



Fifth item on the agenda: Labour administration and labour inspection

Report of the Committee on Labour Administration

1. At its first sitting on 1 June 2011, the International Labour Conference (ILC) constituted the Committee on Labour Administration. The Committee held its first sitting on 1 June 2011. It was originally composed of 194 members (101 Government members, 32 Employer members and 61 Worker members). To achieve equality of voting strength, each Government member entitled to vote was allotted 1,952 votes, each Employer member 6,161 votes and each Worker member 3,232 votes. The composition of the Committee was modified six times during the session, and the number of votes allocated to each member was adjusted accordingly.¹

¹ The modifications were as follows:

- (a) 3 June a.m.: 185 members (101 Government members entitled to vote with 416 votes each, 32 Employer members with 1,313 votes each and 52 Worker members with 808 votes each);
- (b) 3 June p.m.: 189 members (104 Government members entitled to vote with 33 votes each, 33 Employer members with 104 votes each and 52 Worker members with 66 votes each);
- (c) 4 June: 180 members (109 Government members entitled to vote with 1,260 votes each, 35 Employer members with 3,924 votes each and 36 Worker members with 3,815 votes each);
- (d) 9 June: 171 members (112 Government members entitled to vote with 15 votes each, 35 Employer members with 48 votes each and 24 Worker members with 70 votes each);
- (e) 10 June: 168 members (113 Government members entitled to vote with 714 votes each, 34 Employer members with 2,373 votes each and 21 Worker members with 3,842 votes each);
- (f) 13 June: 166 members (113 Government members entitled to vote with 660 votes each, 33 Employer members with 2,260 votes each and 20 Worker members with 3,729 votes each).

2. The Committee elected its Officers as follows:

<i>Chairperson:</i>	Ms Gundla Kvam (Government member, Norway) at its first sitting
<i>Vice-Chairpersons:</i>	Mr Mthunzi Mdwaba (Employer member, South Africa) and Mr Sam Gurney (Worker member, United Kingdom) at its first sitting
<i>Reporter:</i>	Ms Vera Albuquerque (Government member, Brazil) at its sixth sitting

3. At its fifth sitting the Committee appointed a Drafting Group to agree draft conclusions and a draft resolution, based on the plenary discussion, for consideration by the Committee. The Drafting Group was chaired by the Chairperson of the Committee and was composed as follows: Ms Vera Albuquerque (Government member, Brazil), Mr Jiang Mohui (Government member, China), Ms Ute Gohla (Government member, Germany), Mr Sammy Nyambari (Government member, Kenya), Mr Maarten Quivooy (Government member, New Zealand), Mr Christer Eriksson (Government member, Sweden), Mr Nicholas Levintow (Government member, United States) and Mr Owen Mugemezulu (Government member, Zambia); Mr Mohammad Hassan Ahmadpour (Employer member, Islamic Republic of Iran), Mr John Beckett (Employer member, Canada), Mr Kris de Meester (Employer member, Belgium), Mr Dick Grozier (Employer member, Australia), Mr Mthunzi Mdwaba (Employer member, South Africa), Ms Siri Möllerud (Employer member, Norway), Mr John Oswalt (Employer member, United States) and Mr Timothy Parkhouse (Employer member, Namibia); Ms Lisa Addario (Worker member, Canada), Mr Herman Fonck (Worker member, Belgium), Ms Sarah Fox (Worker member, United States), Mr Sam Gurney (Worker member, United Kingdom), Mr Dag Jonsrud (Worker member, Norway), Ms Hadja Kaddous (Worker member, Algeria), Mr Bheki Ntshalintshali (Worker member, South Africa) and Mr Tom Roberts (Worker member, Australia).
4. The Committee had before it Report V, entitled *Labour administration and labour inspection*, prepared by the International Labour Office (Office) on the fifth item on the agenda of the Conference.
5. The Committee held 13 sittings.

Introduction

6. The Executive Director of the Social Dialogue Sector, Mr George Dragnich, welcomed the participants to the Committee, stressing that strong labour administration and labour inspection systems, including public employment services (PES), health and safety administrations and training and education programmes were essential pillars of good governance. Moreover, the recent crisis had confirmed the importance of these institutions. In today's global age of widespread labour migration, labour administrations had a crucial role to play in managing migrant worker programmes in both sending and receiving countries, as well as providing a voice within government to advocate for job-rich growth and rights-based development. At this 100th International Labour Conference, it was fitting that the ILO, with its eyes firmly on the future, should remain true to its history by placing the need for strong labour administrations and labour inspectorates as a central requirement of good governance, thus echoing the Treaty of Versailles which founded the ILO in 1919.
7. The representative of the Secretary-General, Mr Giuseppe Casale, Director of the Labour Administration and Inspection Programme (LAB/ADMIN), recalled that the Declaration of

Philadelphia had recognized the importance of labour administrations, that the ILO Declaration on Social Justice for a Fair Globalization, adopted in 2008, had reiterated this importance and the Global Jobs Pact had brought the subject firmly back onto the international agenda. In both industrialized and developing countries, labour administrations helped make decent work a reality. Through their social security function they were responsible for an increasing part of public expenditure, and they were instrumental in ensuring a level playing field for enterprises. However, the erosion of labour ministries' mandates, compounded by insufficient funding and inadequate access to statistical data and information technology, posed a challenge to labour administration. On the other hand, the crisis had highlighted the importance of labour administration and inspection and had raised the profile of labour ministries. It was important that these ministries should regain their role as key coordinators of labour policies. By creating the Labour Administration and Inspection Programme in 2009, the ILO placed the accent firmly on the role these institutions played in implementing the Decent Work Agenda.

Opening statements

8. The Worker Vice-Chairperson expressed gratitude for the Office report. He stressed the key role that labour administration and labour inspection played in the world of work. He regretted that the role of labour administrations and inspectorates had weakened over the years, with a concomitant reduction in workers' protection and general deregulation in the labour market and in the economy. The main objective of the discussion was thus to chart a strategic course for future action by governments and the social partners to improve and strengthen labour administration and inspection. This was required both nationally and within the ILO. Strong labour administration and inspection were crucial not only to addressing the negative consequences of globalization and ensuring an equal distribution of its benefits, but also to contributing to policies that promoted employment, social protection, rights and enforcement. They are a prerequisite for effectively protecting workers' rights and working conditions, and for ensuring social justice.
9. The Workers' group wanted the discussion to focus on certain areas. First, it should reinforce the call for ratification and implementation of ILO standards in the areas of labour administration and inspection. These included the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129), which would much improve labour market governance and enforcement; the Labour Administration Convention, 1978 (No. 150); and in particular the Protocol of 1995 to the Labour Inspection Convention, 1947 (No. 81), which was not widely ratified. He also called for promoting the ratification and implementation of the Employment Service Convention, 1948 (No. 88), and the Private Employment Agencies Convention, 1997 (No. 181), and for the promotion of relevant Recommendations, in particular the Employment Relationship Recommendation, 2006 (No. 198).
10. Second, the discussion must reaffirm the public function of labour administration and labour inspection systems, which were core public functions and need to remain so. Challenges to the effective operation of these systems should be dealt with by ensuring adequate financial and human resources for the public institutions and not through private initiatives. Any trend towards privatization of labour administration and labour inspection was a major concern for workers and their organizations, in particular the rise in private social auditing schemes.
11. Third, labour administration and labour inspection had an enforcement function: sanctions to promote compliance were critical in this regard.

