the representatives of the employees can only analyse and propose we can talk about only a soft activity of the workplace health and safety committee.

12. The strategy of the European Commissions focuses on the need to develop a hazard-prevention culture in general, at the society level, and in particular, at the company level by informing and organising training. In this regard a major role of the members of committee is to receive the demands and the proposals of the employees for better workplace health and safety conditions. Thus to develop awareness regarding the health and safety conditions, the members of committee should have a good cooperation and communication with the employees.

¹⁸ According to GD 955/2010 the minim training is not conditioned anymore by graduating at least a science high-school or a technical high-school.
¹⁹ In 7 out of 12 duties, the workplace health and safety committee „analyses”.
3. Conclusions

Romanian laws and regulations on health and safety committee stress the importance of the balanced participation of the employer and employees in the workplace health and safety-related issues. Compared with the GD 1425/2006, the GD 955/2010 is more generous with the representatives of the workplace health and safety committee, but it still has fuzzy affirmations.

In what concern improvements, according to the last GD, the workplace health and safety committee can have more employees’ representatives20. They don’t have to graduate a science high-school or a technical high-school, but they still have to attend a minimum 40 hours training in the field of workplace health and security. If in the past the labour inspectors could be invited to participate at the committee meetings, nowadays the labour inspectors can participate at these meetings.

Maybe the most unclear issue within the old and the new GD is related to the difference between the employees’ representative with specific responsibilities in the area of workplace health and safety, and employees’ representatives in the workplace health and safety committee. Both groups should be elected by the employees, and from the first group should be elected the second group thus practically the first group should be bigger than the second one (and this is not very clear in law). The functions of the two groups are similar; an important difference is given by the fact that the employees’ representatives with specific responsibilities in the area of workplace health and safety should inform the authorities if in the company the laws on workplace health and safety are not respected. If the first group contains only employees’ representatives, the second one is a forum of meeting of both employees and employers representatives. Thus if we want to make the workplace health and safety committees to work better we have to make the employees’ representatives with specific responsibilities in the area of workplace health and safety to work better.

Chapter 2: Workplace health and safety committees in Romania. The gap between law and reality

Introduction

According to the Eurostat, Romania was on the 4th place among the EU27 regarding deadly work accidents in 2005 and severe work accidents in 2007 per 100 000 employees. Instead of the generous labour safety laws that came into force in the last 15 years, Romania still remains a country with a high level of work accidents. The balanced participation of the employer and employees in the workplace health and safety committees should raise the awareness and the involvement of both parts in health and safety-related issues.

In this chapter I will present the findings of a qualitative research that had as a main objective to know how workplace health and safety committees works in Romanian, taking into considerations the letter and the spirit of the laws that rules this institutions. The research findings will stay at the basis of recommendations for strengthening the organisation and operational capacity of workplace health and safety committees.

1. Methodology

20 The number of the employer and employees representatives in the workplace health and safety committee remains equal.
In order to assess the activity of workplace health and safety committees so as to offer solutions to improve their activity I carried out in-depth interviews with the members of the two workplace health and safety committees (both employees and employers’ representatives), with employees who are not members of these committees and a top manager of one of the companies, hereunder called company A, an interview which was not recorded at their request. I did not succeed to have an interview with a management representative of company B, as, on carrying out the interviews, an important event for the company took place (the launching of a new hall) and it was attended by the entire management.

Company A was established in 1969, and after the fall of the communist regime a period of ups and downs followed, it was privatised in 1995 and closed down in two periods: September 1997 – June 1999 and November 2006 – September 2008. During communism, the company employed 2500 – 2700 people, and currently less than 800 people are employed. For the nearby town whose population is approximately 50 000 the company is an important source of jobs.

Company B is one of the largest companies in south-east Europe specializing in crude oil, liquid oil and petrochemical products handling for import/export and transit. Situated on the Black Sea shore, company B has a long history, operating since 1898 under various names. The company employs more than 1300 people and is situated in one of the largest cities in Romania.

The study started from six research questions:

RQ1. How did the status of workplace health and safety evolve?
RQ2. In broad lines, how does the workplace health and safety committee operate?
RQ3. When and how did the interviewee become a committee member?
RQ4. How do the members of workplace health and safety committees communicate with employees? What should they do in order to communicate better with employees?
RQ5. What is / should be the role of the union in the workplace health and safety committee?
RQ6. What should be done for the workplace health and safety committee to operate better?

The research questions are related to the respondents’ opinions; they are about how the reality is or should be in the eyes of the interviewees.

2. Findings

1. Both subjects in Company A and Company B stated that in time workplace health and safety improved in companies. They underlined the increase in the quality of equipment and technical components which render more safety to the work in the company.

„Yes, very much. It is not possible. Numerous changes. I witnessed, when I was a trainee, I witnessed two powerful explosions until 1989. There were no victims, but, step by step, issues were solved. Before ’90 we had no access to gaskets, anything related to a spare part in a system, they were supposed to build it either in Scornicești, or Cocărești din Deal, and the quality was low. You would mount it and it would go. There were numerous problems, apart from safety and pollution and other aspects. I’ve told you, things are completely different.”

(Company, WHSC\footnote{I use the acronym WHSC for the workplace health and safety committee.} secretary)
2. As results from the interviews carried out in both companies, committee exist at formal level, but only in company B is the activity of the workplace health and safety committee close to the spirit and letter of the law.

„This committee may exist, but at a higher level.”

„We have not been informed on its existence, composition and I don’t know how it performs. It could be. Maybe it’s my colleague, he is also a shift leader. But I should have found out by now.”

„I haven’t been asked about my proposals about I-don’t-know-what.” (Company, employee no 1)

V.F.: Who are the members of the WHSC and what do they do?
S: (Pauses) „I guess shift leaders, supervisors” (Company A, worker no 3)\(^2\)

„With us [the WHSC] operates, we have discussed with other parties, we have been to other companies, Mrs. X [the WHSC secretary] is in control, she keeps informed with new laws, we are up-dated. I am pleased with the facilities we have workplace health and safety-wise. (Company B, union leader)

3. The employees’ representatives in the committee should be elected by the employees’ representatives with specific workplace health and safety responsibilities and their names should be communicated by the employees to the management in writing. Actually, there have been employees’ representatives in the committee who have been announced by the committee secretary about their position, and they ‘accepted’ this appointment.

„S: Wait bit. This is the first interview and the committee has just been established (sic!).

V.F.: When was the committee established?
S: I don’t know. I was told I was a part of it one month ago.

V.F.: Who told you?
S: Mrs. X (the WHSC secretary). She might take me out of the commission as I need to present a certificate [to testify that he has a minimum training in workplace health and safety].” (Company A, employees’ representative 2 in the WHSC)

„A criterion based on which we selected (sic!) the members of the safety committee, or that we suggested, so to say, is that we knew that at least they had all undergone 40-hour courses.” (Company A, WHSC secretary)

Without any knowledge on how the committee is organised or operates, some employees not member in the committee stated that they were interested to be part of it, while others said they could not be members because of lack of time. They don’t think that the work in the committee is (possibly) during the working time.

The problem is that I really don’t have time. I am also involved in an autistic children association, and I am quite busy, then there is the job.” (Company A, employee 2)

S: For real!? I, for example, work in shifts. Could I come here when I am on the evening shift from 10 [PM]?, because I guess this happens between 7 and 3 [PM]... I get your point, but you should get

\(^2\) I use the symbol “S” for the interviewee person and “V.F.” for the interviewer person.

