



Peer Review on “Legislation and practical management of psychosocial risks at work”

Host Country Discussion Paper - Sweden

How new legislation can change the approach to psychosocial risks at work

Stockholm (Sweden), 3-4 October 2019

DG Employment, Social Affairs and Inclusion



EUROPEAN COMMISSION

Directorate-General for Employment, Social Affairs and Inclusion

Directorate B, Unit B3

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August, 2019

LEGAL NOTICE

Manuscript completed in September 2019

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Luxembourg: Publications Office of the European Union, 2020

PDF ISBN 978-92-76-22136-4

doi:10.2767/850585

KE-04-20-505-EN-N

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1 Introduction and national context

This section provides a description of how the Swedish Work Environment Authority (SWEA) contributes to preventing stress and mental illness as a result of the work environment, using regulations, information and supervision in collaboration with the social partners and other stakeholders.

SWEA is the central authority responsible for work environment issues in Sweden. It issues regulations, collects national statistics, supervises workplaces and disseminates information and knowledge on risks and regulations. SWEA is independent and the Swedish Government does not intervene in how the authority handles, supervises and regulates its areas of responsibility. SWEA issues regulations with the support of the Work Environment Act¹. This is preceded with an extensive process involving the relevant social partners. Proposals for new regulation undergo a public consultation before being issued by the authority.

In addition to SWEA, the Agency for Work Environment Knowledge was established in 2018. This authority has the task of centrally monitoring research and knowledge development in the fields of health and safety, disseminating information and publishing research results. However, this new authority does not conduct its own research.

A network of occupational health service (FHV; Swedish abbreviation) providers and centres exists in Sweden to support employers and employees by providing expert resources. The FHV providers and centres are organised in various ways and cover several disciplines, including medical, technical, ergonomical and psychological. Large companies and organisations sometimes have their own in-house FHV. Whilst the working methods of FHV are regulated, it is not mandatory for employers to offer occupational health services to its employees. According to a recent survey (SWEA, 2018), 59 percent of the employees (aged 16-64) report that they have access to FHV and 20 percent say that they have had some form of contact with FHV (either in the form of visits from FHV or through an assessment of work situation by FHV).

The Swedish Work Environment Act from 1978 is the main framework law in Sweden which defines responsibilities and provides direction in general terms and sets the goals for achieving a good work environment. According to the Work Environment Act, the employer has the overall responsibility for the work environment at the workplace. However, the law requires that there is an active cooperation between employer and employees in work environment matters. The local union can appoint a safety representative in workplaces with more than five employees and a joint safety committee should be established when there are more than 50 employees at the workplace.

At the central level there are three overall organisations to coordinate cooperation between social partners. These are "Prevent" covering the private sector, "Suntarbetsliv" which covers municipalities and counties and "Partsrådet" covering the state sector. These bodies develop information materials, guidance and textbooks as well as organising and carrying out training courses.

There is also a number of sector-specific work environment committees consisting of relevant social partners. Within these bodies, specific issues and solutions related to the industry's work environment are discussed. These committees also produce teaching

¹ Swedish Work Environment Authority (1978), Work Environment Act [Arbetsmiljölagen] (SFS 1977:1160), available at: <https://www.government.se/4ac754/contentassets/86e9091526644e90b78d2ff937318530/sfs-19771160-work-environment-act>

materials and executes information-dissemination initiatives. Examples of such committees are those concerned with the mining, construction and transport industries.

When introduced in 1978, the Work Environment Act broke with the traditional Swedish approach to occupational safety and health (OSH) and widened the concept of working environment to cover all risk conditions. The Act's opening paragraph states that "[w]orking conditions must be adapted to people's differing physical and mental capabilities". It also states that "[t]echnologies, the organisation of work and the content of work must be designed in such a way that the employee is not subjected to physical strain or mental stress that may lead to illness or accidents. Forms of remuneration and the organisation of working time must also be taken into account in this connection. Closely controlled or restricted conditions of work must be avoided or limited."

