



Peer Review on the “Use of web-based tools for OSH risk assessment”

Dublin, Ireland, 2-3 October 2017

New principle for OSH in SMEs or missed opportunity

Peer Country Comments Paper - Slovenia



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1 Situation in the peer country relative to the host country

1.1 The context for introducing OiRA

Risk assessment as the basic occupational safety and health (OSH) document was introduced in Slovenia in 1999. At that time Slovenia adopted the new Health and Safety at Work Act (*Zakon o varnosti in zdravju pri delu – ZVZD, 1999*) which transposed the European Framework Directive 89/391/EEC into Slovenian legislation. At the same time Slovenia also passed the act "Rules on the preparation of a safety statement with risk assessment" which regulated the content of risk assessment in detail and also recommended the methodology. The Regulation was revoked with the subsequent amendment of the ZVZD-1 (2011), and the content of the risk assessment was included in the provisions of the Act.

According to the 2009 EU-OSHA ESENER survey¹ Slovenia ranks among the top half of the countries included in the survey according to the proportion of establishments that undertake regular workplace risk assessments (90 %). The percentage increased to 94 % in the 2014 ESENER-2 survey², putting Slovenia at the top.

What stands out in Slovenia is that the percentage of risk assessments undertaken by external consultants providing OSH services, including risk assessment - over 70 % in 2009. In the ESENER-2 survey the percentage was even higher at 93 %, with Slovenia ranked highest on the list. The EU average was 36 % in 2009 and 53 % in 2014.

The Labour Inspectorate's Report for 2016³ states that the highest number of OSH violations occurs in the area of risk assessment (19.7 % of OSH infringements). This trend has been persisting over the years. The main issues identified were inadequate document content, inadequate risk identification, inadequate assessment of risks and inadequate definition of measures required. This situation has worsened over the years. The cause may be the fact that inspectors have paid greater attention to the quality of the risk assessments (i.e. how the risk assessment is conducted) and not just the existence of risk assessment. Furthermore, inspectors established that employers are largely aware of the obligation of having to carry out a risk assessment, however they are not aware, to a sufficient extent, of the importance of what the risk assessment should contain and the responsibility they have for ensuring the safety and health of employees.

According to the findings of the Labour Inspectorate the quality of risk assessments are rather superficial which indicates the lack of expertise in the preparation of the documents. Risk assessments made by internal professionals (i.e. employees of the company) are more professional and more accurate than those carried out by external contractors.

The data from the ESENER survey and Labour Inspectorate reports clearly indicate that while quantitatively risk assessment is adequate (i.e. the number of risk assessments that are carried out every year), their quality is not at the required level.

The ZVZD-1 clearly states that employer should perform the tasks related to the organisation and implementation of safety at work with internal safety officers, except when the employer has no adequately trained personnel. Small and medium sized enterprises are additionally burdened by this task. A high portion of external contractors is also likely to be explained by a requirement that the employer can only draw up a risk assessment in-house if 8 hours of training to take over the professional

¹ ESENER, EU-OSHA. Internet: <http://osha.europa.eu>

² ESENER-2, EU-OSHA. Internet: <http://osha.europa.eu>

³ 2016 REPORT OF THE INSPECTORATE FOR LABOUR OF RS, IRSD. Internet: www.id.gov.si

tasks of the OSH has been completed, or alternatively, that has the business has its own safety officer.

The labour Inspectorate evaluates the state of OSH in enterprises with a special questionnaire. From data released by the Labour Inspectorate it appears that the status of OSH is worse in the SMEs and those enterprises which have had at least 1 inspection in the past.

The number of fatal accidents occurring in the workplace on an annual basis remained relatively stable in the 6 years prior to 2014 (20-24 accidents) with a sharp decline in 2016 (15 accidents).

The number of lighter and more serious accidents has not change significantly in recent years. Unfortunately, the data do not include working hours and thus are not comparable with other countries.

Absence from work, the costs of which are covered by the Health Insurance Institute of Slovenia (ZZZS), is mainly related to musculoskeletal disorders (MSD). In 2016⁴ the costs related to absence from work due to injuries, amounted to EUR 18 163 692 or 6.4 % of all ZZZS's operating expenses, and in 2015⁵ amounted to EUR 15 795 969 or 6.4 %. The data show an increase of costs for injuries at work by EUR 2 367 723 in 2016.

In 2015, 191 863 enterprises were registered in Slovenia, 99.8 % of which were SMEs⁶. There are approximately 280 companies authorised to perform professional OSH tasks for other employers (not just for themselves) and who can carry out risk assessments.