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12. Fourth, areas of priority for strengthening labour inspection should include targeted action programmes at the national level dealing in particular with issues such as precarious work and new forms of employment, gender equality, working conditions, occupational safety and health (OSH), freedom of association and collective bargaining, as well as export processing zones (EPZs).
 13. Fifth, new forms of employment and an increase in outsourcing and the complexity of supply chains represented serious challenges for labour administrations and inspectorates and hampered the effective enforcement of labour inspection. Recommendation No. 198 was of particular importance in this regard, and more targeted country work should be carried out on this subject, including legislative reforms and measures to ensure labour law coverage for all workers in an employment relationship.
 14. Sixth, the discussion would provide an opportunity to stress the key role that workers and trade unions had in the proper functioning of labour administration and labour inspection. Trade unions were well placed to inform labour ministries about workplace practices, violations and challenges and to participate in oversight committees in areas such as social security, OSH and PES. Trade unions could also contribute to national policy developments on employment promotion, employment centred economic policies, sectoral policies, skills and training, OSH, freedom of association and collective bargaining. They were equally able to help address new challenges such as the negative impact of precarious work, and changes in the employment relationship. Such participation should be based on respect for freedom of association and the existence of strong, independent and democratic trade unions and the respect in law and practice of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).
 15. Seventh, the role of labour administration in promoting national social dialogue should be enhanced. This had gained in importance as a result of the economic crisis but had not been used to its full potential by all countries. Labour administration could be particularly instrumental in promoting collective bargaining at national and sectoral levels as a means of reducing income inequality, stimulating demand and promoting social cohesion.
 16. Lastly, it was important to strengthen PES and also the ILO's work in this area. The Workers' group had grave concerns related to the abuses by private employment agencies and the challenges posed by outsourcing and subcontracting to labour law coverage, thus undermining organizing and collective bargaining.
 17. The Employer Vice-Chairperson thanked the secretariat for the Office report, which contained much useful information. He observed that, given the broad nature of the discussion on labour administration and labour inspection, it was important to prioritize the most relevant issues. He supported the emphasis in the report on the role of the workers and employers in contributing to the work of labour administration and labour inspection institutions, particularly their role in helping to raise awareness and promote voluntary compliance with labour law. He looked forward to hearing governments share good practices from their own countries and believed that the discussion should lead to clearly defined priorities and actions that related to actual needs and were based on realistic budgets and available resources.
 18. Labour administration and labour inspection systems should provide enterprises with an optimal and flexible environment in which to operate in order to maximize their business objectives, in compliance with labour laws. Fair, strong and effective labour administration and labour inspection systems were essential in establishing the level playing field and the predictability that sustainable enterprises needed. While sanctions had a place among labour inspection practices, there should be an emphasis on helping employers to develop a

culture of prevention and labour law compliance. In this respect, incentives to respect the law should be sought before resorting to sanctions.

19. The diversity of national labour administration and labour inspection systems should be taken into account and the organization and management of these systems should be flexible enough to adapt to the needs and realities of different member States, without compromising the principles of transparency and good governance. The ILO had a key role in providing assistance to countries in the development of their labour administration and labour inspection systems. This assistance should be balanced and fair and should focus on the needs of enterprises as well as those of workers and governments.
20. The Committee's discussion should identify the challenges in the field of labour administration and labour inspection facing employers today and what constituents could do to learn from good practices to overcome such challenges. It should further identify promising and flexible approaches in promoting labour law compliance and a culture of prevention. Among these, new technologies presented opportunities for greater efficiency and innovation to help the social partners improve business performance with respect for labour standards. It was likewise important to consider how the social partners could work with other actors in the private sector and civil society to support initiatives targeting enterprises that were hard to reach because they were in the informal economy, were less visible or transient.
21. The Government member of Australia welcomed the holding of the current discussion. He noted that strong and effective labour institutions were essential for increasing productivity and achieving social inclusion. Labour administration and labour inspection were mechanisms to provide rights at work as well as the means through which international labour standards became reality on the ground. Many of the current challenges faced by labour administration and labour inspection had existed for decades but their impact had become especially apparent during the global economic crisis. All countries faced the challenge of extending labour law protection to traditionally marginalized and vulnerable groups of workers such as rural workers or those in the informal economy. Australia had implemented a number of recent structural reforms in its labour administration, including an overhaul of its legislative framework for workplace relations in 2009, which included the creation of two new institutions: the independent national industrial relations tribunal (Fair Work Australia) and the Fair Work Ombudsman, responsible for labour inspection, the investigation of complaints and education on the fair work system. A new employment services system (Job Services Australia) was implemented in 2009, while the harmonization of Australian workplace OSH across the country would come into effect in 2012. These reforms were essential for maximizing workforce participation and for creating fair and cooperative workplaces for all. The ILO must play a leadership role in building evidence to show the impact of effective labour administration and labour inspection on socio-economic development, providing sound policy advice on how these institutions could be structured, resourced and operated and by targeting technical assistance to promote capacity building of labour inspection institutions.
22. The Government member of Argentina said that the discussion should take account of the new social, economic and structural challenges facing labour administration and labour inspection institutions. Labour inspection programmes should be drawn up through consultation between the State and the social partners. Greater confidence in the inspection services was essential. Both workers and employers benefited from inspection, through the formalization and declaration of undeclared workers on the one hand, and the elimination of unfair competition on the other. Regular social dialogue for the exchange of ideas and experience was critical to developing action plans to promote implementation of labour law. A labour administration based on Convention No. 150, on the Labour Administration Recommendation, 1978 (No. 158), and on Conventions Nos 81 and 129, would be well

equipped to implement the Decent Work Agenda. Governments should place employment at the centre of public policies. It was essential to coordinate efforts between the State and the social partners, each in their areas of competence. Child labour, forced labour, internal or external migrations, the various forms of discrimination, subcontracting, complex supply chains and undeclared labour were all themes that should be addressed. In this regard, a sufficient number of labour inspectors should be recruited and trained. Labour inspection should become a true career: the inspector should be seen as a public servant engaged in prevention, and not only an agent whose role was simply to find fault. Sufficient sanctions should nevertheless be provided for. The ILO must also cooperate with States, on a tripartite basis, to help provide the information and the training required to build the capacity of labour administration and inspection services.

- 23.** The Government member of Hungary, speaking on behalf of the European Union (EU) ² Member States Government members of the Committee, as well as Iceland and Turkey, welcomed the Office report. She noted the way in which labour administration adapted continually to a changing economic and social environment. The world of work was in flux and labour administration must react accordingly, with new policies, services and ways of implementing legislation, including outside the formal economy. One example of adaptation to a changing environment was provided by PES. Labour administration was firmly grounded in a body of international labour Conventions and Recommendations, and labour administration and inspection were still within the core mandate of the ILO.
- 24.** The economic crisis, political and technological developments and globalization had changed the operating conditions of labour inspection and administration, although the impact of the crisis differed from country to country. Decreasing resources for national labour ministries had coincided with a sharp rise in demand for labour administration services. Labour administration services should base their operations on relevant statistics to allow priority to be given to the most hazardous workplaces. Through social dialogue, the social partners could be engaged in labour administration policy elaboration. Close cooperation was required between competent EU committees and the ILO. The Senior Labour Inspectors Committee (SLIC) had been established with a view to assisting the EU Commission in respect of enforcement by Member States of Community law on health and safety at work, although its sphere of action had since broadened and it now included new subject areas. It provided a unique platform to enable EU Member States to exchange views and best practices, and while the ILO was contributing importantly to its work, the collaboration could potentially be enlarged still further.
- 25.** Law enforcement was one of the main functions of labour administration and inspection systems. It was clear that enforcement was principally the responsibility of governments, but an optimal sharing of this responsibility with the social partners could produce results in respect of the quality of working life and productivity. Inspection services that operated with support from workers, employers, their organizations and representatives were more effective.
- 26.** The economic crisis had induced a drop in resources for labour administrations across EU countries. The EU believed that public–private initiatives, if they remained complementary to labour inspection and administration, and respected the legal rights of the individual, could contribute to improving general working conditions.

² Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

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27. To achieve greater compliance, labour regulations should be clear and simple, developed in consultation with the social partners, and should take account of local and national circumstances. The regulations should be accompanied by clear guidance. Mechanisms should be established to ensure that inspections were carried out fairly. Given the tight resource situation, risk-based inspection programmes should be used to ensure funds were targeted according to need.
 28. The EU supported the ILO approach to improving the efficiency of national labour ministries and labour inspection services through technical assistance. However, given the present global economic climate, any proposed action should not place additional bureaucratic burdens on countries that already had suitably developed systems of labour administration and inspection. The report highlighted the ILO's capacity to coordinate information through the LAB/ADMIN Programme. The EU believed that the ILO could play an important role in indentifying and sharing best practices throughout the world.
 29. The Government member of Malaysia welcomed the inclusion of a discussion on labour administration and inspection on the agenda of the ILC. Globalization had made labour inspection a key factor in the elaboration and implementation of economic and social policy. Action by the Malaysian Labour Department had been crucial to the country's economic recovery; the labour administration had ensured compliance with labour legislation, and had organized training for affected workers to allow them to find new employment. Malaysia was grateful to the ILO for support in training labour inspectors in 2011, and in helping the Government to face up to such challenges as outsourcing, new technologies, and the informal economy. Labour administrations and inspectorates were part of the core mandate of the ILO, although they had lost ground in recent years. This situation should be redressed, and the ILO, through the LAB/ADMIN Programme, should help constituents to strengthen labour administration and inspection. Malaysia requested further technical assistance to strengthen its labour administration to allow it to promote decent work.
 30. The Government member of Indonesia welcomed the general discussion on labour administration and labour inspection. An ILO project entitled "Strengthening Labour Administration and Inspection Services", funded by Norway, was in operation in Indonesia. In 2011 alone, some 140 inspectors had been trained. The project also provided technical assistance to the Government of Indonesia in implementing its new 2010 Presidential Decree on improving the promotion and coordination of labour inspection services in the country. Later in 2011, a National Tripartite Conference would be held, to discuss priorities for improving the effectiveness of labour inspection services and strengthening national labour law compliance.
 31. Labour inspection was introduced in Indonesia before independence, on the basis of Law No. 23 of 1948, completed by Law No. 3 of 1951, regarding the validity of labour inspection for the entire country. Law No. 1 of 1970, dealt with OSH, and in 2003 Indonesia had ratified ILO Convention No. 81. The country continued to promote labour inspection activities in law and practice.
 32. There were currently 2,206 inspectors covering a national territory of nearly 2 million square kilometres, a population of over 230 million and some 200,000 enterprises. In addition, changing from a centralized to a decentralized government system had complicated the national coordination of labour inspection. To address these challenges, the Government of Indonesia had issued Presidential Regulation No. 21 on labour inspection in 2010, in implementation of Convention No. 81. This regulated the implementation of labour inspection at the district, city, provincial and national levels. It also provided for an information network system for labour inspection. In the area of OSH, a tripartite Occupational Safety and Health Council had been established.

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33. The Government was grateful to the ILO Country Office in Jakarta and the LAB/ADMIN Programme in Geneva for providing labour inspection training and requested continued ILO support, especially in conducting research related to the use of outsourcing, women workers and OSH in small and medium-sized enterprises (SMEs).
34. The Government member of South Africa expressed her great pleasure at the inclusion of labour administration and labour inspection as an agenda item at the 100th Session of the ILC as labour administration and labour inspection had faced serious challenges in South Africa. She indicated that the Department of Labour in South Africa was classified as a small ministry that received only a very limited budgetary allocation; furthermore, the Department faced the challenge of inadequate human and material resources. Against new technological developments that had transformed the world of work, the growing incidence of atypical work, and the expanding informal economy, labour administration and inspection systems increasingly lacked adequate capacity to function effectively.
35. She thanked the ILO for the technical support it had provided through the ILO Country Office in Pretoria and the LAB/ADMIN Programme in Geneva. Support provided by the ILO to date had culminated in a Policy Conference on Labour Inspection that was held in September 2010, where the Government had held discussions with the social partners to address the challenges faced by the labour inspectorates in the country resulting in a recommendation to foster greater collaboration among all enforcement agencies. South Africa was currently in the process of ratifying ILO Convention No. 81; to this extent, labour legislation was currently being amended with the aim of strengthening the power of labour inspectorates to enforce compliance.
36. The LAB/ADMIN Programme should continue to assist South Africa with a view to strengthening compliance. Much ground had been lost in the area of labour administration and inspection in the past years and this must be regained. She expressed the hope that South Africa would continue to receive support from the ILO in order to ensure that decent work principles were upheld in the country.
37. The Government member of Brazil said there were great differences between labour administration and labour inspection in many countries. While labour administration suffered from political interference, labour inspection was independent of politics. Both needed to use the tools provided by the ILO, however, and it was essential to share knowledge and experience. The world economic crisis from 2007 onwards had required creativity from governments in identifying the resources vital to labour administration. Incentives for the creation of decent jobs were required and a tripartite approach to the establishment of good practices for the country was essential. The crisis had affected both labour administration and labour inspection, but its effect was much greater on labour administration as inspection was far more professionalized and standardized. The crisis had also led to companies seeking to cut costs and increase productivity, thus making strong labour inspection even more vital. Furthermore, globalization made a new approach to labour administration necessary, while new kinds of industrial diseases also gave rise to new challenges for labour inspection.
38. Countries had received technical support from the ILO. The LAB/ADMIN Programme had provided a new and extremely helpful vision and had already led to changes in many countries. Support for exchange of knowledge and experience-sharing programmes was very important.
39. The Government member of Algeria welcomed the inclusion of a general discussion on labour administration and labour inspection on the ILC agenda. The discussion was salutary and would encourage States to attach more importance to labour administration by strengthening its role and means of action. Algeria had in recent years taken a series of

measures to this effect. As a result, labour inspection had received significant resources enabling it fully and effectively to perform the missions entrusted to it by national legislation and by Convention No. 81. These measures essentially concerned extending the powers of labour inspectors to allow them to verify with social security bodies whether the workers were declared, an important measure for combating informal work, and an internal reorganization of labour inspection structures in order to ensure better territorial coverage and therefore enhanced compliance. The measures would have been inadequate had they not been supported by huge investment in infrastructure, providing officers with decent workplaces and better working conditions. The Labour Inspectorate Modernization Plan was launched under the 2005–09 investment plan, and was now continuing under the 2010–14 plan. In addition to enhanced infrastructure, it was planned that every inspector would have a computer, while means of transport were being acquired so that they could travel unhindered between companies. The general Civil Service Statute, adopted in 2006, was reforming the particular statute of different groups of civil servants, including labour inspectors, while a new salary scale had been implemented. Together these were improving labour inspectors' living conditions, employment stability and career prospects.