Since its introduction, the Work Environment Act has been complemented several times. Already in 1980, the National Board of Occupational Safety and Health (now SWEA) issued general guidance on psychological and social aspects of the working environment (AFS 1980:14). This was due to the new Act's broader scope, now including psychosocial factors, which necessitated the need to complement the legislation in this field. Other legislation, such as violence and menaces in the working environment (AFS 1993:2) and job-adaptation and rehabilitation (AFS 1994:1), was also introduced. In addition, regulations were issued on victimisation at work in 1993 (AFS 1993:17). This new regulation was introduced due to the growing attention to this aspect of the work environment.

There was also a knowledge-based improvement as a result of the employment of psychologists at the central authority and out in the inspection districts. An important addition was the regulations on Systematic Work Environment Management (AFS 2001:1), which was introduced in its first version in the early 1990s (AFS 1992:2). It was amended in 1996 (AFS 1996:6) to include certain elements of the European Framework Directive on Safety and Health at Work², which covers all types of risks, including psychosocial risks at work. They contain general requirements on work environment policy, risk assessment, follow-up, allocation of work tasks, procedures and knowledge.

More recently, the Swedish Government established a national work environment strategy for 2016-2020 - A Work Environment Strategy for Modern Working Life 2016-2020³. One of three focus areas is the psychosocial work environment and it is noted that efforts are needed to strengthen the organisational and social work environment and improve the opportunities for those with mental illness or disability to participate at work. SWEA subsequently received several assignments from the Government to implement the strategy, some of which are described in section 5.

In essence, the priorities in the national strategy and the EU Strategic Framework on Health and Safety at Work 2014-2020⁴ are similar, but customised to the Swedish

² Council of the European Union (1989), Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31989L0391&from=EN>

³ Swedish Government (2016), A Work Environment Strategy for Modern Working Life 2016-2020 (Skr. 2015/16:80), available at: <https://www.government.se/499cd0/contentassets/95678f8dfcea4ece916e5b7950f2260f/a-work-environment-strategy-for-modern-working-life-20162020>

⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (2014) on an EU Strategic Framework on Health and Safety at Work 2014-2020, COM(2014) 332 final, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014DC0332>

context. The EU Strategic Framework identifies three common challenges for the Member States:

- to improve implementation of existing health and safety rules, in particular by enhancing the capacity of micro and small enterprises to put in place effective and efficient risk prevention strategies;
- to improve the prevention of work-related diseases by tackling new and emerging risks without neglecting existing risks; and
- to take account of the ageing of the EU's workforce.

The actions proposed by the Strategic Framework to address these challenges include further consolidating national health and safety strategies through, for example, policy coordination and mutual learning; providing practical support to small and micro enterprises to help them to better comply with health and safety rules; improving enforcement by Member States for example by evaluating the performance of national labour inspectorates; simplifying existing legislation where appropriate to eliminate unnecessary administrative burdens, while preserving a high level of protection for workers' health and safety; and improving statistical data collection to have better evidence and developing monitoring tools.

In 2017, the Commission adopted the Communication on "Safer and Healthier Work for All - Modernisation of the EU Occupational Safety and Health Legislation and Policy"⁵. The Communication mainly focuses on three priorities areas:

- fight against occupational cancer;
- helping business (especially micros and SMEs) to comply with OSH rules; and
- updating outdated rules and ensuring better and broader protection, compliance and enforcement on the ground.

⁵ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (2017) Safer and Healthier Work for All - Modernisation of the EU Occupational Safety and Health Legislation and Policy, COM/2017/012 final, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017DC0012&from=EN>

2 Psychosocial risks at work are of growing concern

The 2017 Commission Communication recognised that psychosocial risks and work-related stress are among the most challenging – and growing - occupational safety and health concerns, and that they can have serious impacts on workers' productivity.

This is also something that has been recognised by SWEA for a number of years. For example, in SWEA's survey from 2016, (SWEA, 2016b), Swedish workers stated that stress and mental stress are the most common forms of issues arising from their work.