The Ministry of Labour is preparing the new OSH strategy for the coming period, which also mentions a measure envisaging the introduction of an online tool (OiRA). This is to support employers and particularly SMEs to conduct risk assessments. The OSH Strategy will be valid for an unlimited period, followed by a 3 years action plan which will include more detailed measures (updating of online tools, promotion, training of employers, support for users, etc.). The draft of the Strategy is to be coordinated with the social partners and is expected to be adopted by the end of 2017.

⁴ Business Report for 2016, ZZZS, Internet: <http://www.zzzs.si>

⁵ Business Report for 2015, ZZZS, Internet: <http://www.zzzs.si>

⁶ SURS; Internet: www.stat.si

2 Assessment of the policy measure

2.1 Origins of the Slovenian OiRA

The ZVZD (Health and Safety at Work Act)⁷ implementation analysis revealed that many employers are not familiar with the content of risk assessments. SMEs, in particular, neither prepare nor read the risk assessment made by external contractors. The Labour Inspectorate estimates that the risk assessments are inadequate in a large majority of enterprises. The implementation of risk assessment is also incomprehensible or unclear. The most important part - determining the appropriate measures and their implementation - is inadequate or not existent.

A range of risk assessment methodologies have been employed in Slovenia, some of them in electronic format, however, none were created as an online tool.

OiRA has thus become the first online tool for risk assessment in Slovenia.

In 2011, EU-OSHA presented the OiRA project in Slovenia for the first time to the Ministry of Labour, the Trade Unions and the Employers' Association. Following the presentation and consultation at the level of the social partners, the Employers' Association offered to participate in the project, and at the same time prepared the first proposal regarding the industries for which the tool should be developed.

By signing a memorandum, Slovenia (through the Ministry of Labour) officially joined the project in 2012. The Ministry of Labour has taken over the management of the development of OiRA tools in Slovenia. The project also includes the social partners (Association of Employers of Crafts and Entrepreneurs, Chamber of Commerce and Industry, Trade Unions).

OiRA is generically developed by EU-OSHA, and is primarily designed as a tool to assist SMEs. EU-OSHA covers operating and maintenance costs of IT (software and hardware). The development costs for each sectoral tool (risk assessment for a particular profession) are distributed in a different way. Slovenia is ranked 2nd in terms of the number of sectoral tools that it has developed. So far 17 tools for the following professions were developed: office work, hairdressing, road transport, joinery workshops, cleaning business, construction, vulcanisation, metalworking, chefs, car service, painter/plasterer, butchers, bakers, electricians, roofers, parquetry and generic tools (enabling users to make a risk assessment for professions or risks not covered). The assessment of psychological risk is included in all tools.

The production of approximately half of the tools was financed by the EU-OSHA via open tenders, and the Slovenian Ministry of Labour also provided funding. What is special inside the OiRA community is the fact that the other half was financed by the social partners via various funding sources. The cost of producing an OiRA tool is unknown or is not calculated. Each year the Ministry of Labour reserves a part of its budget for the development of OiRA tools.

Each tool (profession) is verified by the Ministry of Labour and by the Labour Inspectorate. This ensures legal compliance and professional relevance. Through the Ministry of Labour, the OSH experts were involved in the tools development. The Labour Inspectorate authorises the risk assessments made by OiRA ensuring compliance with the legislation. It takes about three months to prepare one new sectoral tool.

OiRA is regularly upgraded and expanded in terms of its generic platforms as well as individual tools, which are periodically validated and supplemented. Exchange of

⁷ Implementation analysis of national programme and ZVZD analysis.
Internet:www.mddsz.gov.si

information and experiences took place within the OiRA community in cooperation with EU-OSHA.

The use of OiRA is free-of-charge for SMEs and they are not allowed to use it for commercial purposes. Risk assessment is considered successful if at least 70 % of the risk assessments have been carried out.

The promotion of OiRA among SMEs is carried out in several ways. The Ministry of Labour organises special workshops in cooperation with the Chamber of Commerce and the Labour Inspectorate, where representatives of SMEs learn how to use and work with OiRA. The OiRA is also advertised through the websites of the Ministry of Labour, the Labour Inspectorate and the Regional Chamber of Crafts. The Webinar is also accessible on Youtube, has its own Facebook and LinkedIn site, and was also presented in the National Council. Promotional articles are published in professional magazines and OiRA is presented at various conferences.

OiRA is also used to train employers (as mentioned above employers require 8 hours of training to take over the professional tasks of the OSH risk assessment). The Labour Inspectorate also participated in initial OiRA training.