40. Finally, under the National Employment Agency modernization programme the Government had introduced measures to boost employment, including by reducing the tax burden on those creating jobs; reducing social charges on employers recruiting staff; by subsidizing the salaries of young jobseekers and by other measures to promote integration of young people in the job market. He thanked the ILO for providing assistance and acknowledged the recent ILO mission to the Algerian labour inspectorate.
41. The Government member of Canada welcomed the opportunity to discuss labour administration and labour inspection as demographic, technological and globalization challenges had fundamentally changed the context in which labour administrations operated. This demonstrated the importance of strong and well developed systems of labour administration and labour inspection.
42. The report which the Office had provided to help guide the discussion highlighted the fact that there could be no one-size-fits-all approach to the structure of labour administration programmes. The core labour administration and inspection functions outlined in the report should be the responsibility of governments, but representatives of workers and employers should be strategic partners in shaping labour administration and inspection priorities and activities. Governments could also enter into partnerships with the private sector in order to promote safe and equitable workplaces.
43. Canada recognized the key contribution which the ILO could make to strengthening labour administration and inspection systems through its research, promotional, capacity building and training activities and strengthened international partnerships. The sharing of good practices by the members of the Committee would help countries face the challenges of limited resources and increased demands resulting from the complexity and challenges of the world of work.
44. The Government member of China believed the report provided by the Office to be a solid basis for the Committee's deliberations. As the report pointed out, the financial and economic crisis had highlighted the need for sound labour administration and inspection systems. Labour administration in particular had become a major instrument for government in the formulation and implementation of labour policies in line with national development objectives, while maintaining its protective function. The crisis called for a new development paradigm, a shift from a GDP growth-oriented approach to a people-centred one: inclusive growth for job-rich and income-led growth. The Committee's discussion should contribute to the goal of sustainable and inclusive growth.

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45. In order to ensure a productive outcome, the speaker suggested that the following points be borne in mind during the discussions. First, the discussion should focus on the cross-cutting role of labour administration and on the selected areas proposed in the report such as enhancement of the capacity of labour and human resources ministries and improved performance management through the use of modern technology, on raising the profile of labour ministries so that employment generation would be at the centre of economic and social development objectives. Second, emphasis should be placed on experience-sharing and best practices. Third, the Committee should strive to produce conclusions that identified major challenges and priority areas and actions for ILO technical assistance on labour administration and inspection. The Office should be a research and knowledge centre of excellence on labour administration and inspection, while more funds needed to be mobilized to enhance technical cooperation for developing members. Fourth, there should be broad and full involvement of members of the Committee. China hoped consensus-building and broad involvement would guide the discussions. This implied that a balance was needed between drafting group deliberation and broad involvement of members in the Committee. The Drafting Group should be composed of representatives of various backgrounds in terms of economic development level, culture and geographic location.
46. The Government member of Senegal welcomed the fact that the Governing Body had placed this item on the ILC agenda for general discussion. Ministries of labour had a peripheral role in the governments of many developing countries, but should have a far more central role because employment was of such vital importance. Financial and human resources allocations to labour ministries, as well as the support provided by the ILO, needed to be increased. National legislation should be in line with ILO Conventions Nos 81, 129, 150, and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).
47. The Government member of Norway said that his Government broadly supported the opening statement made by the EU. He went on to say that the main features outlined in the report were recognizable for Norway, which also had challenges in the labour market as a result of the crisis. There was increased pressure on labour rights in some sectors and increasing numbers of migrant workers seeking and finding jobs in the country. Some workers were vulnerable and risked exploitation. In order to tackle these challenges, the Government enjoyed good cooperation with the social partners, and had amended labour legislation and increased funding of labour inspection. Norway believed the challenges could only be met by having appropriate legislation and strong and flexible labour inspection.
48. The Government member of Egypt stated that the Egyptian Ministry of Labour attached great importance to labour inspection, noting its preventive nature. Egypt had ratified Conventions Nos 81 and 129. The Government had also adopted a new initiative called the Cairo Declaration, signed by the social partners. As a result, an OSH strategy which would give priority to improving safety and health in the workplace was adopted in 2011 and 29 OSH committees had been created. The strategy provided for the necessary human resources to properly apply existing laws and regulations to ensure the appropriate inspection of all worksites. An OSH training plan for inspectors had been put in place as this had previously been lacking. Trust had been built between the labour inspectorate and workers' and employers' organizations. Gaps in knowledge had been filled through awareness-raising campaigns with workers and employers. In the last months, several measures had been taken with a view to improving the detection of occupational illness. The relevant legislation was under review, following events in Egypt last January, to ensure that the labour law provided for a balanced and equitable employment relationship; the Government was in the process of amending obsolete and ineffective laws.

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49. The Government member of Colombia welcomed the importance attributed to labour administration and labour inspection. These topics were considered vital in defending workers' rights and for the achievement of decent work. Recently Colombia had adopted measures, which would be implemented in the first few weeks of July 2011, with the establishment of a new Ministry of Labour. Colombia would double the number of labour inspectors in the country and they would be specialized in different areas or sectors of the economy. The Government was planning to train 823 inspectors whose role would be solely to visit worksites, with no responsibility for dispute settlement. It was also planning to implement 64 comprehensive inspection programmes that would work on prevention and sanctions. She listed the critical sectors in need of inspectors: transport, mining and horticulture. She reiterated that Conventions Nos 81 and 129 were guiding the Colombian labour inspection system.
50. The Government member of the Bolivarian Republic of Venezuela stated that labour administration and labour inspection were topics of fundamental importance in her country and were considered necessary tools to improve the situation of workers. However, she noted that in the last 12 years many of the measures had already been implemented and had produced good results. In addition, the Bolivarian Republic of Venezuela had an integrated labour inspection system. Her Government stressed the importance of human dignity, decent work and legislation to protect those who most needed it.
51. The Government member of Burkina Faso highlighted the timeliness and relevance of this report on labour administration and labour inspection. He added that the institutional environment of labour administrations in Africa, and especially in his country, was undergoing changes. There was a demand for quality services and labour inspectors must meet those expectations. He added that social dialogue and supervision of compliance with the law were fundamental. In conclusion, he stated that his Government would like the work of the Committee to result in the definition of new directions and a new role in labour inspection as a means of promoting social peace.
52. The Government member of the United States congratulated the Office on the report. He indicated that a robust system of labour inspection served to reduce the number of injuries, improved motivation of workers, increased productivity and enhanced employment. However, the biggest challenge was in ensuring compliance with the law, which was also the *raison d'être* of any labour administration system. Without compliance, labour rights, tripartism and a level playing field – reflected in Convention No. 150, whose principles the United States strongly supported – could not be met. To meet the challenge, his Government was focusing on building capacity, without which respect for labour codes could not be guaranteed.
53. His Government wanted to emphasize some key themes. Firstly, the Government believed it was highly important to separate labour administration from social welfare and social protection. Labour administration and labour inspection should not be weakened by trying to meet the many challenges of a social protection system. Secondly, he insisted that transparency was essential to any effort in public administration and especially labour inspection. His Government was committed to transparency. He provided a concrete example that in the United States 300 federal agencies used the website www.regulations.gov, which allowed anyone to search for a proposed regulation, view comments on it and make their own comments, greatly enhancing access and participation. Thirdly, he stressed the important roles of workers and employers in labour inspection. His country had established various formal mechanisms to promote tripartite dialogue. For example, the Occupational Safety and Health Administration (OSHA) sponsored several advisory committees that advised it on workplace safety and health issues in the construction, general and maritime industries. Fourthly, he pointed out the need for accurate and timely statistical information. As an example, he explained how the

Department of Labor's OSH Administration focused on inspection of activities in industries and establishments with the highest number of injuries, based on statistics of injury rates. Fifthly, he indicated the need for balance between prevention and enforcement. Finally, he insisted on the need for adequate capacity in labour inspectors, as training in the subject and in collection of evidence as well as a guarantee of a sufficient number of inspectors were all of key importance. He noted that the report found that adequate training was lacking in many countries and argued that without a critical mass of labour inspectors, no system of labour administration could meet its current challenges. He suggested that there was much work to be done and that the ILO was well placed to do this work.