The total number of reported work-related ill health and occupational diseases to the national social insurance has decreased for a long period of time. However, during the period 2010-2016, the reported number of work-related ill health and occupational diseases caused by psychosocial factors in Sweden increased (SWEA, 2019). Although there has been a slight decrease in recent years, such reported cases have increased by 70% since 2010. For female workers, symptoms of psychosocial nature now dominate strongly (49%), followed by muscle and joint disorders. For male workers, muscle and joint disorders still dominate, followed by psychosocial problems (22%). Overall, women in the statistics dominate the reported incidences of work-related ill health and occupational diseases by 2.3 incidences per 1 000 employed women, compared with 1.3 incidences per 1 000 employed men. Most reported incidences related to organisational and social factors come from the healthcare, social services and education sectors. The most common causes of reported incidences of work-related ill health and occupational diseases arising as a result of organisational and social factors between 2013 to 2017 were for women very high work rate and stress, followed by too much work and a heavy workload. The third most common cause was problems in relationships with superiors (SWEA, 2019).

Looking at the total number of reported incidences of work-related ill health and occupational diseases for all causes per 1 000 employed women, the manufacturing sector is overrepresented, followed by public administration, healthcare and other social services. Notably, in health care and other social services, organisational and social factors is the most common cause for reported incidences of work-related ill health and occupational diseases by women. For male workers, public administration, manufacturing and mineral extraction have the highest number of reported incidences of work-related ill health and occupational diseases per 1 000 employed men. Within public administration, it was most common for men to report work-related illnesses caused by organisational and social factors (SWEA, 2019).

Against this background SWEA proposed an overall programme focused on the working environment for female workers. The Government commissioned SWEA, in the spring of 2011, to develop and implement special measures with the aim of preventing women from being excluded from the labour market due to work-related problems in female-dominated workplaces. The focus was on preventing injuries due to incorrect workload and was conducted in close cooperation with researchers. The assignment that was completed in 2014 consisted, among other things, of measures to develop assessment methods and methods for supervision and training of health and safety inspectors. Three major inspection campaigns were carried out in 2013 and 2014, which included a total of 4 100 inspections, where the inspectors demanded measures, among other things, with the aim of reducing the risk of musculoskeletal disorders (MSD) (SWEA, 2015b). The main findings from this assignment was, among other things, that:

- Women and men are in different sectors in the labour market with different conditions and working environment risks. For example, municipalities and county councils are major employers in female-dominated sectors.
- The working environment is uneven, in female-dominated sectors the working conditions and the work environment are worse. The risks of ill health are greater, as is the risk of leaving the employment as a result of ill health or dissatisfaction with the working conditions.

- Physical and emotional stress in the female-dominated sectors are negative consequences of the working conditions and the work environment and affect both women and men who are working in these sectors. As such, it is not a gender issue per se, but rather a sectoral issue.
- The highest sickness rates are related to organisational and social factors in the work environment. They need to be managed at an organisational level and not at the individual level. The entire organisation, at all levels, must ensure that the requirements of the work are balanced with the right kind of resources.

SWEA was then assigned another task by the Government, on the basis of the experience gained from the previous initiative, to proceed with specific preventive measures in female-dominated occupations and sectors. The purpose was, among other things, to create the conditions for a better working environment for both women and men in female-dominated occupations and sectors with high levels of sick leave.

The measures consisted of disseminating information, including research seminars and a seminar with occupational health service providers and materials on SWEA's website, continuous development for staff and inspection activities. The social partners and other stakeholders were included in a reference group that followed the work and also contributed with their knowledge and experience.

In addition to the working environment for female workers or workers in female-dominated sectors, the situation of the self-employed has also been highlighted recently, particularly at the EU level. The 2003 Council recommendation concerning the improvement of the protection of the health and safety at work of self-employed workers (2003/134/EC) states that "[s]elf-employed workers, irrespective of whether they work alone or with employees, may be subject to health and safety risks similar to those experienced by employees." Member States are also recommended, inter alia, to promote the working environment for self-employed persons and consider legislation in this area. In the 2017 Commission Communication, the European Commission invited Member States to fully implement the recommendation by end of 2018. According to the Commission, the need for ensuring that the working environment legislation and regulations cover all has increased, particularly as new ways of doing work have emerged and the uncertainty about when someone is an employee or self-employed has increased.

In light of the changing trends on the labour market (in terms of how work is undertaken and organised), and in connection with the development of the national work environment strategy for 2016-2020, the Swedish Government commissioned an independent investigation to examine modern labour market challenges and to assess the relevant work environment regulations in this context (SOU 2017:24).