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mine. We’re on a timetable, right!? On the day we have a meeting and I work the night shift. Who replaces me when we all have the same timetable?” (Company A, employee 5)"

4. According to the interviews carried out with people in company A, employees should not come up with complaints or proposals to the committee or the company management as they are not to skip hierarchical steps. Secondly, the employees do not have the knowledge required to make proposals aiming at the installation performance. Finally, the employees’ requests are perceived by some interviewees as not associated with proposals of solutions and/or assumption of responsibility.

"We, too, have some competence levels. An employee cannot just say this is done like that, because he doesn’t know. He says what he needs at his level. So you take it in steps. From the level of the technical manager who knows it. Well, you need to do this and that. Or he claims, fights for money to refurbish something worth millions of dollars or Euros. But at shop-floor level, there are issues that may very well be solved not necessarily by the manager, [but] by the shift leader, the line manager, the supervisor like me, and then the technical manager. This is our hierarchy. Army-style.” (Company A, the employees’ representative in the WHSC)

"S: Let them use the same structure like in the union. When it is about the union, they only have rights and no responsibilities.

V.F.: But the committee is something which belongs both to the employer and employees.

S: Yes. And then they show-up very quickly. Whenever you ask for their opinion, if it’s good, it’s good, if not, they run away from responsibilities.” (Company A, secretary in the WHSC)

Even though questioned about the communication between employees and the committee, the employees’ representatives answer by referring to communication in the hierarchical structure of the company.

"At least from my point of view, communication is excellent between the employees and the plant management and between the plant management and the company management. Whenever we’ve had the opportunity and some managers have had the time, we have never been turned down regardless of what was managing the company.” (Company B, employees’ representative in the WHSC)

As for how communication between the employees and committee could be improved, an employees’ representative in the committee of company B underlines the need to invite some union representatives to the committee meetings, which would increase the number of opinions or information referring to workplace health and safety:

"I was just thinking whether it would be possible ... Even the employees’ representative is just one. Main union leaders could be invited to the WHSC meetings. Because we spend some time in the middle of the employees, but they spend more. And in this case just one head, a pair of eyes, a pair of ears is too little. Whenever there are two heads, two pairs of eyes, two pairs of ears, who speak the same language to a certain extent ...” (Company B, employees’ representative in the WHSC)

5. The problem of the relationship between the union and the workplace health and safety committee carried out with all types of interviewees. The committee secretaries raised the issue whether the workplace health and safety committee should include union representatives, as well.

The bad part, what I failed to understand and tried to clarify with the ITM people [Labour Inspectorate]. They kept telling me: you must have union members in the workplace health and safety committee. We have both a union and a workplace health and safety committee.
They operate in parallel. Union members raise some issues that their representatives also raise in the workplace health and safety committee. Two activities should not go on in parallel. There should only one. And when we re-elect the committee we should focus on those who are union members.” (Company A, WHSC secretary)

„Last time we wanted [sic!] somebody else, not the union leader, to be the employees’ representative. It is better that they complete one another. It seems more ... maybe they missed something out. Because the union leader has other issues, related to salaries, not only workplace conditions and risks.” (Company B, WHSC secretary)

The employees highlighted the fact that whenever there was an issue related to workplace health and safety they address the union representatives, who, in turn, address the issues to supervisors or to the management directly.

„S: The people with problems used to go to the union.
V.F.: Not the committee?
S: Not so much. The committee thing is more recent. Rather to union people. I have a problem, I see the union.” (Company A, employee 3)

„They [employees] would rather address me than the union. Because they know things are solved faster through the union than through the workplace health and safety committee. The committee meet more rarely, it takes time. If somebody tells me something today, I’m going to the manager and let’s solve the problem. And we’ve solved it quickly.” (Company B, employee 1, union leader)

1. Following the interviews with the subjects from the two companies four topics are worth mentioning regarding the better performance of the workplace health and safety committee:
2. the need for the committee members to be united;
3. the employees’ attitude towards workplace health and safety;
4. the financial aspect;
5. the need for the committee members to attend specific training courses.

The fact that the committee members should be more united and perseverant in reaching common- established goals raises the issue of the workplace health and safety committee performance. Some of them have a self-built stereotypic image that confirms the self fulfilment prophecy theory: the committee cannot perform because Romanians are not united.

„If this committee existed they would just say: «Give equipment to everyone according to ...». So, there is a difference between my personal lobby and that of the committee. It is much more effective.” (Company A, employer’s representative 1 in the WHSC)\(^{23}\)

„I don’t know. I can’t say because it’s over me. I can express my opinion, it could be wrong. I think it has to do with the Romanian’s philosophy. We don’t know how to be united. If we were united and just say ... Everyone goes and whoever gets more is happy and goes: ‘I was smarter’ (Company A, employer’s representative 1 in the WHSC)

The second aspect on which the subjects in both companies insisted was the employees’ attitude towards workplace health and safety. The committee, they say, should focus on informing and education the

\(^{23}\) As we can see the employer’s representative 1 in the WHSC from Company A play the role of a employees representative because he thought he was a employees representative (!?).
employees in the spirit of what the EU strategy for 2007-2012 on workplace health and safety called the culture of prevention.

„Working with the man is crucial. Convincing him that once the company has given him everything he needs, such as equipment, tools, devices, that is what he needs to use. You must make the man understand that he needs to use that in order to avoid an accident, a risk. That they have tools, antitox tools [not producing sparks], all kinds of tools and know how and where to use them. You don’t just use an iron hammer in an explosion-risk area. You must use ex tools, made of bronze for example. You must work with the man to make him understand the risks in the area. It’s all about working with the man.” (Company B, employees’ representative in the WHSC)

Given the economic crisis and the two interruptions of the economic activity in company A, the interviewees insisted on the importance of the financial aspects on the efficient performance of the workplace health and safety committee. An employees’ representative in the committee of company B makes the connection between the efficiency of the committee’s activity and the profit the company makes, as well.

However, these things [related to WHSC] are at a lower level, not only because they are unimportant, but because there are greater problems with which companies are faced, especially with us, and there is the tendency of leaving production aside and analyse the output we need to reach. We have to reach it, no matter how.” (Company A, head of human resources department)

„Efficiency always implies financial resources. When the company handled merchandise over the monthly activity threshold, the storage area was crammed with safety materials, personal protection equipment of very good quality.” (Company B, employees’ representative 2 in the WHSC)

The fourth aspect worth remembering from the discussions on finding some solutions to make the committee’s activity efficient was the need to organise workplace health and safety training courses, especially on communication. The absence of employees with a minimum training level on workplace health and safety makes it impossible for the committee to exist. But according with the law it is not very clear if the employing institution has to bear the cost of the training needed for performing as member of the workplace health and safety committee. Moreover, if the activity in the company is organised in shifts and employees cannot skip their working hours to attend such courses, the situation looks like a dead-end.

„S: It is mandatory to have such a course. But it is very hard to get them out of their workplace, send somebody to a 40-hour course outside the company ... It’s a matter of time, and they have no replacement.

V.F.: But the law says that ...

S: But there’s a great difference between what the law says and what ... You know why? Because this is the chemical industry and work in shifts. And there are four, not five shifts. Before there were five shifts. They would work the day shift, the evening shift, the night shift, a shift-off, and there was another shift called «contingency shift». And then you could offer them two or three days off. Now that is no longer possible.” (Company A, WHSC secretary)

A shift leader in company A says that the committee members and people in charge of coaching the employees on workplace health and safety need communication skills they can acquire by attending communication courses. Also, the committee’s activity could be improved if members attend workplace health and safety courses:
The Committee’s activity could be improved through their training. I guess there are such courses, conferences on workplace health and safety. I think they should be supported by [employing] company, from a material point of view in order to attend these courses, simply be trained.” (Company A, employee 2)

3. Conclusions

The case studies show that de jure the committee exists in both companies, but de facto neither the spirit, nor the letter of the law is fully respected.

