



International  
Labour  
Organization

# ILO Curriculum on Building Modern and Effective Labour Inspection Systems

Module

6

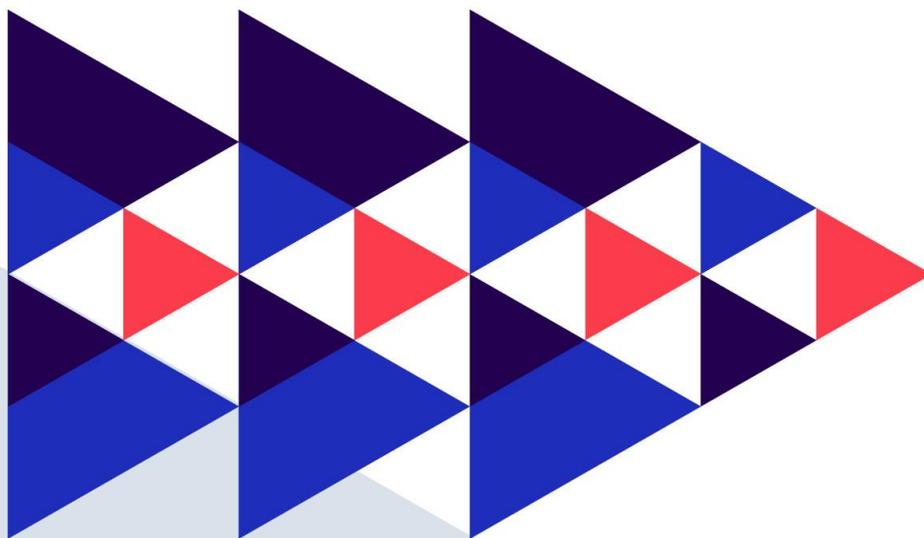
► **Inspection of working conditions**



ILO Curriculum on Building Modern and  
Effective Labour Inspection Systems

► Module **6**

# Inspection of working conditions





#### ▶ What this module is about

This module considers several aspects of working conditions with reference to key ILO Conventions and Recommendations, and also the role of the labour inspectorate. At the end of the module, special reference is made to some of the particular challenges for labour inspectors in influencing certain groups that are harder to reach, and how those challenges have been met in practice.

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#### ▶ Objectives

By the end of the module, participants will be able to:

- ▶ describe the main issues concerning key working conditions (wages, working time, work organization, discrimination, maternity related matters);
  - ▶ refer to key ILO instruments concerning the above-mentioned working conditions;
  - ▶ discuss various measures that can be taken to improve working conditions;
  - ▶ discuss the role of labour inspectors in promoting compliance with relevant national legislation and in promoting good practice on the above issues.
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# ▶ 1. Decent working conditions: an overview

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## 1.1 At the core of the ILO

The importance of decent working conditions such as wages and working time has always been a core element of the ILO's activities, as the Preamble to its Constitution made clear:

*... Whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required; as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week... the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury... recognition of the principle of equal remuneration for work of equal value...*

Thus, the first international labour standard adopted dealt with hours of work,<sup>1</sup> the third with maternity protection,<sup>2</sup> followed, almost ten years later, by one on wages.<sup>3</sup> Conventions concerning occupational safety and health were also quickly adopted,<sup>4</sup> likewise Recommendations on labour inspection.<sup>5</sup>

Many international labour standards were adopted in the following decades on various aspects of decent work to ensure comprehensive protection for all workers, wherever the workers are and whatever their status, and to promote equality of opportunity and eliminate discrimination. (See *list of key ILO instruments on working conditions in Annex 1*).

Most countries have adopted national policies and legislation on working conditions, ratifying the above and other important international standards and providing legal protection for many if not all workers. Inspection services have likewise been given a mandate for those workers and for the sectors in which they are employed.

However, national legislation has not been comprehensive, and there are still many workers who are not afforded legal protection in respect of their wages, working time, safety and health, and so on. This especially affects those who work in the informal economy, migrant, casual and temporary workers in the agriculture and construction sectors, employees of small and micro enterprises, domestic workers and homeworkers. Because they often fall outside the scope of the

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<sup>1</sup> Hours of Work (Industry) Convention, 1919 (No. 1).

<sup>2</sup> Maternity Protection Convention, 1919 (No. 3).

<sup>3</sup> Minimum Wage - Fixing Machinery, 1928 (No. 26).

<sup>4</sup> Anthrax Prevention Recommendation, 1919 (No. 3); White Lead (Painting) Convention, 1921 (No. 13).

<sup>5</sup> Labour Inspection (Health Services) Recommendation, 1919 (No. 5); Labour Inspection Recommendation, 1923 (No. 20).

law, such enterprises and workers are also outside the mandate of the inspection services. Moreover, even where the law does provide broad coverage, labour inspectorates very often lack the resources required to visit such workplaces regularly, if at all, and workers rarely see an inspector. Working conditions and safety and health are interlinked, and the summative effect can be devastating. For example, malfunctioning machinery combined with excessive overtime work increases the risk of injury or accident.

Each element of working conditions is important and is an integral part of the whole working environment. However, some of these elements have a heavier influence than others on the quality of life of workers and their families, in particular wages and working time.

## 1.2 Recent trends - from flexibility to flexicurity

In the 1980s and 1990s, changes were introduced into labour markets worldwide at an accelerating pace, with a view to enhancing their *flexibility* and the capacity of enterprises to compete in a globalized world.

These changes were focused on the key areas of labour conditions, the aim being to help enterprises to:

- ▶ adjust the level and timing of labour inputs to changes in demand;
- ▶ vary the level of wages according to productivity and ability to pay;
- ▶ deploy workers between tasks to meet changes in demand.

Legislation in several countries was modified to allow enterprises to introduce changes in contracts of employment (*external numerical flexibility*), working time (*internal numerical flexibility*), pay systems (*wage flexibility*) and work organization (*functional flexibility*).

At the beginning of 2000, the need to balance flexibility with *security* (in terms of decent work, decent pay, life-long learning, working conditions, protection against discrimination and unfair dismissal, support in case of job loss and the right to transfer acquired social rights when moving jobs) led to the concept of *flexicurity*.

In June 2008, an important new international instrument was agreed: the Declaration on Social Justice for a Fair Globalization. This reiterated the earlier principles of the ILO and set out an approach to promoting balanced economic and social policies for governments and employers' and workers' organizations. Among other issues, the Declaration supported the need for "policies in regard to wages and earnings, hours and other conditions of work, designed to ensure a just share of the fruits of progress to all and a minimum living wage to all employed and in need of such protection".

More recently, the COVID-19 outbreak brought unprecedented changes to the world of work as a large proportion of the workforce were required to work remotely if their functions make it possible. Though the number of people teleworking on a part-time or full-time basis had been increasing over the years (Eurostat, 2018), the pandemic has fast-tracked the adoption of teleworking policies by employers. Teleworking offers workers the opportunity for a more flexible

schedule and the freedom to work from an alternative location, away from the premises of the employer. There may also be risks, such as loss of contact with fellow employees and the extension of working hours and/or working time, which it is essential to anticipate and prevent.<sup>6</sup>



#### ▶ Key information on teleworking

##### **What is teleworking?**

Telework is defined as the use of information and communications technologies (ICTs), such as smartphones, tablets, laptops and desktop computers, for work that is performed outside the employer's premises (Eurofound and ILO, 2017). In other words, telework implies work performed with the help of ICTs and conducted outside the employer's locations.

