




# Enforcing Health and Safety Regulation

A Comparative Economic Approach





# Enforcing Health and Safety Regulation A Comparative Economic Approach

DISSERTATION

to obtain the degree of Doctor  
at the Maastricht University,  
on the authority of the Rector Magnificus,  
Prof. dr. L.L.M. Soete  
in accordance with the decision of the Board of Deans,  
to be defended in public  
on Friday 26 October 2012, at 12.00 hours

by

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Layout by Marina Jodogne.

A commercial edition of this PhD-thesis will be published by Intersentia in the Ius  
Commune Europaeum Series, No. 108 under ISBN: 978-1-78068-110-8.

For my dad

*Těčiui*





## ACKNOWLEDGMENTS

I have yet to see any problem, however complicated,  
which when you looked at it the right way did not become still more complicated.

Poul Anderson

These lines capture well how I have experienced the PhD writing process, which is brought to a close by this publication. While at the beginning of PhD research four years seemed to be plenty of time to acquire an abundance of knowledge to answer my research concerns, at the end of it I see that a PhD thesis is actually just a modest start in grasping a fascinating subject, which often raises at least as many questions as it answers. In any case, authoring a PhD was a pleasant experience and I am grateful to many people for this.

The first and the most important words of thanks I would like to express are to my dear supervisors, Prof. Michael G. Faure and Prof. Saskia Klosse. I would like to thank Michael for his supportive, motivating, friendly and inspiring manner of supervising, which I admire, and his perfect mix of always keeping an eye on the 'time schedule' while at the same time giving me all the freedom and support I needed. I am grateful to Saskia for being a supervisor, an advisor, a listener and a friend, and for always having a sympathetic ear for my concerns. Thanks to you both and to our (almost) monthly meetings, that have always inspired me, writing a PhD was a balanced, continuous process in which I always knew what to do next.

Another word of thanks goes to the members of my assessment committee for taking the time to read the manuscript and for making valuable comments: Prof. Hildegard Schneider, Prof. Anthony Ogus, Prof. Wilfried Rauws and Dr. Niels Philipsen. An additional thanks to Anthony Ogus for several inspiring discussions on law and regulation and kind feedback. Moreover, but for Anthony, I would probably never have seen a performance of Goethe's 'Faust' in Lithuanian in... Liège! A special thanks also to Niels Philipsen for always being interested in my work and for numerous pleasant talks about much more than law and economics.

There are many other people in an around the faculty to whom I would like to express my sincere gratitude. First of all, it's the wonderful 'METRO team' of Yleen Simonis, Chantal Kuypers, Marina Jodogne, Marjo Mullers and others whose everlasting friendly assistance (including the continuous supply of sweets and

chocolate) helped me in dealing with the practicalities of PhD life and contributed to finishing the manuscript. A special thanks to Marina Jodogne for her irreplaceable support and professionalism in making the layout of this book.

An important word of appreciation also goes to the inspectors and public officials who shared their views on regulation and enforcement with me in a number of interviews and informal discussions and herewith significantly contributed to this study. They remain anonymous in this book. All errors and omissions remain my own.

I would also like to thank my friends in and outside Maastricht for sharing many happy moments of our lives throughout the last couple of years: Giedrè, Anke, Roland, Charlotte (long live Affligem), Marco, Jeroen, Judith, Niels, Lili, Eliza, Véronique, Javier, Mieke, Carol (an additional thanks for editing my thesis!), the nice people from ROA and many others. I am grateful to you for your help and the countless chats, laughs, discussions, get-togethers, weddings, 'baby showers' (and many more merry occasions), and look forward to the future ones.

There are many people back home, to whom I owe sincerest words of gratitude. First of all, it is my family: my parents, my dear sister and her lovely family, my aunt and uncle. Thank you for your love and care; even after all these years of studying and working elsewhere, home is still the most wonderful place to come back to. Many thanks also to my wonderful family-in-law for their loving support and for always letting me know that you are there for me.

