

studier av

SOS

**The role of health and safety  
representatives in Sweden**  
– The implementation of EEC Directive 89/391

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och samhälle

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## The role of health and safety representatives in Sweden

### – The implementation of EEC Directive 89/391

**Abstract:** In Sweden, workers' representatives have been involved in risk assessment at workplaces since the beginning of the 20<sup>th</sup> century. One of the main results is the development of a large net of health and safety representatives called "skyddsombud"; regional safety representatives (RSR) on many small workplaces and joint safety committees on large workplaces. One result of EU Directive 89/391 in Sweden seems to be a further development of both regulations and praxis, i.e. regulation AFS 2001:1 and the development of systematic work environment management ("SWEM").

However, since the 1990'ies there has been some serious cutbacks. The report demonstrates a gap between a lack of praxis implementation and what is stated in EU Directive 89/391. The implementation of the Directive is normally weaker due to lack of control and workers' representation in certain industries, as in the construction industry or in small companies with few or no organized workers and/or with foreign workers. Health and safety work still seems to be controversial. Trade unions worry about too little implementation of the Directive and want EU to step up their efforts, while employee organizations worry about too much implementation and warn for 'gold plating'. Built on these findings, a neo-institutional analysis is made claiming to explain the results. The report ends with some policy recommendations.

**Keywords:** risk assessment, health and safety representatives, skyddsombud, EU Directive 89/391, implementation, neo-institutional analysis.

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## INTRODUCTION

This report is the Swedish contribution to a comparative study between France, Spain, Germany and Sweden aiming at giving an overview of workers' representatives' involvement in risk assessment at workplaces. The comparative study is built on a common platform, the EEC Council directive 89/391 from 1989 which presented measures in order to encourage improvements in the safety and health of work environments. It is the employers' duty to assess risks that cannot be avoided and implement a prevention policy. The objective of this study is to assess in which way the workers' representatives are involved in this work, i.e. national, regional and sector levels, but mainly the study is about workers' representatives' role in health and safety matters at a workplace level.

### OCCUPATIONAL HEALTH AND SAFETY IN SWEDEN – A SHORT HISTORY

In Sweden, the first law concerning workers' life and health was introduced in 1889. In 1905 the Association for Workers' Protection was founded. Some years later, in 1912, a new Law for the Protection of Workers was established. In the same year, workers' got the right to choose safety representatives, so called *skyddsombud*<sup>1</sup>. Two decades later, in 1931, the position for safety representatives was reinforced and they got the right to make complaints and proposals to the Work Environment Inspectorate, later becoming a department of a government authority, the Swedish Work Environment Authority (*Arbetsmiljöverket*). Later in the same decade, 1938, the famous Swedish Grand Agreement (*Saltsjöbadsavtalet*) between the Swedish employers' organisation and the labour union was signed, where absence of strikes were traded against better wages and a larger influence for workers' representatives. During the World War II, in 1942, an Agreement on Workers' Protection (*Arbetarskyddsavtalet*) was signed containing rules for security committees. Just after the war, in 1946, an agreement was signed on Company Committees (*Företagsnämnder*), with representatives for the workers and the company. In 1949, the agreement on workers' protection was reinforced and the Workers' Protection Board (*Arbetarskyddsstyrelsen*), a government authority, was established. The 1949 Work Environment Act gave every work place with more than five employees the right to have a safety representative, if at least one employee was a member in a trade union. Since it was hard to recruit in-house safety representatives in mobile industries as construction and forestry, regional safety representatives (RSR), appointed from the trade unions was allowed to represent small work places. This praxis later spread to all industries (Frick & Walters, 1998).

During the 1950'ies and 1960'ies there was a series of reform laws strengthening the workers' rights, e.g. longer holidays, agreements on company health care organisations and equal pay for equal work. In the 1970'ies the rights for workers' representatives were further reinforced. In 1971 a law was introduced which gave workers' representatives right to take seats in the company boards. In 1973 the safety representatives got their own regular magazine and the next year they got the right to stop dangerous work. In 1974 the rights for social representation was further enforced (SOU 1972). One way was to require a health and safety committee to be established in work places with more than 50 employees. Another way was to give trade unions the right to appoint safety representatives from outside the workplace even where there already were in-house representatives. In 1977 the Law Concerning Right to Participate in Decision Making

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<sup>1</sup> Safety representatives exist on both local and regional levels since the 1970'ies. They are nowadays appointed and supported by the unions. In order to strengthen the health and safety work, regional safety representatives can be appointed by trade unions even if a workplace already has a local safety representative.