- 54.** The Government member of New Zealand appreciated the opportunity to share experiences in the areas of labour administration and labour inspection, as these were key functions which directly affected the quality of people's working lives, and insisted on the need for practical outcomes from the Committee. Having highlighted the values of labour administration and inspection in providing people with healthy, safe, productive and meaningful work, he raised three specific points that his Government wanted to make: first, the economic crisis constituted a real challenge for labour administration and inspection systems in delivering better public services for less cost; second, a system-based model should allow greater flexibility for inspectors, empowering them to assist workplaces to improve their systems while addressing the concerns of individuals; third, providing proactive regulatory services which were more aggressively targeted at clearly identified patterns of non-compliance, and where interventions were more strategic in nature. The objective was to promote increased voluntary compliance, and shift workplaces towards best practice – this would also make them more productive.
- 55.** The Government member of Kenya welcomed ILO Report V and indicated his support for statements made by other African members. Having noted that labour administration and inspection systems were pivotal elements in national governance and the economic development of any country, given that they embodied the social values, norms and aspirations of any society, he insisted that having an effective and efficient system was critical for countries aspiring to lift their people, and especially the working poor, out of poverty by helping them to achieve decent and productive work. Labour administration and inspection should take cognizance of the socio-economic as well as the political and cultural dynamics that operated in various countries. As an example, the majority of the workforce in Africa was concentrated in rural areas and the urban informal economy. This excluded them from the reach of labour administration and labour inspection protection, even where they were not excluded from labour law. He stated that Kenya advocated and was in the process of re-engineering a holistic, integrated and comprehensive labour administration and inspection system so as to harness all the initiatives with a view to achieving policy coherence. These initiatives were anchored on new constitutional clauses guaranteeing labour rights.
- 56.** The Government member of Iraq acknowledged that the recent years had been very difficult for his country and the lack of effective labour administration and inspection systems had led to many problems. He emphasized the importance of taking into account the national conditions of countries during periods of instability when reviewing labour administration and inspection systems. He stated that the Ministry of Labour of Iraq had had a huge responsibility and role during the national crisis. The Ministry had set out a workplan comprising the establishment of vocational training centres and labour offices all over the country which encouraged small businesses and provided them with credit. The Ministry had succeeded in starting a considerable number of projects to help poor workers. His country continued to support fundamental principles and rights at work; to this extent, the Ministry of Labour was working with international bodies and institutions to help fight poverty, decrease unemployment and restructure the labour inspectorate. Moreover, the

Ministry of Labour was working on a new labour code that would take into consideration modern economic conditions, international labour standards in the field of labour inspection and the design of an employment policy.

- 57.** The Government member of Lebanon noted that labour inspection and good governance were important for managing the labour market and ultimately ensuring social justice. The work of these labour institutions had changed considerably in recent years but it remained vital for overcoming many labour-related challenges and securing a better future for all workers. He emphasized the role of the social partners and social dialogue in improving the effectiveness of labour administration and labour inspection institutions and in promoting good labour market governance, and stressed that labour inspection had to develop new tools to assist inspectors in ensuring that the law was properly and effectively applied. Lebanon placed great importance on the selection of skilled labour administration and labour inspection staff; there was a need to increase the salaries of inspectors so as to discourage corrupt practices. In this regard, he noted that through the ILO's technical assistance, Lebanon had set up a labour inspection unit to ensure that labour inspectors themselves complied with the law. In addition, the ILO provided intensive training courses. He thanked the ILO for its technical assistance in strengthening labour inspection systems and noted that it had made an important contribution towards building stability and economic opportunity for Lebanese workers.
- 58.** The Government member of Ghana welcomed this Conference discussion. He noted that the need for sound labour administration and labour inspection systems was reflected in the ILO Constitution and the ILO Declaration on Social Justice for a Fair Globalization. He recalled that this discussion was timely in an age of globalization and an ever-changing labour environment and that the ILO needed to assist member States in achieving their objectives of strengthening national labour administration and labour inspection institutions. He pointed out that labour administration and labour inspection were key to industrial harmony, increased productivity and overall social and economic development, and that Ghana had ratified ILO Conventions Nos 81 and 150 and, more recently, Conventions Nos 129, 144, and the Minimum Age Convention, 1973 (No. 138), in an effort to improve the legal framework for labour administration in his country. He acknowledged the importance of tripartism and social dialogue as part of an effective system of labour administration and labour inspection and noted that his Government regularly consulted with the social partners through its tripartite national committee to enhance the application of labour standards. However, the need persisted for greater advocacy and awareness raising for workers about their rights as well as the need to increase the institutional and human capacity of labour inspectorates through greater budget allocations, training and ILO support.
- 59.** The Government member of the Philippines recalled the ILO Director-General's opening remarks to the Conference that sound labour administration and labour inspection systems were vital for a globalization based on social justice and to ensure respect for fundamental principles and rights at work. He noted that the Philippines had requested an ILO audit in 2009 of its labour inspection system and that the resulting report had helped his Government to develop policy reforms and programmes that integrated tripartism and social dialogue into its new Labor Standards Enforcement Framework: this Framework was designed to build a culture of voluntary compliance, while expanding partnerships between the Department of Labor and Employment, workers and employers, as well as other government agencies and professional organizations with an interest in worker welfare. He highlighted the single entry approach, which prescribed a 30-day mandatory period of conciliation and mediation. As part of this new system, he also noted an intensified labour inspection programme through its Labor Enforcement Action Plan, which prioritized traditionally hazardous industries and enterprises. The Government had also entered into partnership with enterprises to expand corporate social responsibility

initiatives and awareness raising on labour law compliance. He concluded that these reforms had been integrated into the Philippine Labor and Employment Plan for 2011–16 but that their success depended on the continued support and engagement of the social partners. He hoped that the ILO would continue to provide technical assistance in the future to support these efforts, in particular to put into practice the audit recommendations.