The investigation found that the labour market is undergoing change and that it is important to continue monitoring the challenges that this change entails, including the need to clearly point out work environment responsibilities for certain situations/sets of workers (e.g. some forms of self-employment, IT-based mobile work and platform work). The investigation also highlighted that new forms of employment can be seen as insecure and thus adversely affect workers' health. Indeed, situations may arise where people are affected by psychosocial inconvenience due to the form of employment. It was not the purpose of the investigation to propose specific recommendations regarding changes to existing legislations and regulations. Rather, it was to develop a decision basis for other stakeholders and regulatory bodies to develop possible measures and regulatory changes in the work environment area.

Similar to many other countries, there is also a difference in Sweden between small (and micro) enterprises and larger enterprises when it comes to knowledge of systematic work environment management and its practical application. A survey from 2012 shows that enterprises with 5-9 employees, as well as enterprises with 10-19 employees, are significantly less knowledgeable in these aspects than larger enterprises

(SWEA, 2013). This highlights a general problem when it comes to the need for support among micro and small enterprises.

The increasing incidence of psychosocial problems is a great concern not only for the Swedish Government and SWEA. Several initiatives have also been implemented jointly by social partners. For example, a joint commitment was adopted by the employers' organisations and the trade unions to improve the work environment and reduce sickness absence. Moreover, the social partners in the private sector (the Confederation of Swedish Enterprise or Swedish Enterprise, the Confederation of Trade Unions and the Council for Negotiation and Cooperation) are involved in a multitude of joint activities and initiatives, including improving access to occupational health services.

It is evident that psychosocial risks have great impact on individuals. The effects are shown as sickness absence and early retirement and possibly a reduced life quality for the individual worker. The employer is affected with absenteeism and high turnover of staff, which in turn may result in high costs for hiring and training new staff. Certain sectors have increasing difficulties to recruit, for example the health and social care sectors. Productivity may also suffer in the long run. For society as a whole, there will be increasing costs for health care, sickness compensation and reduced tax revenues.

3 New regulations on organisational and social work environment to address psychosocial risks

It became increasingly clear that existing regulations were not sufficient to cope with a growing work environment problem in Sweden. SWEA's work environment inspectors struggled to effectively use the existing legislation, as it didn't offer a clear basis to formulate requirements for improvements in individual cases. Trade unions also demanded clearer regulations on this. Employers didn't have much direction either. To a large extent, the general requirements for risk assessment and action plans, contained in the regulations on Systematic Work Environment Management, were used instead, which meant that it was difficult for the inspectors to concretise the requirements.

The new regulations on the organisational and social work environment (AFS 2015:4) have resulted in a clarification of the regulations that concern organisational and social work environment factors. They were worked out in collaboration with the social partners. The work began in 2012. A large number of discussion meetings with the social partners were carried out as work on the new regulations continued. Often the discussion became very intense while the needs and issues were well highlighted. Several research seminars were arranged to add up-to-date knowledge from the research field. In parallel with this, SWEA began work on preparing a guidance for employers and health and safety representatives (SWEA, 2016a).

A draft proposal for the new regulations on organisational and social work environment was sent out for consultation to a large number of organisations, authorities and other stakeholders. After finalising the proposal, taking into account the results of the consultation, the new regulations were approved in September 2015 and entered into force in March 2016.

The new regulations resulted in a paradigm shift. The concept of psychosocial risk was abandoned, as it is often perceived as individualised, and instead the concept of organisational and social work environment was introduced. The organisational work environment is the result of how the work is arranged, controlled, communicated and how decisions are made. The social work environment is how we interact with and are influenced by the people around us, such as employees and supervisors/managers. Also included are digital forums such as emails, text messages, instant messages/ chats, etc. The new regulations apply to all employers and employees, except for the self-employed⁶, pupils/students or inmates at care institutions.

The new regulations particularly highlight three aspects that are considered to be most significant:

- Workload
- Working hours
- Victimization

In addition, a couple of overarching aspects are included, such as knowledge and requirements for establishing goals and procedures for the work with the organisational and social work environment.

An overall provision is that the employer must ensure that managers and supervisors have knowledge of:

- how to prevent and manage an unhealthy workload; and

⁶ The Swedish Work Environment Act does not make it possible to impose system requirements or organisational requirements on self-employed persons, and the regulations are basically intended for the relationship between employers and employees.