(*Medbestämmandelagen*) was founded, regulating employers to negotiate with workers' representatives concerning work conditions. In 1978, it was time for the Work Environment Act (*Arbetsmiljölagen*), a framework regulating basic work environment rules and prescriptions. A decade later, in 1988, a special work environment commission was founded designed to invent the 400.000 most dangerous jobs in Sweden and propose what action and measures to take.

Until the 1990'ies, the role of workers' representatives had been strengthened for more than a century. In the 1990'ies and in the beginning of the new century, the picture becomes more mixed. In 1992, the employers' association cancelled the central agreement with the Swedish labour union concerning work environment and in the next year government financial support for company health care organisations was cancelled. In 1995, Sweden became a member in the European Union and EU directives concerning work environment were transferred to and implemented in the Swedish legislation. In 2001, by referring to the Work Environment Act, the Swedish Work Environment Authority demanded Swedish employers to start SWEM, "systematic work environment management" (*Systematiskt ArbetsMiljöarbete, SAM*), which can be seen as an effort to get employers to work systematically and planned in the area of work environment. Since 2001, when safety representatives are not satisfied with company actions, they can complain to the Swedish Work Environment Authority and further directly to the last instance, the Swedish government.

In all, Sweden with only about 9 million inhabitants has developed an impressive system of health and safety representation with more than 100.000 safety representatives, 2/3 in blue collar work places (Frick et al, 2005). More than 1.500 are active as regional safety representatives (RSR), covering about 700.000 workers in 160.000 work places with fewer than 50 employees. In 2003 they visited about 65.000 small work places (Frick 1998). The combination of in-house safety representatives and safety committees on work places with more than 50 employees seems to be satisfactory, at least in the sense that 75 % of the safety representatives say they are satisfied with their work. In addition, comparative studies demonstrates that Swedish health and safety representatives have the highest levels of training and support in a European perspective (Raulier 1995).

However, actual statistics tells us that the number of registered safety representatives has gone down since the 1990'ies. For example, in 1997-2000 about 20 % of the safety representatives disappeared, in the end of the century nearly 80 % of all work places with five or more employees did not have in-house safety representatives. The numbers are shrinking gradually. In 2003 they were 107.000 (253 per 10.000 employees) and in 2007 they were less than 93.000 (207 per 10.000 employees). In 2006 there was one safety representative for each 22 labour union members (Gellerstedt, 2007). The lack of safety representatives is larger on small work places and in the private sector than in the public sector. On blue colour work places about 100.000 mostly small work places are lacking safety representatives. Only in work places dominated by academic professionals, the number of safety representatives is going up. According to the labour unions the reasons for the problems to recruit new safety representatives are many folded – lack of time, high work pressure, low status and fear for reprisals from the employer.

## **THE ROLE OF WORKERS' REPRESENTATIVES AT A WORKPLACE LEVEL.**

Generally speaking, the role of workers' representatives at workplace level are regulated by the Work Environment Act and by a handbook called "Collaboration in systematic work environ-

ment efforts” (Arbetsmiljöverket 2006)<sup>2</sup>. The employers are obliged to know and transform the rules into practice. Some good examples are reported at the home page Swedish Work Environment Authority<sup>3</sup> or Prevent, a joint organization for health and safety issues<sup>4</sup>. The Swedish Work Environment Authority should control that the Law is obeyed by the workers’ representatives, but the authority reports difficulties in being both surveillance and an information government authority.

In the text below, the Swedish implementation of some key issues in the Directive 89/391 will be described and discussed.

### **Consulted and allowed to take part in discussions?**

Article 11 (1) in Directive 89/391 states that workers and/or their representatives shall be consulted and allowed to take part in discussions on all questions relating to safety and health at work, a balanced participation in accordance with national laws and/or practices. This is regulated in Work Environment Act chapter 2, § 1 and in AFS 2001:1. There are collaboration agreements on work environment issues in the public sector since the 1990’ies and there are also agreements in some industries in the private sector (Steinberg, 2004). The Swedish Work Environment Authority demands on their inspections the establishment of routines for collaboration between employees and employers, e.g. when risks in the work environment are evaluated. On the inspections, authority representatives are asking health and safety representatives and trade unions if this is done properly. However, the number of inspections on Swedish workplaces has decreased since the 1980’ies, especially between 1985 and 1990.