- 60.** The Government member of Sri Lanka welcomed the agenda item on labour administration and labour inspection. He noted that labour inspection was a key factor in developing and implementing his Government's social and economic policies. This was of particular importance in light of the recent economic crisis, during which the Sri Lankan labour inspectorate had helped to ensure labour law compliance and settle disputes through its inspection activities. He thanked the ILO for the support given by the ILO Country Office in Colombo and the LAB/ADMIN Programme in the training of labour inspectors, but noted that further assistance was needed, particularly to help inspectors deal with the challenges of outsourcing, OSH, and working conditions in the informal economy. He noted that, with the end of recent conflicts in Sri Lanka, the Government had recruited 200 new labour inspectors, including 40 Tamil-speaking inspectors, and that an intensive training programme for these new recruits was urgently needed. He further emphasized the need to use new technologies to assist labour inspection activities, especially in EPZs. He added that labour inspection was an important component of his country's Decent Work Country Programme (DWCP), recently adopted by his President, and the ILO's research was needed in this regard.
- 61.** The Government member of Cameroon welcomed the agenda item on labour administration and labour inspection. She noted that these systems were an important factor in achieving worker welfare and social peace. The function and powers of the labour inspectorate in Cameroon were under examination by a committee set up to revise the existing Labour Code and other regulations, and the Government was working to increase the coverage of labour inspection throughout the country's different regions by establishing inspectorates at the subdivision level. A new Public Service Statute had also been submitted to the Superior Council for improving the working conditions and salaries of labour inspectors. She noted the Government's efforts to provide the necessary resources to inspectors despite challenging fiscal constraints. She emphasized that labour inspectors faced many challenges in gathering information and statistics in the field as well as filling out inspection forms, and requested ILO assistance in this regard. She noted that a National Labour Observatory had been set up in Cameroon with the participation of the social partners. The Observatory's purpose was to produce reports on the labour market, but she noted that it required further technical assistance, in particular on data collection, from the ILO. Lastly, she noted that Cameroon was currently collaborating with the ILO to carry out an assessment of its national labour administration system with the aim of producing concrete proposals to strengthen its overall effectiveness.
- 62.** The Government member of Uruguay welcomed the report and the points for discussion. His Government was working in close consultation with the social partners to strengthen its labour inspection system, including its capacity to address issues such as collective bargaining, tools for tripartite negotiation and wages. There were two bodies of labour inspectors in Uruguay, one responsible for general working conditions and the other for OSH, both at the Ministry of Labour. Despite their different responsibilities, both inspectorates worked closely together. He highlighted that new subjects, such as harassment in the workplace, were currently a special focus of labour inspection activities. He agreed that there was a need to strengthen the strategic capacity of labour inspection and not just its enforcement function, and that this included developing tools for compliance that did not focus solely on enforcement and sanctions. In this regard, his Government intended to promote a public policy paradigm that promoted social dialogue and effective social partner involvement as seen in the work of the Tripartite National

Occupational Safety and Health Council which carried out technical analysis and provided recommendations to the Government. Similarly, the Tripartite Committee on the Eradication of Child Labour recently drafted and submitted its workplan to the National Congress. The labour inspectorate was likewise working in collaboration with the social partners to develop national policies. In 2010 the Ministry of Labour organized a discussion on promoting formal employment and on dealing with the challenges of precarious and informal work in an effort to integrate these vulnerable workers into the social welfare system. Still another body was looking at the use of new technologies in the workplace with the involvement of employers' and workers' organizations. He concluded that these examples pointed to the need to initiate inter-institutional discussions with the active participation of the social partners as an effective way to ensure the welfare and dignity of workers.

- 63.** The Government member of Mexico noted the enforcement role of labour inspectorates. His Government had recently increased the number of inspectors from 218 to 376, with a view to ensuring more effective coverage. The focus was on safety regulations at work, and the Government had recently reviewed the OSH framework, ensuring conformity between the policies and procedures of the labour administration, making use of third-party assessment of standards compliance in high-risk activities, fuller involvement of the state authorities, the specialization of inspectors, and promoting better salaries, equipment and working conditions for inspectors. The Government strongly supported the international exchange of experience regarding labour inspection and had participated in the ILO Regional Consultation Meeting: Good practices in labour administration and inspection in the Americas (Lima, 27–28 April 2011). The meeting noted progress in training inspectors, as well as enhanced job prestige, greater coordination with other authorities, and a better use of prevention and sanctions in the region. The ILO had organized, in association with the Government of Mexico, an international workshop on training labour inspectors (Mexico, 17–19 May, 2010), which had allowed a wide exchange of experience among government labour inspectorates from many Latin American countries. These were merely two examples of the Government's will to improve working conditions in the country. In respect of labour administration, the Government agreed with paragraph 30 of Report V, that labour administrations were adapting to changing conditions and new requirements. Labour administrations should demonstrate their contribution to economic development, through preventive activities, dispute resolution, increased productivity, improved safety and health arrangements, vocational training and raising skills levels. Paragraph 326 of Report V stated that the "Declare" system was established by the Mexican Development Plan. In fact, "Declare" was set up by an agreement of the Secretariat for Labour and Social Security of 8 November 2005, to provide enterprises with an alternative, voluntary means of fulfilling their labour law obligations. With respect to paragraph 351, the Government had indeed placed the emphasis, by a Regulation of 1998, on guidance for workers and employers, rather than the imposition of sanctions. Moreover, article 22 of the Regulation allowed employers to comment, within a time limit, on the quality and diligence of the inspection carried out.
- 64.** The Government member of France endorsed the statement made on behalf of the EU. He paid tribute to the memory of labour inspectors Ms Sylvie Trémouille and Mr Daniel Buffière, murdered while carrying out their duties on 2 September 2004. He likewise paid tribute to all inspectors around the world, and particularly in Brazil, who were exposed to threat and abuse. The Government supported this highly topical agenda item, and he pointed to the 700 additional posts that had been created in labour inspection in France, in a context of general retrenchment. In 2009, a reorganization had merged four inspection services in the search for greater efficiency. Working methods had evolved, and now included action plans and risk assessment, and benefited from significant support from doctors and engineers and relevant professional bodies. The Government recognized that good working conditions were a prerequisite of increased productivity. In conclusion, he

stated that the Government had recently repositioned labour administration under the aegis of the Ministry of Labour, Employment and Health, whereas it had previously been the responsibility of the Ministry for the Economy.

65. The representative of Education International (EI) greatly appreciated ILO technical support provided to strengthen labour inspection in the Southern African Development Community (SADC). Botswana was in a particularly dire situation with regard to labour administration and labour inspection. The lack of strong tripartism and social dialogue had resulted in protracted strike action, severely hampering labour inspection activities. Cooperation between the social partners was critical to effective labour inspection. Labour inspectors must have training and the inspectorate required an adequate budget for this purpose. Ratification of Conventions Nos 81 and 129 was of great importance.
66. The representative of International Young Christian Workers said that her organization had been involved with workers in short- and fixed-term contractual arrangements across the world. These workers' rights were often not fully respected. A survey of the clothing industry in South-East Asia, especially in EPZs, showed that recourse to such contracts was on the rise and workers' rights were increasingly eroded. Outsourcing and subcontracting disguised the employment relationship and undermined the obligation of employers to respect wage agreements and provide social security. Short-term contracts also presented difficulties for collective bargaining. Many workers on short-term, flexible contracts were young females – a particularly vulnerable group; decent employment was stable employment; the law should define clearly the use of short-term contracts; the renewal of these contracts should be limited by law and subject to monitoring by the labour inspectorate.

General discussion

Point for discussion 1

Given that employment-centred policies should be an integral part of governments' broader policy objectives, how are labour administration systems in general, and labour ministries in particular, currently structured, managed, and coordinated? What should governments do to strengthen the functioning of labour administration and inspection services, particularly in the light of the challenges resulting from the economic crisis?