One of the most important things is the fact that there are employees who are aware of the existence of the workplace health and safety committee. Moreover there are members of the workplace health and safety committee who didn’t know how they become members of the committee. This is the reason for the fact that if the employees have health and safety related demands or proposals they go to the union.

The management (Company A) does not like the existence of the committee, which he does not consider an institutionalized form (with balanced participation) to solve a problem just like non-zero sum games, but considers it an institution comparable to the union which „does nothing but demand”.

The requirement imposed by the law that the employees’ representatives in the committee to have a minimum training level (40-hour courses) in workplace health and safety committee and, on the other hand, the compulsory character of the existence of the committee for companies which employ more than 50 people lead to the fact that in certain committees there are members who fail to meet the legal requirements. Thus, some members either do not have the minimum training level required by the law or, in the absence of eligible people, they have exceeded the 2-year mandate. It is important to underline that because the communication of the committee with the employees has set-backs the members of the committee need trainings to improve their communicational skills and to learn new ways to communication.

In both companies, the subjects insisted on the importance of economic factors as regards the efficient operation of the committee to improve workplace health and safety. The absence of sufficient employees renders impossible the committee activity during working hours in specific situations (as stipulated by the law). For example, if an employee works in a continuous fire department in which there is not contingency shift, he cannot attend the committee meetings, and thus cannot be part of the committee.

During trainings, a significant part of trainees have pointed out that it is difficult to find the proper mechanisms to persuade employers and the management to create and sustain a real activity and work of the committees, especially in heavy machine industry, mining, chemical industry. The general opinion of the trainees (approximately 250 persons) is that these workplace health and safety committees can be organized and operate effectively in multinational companies (i.e. Orkla Foods Industry, Friesland, Lafarge, Holcim, Carpatcement) that have a culture in this regard or in large private Romanian companies.

It is important to mention that the training of trade union members has an important role in the organization and operation of the committees. In many cases the management use the lack of legal knowledge’s of trade union members in order to delay the set up of workplace health and safety committee. After one of the training courses organized under this project, the trade union leaders of the Union "15 November" Brasov (heavy machine industry) were able to determine the management to approve creation of the committee after three years of delays, using the knowledge acquired during training.

Chapter 3: Recommendations for strengthening the organisation and operational capacity of workplace health and safety committees from Romania
As a secretary of a workplace health and safety committees mentioned *there’s a great difference between what the law says and what ... [reality]*. How can we bring the reality to the spirit, nor the letter of the law? The main goal of the project is strengthening the organisation and operational capacity of workplace health and safety committees, thus recommendations should be done on three dimensions that regard:

A. Informing employees on the existence of the committee and on setting-out in the collective bargaining agreement or in the internal regulations the manner to select employees’ representatives with specific workplace health and safety responsibilities and employees’ representatives in workplace health and safety committee.

B. Training employees to become potential employees’ representatives with specific workplace health and safety responsibilities and employees’ representatives in workplace health and safety committee.

C. Improving communication within workplace health and safety committees and between this institution and employees, the union, the labour inspection authority, and other institutions regarding health and safety-related issues.

A. The first recommendations face the problem that employees have no information or they have just few ideas about the workplace health and safety committee. The balanced participation’ results from the equal number of employees and employer’s representatives in the committee. This institution should be an expression of preventive culture and of social dialog on such an important issue as workplace health and safety. Workplace health and safety committees cannot reach its goals if employees and employers do not know about its existence or do not care about its goals; and in this context the union can play an important role in improving this situation.

1. Informing employees on the existence of the workplace health and safety committee. The employees need to know the committee’s duties, the rights and duties of committee members and how they can become committee members. They can be informed during safety classes, but also by means of notice boards. The union can play an important part in this process. In the context where the employer is not interested in having within the company an active and efficient workplace health and safety committee, the union should inform employees and employers about their rights and duties.

2. The manner to select employees’ representatives with specific workplace health and safety responsibilities and their number should be set-out in the collective bargaining agreement or in the internal regulations (as the law requires). Moreover, these documents should set-out the way to appoint committee members from the employees’ representatives with specific workplace health and safety responsibilities. The rules established by these documents should be made known to all the employees, and the union can play an important role in this issue, as well.

3. The documents setting-out the way in which committee members are appointed should consider the fact that all departments in the company need to have a representative in the committee in time. Should the company have several halls / departments than the number of employees’ representatives in the committee, the rotation principle should apply.

4. The status if employees’ representative in the committee should not be conditioned nor limited by that of union member, possibly manager. One secretary of the committee *didn’t choose* anymore a union member as a member in the workplace health and safety committee because she considered that person...
was too busy with union issues. First the members of the committee should be elected by the employees and second the union members should have equal chances with non-union members to candidate as employees’ representatives in the committee.

5. Competition between employees should be encouraged in order for them to be appointed committee members.

6. Other people than company or department managers should be encouraged to become members. Employees perceive these high position people as superiors and not as their representatives in the committee. One employee imagined that committee members are only shift leaders and supervisors. The employees should be informed that their representatives in the committee are not bosses but people elected by them to express their interests.

B. Only people with a minimum level of training (40-hour training course on workplace health and safety) may be employees’ representatives with specific responsibilities in the area of workplace health and safety, and implicit members of the workplace health and safety committee. Because the law is not very clear if the employer should covers the costs of the courses for employees’ representatives in the committee, the training issue is very sensitive topic especially for companies with economical problems.

7. Training courses need to be held for the employees to have the minimum training level on workplace health and safety. As it is not clear if the employer has to bear the costs of such courses, and taking into consideration the economical crisis the employer should encourage or support the in-house/outsourced safety department, or the union to draft applications to access European funds.

8. The employees in institutions entitled to write applications have to attend courses to learn to draft such documents. These courses may be organized by employers, unions or labour inspectorates.

9. Committee should enjoy the training necessary to their activity at the company expense and during working hours. If there are not financial sources, as mentioned above, the company needs to support the drafting of applications for such courses.

C. A theoretical approach stresses all is communication. Preventive culture and the social dialog suppose communication between employees, between employees and employers, and between the committee and all the stakeholders that are involve in a way or another in workplace health and safety related issues. The committee should be visible, so in the context where this institution is almost unknown by the employees, the committee members and the union should realise a real PR activity. Strengthening the organisation and operational capacity of workplace health and safety committees is possible if the communication within workplace health and safety committees and between this institution and employees, the union, the labour inspection authority, and other institutions regarding health and safety-related issues is improved.

10. It is important to invest the committee with „authority” publicly in a meeting attended by the management and union leaders. This is a moment when the different roles of the committee and the union are clarified. The purpose of this meeting is to show that the management gives importance to the employees’ safety, on the one hand and to the committee’s activity on the other hand.

11. Seminars (meetings) must be held with the employers and employees’ representatives where people should be informed not only about the letter and spirit of the law on workplace health and safety, but also about the mutual advantages of social partnership. The committee does not operation like zero-sum games, it is like a win-win game. The initiative of such meetings can belong to labour inspectorates, union and employers’ association collectively or individually.
12. It is necessary to hold communication courses with the committee members, but also with the people attending the minimum training courses on workplace health and safety (or potential committee members). Communication in the committee, especially between the committee and management / employees is a basic dimension of the committee’s activity.

13. In order to increase the transparency of the committee and improve the relationship between the committee and management / employees it is recommended to invite to the committee meeting people from outside the committee who are directly linked to the debated matters. These people may be union members acting as managers at the level of some departments or at company level.