- how to prevent and manage victimisation.

The employer must also ensure that there are provisions in place to put this knowledge into practice.

3.1 Workload

The employer shall see to it that the work tasks and authority assigned to the employees do not give rise to unhealthy workloads. This means that the resources shall be adapted to the demands of the job (section 9 of the new regulations).

In practice, there are a number of requirements and resources that will characterise a job. In short, it is a question of what should be done, how much, to what standard and when (how quickly). Some requirements are related to the physical work environment, e.g. temperature and air quality. Others are related to aspects that restrict the employee's thought capacity, e.g. to cope with multiple tasks simultaneously, solve unexpected problems and learn new skills. The social work environment can also put pressure on workers, e.g. if there are conflicts or if cooperation and support is poor. Healthcare, nursing and teaching work demands social skills. The same applies to parts of the service sector. An important question is whether there are contradictory requirements, such as a nurse who has the need to provide high quality care while the time that can be spent on each patient is limited.

The right resources contribute to managing the demands of the work. It can be in the form of tools and technologies, instructions and advice, or special working methods. Other types of resources can be staffing, skills, flexibility, sufficient time and feedback. If it is possible to raise problems and difficulties at work, this can also be seen as a resource.

Unhealthy workloads occur when the requirements of the job exceed resources on more than a temporary basis. This imbalance becomes unhealthy if it is prolonged and if opportunities for recovery are inadequate. It is up to the employers to obtain information about the situation for the employees and then arrange reasonable working conditions.

An important measure to prevent unhealthy workloads is to clarify the work content. In the new regulations, the work content is defined as the tasks to be carried out, expected results and working methods. It also covers help with prioritisations and who to turn to for help and support.

Severely mentally stressful work especially occurs in activities that involve responding to people in difficult situations. Such demanding work situations place special demands on taking measures to prevent it from leading to ill-health among the workers.

3.2 Working hours

The employer shall take any steps necessary to avoid scheduling working hours that may lead to ill health among employees (section 12 of the new regulations).

Sometimes work has to be completed during working hours that involve risks of ill health. This is inevitable in some sectors and occupations, including health and social care and emergency services. Such work may put special requirements on risk assessments to determine the need for specific measures to prevent the working hours leading to ill health.

Examples of measures can be changing work tasks, performing riskier work tasks during the daytime and adjusting breaks and rest periods.

Night and shift work are examples of working hours that can upset the natural circadian rhythm which, in the long run, can lead to health problems.

There are special regulations on medical checks that mean that the employer must offer such controls to workers who work at night. Medical controls can be a measure to capture any ill health at individual or group level and can provide a basis for preventive

measures. The Working Hours Act (SFS 1982:673) sets limits on how many hours most employees can work and minimum rest periods. But the Act does not contain any rules on preventive measures.

3.3 Victimization

Victimization is defined in the regulation as "[a]ctions in an abusive manner at one or more employees that may lead to ill health or to exclusion from the workplace community". Such situations can be emotionally strenuous and unpleasant or worse. In the worst case it can result in serious mental disorders.

The employer shall make it clear that victimisation will not be tolerated at work. The employer shall take measures to eliminate conditions in the work environment that could give rise to victimisation (section 13 of the new regulations).

These are provisions from 1993 (AFS 1993:17) that have been transferred to the new regulations. The two provisions which were transferred were assessed to fit in the new context and the rest was repealed as it was covered by the overall responsibilities in the regulation on Systematic Work Environment Management (AFS 2001:1).

Victimization can be a sign of a poor social environment or in itself lead to a poor social environment with conflicts in working teams. It can also be an effect of high workload, reorganisations, etc. The employer must ensure that there are procedures for how victimisation should be handled. The procedures should clarify who to turn to and what the recipient is tasked with. In addition, it should be clear to whom one can turn to get quick support. It can be someone in the HR department, the occupational health service, a consultant or an equivalent.

To prevent victimisation the complete work situation must be considered. Signs to look out for include poor performances by working teams or conflicts in the working teams. Conflicts may be a source for a bad work environment and can result in victimisation so preventive actions are important. Other conditions in operations to pay attention to are workloads, allocation of work, conditions for collaboration and consequences of change.