According to the Work Environment Act every workplace with more than 50 employees has to appoint a joint safety committee. In these committees, the workers’ representatives should deliberate about issues concerning the workplace environment, listen to each other and make proposals. According to a recent survey, (Gellerstedt 2007; Gellerstedt 2008) there are safety committees in 70 % of the work places at blue color workplaces. In small workplaces situation is less favorable, only 30 % have it. In all, Article 11 (1) is implemented formally, but Gellerstedt estimates that article 11 (1) in fact has been implemented in 60 % of the larger companies but considerably less in small workplaces. Some sectors have large problems in implementing the Article 11 (1) as in the project like construction industry, but also in private service where part time temporary employments are usual.

### **Involved when employers plan changes?**

Article 11 (2) states that workers or their health and safety representatives shall take part in, or consulted about, any measure which may substantially affect safety and health, information referred to in Articles 9 (1) and 10, the enlistment of competent services or persons outside the establishment as referred to in Article 7 (3) and the planning and organization of the training referred to in Article 12.

The Work Environment Act regulates in chapter 6, §§ 4 and 8 that workers or their health and safety representatives shall take part in, or be consulted about, any measure which may substantially affect the work environment. According to the survey made by Gellerstedt (2007),

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<sup>2</sup> Some information can be studied in [www.av.se/dokument/inenglish/themes/sam.pdf](http://www.av.se/dokument/inenglish/themes/sam.pdf).

<sup>3</sup> [www.av.se/teman/sam/exempel/](http://www.av.se/teman/sam/exempel/)

<sup>4</sup> [www.prevent.se/](http://www.prevent.se/)

when there are plans to make larger organizational changes 51 % of the health and safety representatives take part in deliberating about the consequences, and an additional 28 % take part in such judgments though just in the implementation phase. In an ongoing study by Gellerstedt on one man work places, the respondents reports that employers sometimes make consequence analysis concerning risks for violence or serious accidents, but seldom make any consequence analysis of higher risks concerning e.g. psychic risks as threats, muscle or skeleton damages or social risks, e.g. isolation. A group that is especially exposed to risks are women (Gellerstedt 2005). 60 % of the women reported they had pain in their necks or arms at least once a week compared to 18 % among male employees, a difference clearly connected to the women's' more repetitive, monotonous and controlled work. Another group especially exposed to risks is foreign workers in e.g. the forest and agricultural industries.

Concerning the information referred to in Articles 9 (1) and 10; this is regulated in the Work Environment Act chapter 6, § 6 and in AFS 2001:1, §§ 4 and 6-10. Health and safety representatives have right to all information needed to do their duties. In Work Environment Act chapter 6, § 4, health and safety representatives have the right to demand employers to act according to the 'SWEM' policy, i.e. systematic work environment management. According to information from the Swedish Labor union, most companies have registered and documented work accidents that were followed by more than three days of absenteeism.

According to the planning and organization of the training referred to in Article 12, this is regulated in AFS 2001:1 § 7 from the Swedish Work Environment Authority (Arbetsmiljöverket 2001) and in Work Environment Act chapter 6, § 9.

Concerning enlistments, the Swedish Work Environment Authority has the responsibility for statistics concerning work accidents. Those accidents are reported from employers and the regional insurance offices to the Swedish Work Environment Authority and they are then coded in a way that makes it hard to follow the accident process. There will probably be difficulties in developing the report system in the near future, since the budget for the Swedish Work Environment Authority recently has been cut back with 30 %.

Concerning the planning and organization of the training referred to in Article 12, the workers have such right in line with what is written in the Work Environment Act chapter 3, § 4 and according to SWEM §7. If there is a health and safety committee on the workplace, the committee should plan the education, according to the Work Environment Act chapter 6, § 9. However, there are controversies that should finance such education. Up to the 1990'ies, the government paid most of it, but since then this is not taken for granted. According to EU regulation, education should be paid by the employers, but normally employers pay for time off for workers' representatives but more seldom for education costs.

### **Submitting proposals and asking for appropriate measures?**

Article 11 (3) states 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".