Teleworking should be based on a voluntary agreement between the employer and the employee. Besides agreeing on the location of the work (at the home of the employee or elsewhere), there are several other aspects that need to be clarified, namely the working hours or schedule, the communication tools to be used, the work to be accomplished, the supervisory mechanisms and the arrangements for reporting on the work undertaken.

Teleworking is not normally defined so as to include those working in the platform or gig economy; for example a freelancer who works primarily from home may not be classified as a teleworker but might be classified as a home-based worker, under the terms of [ILO Convention 177 on Homework \(1996\)](#).

##### **Teleworking and continuity?**

Teleworking policies could be an essential part of any business continuity plan. In the case of an unforeseen event (extreme weather, terrorism, pandemic) that prevents employees from taking up work at their regular offices or workplace, the possibility of teleworking allows them to perform work offsite and keep the organization operational.

<sup>6</sup> [Practical guide on teleworking during the Covid-19 pandemic and beyond](#), ILO, July 2020.

## ▶ 2. Wages and incomes

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### 2.1 A global issue

According to the ILO Convention on Protection of Wages, 1949 (No. 95),<sup>7</sup> the term “wages” means “remuneration or earnings capable of being expressed in terms of money and fixed by mutual agreement or by national laws or regulations which are payable by an employer to employed person in virtue of a written or unwritten contract of employment for work done or to be done or for services rendered or to be rendered”.

Wages and incomes are a key component of working conditions everywhere. Living standards and the livelihoods of labourers and their families depend on levels of wages, and when and how they are adjusted and paid. Wages help to determine overall consumption and economic performance in all countries. Most people work in order to earn money, yet in many parts of the world access to adequate and regular wages is not guaranteed.

In numerous countries, non-payment of wages has led to huge wage arrears, and wages are sometimes paid in bonds, manufactured goods, or even addictive substances like alcohol. Large wage arrears have been linked to debt bondage and slavery. In other countries, workers face loss of wages when their employer goes bankrupt.

Traditionally, the employer offers a wage based on the going rate for the job and the worker accepts the conditions offered. In theory, workers are free to negotiate wages and to refuse conditions they consider unacceptable. However, in practice they often cannot bargain on an equal basis with employer, especially where there is a labour surplus.

At the time of the 2008 economic crisis, there was even greater pressure on jobs and wages. The ILO’s Global Wages Report 2008/09 describes and analyses trends in a number of wage indicators, including average wages, wage inequality between men and women, differentials between high and low wages, wages as a proportion of GDP, and statutory or negotiated minimum wages. Although the years 1995—2007 were characterized by a generally favourable economic climate, the global economic downturn since then has had an immense impact on jobs and wages. The 2009 crisis has further eroded wages, and the number of working poor has also increased in industrialized countries, becoming a key issue for revising macro-economic, financial and social policies.

The ILO has found that, as a result of the COVID-19 pandemic, monthly wages either fell or grew more slowly in the first six months of 2020 in two-thirds of countries for which official data was available, and that this crisis may put massive downward pressure on wages.

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<sup>7</sup> Convention, 1949 (No. 95).

### Some other trends

In industrialized countries, there is a growing tendency to *link pay to performance* (PRP: Performance-related Pay). Thus pay may be related to:

- ▶ *a firm's financial performance*, in the form of profit-sharing schemes (using as indicator the profits of the enterprise or the unit concerned);
- ▶ *productivity (and/or other operational objectives)*, in the form of gain-sharing plans linked to productivity, quality, costs-cutting and other factors;
- ▶ *workers' skills*, in the form of competency payments following an assessment of newly acquired competencies.

Any change in wage policy or legislation should in any case take into account key international labour standards on wages, which provide for regular payment of wages, the fixing of minimum wage levels, and the settlement of unpaid wages in the event of employer insolvency.

## 2.2 Minimum wages

The minimum wage is the minimum amount that must be paid to the majority of workers in a country — generally on an hourly, daily or monthly basis — and should ideally be set so as to cover the minimum needs of a worker and his/her family, in light of the prevailing national economic and social conditions.

The main objective of the minimum wage is to protect the lowest-paid workers, and the national minimum wage may be regarded as sufficient to ensure a decent standard of living to workers and their families.

Minimum wages, statutory or negotiated, exist in 90 per cent of the 187 ILO Member States. Minimum wage systems differ widely across countries and range from simple to very complex. Globally, around half of the countries that have a statutory minimum wage have a single national minimum wage rate; the other half have more complex systems with multiple minimum wage rates, determined by sector of activity, occupation, age of employee or geographical region. Different systems are compatible with the Minimum Wage Fixing Convention, 1970 (No. 131), which calls for a broad scope of application, full consultation with the social partners, levels that take into account economic factors and the needs of workers and their families, regular adjustments, and measures to ensure effective application.<sup>8</sup> They should be reviewed and periodically revised in the light of the evolution of socio-economic conditions, such as the inflation rate.

Different rates may be established for certain branches of economic activity or categories of workers, or the statutory minimum wage may apply to all workers. For example, young workers such as apprentices may be given wages based on a percentage of the minimum wage. However, with the exception of apprenticeship arrangements, a system that accords a lower minimum wage

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<sup>8</sup> [Global Wage Report](#), ILO, 2020-21.

to young workers, based on the assumption that they will not perform work quantitatively and qualitatively equivalent to that of adult workers, is not correct.

In many countries, including industrialized nations, the effects of the minimum wage have been reduced by its being abolished, or have been eroded by imposed freezes, absence of periodical adjustments and/or the establishment of lower minimum wages for specific categories of workers, such as young people.

The fundamental principle of equal pay for work of equal value has to be respected, and any minimum wage law should of course be gender-neutral and non-discriminatory.

The general characteristic of minimum-wage earners paid at or below the hourly minimum wage is that they are located at the lower end of the household-income scale, with women generally over-represented among low-paid workers. Incidentally, the literature shows that, in many cases, minimum wages narrow the pay gap between men and women.

### *Enforcing minimum wages*

Many enterprises pay their workers well below the national minimum wage, especially in developing countries.

An estimated 327 million wage-earners worldwide are paid at or below the minimum wage. Of these, 266 million, representing some 15 per cent of all waged employees, earn less than the hourly minimum wage in place in their countries, either because they are not legally covered, or because of non-compliance. In terms of regional differences, the proportion of workers earning less than the minimum wage is highest in Africa, at an estimated 21 per cent. However, the region with the largest absolute number of people in this situation is Asia and the Pacific, where an estimated 134 million wage-earners (16 per cent of the region's total) receive less than the minimum wage. In the Americas, the corresponding share is estimated at 17 per cent, while in Europe and Central Asia it stands at around 13 per cent of the region's employees.<sup>9</sup>

Informality and non-compliance also reduce the effectiveness of minimum wages. Non-compliance has negative consequences not only for workers and their families, whose rights are violated, but also for compliant employers, as it gives non-compliant enterprises an illegitimate cost advantage.

Enabling workers to exercise their rights to collect back and underpaid wages is part and parcel of minimum wage enforcement. Minimum wages therefore need to be accompanied by credible enforcement mechanisms.

