



FOURTH ITEM ON THE AGENDA

Form for reports on the application of unratified Conventions and Recommendations (article 19 of the Constitution): the Labour Inspection Convention, 1947 (No. 81); the Protocol of 1995 to the Labour Inspection Convention, 1947 (No. 81); the Labour Inspection Recommendation, 1947 (No. 81); the Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82); the Labour Inspection (Agriculture) Convention, 1969 (No. 129); and the Labour Inspection (Agriculture) Recommendation, 1969 (No. 133)

1. In accordance with the decision taken by the Governing Body at its 288th (November 2003) Session, the Committee is requested to examine the appended draft form to be used as a basis for the reports on the instruments which member States will be required to submit in 2005 in accordance with the recommendations made by the Committee. The report form approved by the Governing Body will also be made available on the ILO web site, and member States will be encouraged to submit their replies in electronic format.
2. *The Committee is invited to decide on the report form for the Labour Inspection Convention, 1947 (No. 81), the Protocol of 1995 to the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection Recommendation, 1947 (No. 81), the Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Labour Inspection (Agriculture) Recommendation, 1969 (No. 133).*

Geneva, 2 March 2004.

Point for decision: Paragraph 2.

Appendix

Appl. 19
C.81, P.81, R.81, R.82, C.129, R.133

INTERNATIONAL LABOUR OFFICE

REPORTS ON

UNRATIFIED CONVENTIONS
AND RECOMMENDATIONS

*(Article 19 of the Constitution
of the International Labour Organization)*

REPORT FORM FOR THE FOLLOWING INSTRUMENTS:

**LABOUR INSPECTION CONVENTION,
1947 (No. 81)**

**PROTOCOL OF 1995 TO THE LABOUR INSPECTION
CONVENTION, 1947 (No. 81)**

**LABOUR INSPECTION RECOMMENDATION,
1947 (No. 81)**

**LABOUR INSPECTION (MINING AND TRANSPORT)
RECOMMENDATION, 1947 (No. 82)**

**LABOUR INSPECTION (AGRICULTURE) CONVENTION,
1969 (No. 129)**

**LABOUR INSPECTION (AGRICULTURE)
RECOMMENDATION, 1969 (No. 133)**

GENEVA

2004

INTERNATIONAL LABOUR OFFICE

Article 19 of the Constitution of the International Labour Organization relates to the adoption of Conventions and Recommendations by the Conference, as well as to the obligations resulting therefrom for the Members of the Organization. The relevant provisions of paragraphs 5, 6 and 7 of this article read as follows:

“5. In the case of a Convention:

.....

- (e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.

6. In the case of a Recommendation:

.....

- (d) apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.

7. In the case of a federal State, the following provisions shall apply:

- (a) in respect of Conventions and Recommendations which the federal government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;
- (b) in respect of Conventions and Recommendations which the federal government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent states, provinces or cantons rather than for federal action, the federal government shall:

.....

- (iv) in respect of each such Convention which it has not ratified, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise;

- (v) in respect of each such Recommendation, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as have been found or may be found necessary in adopting or applying them.

.....”

In accordance with the above provisions, the Governing Body of the International Labour Office examined and approved the present form of report. This has been drawn up in such a manner as to facilitate the supply of the required information on uniform lines.

REPORT

to be made no later than 1 April 2005, in accordance with article 19 of the Constitution of the International Labour Organization by the Government of, on the position of national law and practice in regard to the matters dealt with in the following instruments:¹

LABOUR INSPECTION CONVENTION, 1947 (No. 81)

**PROTOCOL OF 1995 TO THE LABOUR INSPECTION
CONVENTION, 1947 (No. 81)**

LABOUR INSPECTION RECOMMENDATION, 1947 (No. 81)

**LABOUR INSPECTION (MINING AND TRANSPORT)
RECOMMENDATION, 1947 (No. 82)**

**LABOUR INSPECTION (AGRICULTURE) CONVENTION,
1969 (No. 129)**

**LABOUR INSPECTION (AGRICULTURE) RECOMMENDATION,
1969 (No. 133)**

The General Survey on the above instruments will be based firstly on the provisions contained in the two parts of Convention No. 81, relating to labour inspection in industrial and commercial workplaces. The Protocol of 1995, which extends the application of Convention No. 81 to activities in the non-commercial services sector, will be examined from the point of view of its scope of application, characterized by the possibility for member States to exclude certain categories of workplaces or to restrict some of the prerogatives available to the labour inspectors under Convention No. 81.