4 Measures to implement the new regulations

4.1 Internal implementation within SWEA

Very extensive efforts were made within SWEA to ensure a successful introduction and implementation of the new regulations. For example:

- All inspectors, lawyers and managers in the five inspection regions received a basic training on the new regulations. The full-day training combined theory with discussions about case descriptions. The basic training was followed up after a year with a supplementary training session.
- A network was created, with lawyers and inspectors from the five regions, who met to share experiences of the practical implementation.
- The customer service staff carried out three workshops on the new regulations as preparation for the anticipated information needs.
- SWEA's managers received information about the new regulations through executive meetings. In addition, all employees were presented with the new regulations in the respective department/unit.

An evaluation of the training efforts, etc. shows that the course participants were very satisfied with the training. Moreover, those responsible for the introduction and early implementation of the new regulations consider that the various initiatives have been effective.

4.2 Major external information initiative

The attention put on the organisational and social work environment in the media shows that it has been an important issue for a long time. A debate article in Sweden's largest daily newspaper, published in March 2016, was the start of significant media interest during the spring of 2016. SWEA's Director General wrote a letter to all employers in the country and informed them about the new regulations.

The attention around the new regulations was increased further as a result of an information campaign with posters in buses and subways and a film "The Challenge" produced before the new regulations entered into force. The film "The Challenge" has been shown on TV, radio and the internet, and has been quoted in theatre performances, art contexts and popular media, such as weekly magazines and blogs. In the trade press, the issue has been relevant both before and after the new regulations were introduced, with several pages have been dedicated to the organisational and social work environment.

SWEA's information initiative was preceded by immense planning based on focus groups, preliminary investigations and experiences from experts in both the work environment area and the strategic communications area. Stakeholders also showed great commitment at the planning stage, which probably played an important part in the achievement of the good results.

During autumn 2015 and spring 2016, SWEA arranged 28 information meetings in 22 cities around Sweden. The meetings were consistently fully booked. One of the information meetings was recorded and published on SWEA's website (where it is still available). In addition, SWEA's experts have participated in 64 externally arranged conferences. Overall, approximately 13 000 people were informed of the new regulations as part of these meetings, which have also been highly appreciated according to the evaluations made.

At the SWEA website (www.av.se), Facebook and SWEA's YouTube channel, the activity was high. For example, 3.5 million views on Facebook and about 180 000 regulations had been downloaded or requested on 31 May 2016. About 180 000 unique views of the movie "The Challenge" had been made (387 000 views had been made of the trailer to

the movie). Downloads of the new regulations and screenings of the movie then continued to increase following the campaign period.

SWEA's follow-up work shows that 35 000 employers, who employ about 1.5 million workers, state that they have done something in connection with the campaign. For example, sought more information, talked about the issue at work and privately, shared information on social media, visited the SWEA website, requested or downloaded the new regulations or registered for a work environment training. There is also evidence that the film "The Challenge" is used as a tool by HR departments and in training.

Overall, the follow-up shows that about 150 000 employers, who on average employ 3.5 million employees, were aware of the new regulations in May 2016. Notably, the biggest change in knowledge of the new regulations was seen among small (and micro) employers (1-19 employees), who employ approximately 1 million employees. After the campaign, 80 percent of respondents knew more about the new regulations compared to the pre-campaign measurement.

5 Enforcement actions and approaches

It was important to get the supervision and enforcement of the new regulations started quickly. The strategy was to ensure that all inspectors were equipped to conduct inspections in the area. As a basis for this, a basic training was provided for inspectors and lawyers in the inspection regions. As a further support mechanism, a network was established between the five inspection regions of Sweden which allowed inspectors to get support in terms of the concrete application of the new regulations. The inspectors have also participated in follow-up meetings to analyse their experiences with the new regulations.

In order to engage as many inspectors as possible in the supervision of the new regulations, several national supervisory projects were carried out with an emphasis on organisational and social work environment. They concerned:

- elderly care;
- First Line's managers in healthcare and care⁷;
- social desk officers;
- construction sector;
- e-commerce;
- victimisation;
- Working Hours Act; and
- threats and violence

The results of the efforts are reflected by the demands placed on employers.