Labour inspectorates have an important role to play in carrying out proactive inspections and investigating complaints. Where wages are concerned, however, there is a tendency for inspections to be triggered by complaints, rather than for inspectors to proactively identify targets in the context of labour inspection programmes and strategies. Proactive strategies could usefully include awareness-raising campaigns and analyses of levels of compliance based on labour

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<sup>9</sup> [Global Wage Report](#), ILO, 2020-21.

statistics, using new technologies as relevant. The Pay and Conditions Tools Calculator (PACT) is one example of good practise in this area.<sup>10</sup>

Labour inspectors must be able to access enterprises subject to inspection, inspect wage records and other documents, conduct interviews with workers and management, and then issue warnings or apply administrative procedures to enforce payment and/or impose penalties in cases of non-compliance.<sup>11</sup>

In Israel, under the 2011 Act to strengthen the enforcement of labour laws, Israeli labour administration agencies were empowered to fine employers for minimum wage violations through fast-track administrative proceedings. Prior to this Act, criminal prosecution was the only means of recourse. These reforms introduced financial sanctions, in addition to the possibility of penal sanctions, thereby improving the procedure through which fines were imposed. These measures were accompanied by the recruitment of 120 additional labour inspection staff.<sup>12</sup>

In China, the Shenzhen municipal labour and social security bureau has instituted a service providing seven hotlines for complaints about unpaid wages.

In the United Arab Emirates, since 2009, all enterprises have been legally required to pay the wages of both national and migrant workers through banks and other financial-service providers. This system gives the Ministry of Labour a comprehensive wage database and an electronic wage-payment monitoring mechanism for enterprises within the country. This system also allows for the timely detection of delays in payment of salaries and enables the authorities to subject non-complying companies to sanctions.

In many countries, trade unions and workers' organizations play a key role in ensuring that their members are fairly and duly paid. In countries such as India and Israel, worker's organizations can bring claims for unpaid wages to court on behalf of the workers concerned. However, this service is not available to vulnerable workers, migrants and workers in the informal economy, for whom the protection afforded by the labour inspectorate is all the more important.

### 2.3 Conditions determining wages

Labour contracts determine actual levels of wages and provide the detailed conditions. Workers must be informed of the conditions applicable to their wages before they enter employment, in particular the wage rates payable, the method of calculation, the periodicity of wage payments, the place of payment, and the conditions under which deductions can be made.

Workers must also be protected against having to accept sub-standard goods as part of their wages; payment in cash of a large part of their wages is essential.

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<sup>10</sup> <https://calculate.fairwork.gov.au/FindYourAward>.

<sup>11</sup> ILO General Survey on Labour Inspection (2006).

<sup>12</sup> State of Israel/Ministry of Economy, Second Progress Report on the Implementation of OECD Recommendations - Labour Market and Social policies, August 2015.

According to the Protection of Wages Convention, 1949 (No. 95), wages should be paid only in legal tender; promissory notes, vouchers and coupons are prohibited. However, partial payment of wages in the form of allowances in kind is possible, on condition that such allowances are for personal use and for the benefit of the worker and his/her family, and that the value attributed to such allowances is fair and reasonable.

This principle finds its full expression not only in the periodicity of wage payments, but also in the complementary obligation to settle swiftly and in full all outstanding payments upon the termination of any contract. Not paying full wages all at once for some special reason may be allowable, but this should be abnormal practice and wages should normally be paid in full and on time.

Having a legal basis for the regular payment of wages is fundamental, particularly where vulnerable workers, such as seasonal or migrant workers, are concerned.

Wages must also be paid directly to the worker concerned, and there should be no limitation on the freedom of workers to dispose of their wages: the use made of wages should be free from constraints.

## 2.4 Deductions

The Protection of Wages Recommendation, 1949 (No. 85)<sup>13</sup> recommends that an upper limit be placed on deductions to ensure that they are not so heavy as to deprive workers of the basic minimum income needed for the maintenance of themselves and their families. It is important to set specific limits for each type of deduction (e.g. income tax or social security contributions) and to establish an overall limit beyond which wages cannot be further reduced. The deductions should appear on the pay slip that the employer is obliged to give to the worker at the time of each payment. Deductions should never be made from wages as a means of labour discipline.

## 2.5 Notification of wages

Workers should know the details of the conditions applicable to their wages.

Pay slips must be delivered to workers, and records should be kept by employers. The pay slips at the time of each payment of wages should contain full wage details, in particular:

- ▶ identification of the employer or company;
- ▶ the worker's identity, hiring date and type of contract;
- ▶ total wages paid for the pay period;
- ▶ the rates at which wages are paid;

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<sup>13</sup> Recommendation, 1949 (No. 85).

- ▶ the date and place of payment, and the pay period covered;
- ▶ all additions to or deductions from the worker's wages;
- ▶ total overtime earnings;
- ▶ total hours worked during the pay period.

Such records are helpful to labour inspectors when visiting enterprises in ascertaining that minimum wages are being paid in accordance with the terms and conditions of contracts.

## ▶ 3. Working time

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### 3.1 Issues and trends

Like wages, working time has a very significant impact on the day-to-day lives of workers. Its importance was recognized by the international community, in that the very first ILO Convention was to establish the 8-hour day and the 48-hour week, with a limited number of exceptions.<sup>14</sup> The main aim was to provide at least minimal protection and then gradually to improve conditions when possible.

The main aim of the regulation of working time and rest periods has traditionally been to provide at least a minimal level of protection for workers, and then to improve the conditions provided.

The central focus of the regulation of working time has tended to be quantitative, but the qualitative aspects are also important. Workers are rightly concerned not only with how many hours they work, overtime, rest periods and leave arrangements, but also with how these hours are organized, shift work and night work, and the patterns of flexible hours. Part-time work is becoming more and more frequent nowadays but is not necessarily a positive development: although it may be more convenient for some workers who have other commitments, it can also be imposed on workers who have not chosen it.

A recent ILO report on non-standard forms of employment found that working-time arrangements which involve highly variable and unpredictable hours of work have grown in importance, particularly in industrialized countries, as a means of adapting staffing to changing business needs.<sup>15</sup> Such arrangements, commonly referred to as “on-call work”,<sup>16</sup> or “casual employment” in industrialized countries, are characterized by short advance notice of schedules, broad fluctuations in working hours, and little or no input from workers as to the timing of work.<sup>17</sup> As on-call working hours are often unpredictable, and may be announced at the last minute, rest periods also become unreliable, and workers may not be able to rest if they are waiting to be

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<sup>14</sup> Hours of Work (Industry) Convention, 1919 (No.1).

<sup>15</sup> ILO, *Non-standard employment around the world: Understanding challenges, shaping prospects* (Geneva, 2016). See also S. Burri, S. Heeger-Hertter and S. Rossetti, *On-call work in the Netherlands: Trends, impact and policy solutions*, ILO Working Paper (forthcoming, 2018); A. Adams and J. Prassl, *Zero-hours work in the United Kingdom*, ILO Working Paper (forthcoming, 2018); E. McCrate, *Unstable and on-call work schedules in the United States and Canada*, ILO Working Paper (forthcoming, 2018); I. Campbell, *On-call and related forms of casual work in New Zealand and Australia*, ILO Working Paper (forthcoming, 2018).

<sup>16</sup> *ibid.*, p. 29. There is a difference between “on-call work” and “on-call hours”. In the latter case, workers need to be on standby outside their regular hours of work and may be called to work in case of need. Such practices are frequent, for example, for medical practitioners in hospitals.