14. Together with the in-house / outsourced safety department, the committee needs to be active to build-up a culture of prevention in the company. Communication with the employees is of utmost importance in this respect.

15. Communication with the employees may improve by the committee’s openness to their proposals and by giving feedback to the solutions proposed to the management. The employees and committee may communicate directly by attending the committee meetings or by the committee members’ participation in the collective meeting held by the in-house / outsourced safety department or by unions. Face-to-face communication is a way to communicate directly. Also, the notice boards or the company website can be used.

16. Employees’ opinion and proposals can be found out by means of anonymous questionnaires. After such questionnaires are filled in, they will put in a special collection box (just like vote bulletins). The outcomes of the research will be made known to the employees. In that box may be put employees’ suggestions regarding workplace health and safety. I would like to mention that a communication culture should be built-up so that such solutions are applied in time in a constant manner.

17. Committee members should be visibly active in order to consolidate their role and prove useful. They can get involved in collateral matters which draw attention. For example, in organising courses first-aid courses or drafting some crisis management plans. Simulating crisis situations is like a theatre play, which beyond the overt purpose to train employees for such unwanted situations, has the hidden purpose to consolidate the role of the committee. It is important for employees to know that these actions are organised by the committee.

Final remarks

The Romanian history from 1848 is dominated by the dispute between two big theoretical / political approaches: 1. the first one criticises the forms without substance and 2. the second one supports the forms (even without substance) because they will may determine the substance to ‘fill up’ forms. The workplace health and safety committees, the balanced participation of the employer and employees in the workplace health and safety-related issues and all the institutions and rules adopted from abroad are ‘forms’ that, as we could see from the research findings, doesn’t fit well with the employees and employers attitudes, values and knowledge (with the substance).

In a similar situation Robert Putnam et al., after analysing the influence of the negative cultural determinism on the development of southern Italy, states that: „institutional history moves very slowly. As for setting-up institutions (not just the mere drafting of necessary laws), times is measured in decades” 24. We cannot wait

so long. Strengthening the organisation and operational capacity of workplace health and safety committees or bring the reality to the spirit, nor the letter of the law can be done faster if the recommendations from this paper are taken into consideration. The unions can play a key role in this necessary and daring project. They can inform, demand, draft applications to access funds, so they can be the accelerator that speed up the process. The laws (even sometime they are not very clear), the trade unions and the cultural organisation imported by the multinational companies that are more aware by the health and safety issues could together make possible efficient workplace health and safety committees.
PART 3. NORWAY

Chapter 1: Overview of Norwegian laws and regulations on training requirements for workers’ representatives in charge of Health, Environment and Safety

1. Summary of existing training requirements for workers’ representatives in matters of Health, Environment and Safety

1.1. Introduction

The best way of shedding light on such training for workers’ representatives in Norway is to look at requirements for safety deputies and delegates who represent all employees, whether they are union members or not. For reasons of simplicity, these deputies and delegates are coined safety representatives.

The following text provides a summary of the framework for how training of safety representatives should be set up. In matters of Health, Environment and Safety (HES) there is a distinct act, which is followed up by regulations administered by the Ministry of Labour. There is in addition a separate annex to the social partners’ Basic Agreement detailing how HES is inscribed in the social dialogue.

1.2. The institutional context of training requirements for safety representatives

The training for these safety representatives is regulated in the Working Environment Act that establishes a system for workers' representation in matters of Health, Environment and Safety. The act and its ensuing regulations prescribe that:

• enterprises are under a statutory obligation to appoint a safety representative
• enterprises with less than ten employees may enter into a written agreement not to have a safety representative.
• enterprises with more than 50 employees are required to establish a Working Environment Committee composed of representatives from the management and the employees
• in companies with 20-50 employees such a committee is compulsory in so far as one of the parties wants to set it up.
• the employees and the employer shall have an equal number of representatives on the committee.
• the chairperson of the Working Environment Committee alternates between the two parties.

25 At least in Norway, it is more relevant to address learning requirements for workers’ representatives instead of for shop stewards. We have therefore rephrased the initial title of this chapter compared with the outcome of the Oslo meeting on 12 August 2010. The specific work done by shop stewards in matters of Health, Environment and Safety will be briefly discussed in the last section of this chapter.

26 For English version of the Regulations relating to safety delegates and working environment committees, see: http://www.arbeidstilsynet.no/brosjyre.html?tid=92948
The rules outlined above are applicable in more permanent workplaces, while construction sites are a special case. Here, regional safety representatives are attending to workplaces where there is no elected safety representative or no Working Environment Committee. The reason for this absence is not only that a construction site per se is a temporary workplace, but also that enterprises in charge of these sites tend to employ less than ten people. Therefore construction sites often slip away from the compulsory rules cited above.

The regional safety representatives have the same authority as the local safety representatives outlined above. They are entitled to have access to the same information from the enterprises as the ordinarily elected safety representatives. This scheme is financed through a fee paid by employers to the Regional Safety Deputy Fund. The safety representatives are appointed and employed by the Norwegian United Federation of Trade Unions or the Norwegian Union of General Workers27.

1.3. The rules for training in Health Environment and Safety established in acts and regulations

The act and the ensuing regulations also specify how the safety representatives and delegates in Work Environment Committees should be trained:

- They are entitled to receive training necessary for carrying out their responsibilities.
- The minimum training is 40 hours. If necessary, this target may be extended.
- Alternatively, the training may have a shorter duration provided that both parties can ensure that the shortened training period complies with the targets of the training.
- The employer is obliged to provide them with HES training, which preferably should take place during normal working hours.
- Costs associated with the activities of safety representatives and Work Environment Committees (including the necessary time to perform these duties) shall be compensated by the employer.
- The employer ensures that the function of being a safety representative or delegate should not result in loss of income for the employee.

The regulations detailing the Working Environment Act28 also outline the content of the training that safety representatives should receive:

- introduction to what is expected from a safety representative
- knowledge about ergonomics, noise, indoor climate, lighting etc.
- insight into prevention of injuries and diseases, utilisation of protective equipment
- information on the Working Environment Act and similar acts/regulations
- extra training is required when hazardous chemicals are being used

While regional safety representatives are working fulltime and in view of the fact that many of them are former safety representatives from permanent work sites, their training is very much based on what they learn when exercising their functions. For this reason, the only training regulation is that their upskilling

27 Regulations concerning regional safety representatives for building and construction activitieshttp://www.arbeidstilsynet.no/binfil/download2.php?tid=77823
28 Forskrift om verneombud og arbeidsmiljøutvalg (FOR 1977-04-29 nr 07).
should be financed by the trade unions. However, for certain training arrangements, the Regional Safety Deputy Fund can decide to cover the costs that accrue from this training\textsuperscript{29}.

A last point with regard to who should receive training is that employers are also called upon:

- The Working Environment Act prescribes that the individual employer is obliged to attend training in HES and that this obligation cannot be delegated to someone else
- The act does not fix any duration for the training of employers

1.4. Rules for training of safety representatives prescribed in the Basic Agreement

The Basic Agreement between the major associations for employers and employees addresses issues related to training of safety representatives. The reason is that the social partners wanted to enlarge on the Act, notably by pointing to implications for the social dialogue. These implications figure in a separate annex. The text says that the training should comprise:

- Knowledge of who does what in the field of HES and how HES is anchored at the enterprise and branch level
- Insight into methods for assessing risk factors and how to react to hazards
- Insight into psychosocial factors, workplace design and dialogue aimed at an inclusive working environment.