According to the Work Environment Act chapter 6, § 7, health and safety representatives have the right to immediately stop what he/she finds to be dangerous jobs. According to the same act in chapter 6, § 6a, health and safety representatives have the right to do what is said in article 11



(1) (Steinberg 2004). This right is used by workers' representatives to get employers to act in questions concerning work environment that has not been solved by collaboration. Gellerstedt (2007) asked health and safety representatives in the Swedish labor union in a recent survey if they had used the paragraph during the last three years. 29 % answered yes, 56 % said it had not been needed, 5 % did not feel support for such an action and 10 % answered they did not know they had the right. Since 85 % of the representatives know they have the right and seem to use it when needed, one can say this part of the article is mainly implemented.

### **Adequate time to exercise their rights and functions?**

Article 11 (5) states that "Employers must allow workers' representatives with specific responsibility for the safety and health of workers adequate time off work, without loss of pay, and provide them with the necessary means to enable such representatives to exercise their rights and functions deriving from this Directive".

Rights to take adequate time off work without loss of pay for workers' representatives doing health and safety is regulated in the Work Environment Act, chapter 6, § 5. According to the survey done by Gellerstedt (2007), this does not seem to be fully implemented. Only 35 % of the workers' representatives answer that they have all the time required to fulfill their obligations, another 42 % that they have more or less the time required, 20 % that they just have time for the most important health and safety work and 3 % report they have no time at all for their obligations. Overall, main health and safety representatives have most time, while those who are single representatives on their workplaces have substantially less time. But in all, 77 % of the health and safety representatives report they have at least adequate time for their functions as representatives.

### **Entitled to appeal to responsible authorities?**

Article 11 (6) states that "Workers and/or their representatives are entitled to appeal, in accordance with national law and/or practice, to the authority responsible for safety and health protection at work if they consider that the measures taken and the means employed by the employer are inadequate for the purposes of ensuring safety and health at work".

Due to the Work Environment Act chapter 6, § 6a, health and safety representatives have the right to appeal to the Swedish Work Environment Authority if they consider that the measures taken and the means employed by the employer are inadequate for the purposes of ensuring safety and health at work. However, this is not done frequently. When the authority make inspections, it is normal that workers' representatives give their opinions about health and safety matters. But since many small workplaces do not have any health and safety representatives, they are excluded from using this right. In some of these small workplaces, e.g. in the construction industry, both employers and fellow workers regard health and safety representatives as a burden since no one is replacing them when they exercise their duties.

However, as mentioned in the introduction, a system of regional health and safety representatives has been organized since the 1940'ies. As long as at least one employee is a union member, such a person can represent the workers at the workplace and support the local work for a good work environment. One problem is that, according to the survey done by Gellerstedt (2007), only 11.5 % of the regional health and safety representatives are being informed by the employer when the Swedish Work Environment Authority are coming for inspections. 55 % are not informed at all

and 26 % reports that information varies from time to time. So, even if workers' representatives have legal rights to what is stated in article 11 (6), there are severe problems to implement it. These problems might be even bigger in the near future, since the budget to the Swedish Work Environment Authority is reduced with 30 % 2007-2009, which will reduce inspections with 20-25 %. The ILO recommendation for industrialized countries is one inspector per 10.000 employees. Sweden had 1,2 in 2006 but will have decreased to 0,7 in 2009.

### **Entitled to appropriate training?**

Article 12 (3) states the following: "Workers' representatives with a specific role in protecting the safety and health of workers shall be entitled to appropriate training". In Sweden, employees and employers have a joint responsibility to guarantee that workers' representatives have appropriate education (Work Environment Act, chapter 6, § 4). However, according to the survey made by Gellerstedt (2007), this article does not seem to have been implemented in a proper way. 72 % of the workers' representatives have no education plan concerning health and safety work, 5 % have one who they think has no function, while 23 % report they have a functioning one. Less than one out of four representatives thus has an education plan in health and safety matters. This can be compared to what worker's representatives wish to be educated in. The most urgent education need tend nowadays to be in the psycho-social area. For example, 77 % want education in psycho-social work environment issues, 75 % in questions concerning crises and conflicts, 73 % in rehabilitation and adjustment of work tasks, 71 % in work organization and 60 % in sexual harassment, threat and violence. In turn, these figures can be compared to what education worker's representatives really get. 7 % got 6 or more days the last 12 months, 31 % got 2-5 days, 24 % got no more than one day and 38 % got no education at all. In sum, less than 40 % of the representatives thus got two days of education or more.