<sup>17</sup> S.J. Lambert, P.J. Fugiel and J.R. Henly, *Precarious work schedules among early-career employees in the US: A national snapshot*, 2014, [https://ssascholars.uchicago.edu/work-scheduling-study/files/lambert.fugiel.henly\\_precarious\\_work\\_schedules.august2014\\_0.pdf](https://ssascholars.uchicago.edu/work-scheduling-study/files/lambert.fugiel.henly_precarious_work_schedules.august2014_0.pdf) [last accessed 8 Feb. 2018].

notified of a call to work.<sup>18</sup> As these developments have taken root in labour markets around the world, emerging policy and legislative responses are being considered by policymakers.

Working time is of course a central element of employment contracts. The details should be agreed between employers and workers before work commences, whether through workers' organizations or on an individual basis.

### *Trends to increase internal numerical flexibility*

Traditional working time consisted of full-time work for a specified number of hours per day (typically eight) and a specified number of days per week (typically five). Times for starting and finishing work, breaks and minimum daily rest periods were all predetermined. In a growing number of countries, new types of working-time arrangements have been introduced, in most cases to enhance the ability of the enterprise to respond, quickly and at low cost, to the accelerating fluctuations in demands for goods and services emanating from customers.

Working-time flexibility (individual flexibility) is not new. In many countries arrangements such as shift work, night work and work on Sunday have existed for a long time, although they were formerly confined to specific occupations and sectors, such as hotels and restaurants, health services and some manufacturing industries. The difference today is the spread of working-time flexibility across various groups of workers and activities and the many forms it has taken, ranging from annualization of working time to extended closing hours of shops and public services, shorter working weeks and more flexible leave provisions.

In North America, some major retail stores and food-service businesses use just-in-time scheduling software to determine “optimum staffing” based on weather forecasts, sales patterns and other data. When sales are slower than foreseen, managers may send employees home before the end of a scheduled shift, or even cancel shifts at the last minute to reduce staffing costs.<sup>19</sup> All these factors lead to highly variable working hours and schedules, sometimes without any guaranteed number of hours a day or a week.

### *Telework*

Since the beginning of the twenty-first century, new ICTs (smart phones, tablets and laptop computers) have made it possible to work outside the regular place of work, and especially from home. The COVID-19 outbreak has dramatically intensified this trend. Teleworking has practically become standard in some sectors. The advantages for workers include a reduction in commuting times, greater autonomy and flexibility in the organization of work, a better work—life balance, and higher productivity. The disadvantages are the tendency to work longer hours, to create an overlap between paid work and personal life (work—home interference), and the intensification of work.

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<sup>18</sup> N. Ghosheh, *Remembering rest periods in law: Another tool to limit excessive working hours*, Conditions of Work and Employment Series No. 78 (Geneva, ILO, 2016).

<sup>19</sup> ILO, *Non-standard employment around the world: Understanding challenges, shaping prospects*, op. cit., p. 29.

Home-based work poses a problem for the labour inspectorate, which can hardly be expected to carry out its mission of oversight in workers' private domiciles in the absence of a specific regulation.

The “right to be disconnected” and related policies have emerged in response to certain common issues that have arisen recently due to the new and diverse shape of the world of work. People should have the right to disconnect in certain circumstances. One of the issues linked to the growing importance of new technologies in professional life, recently termed “work without end”, is now being addressed by various studies and national policies.<sup>20</sup>

### *Increased work intensity*

The effects of the increased intensity of work are a tendency for people to work at the weekend, schedules characterized by irregular and less predictable working hours, and the extremes of either very limited hours (involuntary part-time work) or excessively long working hours (involuntary overtime). The trend towards greater work intensity and the increased unpredictability of working hours can affect workers' health and well-being.

According to the latest estimates published by the World Health Organization and the International Labour Organization in “Environment International today”, long working hours led to 745,000 deaths from strokes and ischemic heart disease in 2016 — a 29 per cent increase since 2000.<sup>21</sup>

## **3.2 Normal working hours and rest breaks**

Normal working hours means the number of hours fixed by legislation, which is usually a maximum of 48 hours per working week, interspersed with appropriate rest periods.

Longer working hours are common in certain employment sectors, notably in construction, agriculture, transport and the catering industry. These sectors have characteristics which determine a tendency to long working days: work often has to be completed in a limited time frame or within a limited season, with a labour force often composed of temporary or casual workers. Working-time laws usually permit exceptions to weekly hours' limits, permitting extended hours without a requirement to pay overtime.

Employers should be required to notify the workers concerned, by posting notices in their establishments or by other methods, of the time at which work begins and ends; the time at which each shift begins and ends (if shift work is involved); and the rest intervals accorded during the period of work, as these are not reckoned as part of the working hours and days worked during the week.<sup>22</sup>

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<sup>20</sup> Eurofound and ILO, *Working anytime, anywhere: The effects on the world of work*, op. cit., p. 49.

<sup>21</sup> [Long working hours increasing deaths from heart disease and stroke: WHO, ILO.](#)

<sup>22</sup> Article 8(1) of Convention No. 1; Article 11(2) of Convention No. 30; Paragraph 21(b) of the Reduction of Hours of Work Recommendation, 1962 (No. 116).

For workers' safety, health and welfare it is important to arrange hours of work so as to provide adequate periods of rest: short breaks during working hours, longer breaks for meals and weekly rest. Short rest periods during normal working hours are for rest, refreshment and to satisfy natural needs, allowing workers to continue to function in good health during the time spent on productive activities. Such rest periods are generally authorized by custom or contract, according to circumstances. They may include tea, coffee or prayer breaks.

The guarantee of weekly rest is fundamental for the protection of workers. The Convention on Weekly Rest (Commerce and Offices), 1957 (No. 106) prescribes a rest period of at least 24 hours each week. Wherever possible, this rest period should be granted simultaneously to the whole staff of an establishment and fixed so as to coincide with traditional or customary days of rest. Temporary exceptions to the weekly rest must be limited to what is strictly necessary.

Inspection of workplaces to determine working hours may be necessary outside of normal business hours in order to detect abuses or non-compliance. For example, night-time inspection visits may be necessary to detect undeclared work, in particular involving migrants and children, as well as forced labour.

### 3.3 Overtime

Time worked over and above normal hours constitutes overtime. Overtime is a "temporary" or "periodical" exception to normal hours of work. Overtime should be voluntary and exceptional, and should not exceed legal rules, e.g. a maximum of two hours per day. Compulsory overtime is unacceptable.

Recourse to overtime is authorized by most national legislation for business or economic reasons, for example abnormal pressure of work at particular seasons of the year. Many countries have laws or regulations setting upper limits to the permitted number of hours of overtime per day and per week.

Overtime should normally be remunerated with a higher rate of pay.<sup>23</sup>

Problems arise when overtime becomes the rule rather than the exception. It should not become institutionalized, since this can place workers in a difficult position. The advantage of higher earnings as a result of working overtime may be negated by the consequences of overwork. Compulsory overtime is sometimes not easily detected. Overtime may also be offered as a disguised wage increase, and workers who have been dependent on it may suffer considerable financial deprivation when they find that overtime earnings are not stable.

There would seem to be less danger when overtime is applied to a whole workplace because trade unions or works committees can more easily check on this; the risk is greater when overtime work is individually allocated.