There will be an examination of Convention No. 129 from the point of view of its specific provisions relating to the agricultural activities to which it applies, and also from the point of view of extending the area of competence of labour inspection and strengthening its role in view of the decades of experience gained in establishing labour inspection systems based on the principles contained in Convention No. 81 and the lessons of Recommendation No. 81.

The examination of the impact of Recommendations Nos. 81, 82 and 133 will demonstrate the situation in law and in practice of labour inspection in all the member States, and will provide a picture of the progress made and the difficulties encountered in meeting the objectives sought by all the instruments covered by the General Survey.

The report form is presented as a single text divided into parts corresponding to the individual instruments covered by the General Survey. This will allow Members to provide the information requested without difficulty, in keeping with their respective obligations with regard to each of the instruments. Member States that have ratified Convention No. 81 and have appended to their ratification a declaration to exclude Part II will provide the information requested on the measures taken to give effect to this part.

The report form is available on the ILO web site and member States are encouraged to send their report in electronic form, including any attachments. Although attachments

¹ The texts of the instruments are appended.

are welcome, it would be greatly appreciated if member States would summarize their replies to questions, to the extent possible, or clearly identify the relevant portion of any attachment supplied.

Some aspects of labour inspection go beyond the immediate competence of the ministry responsible for labour, so that the preparation of a full report on the abovementioned instruments may require consultation with the other ministries or government or private agencies concerned, such as those responsible for health, environment, public finance, public service, education, public safety, social security and insurance, and justice, in particular.

LABOUR INSPECTION CONVENTION, 1947 (No. 81)

adopted by the International Labour Conference at its 30th Session.

- I. Please send a list of the legislation and administrative regulations, etc., which exist in your country in regard to the matters dealt with in the Convention.

If copies of the legislation and regulations cited in the report have not already been supplied to the International Labour Office, please attach them.

Please supply a copy of any other available models of documents concerning the effect given to the provisions of the Convention, such as forms, registers, inspection reports, notification of occupational accidents and diseases, etc.

- II. Please give an exhaustive list of the areas covered by the legislative provisions that are under the supervision of the labour inspectors such as, for example, hours of work, wages, the employment of children and young persons, occupational safety and health, etc. (Articles 1 and 3, paragraph 1(a)).
- III. Please indicate the measures taken to ensure that all undertakings and establishments subject to labour inspection are liable to supervision by the inspection services (Articles 1 and 2, paragraph 1).
- IV. Please state the duties, other than those contained in Article 3, paragraph 1, of the Convention, that are entrusted to labour inspectors (Article 3, paragraph 2).
- V. Please indicate the authority or authorities under whose supervision and control the various inspection services are placed (Article 4).
- VI. Please give details on the legal status, conditions of service and recruitment criteria for labour inspectors, and on measures taken for their subsequent training, as appropriate (Articles 6, 7 and 9).

Please indicate the number and distribution by sex of the staff responsible for labour inspection activities, and specify if it is provided that in some cases women inspectors are called on to perform special duties (Article 8).

Please state whether labour inspectors are bound by the prohibition to have any direct or indirect interest in the workplaces under their supervision as well as by the obligation of professional secrecy as regards manufacturing, commercial or working processes which may come to their knowledge in the course of their duties (if so, please send the relevant texts) (Article 15(a) and (b)).

Please indicate whether labour inspectors are bound by the principle of confidentiality as regards the source of complaints bringing to their notice a defect or breach of legal provisions and also as regards the link between a complaint and a visit of inspection (Article 15(c)).

- VII. Please indicate the administrative structures as well as the public or private institutions that cooperate in inspection activities and give details of the forms and results of this collaboration (Article 5(a)).
- VIII. Please state whether measures are taken to promote collaboration between employers and workers or their respective organizations and the labour inspection services. If so, please provide details on the manner in which this collaboration is carried out and on its results (Article 5(b)).