The social partners agree that employees should be offered practical training in dealing with matters of HES. For this purpose:

- the branches are called upon to develop their own educational materials according to the challenges they are facing
- the training should be held at a local level in collaboration with social partners at enterprise level
- the enterprises are advised to use professional trainers from their own organisations while drawing on the occupational health service

1.5. The comprehensiveness of the rules for training in Health, Environment and Safety

The summary above shows that the training is aimed at employees as well as employers. The ambition is to address a wide variety of workplaces, ranging from permanent work sites to construction sites. The social partners have taken additional steps to embed Health, Environment and Safety in the social dialogue and they have further detailed the kind of training that safety representatives should attend.

Shop stewards also engage in matters of HES but there is no category of shop stewards that only deal with such matters. Shop stewards attend meetings of the Working Environment Committee at the workplace where s/he is working. Compared with the safety representatives on the same committee, the shop stewards are not subject to specific training regulations but they work with HES alongside a number of other tasks. While a shop steward is elected by the members of a trade union, a safety representative is elected by all employees of the enterprise.

Finally, it should be noted that Internal Control Regulations\(^\text{30}\) have been introduced to assist enterprises in documenting their efforts in the field of Health, Environment and Safety. These control procedures also address training and therefore contribute to mainstreaming HES in the daily routines of enterprises.

**Chapter 2: Signs and evidence of how Norwegian workers’ representatives in charge of Health, Environment and Safety are being trained.**

**1. The state of affairs according to surveys and reports**

The situation in matters of Health, Environment and Safety (HES) and how it has evolved, can be traced in three countrywide surveys carried out in 2001, 2007 and 2009. The latter stands out by surveying the opinions of employers. It is highly relevant because the same questions were asked to employers as to employees about who pushes forward HES at enterprise level.

In order to depict the wider context, it is worth paying attention to the following background questions to employees with a view to take stock of the state of the work on HES in 2001 and 2007:

- has a safety rep been elected at your workplace
- is there a workplace environment committee
- are there any shop stewards or other union representatives at your workplace

Compared with the survey carried out in 2001, more employees reported six years later that there were safety reps and workplace environment committees at their workplace.

The first of the three surveys was commissioned by the Norwegian Confederation of Trade Unions (LO) in 2001. It included questions inviting employees to give their opinion on the degree to which company level trade union representatives (shop stewards), safety reps and the management contribute to a better working environment and safety at the work place.

<table>
<thead>
<tr>
<th></th>
<th>2001 (N=2509-2514)</th>
<th>2007 (N=2228-2300)</th>
</tr>
</thead>
<tbody>
<tr>
<td>safety representative (%)</td>
<td>73</td>
<td>82</td>
</tr>
<tr>
<td>workplace environment committee (%)</td>
<td>37</td>
<td>54</td>
</tr>
<tr>
<td>shop steward/other union representatives</td>
<td>(not asked)</td>
<td>73</td>
</tr>
</tbody>
</table>

*Source: Bråten, Andersen, Svalund (2008).*

The survey also mapped the views of employees on the effectiveness of the present working environment legislation. Questions were also asked if steps had been taken to improve health and safety over the last 12 months and - if yes – which bodies had been involved in the introductory phase as well as in the implementation of such measures; among others unions at company level union, the managing director, shop stewards, safety reps etc. (Torvatn and Molden 2001).

**Some findings from the 2001 survey of relevance for our present report are presented below.**

One question asked was:

"Who are pushing for better working environment and safety at your workplace?"

The following options were presented to the respondents:

- The trade union/shop steward on my workplace is pushing for improved working environment and safety.
- The safety representative on my workplace is pushing for improved working environment and safety.
- The management at my workplace is pushing for improved working environment and safety.

Unions were mentioned by 36 percent of the respondents with regard to working environment and 38 percent with regard to safety matters; the management by 42 percent (working environment) and 44 percent (safety at the workplace), while 45 percent mentioned safety officials in both questions. There is no information on whether there actually are unions present at the workplace or not.

At workplaces where initiatives for improved HES had been taken, shop stewards were said be active in the initial phase (according to 21 percent of the respondents), whereas 24 percent of the respondents regarded shop stewards active during the implantation phase. Safety reps were listed as active by 39/43 percent of the employees, whereas the managing director was mentioned by 48/60 percent, according to the same delineation between initiation and implementation.

This indicates that safety representatives were the most active representatives of employees in such matters and therefore that the laws and regulations defining the role of safety officials were functioning; at least in 2001 when the survey was carried out.

**In 2007, LO commissioned Fafo to conduct a follow-up survey. The report was released in June 2008 (Bråten, Andersen, and Svalund 2008). Two conclusions stand out:**

In 2007 a larger proportion of employees reported that the enterprise was conducting systematic work on HES, compared with 2001. Still, a relatively large proportion answered that they did not know enough to answer this question.

In 2001 42 percent of the employees reported that they had been provided with training relating to HES-activities, the corresponding figure in the 2007 study was 52 percent.

In this 2007 survey, the same questions were asked about whom employees consider being the driving force behind improvements in HES:

- The trade union/shop steward on my workplace is pushing for improved working environment and safety.
- The safety representative on my workplace is pushing for improved working environment and safety.
• The management at my workplace is pushing for improved working environment and safety. The surveyed employees assessed the contribution from the three actors of relatively equal importance. The respondents assessed however the role of the trade union/shop stewards to be slightly less important than the push from the management and the safety reps. At the other end of the scale that is among those completely of partly disagreeing, the contribution from the three actors did not vary significantly. Overall, the reason for the employees’ assessment of the trade union/shop stewards has to do with a higher share answering “not sure” or “irrelevant” on this question (ibid: 119f).

Turning then to the **survey conducted in 2009 of how employers assess improvements in HES**, they were asked equal questions as those presented to employees on two previous occasions. Figure 1 below takes stock of their opinions:

The figure reveals that most managers consider themselves to be the main actors who instigate improved HES at enterprise level. All together 82% agree with such a statement. If there is a safety rep and a workplace environment committee in the enterprise, around 70 % consider these to have a leverage effect on HES. Half of the surveyed managers deem the trade union or shop stewards to push forward this matter.

A supplementary survey addressed to managers was the *Norwegian Work Place Relations Survey* (ABU 2003) for which interviews were conducted among managing directors or HR directors in 2350 private and public sector companies with more than 10 employees. Also here a few issues with relevance to the social dialogue and working conditions came up. One question concerned the extent to which the union and the employer/enterprise had entered into negotiations on working time arrangements, training as well as on more traditional issues such as pay, productivity and pensions.

Among companies where a union was present (79 percent), 36 percent had entered into negotiations on training.
Figure 1: The share of managers agreeing to various statements on which actors push forward the improvement of HES in the enterprise (% in 2009)


2. Discrepancies between existing laws/regulations and the reality

We will discuss these discrepancies by leaning on two statistical sources; first the 2009 survey of training of managers in HES and, secondly, how the Labour Inspection Authority captures non-compliance with laws and regulations. A final paragraph raises the question of quality control of the statutory training provided and the capacity of control agencies.

2.1. Observations on deficient follow-up of laws and regulations for HES training of managers

The 2005 revision of the Working Environment Act added an obligation for the employer to attend HES training. Four years later a representative selection of managers were asked whether they had followed any instruction in HES, if other people in managerial positions had done the same and, finally, whether the safety rep had been trained to carry out his/her duties. The answers are presented below.

The figure demonstrates that more than three of four managing directors tell that they have been through HES training. The share of the enterprises having set up routines for training of safety reps reaches an equal level. 42 % state that the enterprise they are heading has put in place training for other people in managerial positions. In other words, most enterprises have routines and training arrangements corresponding to the Working Environment Act but, still, one of four managing directors have not attended such training. Figure 2: Training in HES for the managing director, other managers and the safety representative in the opinion of the former (% in 2009).
Are there routines for HES training of other managers?
(N=1348)

Are there routines for how safety reps should be trained?
(N=985)

Has the managing director attended HES training?
(N=1348)

Source: Andersen, Bråten et. al (2009).