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<sup>23</sup> Compensatory rest is most prominent in the laws of industrialized countries.

In certain sectors, such as construction, agriculture, transport, and hotels and restaurants, low wages create an incentive for workers to work long hours and overtime is a persistent fact of life. Reducing overtime means paying workers a sufficient salary to reduce the need for them to work extra hours.

To facilitate the enforcement of legal and contractual provisions, Convention Nos. 1 and 30 provide for keeping records of “additional hours” worked — in other words, overtime.<sup>24</sup> The CEACR considers that, although these Conventions only require the recording of additional hours, this also necessarily implies the recording of normal hours.<sup>25</sup> Recommendation No. 103 also calls for the maintenance of such records as may be necessary for the proper administration of weekly rest arrangements, while Recommendation No. 98 calls for records of holidays with pay. In addition, Convention No. 30 requires that records be kept of payments made for overtime.

New forms of work, particularly telework, are often accompanied by a more flexible organization of working time. Due to the remote nature of the work, this may make the recording of working time more difficult for employers. Many countries have adopted arrangements to enable the electronic recording of working schedules.

### 3.4 Night work

The ILO Convention on Night Work, 1990 (No.171) defines night work as work performed during a period of at least seven consecutive hours, including the interval from midnight to 5 a.m.

In recent years, shift and night work has increased among white-collar workers in retailing, hotel and catering, and in other service and financial areas. The predictions are that this practice is likely to increase as more firms respond to the demands of society 24 hours a day and 7 days a week.

The effect of night work on workers’ health can be significant. Workers can potentially develop serious health problems (including digestive, cardiovascular and osteoarticular problems, stress and increased risk of breast cancer). Night workers should therefore have some kind of compensation in the form of time off with pay or similar benefits.

In addition, ILO convention No.171 stipulates that if a worker is certified as temporarily unfit for night work, the employer should look for an alternative job for him or her.

### 3.5 Living accommodation

Inspection of living accommodation may also be required, for example in the case of plantation workers who live on site with their dependents or seasonal workers in the tourism industry. It is important, especially for migrant workers, to ensure that they have decent housing, as is often

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<sup>24</sup> League of Nations, International Labour Conference: First Annual Meeting, 1920, op. cit., p. 35.

<sup>25</sup> ILO, *Hours of work*, 1967, op. cit., para. 276.

required by national laws, as well as decent working conditions. An example of inspection of living accommodation is given in the box below.



#### ► Inspection of living accommodation for plantation workers - Malaysia

National legislation in Malaysia requires employers to provide minimum standards of housing and nurseries for plantation workers and their dependants, as well as hospital, medical and social amenities.

Labour inspectors promote compliance with this law, ensuring that accommodation for workers is suitably located and is clean, safe and meets their basic needs. The accommodation should also meet the provisions of the Plantations Convention, 1958 (No. 110) regarding minimum amounts of space for each worker, provision of sanitary, laundry and cooking facilities, potable water, first aid, medical facilities, etc.

## 3.6 Leave

### *Annual Leave*

The purpose of an annual holiday is to give the worker a reasonable amount of time away from work to allow him or her to rest and recuperate from accumulated physical and mental tiredness. In addition to the annual leave entitlement, most countries designate a number of additional days each year as public holidays, usually accorded, in principle, to all workers.

Work during normal weekly rest periods or public holidays should be voluntary, and public holidays should not be counted as part of the minimum annual holiday.

In the great majority of countries, entitlement to annual holidays with pay is provided by laws or regulations — an entitlement which is usually related to a qualifying period of service. Holiday pay should be related as closely as possible to normal remuneration, although this may be difficult to achieve.

ILO Convention No. 132<sup>26</sup> lays down the principle that a worker should receive at least his normal or average remuneration. Workers should be allowed to use their annual leave without heavy restrictions being imposed. Employers should obtain a worker's consent to convert annual leave into cash compensation and should pay the correct amount of compensation in place of annual leave. Effective inspection measures must be taken to ensure the proper enforcement of regulations concerning holidays with pay.

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<sup>26</sup> Holidays with Pay Convention (Revised), 1970 (No. 132).

### Education and training leave

Paid leave for education or training can take many forms; the important thing is that the leave should be granted for a specified period during working hours, without any reduction in wages or leave entitlement.

### Special leave for family-related issues

Labour law often provides special leave for events affecting a worker's family (e.g. the death or serious illness of a close family member).

**NB:** This aspect will be further developed in the following chapter.

## 3.7 Effects of time pressures: fatigue and stress

Fatigue is an important contributing factor to work injuries and health problems. Excessive hours of work, heavy workloads and insufficient rest are the main causes.

The pace and pressures of much modern-day working life are such that fatigue and stress are becoming common, in the service sector as much as in traditional industries. Such pressures and demands have an impact on workers' general sense of well-being, work—life balance suffers, and many go off work sick. Absences can continue for months, and workers do not return to work until they feel that they can cope with a stressful working environment. Consequently, an increasing amount of attention has been paid to stress-related illnesses in recent times, especially in the most industrialized countries.



### ▶ National approaches to dealing with stress at work

Many countries have recently introduced measures to tackle work-related stress. In France, for example, all enterprises are required to take specific measures to reduce work-related stress and related psychosocial diseases.<sup>27</sup> In other countries, such as the UK, case studies of how employers have successfully tackled work-related stress are widely publicized.<sup>28</sup>

It is not easy for inspectors to recognize and deal with fatigue and stress during a single inspection visit, but they can look into some of the factors that cause it, such as excessive working time and quantitative overload. Beyond this, stress-related issues are certainly becoming more widely recognized and their symptoms and causes have been well documented elsewhere.

The ILO has produced a range of training materials in different languages, such as [The SOLVE training package: Integrating health promotion into workplace OSH policies \(ilo.org\)](#), which deal with stress and other issues (tobacco, alcohol and drugs, HIV/AIDS and violence).

<sup>27</sup> [https://travail-emploi.gouv.fr/IMG/pdf/accord\\_stress\\_travail\\_fr.pdf](https://travail-emploi.gouv.fr/IMG/pdf/accord_stress_travail_fr.pdf).

<sup>28</sup> See HSE business solution case studies - <https://www.hse.gov.uk/stress/index.htm>.

## ▶ 4. Maternity and family-related working conditions

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### 4.1 Maternity protection

Pregnancy and maternity are a particularly vulnerable time for working women and their families. Expectant and nursing mothers require special protection for the sake of their children's and their own health, and they need adequate leave to give birth, recover, and nurse their children. At the same time, they also require protection to ensure that they do not lose their jobs simply because of pregnancy or maternity leave. Such protection not only ensures equal access to employment for women, but also the continuation of a source of income that is often vital for the well-being of the entire family. Safeguarding the health of expectant and nursing mothers, and protecting them from discrimination in employment, is a precondition for achieving genuine equality of opportunity and treatment for men and women at work, and enabling workers to raise families in conditions of security.

The Maternity Protection Convention (Revised), 1952 (No. 103)<sup>29</sup> calls for the protection of the right of working women to combine maternity with the obligations arising from their employment. Protective measures for pregnant women and women who have recently given birth include prevention of exposure to health and safety hazards (such as not being exposed to certain chemical and biological agents) during and after pregnancy; entitlement to paid maternity leave; entitlement to breastfeeding breaks; protection against discrimination and dismissal; and a guaranteed right to return to the job after maternity leave.