67. The Employer Vice-Chairperson wished to emphasize his group's support for effective and efficient labour administration and inspection services with involvement of the main stakeholders. The employers were committed to the development of policies and regulations that would strengthen the functioning of the labour market, and boost economic growth. It was essential that labour legislation be clear and not overly complex: companies required a clear understanding of labour standards to be attained in the workplace. Good policy objectives were thus essential. Procedures should be consistently applied by well-trained inspectors. Employer organizations were ready to work with labour administration and inspection systems to achieve these aims.
68. The Office report pointed to a lack of resources available to labour administrations in developing countries, and the Employers' group agreed that a critical mass of resources

was needed, although this was not possible in all countries, and there was no universal yardstick to determine acceptable levels of resources required to address labour administration and inspection issues. The report also referred to an increasing number of temporary workers and the high turnover of young and qualified staff in labour administrations. This might be partly due to poor and uncompetitive salaries, but more research was required in this field: it could not be reduced simply to a pay issue. In this regard, labour ministries could learn from the private sector. In respect of decreasing human resources for labour inspection, he stressed that some difficulties could be met by adopting a realistic approach, setting priorities and developing innovative ways of using limited resources.

69. In elaborating labour legislation, labour administrations should recognize the link between regulations and enforcement. Regulations should be simple and straightforward, thus facilitating enforcement. The ILO too should bear in mind this need for simplicity, and should review labour law and make recommendations accordingly. Feedback from inspectors was needed on what were in fact useful and appropriate regulations. Internal coordination and cooperation between labour administration and other administrations was essential. Unnecessary bureaucracy should be eliminated.
70. Public-private partnerships (PPPs) were common in the labour administration field and could increase efficiency by providing access to technology and skills. However, labour administrations had to retain their policy-making function, and oversight and monitoring of private service providers. Performance management was common in public administration generally. The key to its success was long-term objectives that could be evaluated. Performance management presented challenges but ones that were not insurmountable. New technologies were available to labour administration and inspection, as Chapter 3 of Report V pointed out. It was of fundamental importance to keep pace with the many areas in which they could be used, as they could provide considerable productivity gains.
71. The Worker Vice-Chairperson stressed the importance of all the aspects of work covered by labour administration, including labour inspection, industrial relations, labour legislation, employment policy, employment services, vocational training, migrant labour, social welfare and social policy, and so on. Enforcement was an essential function.
72. Regarding discussion point 1, multiple challenges faced labour inspection and ministries in the wake of the financial and economic crisis. These included high unemployment, underemployment, increased global competition, continued workers' rights violations, increased income and wage inequality and persistent gender gaps. At the same time, the ministries were also confronted with cuts in resources and austerity programmes. All this came on top of past decisions diminishing the importance of labour policies, and public sector cuts. In the current climate there was an increased need for labour administration and inspection but, at the same time, a lack of human and financial resources. The Workers' group agreed with the report that ministries of labour needed to be more proactive in demonstrating the contribution of an effective labour administration to economic and social development. The G20's recognition of the ILO's role in dealing with the employment crisis should provide labour administrations and ministries with an opportunity to play a more active role within government structures.
73. In addition to the need to allocate more financial and human resources to labour administration and inspection and increase the visibility of labour administration, those systems had to be strengthened at several levels:
 - Employment should be at the centre of economic policy-making. This required ministries to have the capacity to develop employment policies, but also increased and improved coordination among the different ministries within governments

(particularly commerce and finance). Instruments and specific mechanisms had to be developed to assess economic policies on their employment impacts and to increase coordination of different policies across ministries with a maximum employment and decent work outcome and ministries of labour needed to take up a coordinating and leadership role in the development of employment policies and national development plans.

- Labour administrations should ensure that social dialogue took place and should set up mechanisms for it to do so. In addition to national social dialogue, dialogue between the social partners at every level was required and needed to be promoted, in particular collective bargaining at sectoral and national level. More importance should be given to this promotional role by the ministry of labour.
- Governments should strengthen the functioning of labour administration and inspection systems by ratifying and implementing the relevant international labour Conventions, notably Conventions Nos 81, 129 and 150. He pointed out that only 11 of the 142 countries bound by Convention No. 81 had ratified its accompanying Protocol and called upon governments to consider doing so.

74. Governments should focus more on their regulatory frameworks. Much attention had been paid to financial regulation, but little to labour regulation. The widespread social unrest emerging in a number of countries made it timely to implement and enforce labour standards in the workplace in order to provide for decent wages and working conditions. In many countries, particularly developing ones, systems for ensuring their observance were weak and labour inspection needed strengthening. It was also essential to ensure the independence of labour inspectorates. They required adequate human and financial resources, but also the powers to carry out their work.
75. Labour inspection should include questions concerning freedom of association and the right to collective bargaining; equal treatment and non-discrimination; recently identified professional risks, such as stress and mobbing; the effects of the HIV/AIDS pandemic; OSH issues; cross-border postings; wage levels and other working conditions; and precarious and informal employment. Moving towards a more carbon-efficient society, it would also be important for labour inspectors to increase capacity on decent work challenges and respect for international labour standards in relation to new green jobs and greening of existing jobs. At the same time, it was important not to compromise the capacity of labour inspectors with regard to their true mission: the defence of workers' rights.
76. The report reflected strongly on the tendency towards decentralization and devolution of labour administration services to local government, but care was required that that did not undermine the capacity of the central authority to maintain a coordinating role. Convention No. 150 is clear on this.
77. His group wished to reiterate the public function of labour administration and inspection and strongly insisted on public labour administration and inspection services. Private sector methods to improve accountability in public institutions through performance management should be measured against their ability to provide decent working conditions for civil servants and their ability to provide quality services. The group also wished to refer in that respect to the potential series of negative consequences and risks associated with the use of performance management as highlighted in the report.
78. The Government member of Canada reported that, in his country, the ministries and related agencies were responsible for labour promoted safe workplaces, fairness in employment and stable labour relations. Over the past 20 years, federal, provincial and territorial

governments in Canada had modernized labour legislation and regulations, embraced technological innovation, improved operational procedures and management, enhanced training of inspectors and fostered strong partnerships with the social partners and other agencies. Labour administrations and inspectorates had qualified and trained staff with specialized expertise, and initiatives to attract and retain women workers had shown significant results. Today both women and men were mediators, conciliators and labour inspectors.

- 79.** Federal, provincial and territorial governments set their own legislative priorities and established their own approaches to labour legislation, administration and inspection, but there was also a considerable degree of similarity in their policies. Inter-jurisdictional collaboration could be attributed in part to information exchange, professional development and collaboration promoted by the Canadian Association of Administrators of Labour Legislation, and its partnership with the Association of Workers' Compensation Boards of Canada.
- 80.** There was a need for labour administration functions to be properly coordinated. Examples of cooperation in Canada included linkages between workers' compensation boards and ministries of labour. While their roles were different, both were concerned with promoting workplace safety and health and reducing workplace injuries. Administrative arrangements existed between federal government departments, such as Human Resources and Skills Development Canada and Transport Canada, for labour inspection in the maritime sector as well as collaboration on labour and immigration matters between the federal and provincial governments. The Canadian Labour Market Development Agreements, that devolved responsibility for the design and delivery of skills and employment training programmes to the provinces and territories, while providing some \$2 billion annually for the programming, referred to in the report, were another positive example of cooperation.
- 81.** The importance of having effective employment and labour policies in place and a well developed system of labour administration was clearly demonstrated in Canada during the economic crisis. Social and labour protection, active labour market programmes, workforce adjustment and employment services proved essential in supporting those most exposed during the economic downturn. The fact that Canada already had these components meant that they could be adapted or enhanced to support the most vulnerable workers.
- 82.** The Government member of the Republic of Korea stated that labour administration had become a key factor in economic and social policy. The Korean Government had made jobs a number one priority and all resources were directed towards this goal. The Republic of Korea had recently renamed the Ministry of Labour, the "Ministry of Employment and Labour", empowering it to deal with employment policies. In this context, the Republic of Korea had developed a new National Employment Strategy, which covered employment, industrial and social policies. About 60 per cent of the staff at the Ministry were involved in employment administration, while some 50 per cent of the Ministry's yearly budget was directed to employment-related projects. Advanced technologies were largely used: the IT team had developed a smart-phone application to deliver timely information to jobseekers such as job openings, requirements, etc. It also allowed users to post their CVs. Each member State had its own strengths in labour administration. The ILO should share best practices and provide technical assistance to member States in need.
- 83.** The Government member of China noted that labour administration systems were structured according to national overall economic and social development objectives. The growth model and its guiding principles had strong implications on how labour administration systems were organized and functioning. Since 2003, the Chinese Government had adopted the scientific development concept which was characterized by

putting people first and by building a harmonious society through balanced social and economic development.