### **Getting all the necessary information concerning risks?**

Article 10 (1) states that "The employer shall take appropriate measures so that workers and/or their representatives in the undertaking and/or establishment receive, in accordance with national laws and/or practices which may take account, inter alia, of the size of the undertaking and/or establishment, all the necessary information concerning a) the safety and health risks and protective and preventive measures and activities in respect of both the undertaking and/or establishment in general and each type of workstation and/or job.

This is regulated in AFS § 7 (Arbetsmiljöverket, 2001) and in Work Environment Act chapter 3, §§ 3 and 4 and is controlled when inspections are made. However, this is an article hard to implement in all of its aspects. For example, modern work organizations are sometimes described as "lean" with a lack of resources, not least work force. Lack of personnel is reported in practically all industries and few employers do inform about risks connected to this. Monotonous, repetitive work is another health problem which employers fail to inform about, though there is no lack of knowledge and quite simple changes can sometimes be made, e.g. rotation of work tasks. Another example is asbestos, forbidden as construction material already 1976. Foreign workers are very often used to remove old asbestos without giving information of the fatal risks.

## **Access to carry out their functions?**

Article 10 (3) states that “The employer shall take appropriate measures so that workers with specific functions in protecting the safety and health of workers, or workers' representatives with specific responsibility for the safety and health of workers shall have access, to carry out their functions and in accordance with national laws and/or practices, to the risk assessment and protective measures referred to in Article 9 (1) (a) and (b); This is regulated in Work Environment Act chapter 6, § 6 and controlled when the Swedish Work Environment Authority make their inspections. As said before, these are made less frequently. If risk assessments are made, health and safety representatives usually get access and take part in them. However, this is not always the case. According to Gellerstedt (2007), only about 50 % of the health and safety representatives said they took part in deliberations of consequences when large changes in the work environment was made. These risk assessments are probably done in a late phase and the number of workers' representatives being informed in an early planning phase is probably much smaller.

Health and safety representatives have the rights referred to in Article 9 (1) (c) and (d). Such lists and reports are controlled when the Swedish Work Environment Authority make their inspections. Employers and employee representatives work jointly to report work accidents and as a result workers' representatives have access to those lists and reports in most cases.

The Swedish Work Environment Authority informs health and safety representatives what they demand from employers after an inspection. But other information has been harder to find. The new Swedish government decided to close down the Swedish Institute for Working Life (SIWL) when they came to power in January 2007. The institute had a library, educations in working life issues and a lot of researchers specializing in working life conditions. This shutting-down has made it harder for workers' representatives to yield relevant information and knowledge. Likewise, government does no longer finance further education for health and safety representatives, this is delegated to employers and employees.

## **THE ROLE OF WORKERS REPRESENTATIVES' AT THE REGIONAL LEVEL**

More than 90 % of the health and safety representatives are appointed by the trade union that has a collective agreement with the employer. In the blue collar sector, this normally means a trade union who is a member of LO (Landsorganisationen). On a national level, LO have since decades strived to strengthen health and safety work and they have influenced the laws concerning work environment. Health and safety representatives have had strong positions on LO congresses. One result of the work is Prevent<sup>5</sup>, a joint initiative for better health and safety at workplaces between employer and employee organizations.

As explained earlier in this report, regional safety representatives (RSR) have the right to be appointed of the trade union and act on behalf of small work places as long as at least one work place employee is a trade union member. In 2003, regional safety representatives visited about 65.000 small workplaces, a much larger number than the Work Environment Inspectorate (Frick et al 2005, p. 419). They have spread knowledge about e.g. risk assessment methods and convinced owners of small enterprises to use them. Financially the trade unions are stepping up their economic responsibility for RSR and they nowadays fund about half the costs, while government pays the other half. According to the SWEM policy – “systematic work environment manage-

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<sup>5</sup> [www.prevent.se/](http://www.prevent.se/)

ment” – regulated by the Swedish Work Environment Authority, SWEM issues are the responsibility of the employers. But in fact the work of RSR can partly be seen as consultants to small business owners who frequently ask them for advice on work environment matters (Frick et al, 2005). In the recently published report from the national labour union, 85 % of the RSR answered that the employers were positive to their work (Gellerstedt 2007). However, only half of the safety representatives felt that the employers were supporting them in their mission, 5 % even felt that the employers were working against them.

## ONGOING DEBATES OR REFORMS IN THE FIELD

There are some on-going debates concerning the role and position of health and safety representatives. One of them is in the form of official reports, e.g. “Better Rules in for Work Environment” (Utredningen om arbetsmiljölagen 2006).