Women workers should also be allowed to perform work that is suited to their pregnant condition (no sit-stand work, no heavy loads to be carried, no exposure to hazardous chemical products) and to have an alternative to night work, both before and after childbirth.

#### *Maternity leave*

Working women should be entitled to paid maternity leave, and have the right to return to their job after such leave. Employers should grant at least six weeks' post-natal leave after confinement, during which time they should not ask the worker to return to work, in order to protect her health and that of her child.

Employers cannot force pregnant workers to resign from their work or terminate their employment, and cannot adversely change the contract status of workers when they return from maternity leave. At the same time, there are legal or practical formalities to be completed before a woman can take maternity leave. The purpose of such obligations is, among other things, to allow employers to make any necessary arrangements to cope with the worker's future absence

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<sup>29</sup> [Maternity Protection Convention \(Revised\), 1952 \(No. 103\)](#) and [Maternity Protection Convention, 2000 \(No. 183\)](#).

from the workplace and to prevent or limit any disruption to the work of the enterprise by finding a replacement or by redistributing the worker's tasks among the remaining workforce.

Interruptions of work for the purpose of nursing must be counted as working hours and remunerated accordingly.

### *Pregnancy testing*

Employers should not discriminate against women workers during job applications, for example by placing impositions on them regarding possible future pregnancy or, as often happens, subjecting them to illegal pregnancy testing prior to recruitment.



#### ► Complaints concerning pregnancy testing in Mexico

Though the government has declared it illegal, "pregnancy testing remains a common requirement in Mexico for women seeking jobs, whether in factories or executive suites", the Associated Press reported (9 November 2009).

Few women complain about the tests and some say it "seems normal" to prove they are not pregnant before being hired for a job. Many human rights groups and women's activists argue that applicants are "reluctant to do anything that would undermine their chances of getting a job," especially in the light of the economic crisis that has plagued Mexico since 1995. New York-based Human Rights Watch and other US groups filed a complaint three years ago under the North American Free Trade Agreement, claiming Mexico was not enforcing its labour laws by allowing assembly plants to conduct pregnancy tests and to fire women who became pregnant.

Labour activists say the government's position has always been that pregnancy testing is illegal, but it "has not cracked down on violators for fear of a backlash against female workers". But businesses assert that the tests – which they insist are not prohibited by law – are necessary to "safeguard female workers' safety" and to "protect themselves from the high cost of government-mandated maternity leave".

Under Mexican maternity leave policies, women employees are entitled to 12 weeks' paid leave. "Young women have the right to get pregnant", said one lawyer who advises Mexican businesses on labour laws, "but ... they don't have the right to make someone else pay for it. Mexico is not the only Latin American nation where it is common for employers to test for pregnancy. The practice is illegal but still common, especially among small businesses that often disregard labour codes, as in Colombia.<sup>30</sup>

<sup>30</sup> Ken Guggenheim, *AP/Philadelphia Inquirer*, Tuesday, 9 November, 1999.

## 4.2 Reconciling work and family responsibilities

It is increasingly difficult for both women and men to balance their work and their family responsibilities in a satisfactory manner.

In many countries, there has been a recent move towards encouraging fathers to take up care-related leave by introducing paternity leave (short leave immediately after a wife or partner has given birth) or modifying the mother's leave entitlement so as to make it available to both parents.

Leave entitlements of this kind may be paid or unpaid, with many different formulae adopted in different parts of the world. Nonetheless, large numbers of working parents are not granted these entitlements, and take-up rates show that mothers everywhere are still more likely to take leave than fathers.

- ▶ *Special leave.* Labour laws often provide for special leave for events affecting a worker's family (marriage, death of a close relative, illness and other family-related emergencies). Employers may introduce family-friendly policies and provisions in order to improve working conditions, motivate employees, and reduce and regulate the absenteeism that results from work—family conflicts. Special leave of this kind may be with or without pay.
- ▶ *Parental leave.* This is leave granted to workers with family responsibilities for taking care of sick children. In some cases, the term also refers to maternity and paternity leave.
- ▶ *Paternity leave.* Paternity leave is defined as a leave period — paid or unpaid — granted to a father whose wife or partner has given birth, or leave that can be used exclusively by a father as paternity leave.<sup>31</sup> Several countries have introduced such provisions for fathers. Under some legislation, paternity leave is alternative to the leave taken by the mother; in other cases it may be parallel and contemporaneous. The conditions of payment during such leave periods vary from country to country.



### ▶ Paternity leave provisions at the International Training Centre of the ILO, Turin, Italy

Upon presentation of his child's birth certificate, a male official shall be entitled to paternity leave with full salary and allowances for a total period of up to four weeks. In the case of internationally recruited staff serving at a non-family duty station and in other exceptional circumstances, paternity leave shall be granted for a total period of up to eight weeks.

Paternity leave may be granted either in one continuous period or in separate periods of at least one week.

Paternity leave must be exhausted within 12 months from the date of the child's birth. A minimum period of 12 months is required between the end of one paternity leave entitlement and the start of the next.

<sup>31</sup> [Maternity and Paternity at work: Law and practice across the world.](#)

## ▶ 5. Work organization

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There are four main forms of work organization:

- ▶ **Discretionary learning**, characterized by autonomy in work, task complexity, self-assessment of work quality, autonomous teamwork;
- ▶ **Lean production**, characterized by teamwork (which may or may not be autonomous), job rotation, multi-skilling, self-assessment;
- ▶ **Taylorist**, characterized by low autonomy in work, low task complexity, little assistance from colleagues or hierarchy;
- ▶ **Traditional or simple**, characterized by methods that are largely informal and non-codified.

The adoption of discretionary-learning forms of work organization, as opposed to the lean-production and Taylorist forms, leads to better working conditions in terms of lower intensity of work, less exposure to physical risks, fewer non-standard working hours, better work—life balance and lower levels of work-related health problems.

The different forms of work organization can lead to improvements in or a deterioration of working conditions.

### *Functional flexibility*

One notable trend in employers' work organization policies since the 1980s has been a growing recognition of the crucial link between work organization and competitiveness. There are a number of related reasons for this pressure for change in the organization of work: intensified competition; new technologies requiring multi-skilling and enabling new work organization in practice; new work concepts such as "just in time", "total quality management" and "total productive maintenance";<sup>32</sup> and changes in external labour markets, encouraging employers to take more systematic steps to develop and retain the skills of their key employees. It is in this context that employers have sought to introduce organizational reforms that enable them to gain greater benefit from their employees' work-related knowledge and skills, and integrate quality control into production processes.

A wide range of approaches have been adopted. Changes in work organization are more sustainable when jointly designed and agreed by management and workers' representatives, and based on enhancing workers' competences. Productivity and quality go hand in hand with better working conditions, resulting in an increase in workers' motivation and loyalty.

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<sup>32</sup> The rise of just-in-time workforce.

## ► 6. Inspection of working conditions

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The core functions of labour inspection are to promote and ensure compliance with relevant national legislation, to give advice and information, and to take enforcement measures when necessary. All these functions are particularly relevant for the inspection of working conditions.

### 6.1 Information and awareness-raising campaigns

Information campaigns — using several means of communication — can be very effective in building a culture centred on social development, human rights and decent work. This can be an excellent way of promoting good working conditions and preventing exploitation and abuses.

