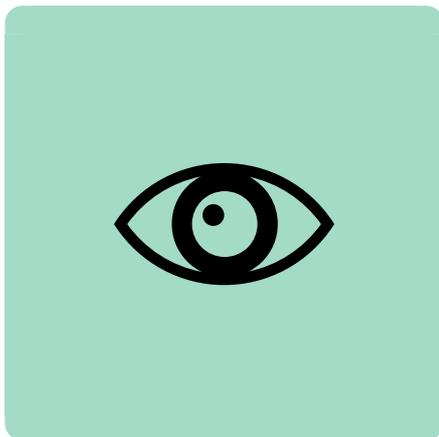


TIPS

When the Danish Working Environment Authority conducts an inspection

About inspections and preparation



Preface

It is in the interest of AAU that a constructive dialogue with the Danish Working Environment Authority (WEA) be maintained for all departments and units. Through this dialogue you get important input that helps to ensure that your ongoing work on occupational safety and health has the right focus and leads to satisfactory results that benefit all employees. AAU thus welcomes inspections from the Danish Working Environment Authority.

In order to get the most benefit from these inspections, it is important that all managers and staff members are familiar with the role and working methods of the Working Environment Authority and that you are prepared as far as possible when the WEA comes.

This guide provides information on how you should prepare for an inspection by the Danish Working Environment Authority and what to expect when the WEA has conducted an inspection.

The guide is aimed at anyone who may be involved in the Danish Working Environment Authority inspection.

The Danish Working Environment Authority

The Danish Working Environment Authority has substantial rights.

Thus, the employees of the Danish Working Environment Authority have access to AAU's departments at all times with due identification.

The Danish Working Environment Authority may record photos, require any available documentation to be provided for review or require samples taken for analysis.

All AAU employees must - on request - provide the Danish Working Environment Authority with all information necessary. This also applies to information which is normally considered sensitive or confidential.

The Danish Working Environment Authority has access to data from a number of registers containing personal or business-sensitive information, including income register, business registers, social security records, etc.

As a result of the above, you must not withhold information that the Danish Working Environment Authority requires insight into or otherwise impedes the supervisory activities of the Danish Working Environment Authority, for example, in the event of a failure to comply with the directive. confidentiality, personal data law or other legislation.

If in doubt, you should consult the Occupational Safety and Health Section (AMS).

Announced or unannounced inspections

As a rule, an inspection by the Danish Working Environment Authority is unannounced so you do not know the exact time of the visit in advance.

The WEA often provides written notification at least one month in advance – but still without giving the exact time of the inspection.

In some situations, the WEA not only notifies you, but schedules an inspection – in some cases even by prior agreement with you. For example, this occurs if the WEA wants to check work that is only done at certain times rather than on a daily basis, or if the WEA wishes to talk to certain people.

The connection between announced/unannounced and notified/unnotified inspections is shown below.

Announced inspection:

AAU knows the time of the inspection which is determined by the WEA or by mutual agreement. Normally, the time of the inspection is confirmed in writing by the WEA. The time of the inspection can usually be changed.

Unannounced inspection:

AAU does not know the time of the inspection, but AAU knows that the visit takes place typically within 1 to 4 months. The WEA sends a written notification. The actual time of the inspection is based solely on the WEA's own schedule and normally cannot be changed.

Unannounced, unnotified inspection:

AAU does not know the time of the inspection. AAU does not know that the WEA is coming. The inspection is based solely on the WEA's own schedule. The time of the inspection cannot be changed.

In practice, an unannounced inspection is often unexpected, even if there is a notification beforehand.

This is a central premise of the Working Environment Authority's inspection function; you should thus not expect them to change the time of the inspection, even if it takes place at time or in a situation that is inconvenient.

If you have serious reasons for requesting that the inspection be postponed, you may submit this to the inspectors when they arrive, but you must be aware that if the WEA staff deems it necessary, they carry out the inspection on their own.

The WEA and AAU have an interest in mutual dialogue during an inspection and therefore anyone who may be involved in an inspection should be prepared to interrupt other activities in order to take part.