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- IX. Please specify the direct or indirect nature of the powers for the issue of orders or the initiation of proceedings defined by the Convention (Articles 13 and 17) and indicate the relevant legal texts.
- X. Please indicate whether legislation makes provision for labour inspectors to exercise the prerogatives defined by each of the provisions in Article 12 and supply the relevant legal provisions.
- XI. Please indicate the legal provisions in compliance with which persons who breach the legislation enforceable by labour inspectors and who obstruct them in the performance of their duties shall be liable to legal proceedings and the application of penalties (Articles 17 and 18).
- XII. Please provide details on the obligation to provide and the methods to follow in preparing periodical reports on activities, with which the labour inspectors must comply vis-à-vis the competent authority, and supply any relevant texts as well as copies of any standard reports (Article 19).
- XIII. Please indicate whether an annual report on inspection activities is produced and published by the central inspection authority. If so, please specify the type of information it includes and provide details on the management and use of this information and also on the objective of producing and publishing a report of this kind.
- If not, please indicate whether there are plans to give effect to the relevant provisions of Articles 20 and 21 of the Convention, and state any measures taken in this regard.
- XIV. Please indicate to what extent action has been taken on the provisions of Part II of the Convention which stipulates that the system of labour inspection in commercial workplaces shall comply with the requirements of Articles 3-21 of Convention No. 81 in so far as they are applicable (Article 24).
- XV. Please indicate whether there are national criteria to determine the definition of a commercial establishment (Article 23).
- XVI. Please indicate the share allocated to labour inspection in the global budget of the labour administration and provide an estimate of how appropriate the human, logistic and material resources allocated to the function of labour inspection are from the viewpoint of needs (Articles 10, 11, 16, 20 and 21).
- XVII. Please state whether it is intended to adopt measures to give effect to those provisions, including those of Part II, of the Convention not yet covered by national legislation and practice.

**PROTOCOL OF 1995 TO THE LABOUR INSPECTION
CONVENTION, 1947 (No. 81)**

adopted by the International Labour Conference at its 82nd Session.

- I. Please indicate whether there is a system of labour inspection responsible for supervising legal provisions relating to conditions of work and the protection of workers while engaged in their work in activities in the non-commercial services sector, such activities being those in all categories of workplaces that are not considered to be industrial or commercial for the purposes of Convention No. 81.
- II. Please specify any particular provisions relating to limitations on the powers of labour inspectors with regard to the abovementioned categories of workplaces and supply the relevant texts.
- III. Please state whether legislation makes provision for the total or partial exclusion of certain categories of workplaces in the non-commercial services sector from the scope of competence of the system of labour inspection referred to in point I above.
- IV. Please provide details about the provisions that ensure, where necessary, that the categories of workplaces excluded from the scope of the labour inspectorate competent for industrial and commercial workplaces are nevertheless liable to inspection as regards conditions of work and of protection of the workers concerned while engaged in their work.

LABOUR INSPECTION RECOMMENDATION, 1947 (No. 81)

adopted by the International Labour Conference at its 30th Session.

- I. Is the labour inspectorate competent to undertake, or order to be undertaken by any competent body, preventive inspection of new establishments, plant and processes of production from the viewpoint of the application of national legislation relating to the safety and health of workers (Part I)?
- II. Please provide detailed information together with, as appropriate, any relevant documents, on any measures to encourage collaboration in the sphere of occupational safety and health between the labour inspection services, on the one hand, and the employers and workers, on the other (Part II, Paragraphs 4-6).
- III. Please provide information on the manner in which labour inspectors distribute information and technical advice to employers and workers aimed at improving compliance with legislation covered by labour inspection and achieving better occupational safety and health; for example, by using awareness-raising activities to promote safety culture, through television, radio and other media coverage, national campaigns, safety and health weeks, safety awareness days, etc. (Part II, Paragraph 7).
- IV. Please indicate whether provision is made for bodies outside the structures of the labour inspectorate, at the national and local levels, to take on the functions of conciliation and arbitration in proceedings concerning labour disputes (Part III).
- V. Please provide details on the information and statistics contained in the annual report on labour inspection activities (Part IV).