My friends back home also deserve a special mention. Ieva, Audronė, Diana and Milda: thank you for the countless precious moments we have shared together, which I often remember and truly cherish. I always carry you in my heart and – although our get-togethers have become less frequent in recent years (this refers to the quantity, not quality) – I know I can rely on you.

It is a grand tradition – after having accomplished some form of achievement – to express one's gratitude last to people whom one loves most. Martin and Ema, you have been my faithful companions throughout the last years, which you have made very special and which I have enjoyed tremendously. Martin, thank you for your everlasting support, encouragement, your patience and especially for your good and loving heart. And, finally, my wonderful daughter Ema: it is a great gift to have you in our lives. Thank you for filling my days with joy and laughter and for every single day I spend with you.

Laura Tilindyte  
Maastricht, July 2012

The main research activities on this book were completed in January 2012. Sporadic adaptations have been made until July 2012.





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## LIST OF ABBREVIATIONS

ACoP	Approved Code of Practice
ALRC	Australian Law Reform Commission
ArbSchG	<i>Arbeitsschutzgesetz</i> (German Health and Safety Act)
BAuA	<i>Bundesanstalt für Arbeitsschutz und Arbeitsmedizin</i> (Federal Institute for Occupational Safety and Health)
BetrVG	<i>Betriebsverfassungsgesetz</i> (German Works Constitution Act)
BGs	<i>Berufsgenossenschaften</i> (German statutory accident insurers)
BERR	Department for Business, Enterprise and Regulatory Reform (now Department for Business, Innovation and Skills)
BRE	Better Regulation Executive
CCA	Centre for Corporate Accountability
CJEU	Court of Justice of the European Union (former ECJ)
COE	Council of Europe
CPS	Crown Prosecution Service
dB	Decibel
DGUV	<i>Deutsche Gesetzliche Unfallversicherung</i> (German Statutory Accident Insurance)
EC	European Community
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECSR	European Committee of Social Rights
EMM	Enforcement Management Model
EPS	Enforcement Policy Statement
EU	European Union
e.V.	<i>eingetragener Verein</i> (incorporated society)
FOD	Field Operations Directorate
GB	Great Britain
GDA	<i>Gemeinsame Deutsche Arbeitsschutzstrategie</i> (Common German OHS Strategy)
GDP	Gross Domestic Product

List of Abbreviations

GNP	Gross National Product
HELA	HSE and the Local Authorities Enforcement Liaison Committee
HSC	Health and Safety Commission
HSE	Health and Safety Executive
HSL	Health and Safety Laboratory
HSWA	Health and Safety at Work Act
IA	Impact Assessment
IALI	International Association of Labour Inspection
IEE	Initial Enforcement Expectation
ILO	International Labour Organization
IT	Information Technology
LASI	<i>Länderausschuss für Arbeitsschutz und Sicherheitstechnik</i> (Committee for OHS and Safety Engineering)
LFS	Labour Force Survey
MSDs	Musculoskeletal Disorders
NAO	National Audit Office
OECD	Organization for Economic Co-operation and Development
OHS	Occupational Health and Safety
ONS	Office for National Statistics
ORR	Office of the Rail Regulator
OSHA	American Occupational Safety and Health Agency
OWiG	<i>Ordnungswidrigkeitengesetz</i> (German Administrative Offences Act)
PSD	Pesticides Safety Directorate
QMV	Qualified Majority Voting
RDM	Regulatory Decision Making
RESA	Regulatory Enforcement and Sanctions Act
RIA	Regulatory Impact Assessment
RIDDOR	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations
SGB	<i>Sozialgesetzbuch</i> (German Social Code)
SLIC	Senior Labour Inspectors' Committee
SMEs	Small-and-Medium-Sized Enterprises
StGB	<i>Strafgesetzbuch</i> (German Criminal Code)
SuGA	<i>Sicherheit und Gesundheit bei der Arbeit</i> (German OHS reports)
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
TUC	Trade Union Congress
UK	United Kingdom
US	United States
VwVfG	<i>Verwaltungsverfahrensgesetz</i> (German Administrative Procedure Law)
WHO	World Health Organization



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