	Number of inspections with at least one requirement with reference to the new regulations	Number of paragraphs in the new regulations that the inspectors refer to in the inspection notice
2016	406	1 598
2017	1 327	4 386
2018	1 726	6 301
2019 (Jan-May)	710	3 053
Total	4 169	15 338

As a comparison, it can be mentioned that a total of just under 20 000 inspections were carried out in 2018, which means that nearly 10% of the inspections led to requirements with reference to the new regulations.

The most frequently used paragraphs in the new regulations were:

- Measures against unhealthy workloads (section 9 of the new regulations)
- Clarity around tasks and priorities (section 10)
- Measures to prevent the organisation of working hours leading to ill health (section 12)

⁷ The First Line is the function or activity in municipalities and county councils that first receive children and young people who show early signs of feeling mentally ill.

- Measures to counteract work tasks and situations that are severely mentally stressful leading to ill health (section 11)
- Measures against victimisation (section 13)

The initial experience is that the inspectors come further with the new regulations even if it poses new challenges. It is not a question of limit values that must be maintained, rather the inspector demands that the employer investigates and assesses the risk or the shortcomings so that the employer can take measures to manage and improve the situation. It is therefore important that the employer, in collaboration with the employees, can design measures without the inspector having to formulate specific requirements.

It also means that there is a risk that assessments may vary between the inspectors. This is not unusual for supervision more generally, but concepts such as "severely mentally stressful" and conditions around the organisation of working hours can sometimes be difficult to handle in practice. An initial difficulty for untrained inspectors was that it was difficult to provide answers to follow-up questions from the employers. Overall, this points to the importance of effective mechanisms for exchange of knowledge and experience among inspectors and continuous discussion about the practical application of the new regulations.

An evaluation by external evaluators has been conducted to examine how the inspectors act and what support employers and safety representatives ask for during inspections. The evaluation was based on interviews with 31 employers and 33 safety representatives in companies of mixed size that had been inspected following the implementation of the new regulations.

All interviewees understood that organisational and social issues are important to address, but they often did not know how to address them. There is a lack of knowledge around these issues, as well as a lack of motivation and resources to work actively with these issues. There is a need to put the new regulations in a context that is easily understood by employers (i.e. the context of their own business) and they need to understand the added value of addressing these issues in terms of increased profits and reduced risks.

The employers and safety representatives who felt that they have received some form of guidance from the inspector also felt that the inspection had a greater and better effect. It is an advantage if the inspector can signpost employers to those who can help (e.g. the occupational health service).

6 Collaboration with social partners and other stakeholders

The collaboration with social partners and other stakeholders has been very intensive throughout the process of developing and implementing the new regulations. For example, during the preparatory stage of the new regulations, several meetings with SWEA were held to inform the development of the new regulations. In parallel with this, SWEA also worked with the social partners to develop guidance documents to support those that will use the new regulations (SWEA, 2016a).

During the consultation period, a lot had been written about the proposal in the media. Trade unions were generally positive to the proposed changes, but sometimes wished for harder regulation. Employer organisations highlighted the problem of attribution, suggesting that it is difficult to determine whether sick leave is caused by work or private life. In addition, the employer organisations emphasized that the regulation on Systematic Work Environment Management can be used instead of the new regulations. The Confederation of Swedish Enterprise produced the report "Mental health, more than a work environment issue". Journalists contacted SWEA and requested the consultation responses and wrote about these. Several stakeholders also had questions about the timetable for the proposal and questions about how SWEA would change the proposal following the results of the consultation process.

When the new regulations were adopted, a specific collaboration was initiated with the social partners for the implementation. The social partners contributed very actively with measures to disseminate information about the new regulations and to develop training courses and materials. In advance of the implementation of the new regulations, the joint work environment agencies Prevent (private sector), Suntarbetsliv (municipal sector) and Partsrådet (state sector) produced training material that can be used by the member organisations. For example, Prevent created an overall site with tools and guidance on the subject containing training courses, handbooks and tools for risk assessment (www.prevent.se/osa). SWEA's experts also participated in a large number of conferences organised by employer organisations, trade unions and some large organisations or companies.