In the 2007 report from the Work Environment Commission, the commission proposed that RSR should get the right to represent workplaces without union members but with a collective agreement between the employers and the trade union. However, this proposal was objected by the employer’s organization as well as the idea that workers’ representatives also should represent employees hired from Manpower or other personnel firms. These examples show the different viewpoints taken by unions and employer organizations.

Another debate runs between trade unions. For example, the responsible person for work environment issues at the fastest growing union in Sweden, the one for academics SACO, Kerstin Hildingsson, do not like the term “health and safety representatives” since the union has quite another tradition compared to LO, the blue collar union (Arbetarskydd 2007). The latter has one representative out of 24 members while SACO has one out of 125 members. But the main reason is that work environment issues look quite different in the academic professional environment than in blue collar work. It is much harder to put the finger on what is wrong and should be changed when it comes to issues questions normal in the professional world as e.g. work organization, conflicts between professionals, matters concerning influence than typical blue collar questions, e.g. the physical environment. Besides, for professionals it is much harder to get time off for health and safety work, it is regarded as additional work to be done outside work hours. And when the government cuts down financial contribution for educating new health and safety representatives, this is a serious blow for the recruiting of new ones.

Since workers’ representatives’ involvement in risk assessment at workplaces is a controversial question where employee and employer organisations have partly different views and ways of looking on the need for renewal, one has to make up the standpoints. As said, the main employers’ organisation SN, Svenskt Näringsliv, regards the Swedish laws and regulations as well as praxis concerning workers’ representatives’ involvement in risk assessment as advanced in an international comparison and sees no need to go much further. On the contrary, they see a risk of “gold plating”, i.e. a strong EU standard combined with a strong national standard leading to “over implementation”. On the other hand, LO, the central blue collar trade union in Sweden, follow the development with black eyes – in their view achieved progress is undermined by government savings and a weaker support for health and safety work. They want the European Union to act in order to strengthen the health and safety work, e.g. to create directives aiming at preventing musculo-skeletal disorder caused by work or risks for damages caused by chemicals. LO sees no risk in “gold plating”, on the contrary the organization is worried that EU regulations will *replace* national standards in cases these are more advanced, as at least partly is the case in Sweden.

## IMPLEMENTATION OF THE DIRECTIVE – AN ANALYSIS

There seem to be a general agreement that we lack knowledge in the area of implementation of Directive 89/391. One of the main researchers in health and safety matters, Kaj Frick, wrote: “Unlike, for example, the case of labour market policy, *the actors and instruments* of work environment policy are seldom studied, possibly because these domains have long been regarded as being matters to be settled in collective agreements by the social partners rather than by government” (Frick 2002). This is why there is no detailed knowledge of scope and condition of employee participation, directly and via safety representatives” (Frick et al 2005, p. 436). This might explain why we do not have enough accurate data about implementation of the EU Directive 391. He regards health and safety representatives as contributors of future improvements rather than empowered to take immediate action: “The representatives have strong right to push issues, but only temporary, emergency powers to order a stoppage of work. Their primary task is to contribute to improvements by submitting well-founded proposals (Frick et al 2005 p. 420-421).

In addition, there seem to be a general disagreement between the central trade union and employer’s organisations concerning the role and future of health and safety representatives. The employer’s organisation seems to regard the Swedish work environment laws and regulations as sufficient and in many ways as strongest in the world, e.g. giving health and safety representatives the right to stop work they consider dangerous and having the right to appeal against decisions made by government authorities. Thus, the employer’s organisation regard work environment directives coming from the European Union as “gold plating”, i.e. over-implementation of rules and regulations without taking advanced Swedish law and practice into consideration. The Directive 89/391 is one such example, influencing the Swedish Work Environment Authority to develop additional rules to the AFS 2001:1 concerning SWEM – “systematic work environment management”.