P numbers (production entity number) under AAU's CVR number

The WEA planning of inspections is based on the CVR register's information on AAU addresses. The AAU Finance and Accounts Department handles updates to the information contained in the CVR register.

AAU's CVR number is 29102384.

Units are designated in the CVR register production entities, each of which is assigned a P number. These are the production entities that the WEA selects for inspection.

A given company may have only one P number per address, which means that the division of AAU into departments and units is not always consistent with the CVR register. A visit to a given production entity under AAU may thus result in several departments or units being involved in the inspection or only parts of a department or unit being inspected.

The Central Occupational Health and Safety Section makes sure to contact all relevant departments and units when AAU receives inspection notifications.

Preparing for the WEA inspection

You can prepare for a notified but unannounced inspection, even if the time and content of the inspection are not known. Most inspections normally begin with a meeting where management and members of your local OHS organisation are expected to attend. This is followed by a general tour or inspection. Finally, a concluding meeting is held where the inspectors will normally inform you of expected reactions from the Working Environment Authority and provide an inspection statement.

Once you have become aware of the expected WEA inspection, you should prepare the following:

- Determine who will participate in the inspection. Consider, for example, the following: whether everyone in the occupational health and safety organisation will be attending the meeting with the WEA, while only a few selected individuals take part in the inspection tour.
- Determine who will take notes during the inspection. Be sure to note the names of the inspectors.
- If necessary, prepare the following: additional security equipment or personal protective equipment for all participants in any inspection tour. WEA staff usually bring their own helmets and safety footwear, but not, for example, respiratory equipment, protective clothing, hairnets or footwear covering.
- Prepare to present a status on your workplace assessment. The WEA will typically focus on workplace assessment (e.g. action plans, health and safety discussions), including whether the problems identified during the inspection are part of ongoing workplace assessment.
- Make sure all mandatory documentation is in place. These are primarily:
 - Workplace instructions for use of dangerous substances, other instructions, certificates of formal qualifications where required, and documentation of inspections.
 - Minutes of recent occupational health and safety committee meetings or overview of the structure of the OHS organisation.
 - Action plans
 - Minutes of occupational health and safety discussions
 - Documentation of updated competence development plans for the OHS organisation
- Determine how your OHS organisation and affected employees should be informed about the outcome of the WEA's inspection. Consider, for example, the following: the possibility of holding an extraordinary occupational health and safety committee meeting or staff meeting, if particularly the WEA decides to issue an improvement notice during the inspection.

WEA inspection methods

The WEA has quality procedures for inspections. The two main types of inspections are:

- **Basic inspection:** The designation covers the inspections where the WEA looks at the major occupational safety and health problems in the workplace. If everything is in order, the result is a green smiley.
- **Special inspection:** The designation covers the inspections where the WEA focuses on a selected part of a workplace or selected health and safety problems, such as investigating an accident. A special inspection does not result in a green smiley.

A basic inspection is a general inspection done at companies with employees where the WEA expects a relatively high risk of health and safety problems. At AAU, a basic inspection is typically done in departments with laboratories or workshops.

A basic inspection is generally unannounced, but with notification.

At AAU, special inspections are done when there is a specific reason for this. The inspection is designated as special, because the WEA focuses on a limited health and safety problem, and not the working environment in general.

A special inspection is generally unannounced and can be both notified and unnotified.

In addition to these two commonly occurring methods of inspection, the WEA may conduct an inspection for informational purposes, to follow up on previous improvement notices, to investigate serious accidents shortly after they occurred or for other reasons.

Regardless of the method the WEA uses, one should expect that when the WEA comes, they have a reason for doing so – they have business to attend to.



WEA reactions following an inspection

The WEA's reactions after an inspection come in the form of written improvement notices or guidance. Unlike guidance, the improvement notice has legal force and must therefore be complied with.

The WEA issues improvement notices if the inspectors, possibly after consulting the WEA's own attorneys, consider the working environment to be unsound such that it is in violation of health and safety legislation. As a general rule, the WEA only issues an improvement notice when legitimate doubts about the nature of the health and safety conditions cannot be raised. For example, this is the case if inspectors directly observe a violation. However, an improvement notice may also be issued based on information the inspectors received during the inspection.