The Confederation of Swedish Enterprise, the Swedish Trade Union Confederation (LO) and the Negotiation and Cooperation Council (PTK) have invested more than EUR 7 million (SEK 75 million) in work environment training for private employers. Demand for training has been much greater than expected. The funding that was expected to last until 2018 was used up already a year earlier. The most popular work environment training has been "organisational and social work environment", "better working environment", "systematic work environment management" and "work environment for managers". It is reasonable to assume that the information and dissemination efforts have had a positive impact on this demand.

7 Summary of past experiences and future lessons

It was obvious that Sweden was facing a rapidly growing work environment problem. Still, it took a long time before the issue was treated as risk factor among other more commonly known risks. Why was that the case?

SWEA had been aware of the situation for a long time, but it lacked effective means to address it in a supervisory context. The regulations that existed were general and, for example, the regulation on Systematic Work Environment Management did not provide sufficient direction to be able to be used effectively in supervision.

The knowledge was available within SWEA, the inspectors had been trained and specialists were employed within the authority. Several development efforts to strengthen this area was made over the last 20 years.

The new regulations were not the first attempt to develop new regulations in the area. A regulation project had been started about 10 years earlier, but it had been shut down after a few years. The reason was that it was difficult to get sufficient traction among the stakeholders.

One argument that existed was that government regulations were not the right way to address this growing problem. The alternatives mentioned included agreements between the social partners or joint national projects.

The area itself was also seen as complex and unclear. It was pointed out that stress could be an effect of individuals' overall life situation and not just the work environment. At the same time, the trade unions pushed for a new regulation project to be initiated.

When the work on the new regulations started, the starting point was that it had to be based on scientific evidence. A big change was that the individual perspective was removed, with the focus shifting towards the root causes of the problems. The concepts of organisational and social work environment were also introduced. This also made it much more concrete for employers and safety representatives to handle the preventive work.

When SWEA decided to issue the new regulations in September 2015, it is fair to say that the issue had strong support. The media had devoted significant amount of resources to highlight stress and ill health in the workplace. The social partners also had a very active role in supporting the implementation through their various organisations and cooperation bodies.

SWEA probably carried out its largest single information initiative and the external cost was EUR 1 million (SEK 10 510 000). Virtually all media channels were used and, for example, the film "The Challenge" became very popular. At the same time, the work environment and stress were generally highly recognized in society at the time of implementation.

SWEA had planned the implementation carefully in order to make best use of its three means - regulations, information and supervision. It turned out that the social partners could support and supplement the work of SWEA in a very effective way.

It was also important that the authority was perceived as being approachable. The customer service was well prepared to answer questions on this topic because they were involved in the planning at an early stage. The customer service was able to answer questions from a large number of employers, safety representatives and others who used the services.

An important part of the implementation was to start using the new regulations as part of the supervision very early on. Several inspection campaigns were conducted over the two years following the introduction of the new regulations. There were several reasons for this. For example, it contributed to keeping the issue fresh in the minds of employers.

Moreover, it prompted the inspectors to quickly take on the new regulations and use them in practice. This also ensured quality and uniformity of supervision.

A preliminary assessment of inspections focusing on organisational and social issues indicates a great need for increased knowledge in the workplace. The occupational health service has an important role to play in supporting this. Additional tools are however needed to supplement the guidance documents issued by SWEA. Active cooperation between SWEA and the social partners is also important in order to develop support for workplaces.

Further evaluations of the new regulations are planned, but the concrete work on such evaluations have not yet begun.

7.1 Success factors

- Demystify the area. Make sure that these issues are treated in the same way as other work environment risks. They are solvable.
- Public opinion and awareness of the problems is an essential factor in finding effective solutions.
- A broad and comprehensive information initiative is necessary. Tools and other support should be readily available to those employers who work specifically with organisational and social work environment risks.
- The social partners can do much to support and disseminate information to workplaces and develop tools for the concrete work.
- Support for individual workplaces may be needed for the concrete improvement work (e.g. through the occupational health service). Micro and small enterprises are particularly in need of support.
- Make sure that this is not a question only for specialists in the supervision. All inspectors can come into contact with these risks and should be able to handle them in a supervisory perspective.
- Invest in broad supervisory campaigns so that uniformity and approaches are developed throughout the supervisory activities.
- Be clear about what the authority will not demand (i.e. what the scope of the legislation and regulations are).
- Connect the regulation to current research.

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