Programmes involving inspectorates, their social partners and other stakeholders can have an impact not only in the formal employment sector but also on the informal economy.

For example, national programmes involving TV and radio have sought to reach and influence the self-employed, small enterprises and migrant workers, informing them of the importance of decent working conditions. Several countries have organized media campaigns of this kind, with labour inspectors and the social partners giving advice, and have had remarkable successes in reaching employers and workers whom inspectors would not normally reach through inspection visits. Since people watch TV and listen to radio in their homes, family members have also been influenced by the programmes, and there have been changes in attitudes amongst employers and workers alike. One example of this was the “Work smart” TV series broadcast in the UK.<sup>33</sup>

### 6.2 Compliance

In most countries, the enforcement of provisions governing working conditions is the responsibility of the labour inspection services. They issue infringement reports, which may lead to the imposition of an administrative fine or the referral of a case to the judiciary. In many countries, workers’ representatives or workers themselves can also submit complaints about breaches of working-condition provisions to the labour inspectorate and/or the labour courts.

Ensuring compliance with national labour legislation is particularly challenging in some areas and contexts, and for certain categories of workers, particularly those working within the informal economy, employees of subcontractors and suppliers of multinational (MNEs) and large enterprises, and domestic workers.

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<sup>33</sup> <https://www.hse.gov.uk/resources/videos.htm>.

To achieve fuller coverage and a more effective, coordinated and impactful approach to compliance in the area of working conditions, strategic planning of labour inspection in each country is essential.<sup>34/35</sup>

### 6.3 Effective enforcement of penalties

Penalties for violations of working-condition provisions generally take the form of administrative penalties and fines, as is the case, for example, in Algeria, the Federation of Bosnia and Herzegovina,<sup>36</sup> Cambodia<sup>37</sup> and Ecuador.<sup>38</sup> The national legislation in other countries also envisages prison sentences for working-time offences, for example in Finland,<sup>39</sup> the Republic of Korea,<sup>40</sup> Singapore<sup>41</sup> and Sri Lanka.<sup>42</sup> Such penalties may be applicable in cases involving intent, gross negligence or the fact of a previous warning.

Whatever their legal form, the penalties established in national legislation in the event of violations (whether of an administrative, civil or penal nature) should be sufficiently dissuasive to deter offenders, and should be set in proportion to the nature and gravity of the offence.

Penalties should not only be prescribed in law, as is the case in most countries, but must also be effectively enforced in order to compel employers to take corrective action and dissuade them from committing further violations. Obstacles to the enforcement of penalties include time-consuming court proceedings, a lack of political commitment and inadequate cooperation between the labour inspection services and the justice system.<sup>43</sup> An ILO study carried out in 2013, which examined enforcement procedures in Member States and the common challenges faced, found that in some countries penalties are rarely imposed, and that effective enforcement procedures are only initiated if the violation has resulted in serious harm to health or safety.<sup>44</sup> The obstacles encountered in this context include a lack of adequate training for labour inspectors and enforcement staff, and the absence of statistical data to evaluate the performance of the enforcement system and take measures for its improvement.

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<sup>34</sup> ILO Approach to Strategic Compliance Planning for Labour Inspectorates.

<sup>35</sup> ITC Module No. 4, on "Strategies of compliance" deals with these challenges in a broader way.

<sup>36</sup> Sections 159 and 171(1) of the Labour Law.

<sup>37</sup> Section 367 of the Labour Law.

<sup>38</sup> Section 628 of the Labour Code and article 7 of Constitutional Mandate No. 8.

<sup>39</sup> Section 2, Chapter 47, of the Criminal Code.

<sup>40</sup> Sections 109 and 110 of the Labour Standards Act.

<sup>41</sup> Section 53 of the Employment Act.

<sup>42</sup> Section 51 of the Shop and Office Employees Act.

<sup>43</sup> For the importance of cooperation between the labour inspection services and the justice system, see: CEACR, *General Observation, Convention No. 81*, 2008.

<sup>44</sup> ILO, *Labour inspection sanctions: Law and practice of national labour inspection systems*, Geneva, 2013. <sup>160</sup> *ibid.*, pp. 42–43.

## 6.4 Training

A growing number of countries are promoting an integrated approach to labour inspection, covering occupational safety and health, labour relations, general working conditions and other aspects of “Decent Work”, and supporting the concept of “one inspector(ate) – one enterprise”. This approach means that existing resources can be better combined, resulting in improved services and a greater presence of inspectors in the workplace. There are many examples of integrated inspection systems. The Labour and Social Security Inspectorate of Spain, for instance, is an integrated organization, dealing not only with occupational safety and health but with all aspects of labour relations, including employment and social security.

Maritime inspection is also a good example of an integrated system within a particular sector. Besides the specific maritime requirements, inspectors ensure compliance and enforcement across all fields of labour legislation: minimum age requirements for seafarers, conditions of employment, accommodation and food, health protection and medical care, and welfare and social security protection.

For integrated inspection systems to be effective and efficient, however, inspectors must receive systematic and continuous training, to maintain a high standard of professional competence, including skills and knowledge of employer-worker relations, and to prepare them for an increasingly global world of work.

Conditions of employment are a very important aspect of decent work at the enterprise level. According to Convention 81,<sup>45</sup> labour inspectors “shall secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours and wages...”. The number of working hours and the way work is organized can significantly affect workers’ quality of work and quality of life. Night work, shift work and long working hours also affect workers’ health and reduce life expectancy.

Training for all stakeholders, especially employers, workers or their organizations, in different forms and modalities is also essential. They can play a key role in building the awareness, knowledge and competences required to promote better working conditions.

The ILO has developed many training programmes, materials and tools relating to working conditions. One of the most successful training programmes for small enterprises is the Work Improvement in Small Enterprises (WISE) programme. This was developed by the ILO in the 1980s. It has since been revised and is used in many developing countries with positive results. The Participatory Action-Oriented Training programme (PAOT) is also deserving of mention.<sup>46</sup>

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<sup>45</sup> Labour Inspection Convention, 1947 (No. 81) art. 2/ art. 3.

<sup>46</sup> [https://www.ilo.org/global/topics/safety-and-health-at-work/resources-library/training/WCMS\\_736031/lang-en/index.htm](https://www.ilo.org/global/topics/safety-and-health-at-work/resources-library/training/WCMS_736031/lang-en/index.htm).



#### ▶ The WISE programme in the Philippines

In the framework a UNDP-funded project, the [Philippines](#) have institutionalized an ILO training programme on “Work improvements in Small Enterprises”.

The programme is aimed at promoting practical, voluntary action to improve working conditions on the part of owners and managers of small and medium-sized enterprises. It is based on adult learning methods and makes use of action-oriented [checklists](#) that small business owners and managers can use themselves to identify opportunities for cost-effective improvements and plan their implementation. The programme has also assisted the Philippines [labour legislation system](#) to develop practical strategies for intervening to achieve improved working conditions in small-scale and micro enterprises.

The ILO “Work Improvement in Neighbourhood Development (WIND)” programme focuses on obvious risks in the workplace and how to effect simple, low-cost improvements in working conditions. The main target groups have been small enterprises and farms, including the self-employed and family businesses. The courses have often been highly effective at the local level, leading to concrete improvements in working conditions, as well as improved productivity and enterprise performance.