Landsorganisationen – the “blue collar” trade union – has quite another view. Even if they agree on Sweden having strong work environment laws and regulations, they are deeply worried about the future development when it comes to implementation. They see the position of health and safety representatives and the work that has been achieved so far as threatened. LO wants the government to reinstall the resources for inspections made by the Swedish Work Environment Authority to at least ILO recommendation of one inspector out of 10.000 employees, they want to reinstall a national centre work environment research and they want the Swedish government to fund the trade unions for taking part in standardization in work environment issues. LO also want a new agreement with the employers’ organisations on issues concerning health and safety on workplaces. And they hope EU will go on and develop more advanced directives forcing the governments to further strengthen the protection for workers at workplaces, e.g. that the commission gets more resources for the work environment area, that the commission evaluates the autonomous agreements between the workers’ representatives on a EU level, that work environment issues are connected to sex equality issues and that the role of health and safety representatives are strengthened. All these things are regarded as necessary since LO worries about the Swedish national standards are being hollowed. The worries are confirmed by surveys and reports made by representatives of the trade union.

One of the trade union worries is the decreasing budget for the Swedish Work Environment Authority, They seem to struggle to maintain a high standard of inspections and other activities connected to a good health and safety standard in spite of shrinking resources. It is hard to find out if the authority regards the very existence of strong laws, rules, regulations and inspection practices as implementation, but they are probably strongly aware of the fact that regulations and implementation of regulations are quite different things.

Some practical difficulties to implement the Directive are connected to contemporary changes in the way work places are organized and managed. One such mega-trend is the shift from health and safety issues caused by physical work environment to psycho-social work environment (Härenstam 2004) where causes and effects are less obvious and there is harder to find who is responsible. The shift is connected to the change of work nature from blue collar to white collar work. Another such megatrend is the shift from technically-oriented and detailed safety regulation and work environment policy-making negotiated by the workers' representatives to performance-oriented regulation. This means that the regulation states the goal and the level of requirement, but the employer decides the method to reach the goal. As a result, the safety representatives have to take the role of evaluator of methods, which might be seen as a difficulty. It is becoming more difficult for safety representatives to find out who decides what about the work environment. Health risks tend to have ambiguous organizational and other causes, sometimes caused by top management and hard for safety representatives to influence. The support for safety representatives seem to be less, both from employers focusing harder on production and employees focusing on their own tasks and careers (Frick and Eriksson 2005).

On the other hand, other trends work in the opposite direction and seem to strengthen the role of health and safety representatives. One of them is the training and education that safety representatives have got, which give them a better knowledge in the area, a better overview and a stronger position to negotiate alternative problem-solving at work. Another trend is decentralized forms of production which make employers more dependent on the workers and thus drives employers to take dialogues with safety representatives seriously. Finally, if the 'SWEM' policy – "systematic work environment management" – is implemented, it will provide clearer roles for the parties involved and probably a better basis for dialogue.

### **Implementation of the EEC Directive – a neo institutional analysis**

In sum, this report demonstrates that it is hard to implement rules and regulations concerning health and safety work and a strong position for workers' representatives in this field, even in the country that probably is regarded as having the best health and safety work arrangements and the strongest labour union in the world and in spite of a century of reforms, laws and initiatives. How can we understand statements in the above text as:

- "only half of the safety representatives felt that the employers were supporting them in their mission", or
- "there is no detailed knowledge of scope and condition of employee participation", or
- that a distinguished expert in the field "regards health and safety representatives as contributors of future improvements rather than empowered to take immediate action", or
- that the employer's organisation regard work environment directives coming from the European Union as "gold plating", i.e. over-implementation of rules and regulations.

As also stated above, the Swedish government are probably strongly aware of the fact that regulations and implementation of regulations are quite different things. Organisations have to decouple talk and action (Meyer and Rowan 1977) or at least keep talk and action loosely coupled (Weick, 1976). Legitimacy is vital for organisations and thus to adjust to external expectations and demands which are replicated in the formal structures. One of these demands is to organize a safe and healthy work environment and to let employees or their representatives be an active part in these arrangements. On the other hand, organizations also have to be effective and this is not possible if they live up to all kinds of external expectations. As a result, organizations report that they follow at least most of what is expected from them in e.g. the health and safety area, but in

reality they tend to adjust only to those rules that do not interfere too much with internal efficiency demands.

This can explain why only half of the safety representatives felt that the employers were supporting them in their mission, why we have no detailed knowledge of scope and condition of employee participation, why a distinguished expert in the field regards health and safety representatives as contributors of future improvements rather than empowered to take immediate action and why the employer's organisation regard work environment directives coming from the European Union as "gold plating". Swedish companies compete on the national and global arenas just as companies in other countries and have to, at least partly, adjust to standards. There are several reasons why organizations tend to resemble each other's more and more (Powell 1991). Three reasons for such isomorphism are a) rules, as the Directive 89/391, more or less forces companies to act in the same way, b) there are more or less professional groups, as trade union representatives, who strive for certain procedures and c) both employers and employees find it safe to act as other companies within their organizational field. Thus, it is not a surprise that the national Swedish blue collar trade union is worried about the development in the health and safety field, since the globalization tend to wipe out the special position Sweden had up to the 1980'ies.