OiRA users can also benefit from the support provided by the Ministry of Labour.

3 Assessment of the success factors and transferability

3.1 OiRA statistic in Slovenia

Data on the use of OiRA are only available for the last three years. After first use of OiRA tool, users are invited to participate in the online survey about OiRA. Participation is voluntary.

Table 1. Number of OiRA Tools by Assessments and Users

2017			2016			2015		
Tools	Assessments	Users	Tools	Assessments	Users	Tools	Assessments	Users
17	577	510	17	603	533	6	919	804

Source: OiRA Stat 2017, 2016 and 2015 for Slovenia (The Ministry of Labour)

Interesting is the fact that after 2015 the number of users has declined. This is probably due to the fact that the tool was intensively promoted in 2015. Given the fact that there are around 200 000 employers in Slovenia, the total of 2 099 risk assessments made by OiRA across the period 2015-17 is a very poor result. The above figure includes also risk assessments made during the training on how to use OiRA.

The tables below show the results of a survey among OiRA users. OiRA is largely used by SMEs. Unlike employers who tend to outsource risk assessment, OiRA users in most cases made the risk assessment themselves which also meets the purpose of the OiRA. Employers knew about the OiRA through a variety of channels but there is still a lot to be done in terms of promotion. Most OiRA users also include their workers in the process of the risk assessment which is certainly desirable. Most users are satisfied with OiRA.

Table 2. User by company size (number of employees)

Employees	Responses	Percentage
1-9	694	55 %
10-49	124	10 %
50-249	40	3 %
250+	27	2 %
No response given	388	30 %
Total	1 273	100 %

Source: OiRA Stat 2017, 2016 and 2015 for Slovenia (The Ministry of Labour)

Table 3. Parties conducting assessments

Conducted by	Responses	Percentage
Staff	736	58 %
Third party	74	6 %
Both	74	6 %
No response given	389	31 %
Total	1 273	100 %

Source: OiRA Stat 2017, 2016 and 2015 for Slovenia (The Ministry of Labour)

Table 4. Learning about OiRA

Source	Responses	Percentage
Employers' organisation	140	11 %
EU institution	31	2 %
Health and safety experts	155	12 %
National public institution	163	13 %
Trade union	20	2 %
Other	373	29 %
No response given	391	31 %
Total	1 273	100 %

Source: OiRA Stat 2017, 2016 and 2015 for Slovenia (The Ministry of Labour)

Table 5. Worker involvement in risk assessment

Workers were invited	Responses	Percentage
Yes	642	50 %
No	238	19 %
No response given	393	31 %
Total	1 273	100 %

Source: OiRA Stat 2017, 2016 and 2015 for Slovenia (The Ministry of Labour)

Table 6. Would recommend OiRA

Would recommend tool	Responses	Percentage
Yes	837	66 %
No	43	3 %
No response given	393	31 %
Total	1 273	100 %

Source: OiRA Stat 2017, 2016 and 2015 for Slovenia (The Ministry of Labour)

3.2 Transferability of BeSMART in Slovenia

The success of BeSMART is difficult to repeat in Slovenia. The biggest problem which already occurs with OiRA, is how to get SMEs involved in undertaking risk assessments. Usually, this is the most hard-to-reach group of employers. The share of risk assessments undertaken by businesses in Slovenia is very high, however, the proportion of risk assessments made with OiRA is low. Despite the fact that OiRA is available for as many as 17 sectors, labour inspectors do not tend to encounter any risk assessments produced with OiRA tools when carrying out their inspections of employers.

The reasons for not using OiRA in conducting a risk assessment are likely to be related in large part to the availability of external contractors in the market who perform risk assessments at very low prices. Thus, it is easier and cheaper for SMEs to outsource the risk assessment than carrying it out internally. The second reason is that SMEs must undertake 8 hours training to obtain the certificate to perform a risk assessment. Therefore, it is less time consuming and cheaper for SMEs if the risk assessment is outsourced.

BeSMART could be transferred to Slovenia but the competent bodies do not show much interest in that. Considerable effort has been invested in OiRA so far but it has not yet come to life as much as the Ministry of Labour and other involved organisations would like. OiRA is an international project managed and supported by the EU-OSHA, therefore it was relatively easy for the Ministry of Labour to transfer it to Slovenia.

BeSMART has the opportunity to come to life in Slovenia only if it could be combined or included in the OiRA. The Ministry of Labour has limited resources (both financial and human) which are already used to support the OiRA tools and fulfil other obligations. Only one person is responsible for the OiRA at the Ministry of Labour, along with his/her other responsibilities, while most of the services for OiRA are provided by external contractors.