The obligation for employers to attend HES training combined with the absence of any rule for the minimum length of this training, has nurtured business opportunities for more or less qualified course providers, of which some offer courses lasting less than one day. The figure below demonstrates however that the bulk of the training has duration of at least 2 or 3 days.

For the sake of thoroughness, it is encouraging to note that only seven percent of the courses lasted less than one day. Close to one of three managing directors have attended training lasting more than three days and sixty percent of the managers learned HES during two days or more. Large enterprises offer training of the longest duration. More public sector middle managers are trained in HES during at least two days than their counterparts in the private sector.

Figure 3: The length of HES training for managers. Percent in 2009 (N=1035).

The Project is supported by a grant from Norway through the Norwegian Cooperation Programme for Economic Growth and Sustainable Development with Bulgaria Проект с финансовата подкрепа на Правителството на Норвегия чрез Норвежката програма за сътрудничество за икономически растеж и
2.2. Observations on non-compliance with laws and regulations for training in matters of HES

One approach to measure this is to look into the statistics of the Labour Inspection Authority (LIA), which for reasons of non-compliance with §6-5 of Working Environment Act can issue orders to the inspected enterprises. This § covers training and the obligation of employers to provide the safety reps with sufficient time to comply with their duties without any loss of income. The LIA can in such cases intervene when there is, for example, a lack of safety reps in an enterprise and if the safety reps have not been offered the required training.

The following table shows the number of orders issued for non-compliance with §6-5 of the Working Environment Act.

Table 2: Orders issued after inspection for breach of § 6-5/total inspections since 2006

<table>
<thead>
<tr>
<th>Year</th>
<th>Orders issued for breach of § 6-5</th>
<th>Total number of inspections</th>
<th>§ 6-5/total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>143</td>
<td>9932</td>
<td>1.44 %</td>
</tr>
<tr>
<td>2007</td>
<td>234</td>
<td>11100</td>
<td>2.11 %</td>
</tr>
<tr>
<td>2008</td>
<td>290</td>
<td>13835</td>
<td>2.10 %</td>
</tr>
<tr>
<td>2009</td>
<td>335</td>
<td>15333</td>
<td>2.18 %</td>
</tr>
<tr>
<td>Sum</td>
<td>1218</td>
<td>63770</td>
<td>1.91 %</td>
</tr>
</tbody>
</table>

Source: Statistics provided by the Labour Inspection Authority.
According to these statistics, the number of orders has been quite stable since 2007. Compared with the total number of inspections, breach of training in HES, amounting to around 2%, is far from any prevalent reason for issuing orders. Attention should however be paid to the fact that LIA not only issues orders rooted in the Working Environment Act, but also in the administrative regulations that provide instructions for how to interpret the Act. While taking into account the inspections rooted in these administrative regulations which reflect breach of all paragraphs of the law, it is evident that the 335 orders issued in 2009 are lower than the real number.

The Labour Inspection Authority can also issue orders when managers do not participate in training in line with what the law says. There has indeed been a sharp increase in the number of orders issued for breach of § 3-5, which regulates this training. The number jumped from 60 in 2007 to 354 the year after and reached 510 in 2009. During the same period the total number of inspections carried out did not soar to the extent that the jump in issued orders can be explained by the activity of the LIA.

**2.3. Quality control of the statutory training provided and the capacity of the control agencies**

Although the minimum requirements may be respected, there is an issue of the quality of the training offered to safety reps and managers. The quality has to do with who looks after and supervises the training in HES actually delivered.

From 2000 and onwards, more of the training has been given by commercial enterprises and many of their courses tend to last less than 3 days. It also seems that many trade unions do not use their authority to decide how, who, when and by whom the training shall be carried out.

The Labour Inspection Authority is entitled to look after the compliance with the Working Environment Act and the ensuing regulations. The responsibility of the LIA is however neither to certify the course suppliers nor the trainers in charge of the courses in HES. During the recent years, the agency has been much concerned with negligent training and instruction of foreign workers in the use of safety equipment. This priority has partly to do with the sharp increase in foreign workers from the new EU member states, forcing the agency to intervene in the most severe cases with the likely consequence of rendering less time for the inspectors to support the (long-term) training of safety reps. One paragraph in the following section will further detail challenges for HES after the enlargement of the EU.

**3. On which level are there strong discrepancies?**

When the structure of this report was jointly discussed in the project group (BG, RO and NO) at the 12 August 2010 Workshop in Oslo, it was assumed that firm size, branch and regional differences as well as private vs. public sector and foreign vs. domestic companies would be of importance for explaining the differences encountered. Below we sum up available evidence on the nature of discrepancies between what the law says about training of workers’ representatives and what the reality is.

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[33] Cf. text below on the lack of HES training for foreign workers employed as service providers in Norwegian enterprises.
**Firm size**

Whereas the Working Environment Act contains stricter requirements for large enterprises, it is perhaps no surprise that the preceding text has pointed out that small enterprises put less efforts into HES. One conclusion from the 2009 survey was supported by the case studies included in the report: safety reps have a positive effect on the systematic implementation of HES at enterprise level. This leads to an interrogation of the opportunity enacted in the Law on Working Environment for enterprises with less than 10 employees to opt out from the obligation to have a safety rep.

More specifically this opportunity allows the managing director to enter into negotiations with a view to opt out. It can contribute to holding back systematic work on HES in these small enterprises of which few have other HES resources.

**Differences between branches and the private/public sector**

The economic sector which stands out with far-reaching routines for training of safety reps is the oil industry (Andersen, Bråten et al. 2009:168. This has certainly to do with the grim human and macroeconomic consequences in case of any accident on the continental shelf. Training of safety reps is a prerequisite and there are distinct rules and regulations for HES in the oil industry. Everybody entitled to take up an offshore job is obliged to attend a course in HES, i.e. embracing instruction in the culture of HES, prevention of risks, first aid, evacuation etc.

The case studies carried out for the abovementioned 2009 report on HES shed more light on some differences between branches. Nearly all the enterprises under scrutiny, that is a food processing plant, an upper secondary school and a municipal care service, required at least 40 hours training for the managers, the safety rep and for the shop steward (when union member had elected someone for that position). In an all-around-the-clock retail trade, HES training was reduced to one day for the managing director and no safety rep had been pinpointed.

The importance for HES of the separate annex to the Basic agreement between social partners, which was evoked in chapter 1 of this report, can be illustrated by how the State sector collective agreement (Hovedtariffavtalen i Staten) has promoted training in HES. For 2006-2008, the parties agreed to earmark ten million NOK for joint training and development measures. Employer representatives and trade union representatives/shop stewards were trained in what is labelled "co-operative competence". The parties (The Ministry of Government Administration and Reform and the four main state employee confederations) jointly developed these measures. In 2007 conferences addressing this issue were arranged in different parts of the country.

One implication of the many reorganisations that have taken place and continue in the public sector is that the local parties come to the forefront, particularly how they try to improve co-operative relations. One measure tabled in this regard has been the improvement of employees’ work environment.

**Lack of HES training for foreign workers employed as service providers in Norwegian enterprises**

The increase of foreign workers coming to Norway after the two most recent enlargements of the EU has turned this into a burning issue. In an article entitled Using East European labour - a safety risk on...
The majority of the enterprises that used East European labour in our sample reported having used this either as leased manpower or through sub-contractors, i.e. as service providers. This serves to exacerbate the prevailing trend towards functional specialisation within the industry, involving more prevalent use of leased manpower and sub-contracts, which in turn affects the ability to carry out systematic HES work. The upshot is that coordination of such work becomes increasingly complicated, and that responsibility for HES training is distributed among a number of employers.