In total, in the field of health and safety, single organizations tend to partly but not fully adjust to external expectations, just as other organizations. Larger organizations tend to do it more, since they are more dependent on external legitimacy and they have stronger internal pressure groups. For some organizations, not least the ones in the health and safety business, it can be extremely important to demonstrate a strong health and safety image and they are usually regarded as role models. Only when organizations find health and safety matters to be of utter importance in the eyes of important external stakeholders, and when other organizations in their field do it, they will fully implement Directive and other regulations concerning health and safety at the workplace.

## **POLICY RECOMMENDATIONS**

The above analysis was trying to give the broad, macro-oriented picture concerning health and safety work in Swedish organizations. These kinds of pictures tend to become deterministic, not leaving very much room for single initiatives. However, it is important to actively try to influence the situation and in this way change the rules we as actors tend to take for granted.

Thus, as a result of this report, many recommendations can be made. Some of them concern the lack of implementation of article 10-12 in EU Directive 89/931 that is described above. However, only four recommendations will be made here – how to implement EU standards in countries with different health and safety standards, how to reform health and safety work when work itself is shifting and how to develop already existing forms of health and safety representation. This last issue is divided into two sections; one regards the Swedish system of regional health and safety representatives and one regards the Swedish system of senior health and safety representatives.

### **Harmonizing national and transnational standards**

Sweden is generally regarded, at least historically, to be a good example when it comes to health and safety protection for workers. However, this bright picture is no longer shared by everyone nowadays, partly because other countries in Europe are making progress in the area and partly

because there are signs of a decreasing health and safety standard in Sweden. One of the areas where clarification of rules could be fruitful concerns education and training in health and safety for workers and their representatives according to national expert Maria Steinberg. This could exemplify why it has become important to reflect on the risk for “gold plating”. It is argued that transnational standards as EU directives neither should lead to a lowered standard in countries with advanced health and safety rules and praxis, nor lead to double standards not being harmonized against each other. How to find this delicate balance is a matter for officials in the European Union.

### **Health and safety in a shifting working life**

Another question at stake is the ongoing shift of focus in the health and safety work. More people in Europe, also in traditional blue collar fields, shift from blue collar work with clear physical work environment problems as heavy or monotonous work to white collar work with other types of work environment risks, e.g. stress, long hours, conflicts between professional groups, too much responsibility leading to out burned syndromes or depressions. Researchers in the area have detected this shift, here is one example: ”Work environment policy and the actors in the field need to shift focus, from helping avert concrete health risks to considering how management systems are to be able to work according to the principle of ”help to self-help” (Frick et al 2005, p. 436-437). One recommendation would therefore be to pay more attention to what this shift demands in the area of health and safety, without dropping focus on traditional, physical work environment problems.

### **Regional safety representatives**

Earlier in this report, the Swedish system with regional safety representatives (RSR) was described and discussed. Experts in the field regard this system to be successful and therefore it might function as a role model for countries lacking this system. It puts the small enterprises on the health and safety map, enterprises that otherwise would not care to develop health and safety systems. Lack of motivation, resources and knowledge make small firms vulnerable when it comes to work environment issues in general and health and safety issues in special. Today, the budget for RSR in Sweden do not exceed 10 million Euros, not giving room for more than one visit each second or third year on each small enterprise. This is far from enough, but seems to give good results all the same. To protect foreign workers in Sweden working in unhealthy and unsafe conditions on small workplaces, it might also to be a good idea to let RSR visit those small workplaces even if no employee is a trade union member.

### **Senior safety representatives**

Another practise in Sweden that could function as a role model for other European countries is the concept of *huvudskyddsombud*, senior safety representatives (SSR) on larger workplaces. Sweden has quite a few large enterprises with large workplaces and they develop advanced health and safety praxis usually functioning as role models for smaller workplaces. If a workplace has more than one health and safety representative, one can be appointed to SSR and maybe work with health and safety questions on 25, 50 or even 100 % of their time. Being a half or full time health and safety representative on a large workplace, one has good opportunities to develop work environment praxis considerably.



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