## ► Summary

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A minimum wage should be fixed and periodically revised, in order to protect the lowest-paid workers and ensure decent standards of living for workers and their families. The principle of equal pay for work of equal value should be promoted and applied, and discrimination based on sex, age, religion or ethnicity should be outlawed. Workers must be informed about their wages and all related details before entering into an employment relationship.

The second element of working conditions that has a great impact on workers' lives is working time. The first ILO Convention (1919) dealt with this issue, establishing the eight-hour day and 48-hour week, and recognizing the right to a certain amount of weekly rest and an annual paid holiday.

Many changes have been made to national labour legislation with the aim of introducing a higher degree of flexibility in working time; this should not be allowed to undermine basic working and living conditions.

The determination of normal hours of work, and the regulation of overtime, rest periods and breaks, should be clearly defined as part of the employment relationship. Specific categories of workers (such as women during pregnancy and after giving birth) need to be able to work under particular conditions.

Measures set forth in the ILO Convention on Maternity Protection, 2000 (No. 183) aim to protect the health and well-being of the child and prevent discrimination and dismissal of the mother during her maternity leave. Measures to balance work and family responsibilities for both men and women are increasingly being adopted by many countries, and can contribute to a more equal sharing of responsibilities and opportunities.

Working conditions are very likely to improve or deteriorate depending on the type of working organization adopted. This also applies to working time: beyond certain limits, increased work intensity can affect the health, well-being and social life of workers, with negative impacts on society as a whole.

High workloads generate fatigue, which is often the cause of injuries and health problems. Time pressure often generates stress, which can sometimes have extreme consequences, such as suicide. Violence at work is also becoming an issue in many countries.

Labour inspection plays an important role in promoting better working conditions, by providing information, guidance and support to the social partners, organizing awareness-raising campaigns, preventing poor working conditions, identifying abuses and ensuring compliance with labour legislation, and taking enforcement action where needed.



## Exercise 1

<b>TITLE</b>	<i>Partnerships for improving working conditions</i>
<b>TASK</b>	<ul style="list-style-type: none"><li>✓ Each group should appoint a chairperson and a spokesperson.</li><li>✓ The group should then discuss the advantages and disadvantages of partnerships for improving working conditions in workplaces not normally inspected (for whatever reasons). These partnerships may be between public and private-sector organizations or between public authorities, social partners and other stakeholders.</li></ul>
<b>TIME</b>	<ul style="list-style-type: none"><li>✓ 30-40 minutes for reading and group work.</li><li>✓ 20-30 minutes for plenary discussion.</li></ul>



## Exercise 2

<b>TITLE</b>	<i>Campaign for promoting better working conditions</i>
<b>TASK</b>	<p>In your group, you are going to design an awareness-raising campaign for promoting better working conditions.</p> <p>You should define:</p> <ul style="list-style-type: none"><li>✓ the key aspect of working conditions you want to put at the centre of the campaign;</li><li>✓ the specific problem you want to tackle;</li><li>✓ the audience you want to target in particular and why;</li><li>✓ the areas you want to reach;</li><li>✓ the media you are going to use (which, how, etc.; try to be descriptive);</li><li>✓ the alliances you need to build (if any);</li><li>✓ the testimonials you want to use (if any);</li><li>✓ the key slogan of the campaign.</li></ul>
<b>TIME</b>	<ul style="list-style-type: none"><li>✓ 60 minutes group work.</li><li>✓ 30 minutes for reporting to plenary and feedback.</li></ul>

## ► Bibliography and additional reading material

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**Note:** a more comprehensive list of publications and other references may be found on the website of the ILO Conditions of Work and Employment Programme (TRAVAIL),

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### *Labour Inspection*

- ▶ C081 Labour Inspection Convention, 1947.

### *Equal opportunity and pay*

- ▶ C100 Equal Remuneration Convention, 1951.
- ▶ C111 Discrimination (Employment and Occupation) Convention, 1958.
- ▶ C156 Workers with Family Responsibilities Convention, 1981.
- ▶ R90 Equal Remuneration Recommendation, 1951.
- ▶ R111 Discrimination (Employment and Occupation) Recommendation, 1958.

### *Workers with family responsibilities*

- ▶ R123 Employment (Women with Family Responsibilities) Recommendation, 1965.
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### *Wages*

- ▶ C26 Minimum Wage-Fixing Machinery Convention, 1928.
- ▶ C94 Labour Clauses (Public Contracts) Convention, 1949.
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- ▶ C131 Minimum Wage Fixing Convention, 1970.
- ▶ C173 Protection of Workers' Claims (Employer's Insolvency) Convention, 1992.
- ▶ R30 Minimum Wage-Fixing Machinery Recommendation, 1928.
- ▶ R84 Labour Clauses (Public Contracts) Recommendation, 1949.
- ▶ R85 Protection of Wages Recommendation, 1949.
- ▶ R89 Minimum Wage Fixing Machinery (Agriculture) Recommendation, 1951.
- ▶ R135 Minimum Wage Fixing Recommendation, 1970.
- ▶ R180 Protection of Workers' Claims (Employer's Insolvency) Recommendation, 1992.

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<sup>47</sup> <http://www.ilo.org/ilolex/english/convdisp1.htm>.

<sup>48</sup> <http://www.ilo.org/ilolex/english/recdisp1.htm>.

## *Working time*

- ▶ C1 Hours of Work (Industry) Convention, 1919.
- ▶ C14 Weekly Rest (Industry) Convention, 1921.
- ▶ C47 Forty-Hour Week Convention, 1935.
- ▶ C52 Holidays with Pay Convention, 1936.
- ▶ C89 Night Work (Women) Convention (Revised), 1948.
- ▶ C101 Holidays with Pay (Agriculture) Convention, 1952.
- ▶ C106 Weekly Rest (Commerce and Offices) Convention, 1957.
- ▶ C110 Plantations Convention, 1958.
- ▶ C132 Holidays with Pay Convention (Revised), 1970.
- ▶ C140 Paid Educational Leave Convention, 1974.
- ▶ C153 Hours of Work and Rest Periods (Road Transport) Convention, 1979.
- ▶ C171 Night Work Convention, 1990.
- ▶ P89 Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948.
- ▶ C175 Part-Time Work Convention, 1994.
- ▶ R13 Night Work of Women (Agriculture) Recommendation, 1921.
- ▶ R47 Holidays with Pay Recommendation, 1936.
- ▶ R178 Night Work Recommendation, 1990.
- ▶ R93 Holidays with Pay (Agriculture) Recommendation, 1952.
- ▶ R98 Holidays with Pay Recommendation, 1954.
- ▶ R103 Weekly Rest (Commerce and Offices) Recommendation, 1957.
- ▶ R116 Reduction of Hours of Work Recommendation, 1962.
- ▶ R161 Hours of Work and Rest Periods (Road Transport) Recommendation, 1979.
- ▶ R178 Night Work Recommendation, 1990.
- ▶ R182 Part-Time Work Recommendation, 1994.

### *Maternity protection*

- ▶ C3 Maternity Protection Convention, 1919.
- ▶ C103 Maternity Protection Convention (Revised), 1952.
- ▶ C183 Maternity Protection Convention, 2000.
- ▶ R95 Maternity Protection Recommendation, 1952.
- ▶ R191 Maternity Protection Recommendation, 2000.