**LABOUR INSPECTION (MINING AND TRANSPORT)
RECOMMENDATION, 1947 (No. 82)**

adopted by the International Labour Conference at its 30th Session.

- I. Please indicate whether any legislative, administrative or practical provisions exist in your country that make mining and transport undertakings, as defined by the competent authority, subject to the supervision of the appropriate labour inspection services for the enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work.

If so, please give, in summarized form, information concerning national legislation, regulations and practice which may facilitate an appreciation of the extent to which effect has been given to the Recommendation.

- II. If copies of the legislation and regulations cited in this report have not already been supplied to the International Labour Office, please attach the same, together with any other documents concerning the effect given to the Recommendation, such as forms, booklets, inspection reports, etc.
- III. Please specify which authority or authorities are entrusted with the supervision of the application of the legislation and regulations and indicate the manner in which employers' and workers' organizations may be called upon to cooperate in this application.

**LABOUR INSPECTION (AGRICULTURE) CONVENTION,
1969 (No. 129)**

adopted by the International Labour Conference at its 53rd Session.

- I. Please indicate whether a definition of the term “agricultural undertaking” exists in national law or practice (Articles 1 and 4).
- II. Please state whether there are, or whether provision has been made for, administrative structures responsible principally or secondarily for labour inspection in agricultural undertakings at the national, regional or local levels. If so, please provide details on the officials who, within these structures, exercise the functions of supervision, the provision of technical advice and information on the best way of applying the relevant legislation, and participate in improving national legislation (Articles 3 and 6, paragraph 1).
- III. Please indicate whether labour inspectors in agriculture are responsible for advisory or enforcement functions regarding legal provisions relating to conditions of life of workers and their families (Article 6, paragraph 2).

If so, please supply the relevant legal provisions or, as appropriate, any document attesting to such functions being exercised by the labour inspectors.
- IV. Please also provide information on the status of inspection staff and on their powers and obligations, and supply any relevant text or document (Articles 8, 9, 16, 18, 20, 22, paragraphs 2, 23 and 25).
- V. Please indicate whether labour inspectors engaged in their functions in agriculture receive specific training in the course of employment, and provide information on the content of this training and the manner in which it is provided (Article 9, paragraph 3).
- VI. Please state whether labour inspection staff include officials or representatives of occupational organizations and provide, as appropriate, details on the occupational guarantees accorded to them, in particular as regards stability of tenure (Article 8, paragraph 2).
- VII. Please indicate whether inspection staff in agriculture include women and whether special duties are assigned to them (Article 10).
- VIII. Please describe the structures responsible for labour inspection in agriculture and indicate the central body under the control of which they are placed (Article 7). Provide information on the arrangements made, as appropriate, to promote effective cooperation between the inspection services in agriculture and other government services and public or approved institutions engaged in similar activities (Article 12, paragraph 1).
- IX. Please indicate any measures taken to ensure that technical experts and specialists are associated in the work of labour inspection in agriculture and provide information on how this collaboration is carried out (Article 11).
- X. Please state whether the government services or public institutions other than the labour inspection services exercise certain inspection functions at the regional or local level on an auxiliary basis or are associated with them. If so, indicate how it is ensured that the application of the principles contained in Convention No. 129 is not affected (Article 12, paragraph 2).