However, to achieve larger success it would be necessary to provide support in particular to OSH experts who now produce the vast majority of risk assessments. Without their support short-term improvement cannot be expected.

Legislation should also be amended as the requirement of 8 hours of training to be completed by SMEs is considered too onerous and negatively impacts on the use OiRA. Within the framework of existing legislation it is more cost effective for SMEs to hire an external contractor.

Labour inspectors should also play a more significant role in disseminating the tool. They have contacts with SMEs on a daily basis, also in an advisory capacity.

It would also be important to ensure better communication with SMEs which could be accomplished through intensive promotion via Chambers of Craft. Many Chambers of Craft are not informed about OiRA and do not promote it.

4 Questions

- How are representatives of the Ministry of Labour involved in BeSMART?
- How is BeSMART promoted?
- How are more complex examples of risk assessments addressed, e.g. dangerous substances, optical risks?
- How is BeSMART integrated into the education system?
- Is Occupational Medicine in any way included?

Annex 1 Summary table

The main points covered by the paper are summarised below.

Situation in the peer country relative to the host country

- In 1999 the Framework Directive 89/391/EEC was transposed into our legal system by the Health and Safety at Work Act. It comprises the request to undertake a risk assessment, and at about the same time the Rules on the preparation of a safety statement with risk assessment were introduced which regulates in detail the content of the risk assessment and at the same time recommends the methodology.
- Slovenia is the best performing of the countries included in the ESENER-2 survey according to workplace risk assessments carried out regularly in the establishment (94 %). Slovenia was also first at the percentage of risk assessments made by external consultancy providing OSH services (93 %), compared to a 53 % average for the EU-28.
- Approximately 99.8 % of enterprises in Slovenia are SMEs while there are approximately 280 external companies with a licence to provide risk assessments to other employers.
- The Labour Inspectorate assesses the risk assessments as insufficient in terms of professionalism.
- The number of accidents and injuries occurring in the workplace has been stable in recent years.

Assessment of the policy measure

- SMEs in particular neither prepare nor read the risk assessment made by external contractors.
- In Slovenia, there is only OiRA as a web-based tool for risk assessment, managed by the Ministry of Labour.
- 17 tools for various sectors have been developed, including a generic tool; each tool is verified by the Ministry of Labour and by the Labour Inspectorate
- Development of half of the tools were financed by the social partners.
- OiRA is free of charge for the users but cannot be used for commercial purposes.

Assessment of success factors and transferability

- The number of risk assessments made using OiRA in the last 3 years: 2 099.
- OiRA is mostly used by SMEs. The share of risk assessments performed by businesses in Slovenia is very high, however, the proportion of risk assessments made with OiRA is low.
- The biggest problem which already occurs with OiRA is how to attract SMEs to undertake risk assessments.
- Due to the large number of external companies with a licence to provide risk assessments to other employers together with the need for SMEs to undergo 8 hours of training to make a risk assessment, makes it more cost effective for SMEs to outsource the risk assessment to external providers.
- BeSMART could also be transferred to Slovenia but the competent bodies do not show much interest, because all resources are involved in OiRA. BeSMART has the opportunity to come to life only if it could be combined with or included in OiRA.

Questions to the host country in the Peer Review

- How are representatives of the Ministry of Labour involved in BeSMART?
- How is BeSMART promoted?
- How are more complex examples of risk assessments addressed, e.g. dangerous substances, optical risks?
- How is BeSMART integrated into the education system?
- Is Occupational Medicine in any way included?

Annex 2 Example of relevant practice

Name of the practice:	Development of OiRA-e in Slovenia
Year of implementation:	2012
Coordinating authority:	Ministry of Labour
Objectives:	Create a free risk assessment tool for SMEs Raise the OSH level in SMEs.
Main activities:	<ul style="list-style-type: none">• Joined the OiRA project via the Ministry of Labour, the responsible organisation for the OiRA development.• Social partners became involved both in the project as well as in financing the project.• Tools were created in order to help sectors carry out risk assessments.• The Ministry of Labour and the Labour Inspectorate verify the tools• OiRA tools are regularly upgraded.• Exchange of tools, experience and knowledge has taken place within the OiRA community.
Results so far:	17 tools for the following professions were developed (office work, hairdressing, road transport, joinery workshops, cleaning business, construction, vulcanisation, metalworking, chefs, car service, painter/plasterer, butchers, bakers, electricians, roofers, parquetry and generic tools). Slovenia's example of involving social partners in project co-financing is used by EU-OSHA as an example of good practice.

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