The improvement notice contains requirements for improving health and safety that must be completed by a deadline set by the WEA. In some cases, the WEA allows you to have a say in the deadline. If it turns out that the deadline is difficult to meet due to unforeseen difficulties in working on the solution, you can request an extension in writing. However, it is important to do this well in advance of the original deadline's expiration. In connection with the improvement notice, the WEA may require you to seek the assistance of an authorised occupational safety and health consultant – a consultancy notice. If the WEA has any doubts, they may order AAU to investigate health and safety in more detail, typically with the assistance of external consultants – an investigation notice.

In the case of a serious violation of health and safety legislation, the improvement notice deadline may be short, possibly immediately. In the case of an immediate improvement notice, there is no possibility of extending of the deadline, and the WEA will also consider taking legal action. If the WEA finds that there is imminent, significant danger, they will prohibit further work until the danger is effectively addressed. In such cases, you must expect that the WEA will always recommend to the prosecuting authority that legal action be brought against AAU.

All notices are written and submitted for consultation typically within 14 days after the inspection, unless commenting has already taken place at the time of the inspection. If you have no comment in the consultation phase on the basis for issuing the improvement notice, the improvement notice will enter into force and must be complied with. Note here that you can only comment on the basis for the decision. The decision of the WEA as such cannot be affected during the consultation phase.

The Central Section for Occupational Health and Safety recommends that you always make sure to respond to consultation letters, even if this is not required. Experience shows that misunderstandings or errors can very easily occur in the WEA's description of the facts, but it is essential that the WEA makes a decision on a correct basis.

A prohibition notice and an immediate improvement notice are issued on the spot and later confirmed in writing. There is no consultation option.

In conjunction with the improvement notice, you will be also be ordered to report back on how the improvement notice has been complied with. The deadline for doing so is typically 7 days after the improvement notice compliance deadline. Written communication with the WEA must be done digitally via Virk.dk. If you do not have staff members who have access to Virk.dk, the Central Section for Occupational Health and Safety can assist with the digital communication.

During the inspection, the WEA inspectors will ask about health and safety conditions and orally make comments/suggestions that you should consider. It is important that you note these comments as they are indicative of the WEA assessment of the health and safety conditions.

NEW - September 2020:

The WEA will offer companies, which have received a notice, extra dialogue and instruction. Please see (Danish...)
<https://at.dk/nyheder/2020/09/vil-virksomheder-vaere-motiverede-for-at-tage-imod-supplerende-dialog-og-vejledning-fra-arbejdstilsynet/>



Right to appeal

If you disagree with WEA decisions, you may appeal to the WEA. This must be done within 4 weeks of receiving the decision. If the WEA maintains the improvement notice in whole or in part, the appeal will be forwarded to the Council of Appeal on Health and Safety at Work which will decide the case. Council of Appeal on Health and Safety at Work is part of the National Social Appeals Board.

An appeal will normally have a suspensory effect on an improvement notice, but this does not apply to immediate improvement notices and prohibition notices, which must be complied with regardless of any appeal.

The Central Occupational Health and Safety Section must be involved before a decision of the WEA is appealed. You should remember here that a case involving an improvement notice affects not only a department or unit, but in principle AAU as a whole.

Learn more

Learn more about WEA inspection methods.

Checklist (summary)

Remember to prepare announced inspections.

- Involve the Central Section for Occupational Health and Safety in the preparation
- Make sure that inspection statements and any changes to your improvement notice, etc., are recorded. If you have any questions about this, please contact the Central Section for Occupational Health and Safety.
- Observe the deadlines for WEA improvement notices, for both compliance and reporting back.
- Respond to consultation letters in a timely manner
- Keep your local occupational health and safety committee, the staff members affected and the Central Section for Occupational Health and Safety informed of the results of the WEA inspection.
- Consider whether any WEA improvement notice has consequences for budgeting or prioritizing work resources in your department or unit.

