

Chapter 7

Adapted Inspection: An Example of Responsive Enforcement

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The duty to ensure safe and healthy working conditions will always have people in enterprises as the primary actors. They might consult external agencies, but such agencies will never be able to assume the obligation to ensure a safe working environment¹ in an enterprise. This is recognised in the Danish law on working environment. In the preamble the Danish parliament has stated that:

This law has in view to create ... the foundation for enterprises to solve questions concerning safety and health under guidance from the labour market organisations and guidance and supervision from the labour inspectorate. (AML 1999, our translation)

Many studies have shown that most enterprises experience difficulties in fulfilling the intentions of the law unassisted (Jensen 2001b). Three external agencies have explicitly been singled out by the Danish parliament as having a supportive role: the labour inspectorate (officially named National Working Environment Authority of Denmark), the labour market parties (trade unions and employer associations) and the occupational health services. The occupational health services are privately owned firms offering consultancy on OHS issues. For enterprises within sectors documented as high risk sectors, affiliation to such an enterprise is mandatory. To ensure the quality of the consultancy, special

¹ The concept 'working environment' has been institutionalised in the Scandinavian countries by the legal reforms of the 1970s. It includes concepts such as 'ergonomics', 'human factors' and 'occupational health and safety'.

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