But despite the needs of enterprises, the survey shows that 23 per cent of the leaders rely on East European workers and firms familiarising themselves with Norwegian HES regulations. A total of 16 per cent of enterprises reported that training takes place at home – i.e. before the workers arrive at the Norwegian workplace. A full 15 per cent of enterprise leaders reported that they have no knowledge of how East Europeans receive information on Norwegian regulations. Consequently, many Norwegian enterprises have no control over whether workers have been trained or the kind of training they have received.

Among enterprises that do offer training or other measures, the most common forms are HES training (40 per cent) or bilingual supervisors (38 per cent).

With regard to training there are also significant differences between small and large enterprises. Nearly half of the smallest enterprises, having from one to nine employees, have enacted none of the measures described above. At the same time, we should emphasise that two out of three Norwegian enterprises report having undertaken training sessions and assistance in order to secure a satisfactory HES standard in the workplace after having hired East European labour."

4. Any reasons or explanations given for offering less training to workers’ representatives than set out in legal requirements

These reasons have not been researched but a possible indirect indicator of non-compliance is found in employers’ attitudes to HES and their view on possible effects of systematic work with HES. In the 2009 survey referred to above, a representative sample of managers was asked to air their agreement or disagreement with five statements.

Figure 4: The share of managers saying that they agree or partly agree with various statements on work for health, environment and safety. Per cent in 2009 (N=1348)
HES entails too much paper work, the required written documentation is too strict

It is hard to find out which laws and regulations apply to my enterprise

Systematic work on HES does not yield economic return

Efforts on HES do not reduce the level of sick leave

Efforts on HES do not reduce the number of accidents


Figure 4 shows that 70% of the surveyed manager’s opinion that HES either engenders too much paper work or that the present obligations for written documentation are excessive. Close to half of them completely or partly state that it is difficult to find out which laws and regulations are applicable to the enterprise. When asked about the effects of work on HES, the opinions turn somewhat around, in the sense that relatively few disagree that HES is preventing accidents and reducing sick leave.

5. Summary of the discrepancies encountered (and discussion of the validity of the stated reasons for offering less HES training than required)

In the first years after the adoption of the 1977 Working Environment Act there was a certain enthusiasm which resulted in around 250,000 employers and employees receiving training in HES each year, mainly at the work place.

Although the initial idea behind this chapter was to look into training for workers’ representatives, the way in which HES is embedded in the Norwegian social dialogue forces us to also embrace training of managers in HES. Concentrating then first on the employer side, the surveys referred to above show that 3 of 4 managing directors have attended training in HES. An equal share says that the enterprise they are running has routines for how safety reps should be trained. In view of the fact that there are no rules for the length of training courses destined for employers, it is worth noticing that quite a few of them attend training lasting 2-3 days or longer. The nuances of available statistics reveal however that still one of four employer has not been trained in HES and the same share maintains that their enterprise has not worked out any rules for training of safety reps. In this regard, there is room for improving the training practices in HES at an enterprise level (R. K. Andersen, M. Bråten et al (2009):167f). The sharp increase in the number of orders issued by the Labour Inspection Authority for breach of training regulations for managers points in the same direction.
Regarding the employees, it is appropriate to return to the results from the 2001 survey showing that at workplaces where initiatives for improved HES had been taken, shop stewards were said be active in the initial phase (according to 21 percent of the respondents), whereas 24 percent of the respondents regarded shop stewards active during the implantation phase. Safety reps were listed as active by 39/43 percent of the employees, whereas the managing director was mentioned by 48/60 percent. The observation that shop stewards are less involved than safety reps reflects a division of labour implying that safety reps are the most operational workers’ representatives in matters of HES. We will enlarge on this in chapter 3 of this report.

CHAPTER 3: Suggestions for efficient follow-up of Norwegian rules on HES training for workers’ representatives

Based on ideas from chapter 1 and 2 of the Norwegian report on the training situation for workers’ representatives in charge of occupational health and safety as well as other training in HES, this final chapter addresses possible improvements. The two first sections deal with the quality of HES training and the legislative framework. Then follows two sections pinpointing a couple of general tendencies in labour markets and industrial relations, namely HES training in times of widespread outsourcing and outplacements and –secondly – how safety reps representing the entire workforce interact with shop stewards elected by the members of specific trade unions. This second issue alludes to a wider discussion on whether trade unions should have shop stewards overviewing all sides of the work organisation or – alternatively - more specialised shop stewards, promoting matters such as HES or staff training.

1. Better quality control of training in matters of HES?

Whereas there are rules for the minimum length of training of safety reps and not for managers, the issue of quality of the training provided is probably more acute for HES training of managers. This is at least a likely interpretation of a call for tender, launched late in 2010 by the Norwegian Ministry of Labour, for charting HES training of managers. One aim of the study requested by the ministry was to scrutinise the length and quality of courses set up to train managers in matters of HES.

In principle, the obligation for safety reps to spend at least 40 hours on HES training suggests that this training goes deeper than transmitting generalities. It should however be noted that the trained safety reps do not receive any certificate for the 40 hours of basic training in HES. Nor do these courses lead to an exam that could give birth to a certificate allowing for an appreciation of the quality of the training. The only tangible proof which is given to the trained safety reps is a document showing the duration and the broad content of the course.

The next question is whether the providers of HES training, be it for managers or safety reps or for both, develop training courses that transmit knowledge contributing to a sound work for improved HES at the workplaces. The providers of such training fall into three broad categories:

- non-commercial providers such as training organisations set up by the social partners, organisations representing interests of economic branches or trades and other non-profit organisations
- commercial providers such as e-learning firms etc.
corporations or groups of companies of a size allowing them to develop their own training in matters of HES.

Given this variety of training providers, the question arises about who or which institution that could assure the quality of training. The obvious candidate would be the Labour Inspection Authority but the responsibility of LIA is neither to certify the course suppliers nor the trainers in charge of the courses in matters of HES. This is also a question of capacity. As outlined above, the Labour Inspection Authority has recently been much concerned with negligent training and instruction of foreign workers in the use of safety equipment. This priority stems from the sharp increase in foreign workers from the new EU member states, forcing the agency to intervene in the most severe cases.

In its present shape, the Labour Inspection Authority might therefore not be the most efficient agency in charge of quality control of training in HES. Given that LIA presently is responsible for controlling the implementation of rules for HES training and does this during their inspections, this agency can however not be circumvented as a good candidate for being in charge of quality control arrangements in case such should be put in place.

2. Amending the legislation for training in HES?

Since the late 1970s, the laws and regulations for training in HES, including for safety reps, have gradually become stricter and more specific. One example is the 2005 revision of the Work Environment Act, adding specifications on training of managers in matters of HES.

If we look at HES as institutionalised practices within the Norwegian social dialogue and labour market, there is no obvious reason for why there are rules for how many hours safety reps should attend training, while no rules on the duration of HES training apply to employers. This might be interpreted as a reluctance to intervene in how managers regulate their work and navigate between various tasks and obligations.

In a recent stock-taking of HES in Norway, two researchers at Fafo, point out that:

“One issue for consideration is the introduction of a minimum standard for how much HES training managers should attend...” (R. K. Andersen, M. Bråten: 2009:168)

In principle, the inclusion of HES in the Norwegian social dialogue, for example the Basic Agreements, places HES in a terrain of negotiations and equality in the application of laws and regulations. A sign that the Ministry of Labour attaches importance to this, is the fact that the abovementioned call for tender to finance a study charting i.e. HES training of managers, specified that the role of employers’ and employees’ associations in such training should form part of the study.