- XI. Please provide information on any arrangement made by the competent authority to promote collaboration between labour inspectors in agriculture and employers and workers or their representatives (Article 13).
- XII. Please state the measures taken to compile a register, at the local level, of agricultural undertakings and the categories of workers employed by them, to determine inspection staff requirements at the national level (Article 14).
- XIII. Please indicate the national distribution of inspection offices offering all or part of their services in the agricultural sector (Article 15(a)) as well as the means of transport and transport facilities available to inspection staff for the performance of their duties in agricultural undertakings (Article 15(b)).
- XIV. Please indicate the share allocated to labour inspection in agriculture in the global budget of the labour administration and provide an estimate of how appropriate the human, logistic and material resources allocated to the function of labour inspection in agriculture are from the viewpoint of needs (Articles 14, 15, 21, 26 and 27).
- XV. Please indicate whether labour inspectors in agriculture are associated in the preventive control of new plant, new materials or substances and new methods of handling or processing products which appear likely to constitute a threat to health and safety (Article 17).
- XVI. Please state whether labour inspectors are obliged to inform the employer and the workers' representative immediately following the inspection visit of the defects noted and the measures ordered to remedy them (Article 18, paragraph 4).
- XVII. Please indicate the way in which labour inspectors are informed of occupational accidents and cases of occupational disease and are associated, as appropriate, with inquiries into the causes of these accidents and diseases (Article 19).
- XVIII. Please provide information on the types, procedure and frequency of inspection visits to agricultural undertakings and indicate the relevant legal provisions.
- XIX. Please provide information on the manner in which the central labour inspection authority is informed of the activities of inspection units in agricultural undertakings and supply any relevant documents (Article 25).
- XX. Please provide information on the content as well as the processing, at the national level, of information concerning inspection activities and their results and specify whether an annual general report on these activities is published separately or as part of a general annual report (Articles 26 and 27).

LABOUR INSPECTION (AGRICULTURE) RECOMMENDATION, 1969 (No. 133)

adopted by the International Labour Conference at its 53rd Session.

- I. Please indicate whether provision is made for the labour inspectorate to be associated with the enforcement of legal provisions on such matters as the training of workers, social services in agriculture and compulsory school attendance (Paragraph 2).
- II. Please state to what extent, if any, labour inspectors engaged in agriculture are called upon to act as conciliators in labour disputes (Paragraph 3).
- III. Please indicate the measures taken to ensure that when persons appointed as labour inspectors in agriculture do not have the appropriate level of education, they nevertheless have some practical experience in agriculture or a capacity for such work and are given adequate training on the job (Paragraph 7).
- IV. Please state whether labour inspectors are given guidelines to ensure that they perform their duties throughout the country in a uniform manner (Paragraph 8).
- V. Please indicate whether provision is made for collaboration between the joint committees for hygiene and safety of agricultural undertakings and the inspection services, and provide details of the scope of this collaboration and of the manner in which it is carried out (Paragraph 10).
- VI. Please provide details of the methods used by the labour inspectorate to inform agricultural employers and workers of the applicable legal provisions and the need to apply them, as well as of the dangers to the life or health of persons working in agricultural undertakings and of the most appropriate means of avoiding them as, for example, the intervention of rural promoters, the use of media, arrangements for exhibitions and practical demonstrations on hygiene and safety, the inclusion of hygiene and safety in the teaching programmes of rural schools, the arrangement of lectures, debates, seminars and competitions with prizes (Paragraph 14).

Prospects for the ratification and application of the instruments

- I. Please indicate whether it is envisaged to take measures to implement the provisions of Conventions Nos. 81 and 129 and of the Protocol of 1995 if any of these instruments has not been ratified.
- II. Conventions Nos. 81 and 129 are priority Conventions of the ILO. Please indicate whether your Government is considering the ratification of either or both Conventions or state the difficulties, if any, contained in the instrument or instruments vis-à-vis legislation, national practice or any other cause that might prevent or delay ratification.
- III. If Convention No. 81 has been ratified, please indicate whether your Government intends to ratify the Protocol of 1995 or state the difficulties, if any, contained in the instrument vis-à-vis legislation, national practice or any other cause that might prevent or delay ratification.

Consultations

- I. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organization.
- II. Please state whether you have received from the organizations of employers or workers concerned any observations concerning the effect given, or to be given, to the instruments to which the present report relates. If so, please communicate a copy of the observations received together with any comments that you may consider useful.

Federal States

- (a) Please indicate whether the provisions of the instruments are regarded by the federal government as appropriate, under the constitutional system, for federal action or as appropriate, in whole or in part, for action by the constituent states, provinces or cantons, rather than for federal action.
- (b) Where federal action is appropriate, please give the information specified in each of the points of this form.
- (c) Where action by the constituent states, provinces or cantons is regarded as appropriate, please supply general information corresponding to each of the points of the form. Please indicate also any arrangements it has been possible to make within the federal State, with a view to promoting coordinated action to give effect to all or some of the provisions of the instruments, giving a general indication of any results achieved through such action.