Any improvement of laws and regulations for training of safety reps will take place against the backdrop of a gradual expansion of HES arrangements in the Norwegian labour market and its social dialogue. Future improvements will therefore depend on the path on which Norwegian efforts in HES, including training procedures, have been directed. Without claiming that Norway has witnessed any automatic or inevitable expansion of HES arrangements, it might be useful to pinpoint the main steps on the path towards more systematic efforts in HES:

An extensive HES framework was first developed in high-risk sectors, first in the oil industry. Later, a similar framework was put in force in the petrochemical industry. The level of risk and need for thorough risk analyses has therefore been a criterion for the wider dissemination of the HES framework, notably consisting of the Internal Control Regulations, which try to embed HES throughout the entire work organisation. Different from these high-risk sectors, the dissemination of HES practices has been slower in parts of the private service industries.
The unequal introduction of HES procedures in various labour market sectors has partly to do with the fact that the laws and regulations applying to HES are the same for all sectors of the labour market. These universal rules linked to risk assessments and systems of documentation may produce certain rigidity, in spite of the possibility of local adjustments reflecting variations in the risk level and the nature of risks in each economic sector or branch.

The dissemination of HES procedures throughout the labour market and the time it takes to reach out to all parts of private service industries, has also to do with a lower level of membership in employers’ and employees’ organisations. Another factor affecting future improvement in HES and of the rules for HES training of managers, safety reps or both, is the tripartite framework in which the State and its local/regional bifurcations have a clear say. The State is a regulator in matters of HES and the control functions, now materialised in LIA, are executed by an impartial public agency of trust.

3. Training in HES in a changing labour market

Some of those who nowadays write about shifts in labour markets tend to underline the shifting nature of firms and especially the fluidity of networked firms. The emergence of global enterprises (“borderless firms”) is accentuated by widespread practices of outsourcing and outplacements. In chapter 2 of this report we referred to the lack of HES training for foreign workers employed as service providers in Norwegian enterprises. On this specific issue, the author of the cited article maintains that:

A possible solution could be for Norwegian contractors to be obliged to demand documentation from both Norwegian and foreign subcontractors that this has been taken into account when the tender is submitted, and that the implementation of actual training courses is documented. Another possibility is for Norwegian contractors to take greater responsibility for training – irrespective of the employer’s liability – and training costs to be deducted from the price (A.M. Ødegård: 2006).

A broader challenge is how the fragmentation of the work organisation, the increase in temporary work and service providers as well as in leasing of personnel, jointly affect the conditions for efficient work on HES at enterprise level. The growth in “working from home” points in the same direction, as does the general increase in staff turnover imposing the employers to arrange frequent HES training for recently recruited workers.

While the workplaces are increasingly influenced by actors such as service providers, subcontractors and employment agencies, the jurisdiction of one employer does not embrace all employees. This mismatch between workplace and employer complicates the possibility for trade unions to work systematically with HES and, equally, with training in HES.

Although there might be a tendency to overestimate implications of the changing work organisation and some tend to claim that everything nowadays is fluid compared with the past when the world was neatly arranged in a lucid manner, our interrogation illustrates that safety reps are faced with new conditions for which it is difficult to set up specific training arrangements. While these changes are going in all parts of
Europe, it appears appropriate to raise the shift in work organisations as a general point in the three-country study between BG-RO-NO.

3.1. Safety reps and shop stewards within Norwegian industrial relations: interplay and division of labour

Although most enterprises staffed with more than 10 employees have a safety rep and enterprises with more than 50 employees have a Working Environment Committee, shop stewards also keep an eye on HES in the workplace. And for obvious reasons, the training offered by trade unions to shop stewards allows the workers’ representatives to learn about HES legislation and paragraphs on HES in collective agreements.

We explained in chapter 1 of this report that safety reps are elected by all employees of the enterprise. This distinguishes them from shop stewards who, by definition, represent the members of a specific trade union. Apart from this demarcation, our material on Norwegian patterns of HES and training in HES reveals few principal questions about the interplay or division of labour between safety reps and shop stewards. There is no formal obstacle against employees electing a shop steward to have the additional task of safety rep, and this occurs at small workplaces where most employees belong to a single trade union. When the duty of safety rep and shop steward belongs to different persons, the shop steward can be called upon when severe questions about HES and HES training come to the surface. However, our material does not paint any distinct pattern and rather shows that there are huge variations in how safety reps and shop stewards interact and whether they, for example, support each other and divide the work between themselves.
MAIN OBSERVATIONS AND RECOMMENDATIONS IN THE NATIONAL REPORTS FROM BULGARIA, ROMANIA AND NORWAY

The issue of how specialised the shop stewards should be and whether they should have a bird’s view on all sides of the work organisation, is presently debated in the area of employee training (cf. UK experiences with learning representatives37). In this context, the Norwegian Confederation of Trade Unions (LO) has launched a “development project” between three unions aiming to enlarge the structure of workers’ representatives with a shop steward devoted to supporting the training of employees38. One consideration is to what degree a specific shop steward with the prime responsibility of training, can increase the volume and the quality of the workplace training that employees are offered by the enterprise, often combined with assistance from local learning centres or other providers. To link this with HES, it is worth noticing that a case study on training in Norwegian SMEs revealed that local trade unions are not among the main instigators of company training, which often is left to the responsible for Human Resources Development within the enterprise. The unions influenced however training in matters of Health, Environment and Safety (Ure, O.B. 2009).

A similar point is made in the Romanian report, more specifically on the interplay between shop stewards and “workplace health and safety committees”. Along the same line of thought, the Bulgarian report calls for “an enlarged role of collective agreements at all levels (....) for improvement of the training” (in HES). There are therefore reasons for raising this issue as a general point in the three-country project between BG-RO-NO.

In addition to the aforementioned point about HES training in the context of industrial relations and shop stewards’/trade unions’ influence at and beyond the workplace, the three national chapters devoted to such improvements have - at least - singled out two more communalities. The first touches on the outreach of training arrangements set up to improve HES. In this regard, the report from Norway refers to concerns about the absence of rules for the minimum duration of HES training for employers. The Bulgarian report evokes elaboration of joint training programmes between organisations for employees and employers, while ensuring that the training is consistent with respective roles in Working Conditions Committees/Groups (cf. also Petkova 2010). Conducting training needs analyses (TNA) will contribute to such consistency (Bulgaria) and TNAs may be one solution to the present rigidity in the sectorial implementation of Norwegian rules for HES. An extension of this argument is whether HES training courses should be organised by employers, trade unions or labour inspectorates (cf. Romania), above all with a view to improve communication around the importance of HES at the workplace and between those involved. For the trade unions, one question to consider is the influence on the contents of training which they could have while being involved in developing courses, vs. the control exercised when arranging courses. Sometimes trade unions cannot engage in both processes and may have to choose one way of influencing HES training.

A third common point in the three country reports is the wider involvement of institutions surrounding the actors trying to spur HES training at the workplace. The Romanian report features the historical patterns of public or social partner institutions that frame the present work on HES. One example is Labour Inspectorates. The role of the national inspectorate in improving HES training is also evoked in the

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37 http://www.unionlearn.org.uk/
38 http://www.lo.no/s/Utdanning/Livslang-laring---EVU/Kompetansetillitsvalgte/
Norwegian and Bulgarian report. In a wider context, institutionalisation is important in Bulgaria for developing and sustaining a network around Working Conditions Committees/Groups. In Romania, improvements in the institutional framework may alleviate some problems reported on financing training courses in HES.

REFERENCES