- 84.** To achieve the new development concept, the Ministry of Human Resources and Social Security had been set up in 2008, with the focus on strengthening the capacity for labour market policy coordination. Job generation had been made a core social and economic development objective. Central financial spending on employment and social security was increased by almost 100 per cent from 2007 to 2011.
- 85.** The main features of the current functioning of the Chinese labour administration were: focus on evidence-based policies, improved labour legislation, strengthened coordination, separation of policy-making from implementation and service delivery, balance between policy coherence and local innovation. High value was attributed to capacity building and a five-year plan was being prepared.
- 86.** The Government member of Mexico recognized the relevance of having coordination between federal and State governments to improve the functioning of labour administration. However, the problem was to offer uniform services, and guarantee general rules. One challenge faced by Mexico was unequal levels of development; it was vital to maintain uniformity and transparency in management. He emphasized the importance of strengthening the national employment agency which had recently been given important additional funds, and having clear rules in the distribution of resources. He also highlighted the importance of strategies to encourage innovative action to mobilize and better use resources. As an example, he referred to the online innovative tool to train employees remotely and free of charge. The federal Government had established agreements with the States to enhance labour inspection, in particular to reduce risk at work, promote self-regulation, encourage training of specialists and monitor compliance of working conditions. To improve labour administration and inspection it was vital to support labour legislation reform and decent work.
- 87.** The Government member of Turkey recognized the importance of labour administration and labour inspection as an agenda item at the 100th International Labour Conference. He focused on the institutional capacities of labour administration and inspectorates to promote decent work. The Turkish Government acknowledged the importance of labour administration and inspection and had gradually increased staffing levels at its Ministry of Labour. Despite the financial crisis, the Turkish Government had doubled the number of inspection staff in the past three years (450 new labour inspector assistants had been recruited) and would double the current number in the coming years. He added that the training of inspectors and introduction of efficient inspection methods should also be considered.
- 88.** The Government member of Iraq stated that the Ministry of Labour has started a collaborative initiative jointly with the social partners, university professors in Iraq and an international consultant from the ILO to prepare a national legislation labour policy to improve labour conditions, promote social dialogue and productivity, decrease unemployment, protect workers' rights, promote social protection and ensure consideration of young, disabled and women workers' rights. The new policy introduced an implementation programme that defined the different roles of all the stakeholders and the interaction between the Ministry of Labour with other ministries, with non-governmental institutions and the private sector, and ensuring coherence with the national development policy.
- 89.** The Government member of South Africa stated that his country considered PES and labour inspection as a core function of labour administration. He highlighted that one of the key challenges that faced South African labour administration was professionalization

of labour inspection. In this regard his country had raised the required qualifications, recognized the importance of increasing salaries and further improvements had been introduced in respect of human resources development. Another challenge hindering the progress on improving the proficiency of labour inspectors was the lack of online data research and training tools. He sought the help of the ILO in this area to assist his country in modernizing its information technology system to improve data collection and also promote knowledge-sharing and good practices.

90. The Government member of Japan stressed the importance of having adaptable measures for labour administration depending on the economic and social situation of the country. He stated that in Japan the Ministry of Health, Labour and Welfare was in charge of almost all labour policies; labour policy and social security policy had thus been placed under the responsibility of one ministry, ensuring coherence. The Government of Japan had taken measures to respond to the employment and social effects of the economic crisis in respect of subcontracted workers and other non-regular workers made redundant by the crisis, by strengthening the functioning of the labour administration.
91. The Government member of Malaysia mentioned that in his country labour inspection at workplaces had significantly contributed to realizing the Ministry of Human Resources' and the Government's objectives of implementing employment policies, safeguarding and promoting the welfare and interest of labour in Malaysia. The Labour Department in Malaysia had both inspection functions and employment responsibilities. During the recent crisis labour administration had been able to minimize the impact of recession by retraining workers and placing them in suitable employment. The Ministry of Human Resources in Malaysia had set up a portal known as "Jobs Malaysia" to assist employers to find workers and jobseekers employment. He added that job fairs were held throughout the country where employers who required workers were encouraged to take booths to promote their vacancies. The Ministry of Human Resources had also embarked on skills- and knowledge-enrichment programmes with a view to enhancing not only the competency and capacity of labour inspectors but also their degree of awareness and respect for the provisions of labour law.
92. The Government member of India stated that his country firmly believed that a strong labour administration system was a prerequisite for achieving decent work. In India there were 44 labour laws covering conditions of work, dispute settlement, social protection, regulation, safety and welfare. The laws were implemented both by the central as well as the provincial governments, which were constantly in dialogue to ensure better implementation. The office of the chief labour commissioner had established a strategic plan for five years for the use of ICT in labour administration and labour inspection. The plan consisted of governance in the organization; computerization of databases and retrieval of data on real time bases; the launch of a website that contained information for use by the stakeholders and the public; efficient manpower planning for better delivery of services and simplification of labour laws. The ILO should play a leading role in sharing experiences in the use of ICT in labour administration and labour inspection.
93. He also stated that labour administration and inspection in India faced another challenge as only 7 per cent of the workforce was in the formal sector, while the remaining 93 per cent were informal.
94. The Government member of Senegal explained that labour administration had for a long time been under the responsibility of the Ministry for Public Service, Employment and Vocational Training. However, in 2010 a new Ministry of Labour and Professional Organizations was created. One consequence of this change was that the issue of employment was no longer under the Ministry of Labour. Currently, the Directorate General of Labour and Social Security, established by a decree in 2009, was responsible

for three main areas: industrial relations and professional organizations; social protection; and labour studies and statistics. It also covered labour inspection with 27 agents in total. To strengthen the functioning of labour administration and labour inspection services in Senegal, he proposed three main points. First, the technical responsibilities covering labour, employment and vocational development should be grouped together to improve coherence and coordination between the relevant institutions. Second, a policy should be introduced to improve the stability of employment and working conditions for the labour administration and labour inspection officials, as often the Government invested in training for new recruits only to see them leave for the private sector some years later. Third, he proposed that there needed to be a better framework for the efficient use of limited resources, including through the use of results-based management methods as a means to improve the quality and efficiency of labour administration and labour inspection services.

- 95.** The Government member of Colombia noted the importance of developing employment-centred policies and a new National Development Plan had been established to formalize the informal sector. The Plan was based on raising awareness among workers about their rights, training and information. As a complement to this approach, Colombia encouraged more preventive labour inspection methods, while strengthening dialogue with the social partners to build their knowledge on labour laws and regulations in an effort to encourage a culture of compliance. This was especially important for companies affected by the crisis which required assistance to improve working conditions while protecting worker incomes and maintaining job stability. She highlighted the Government's efforts to mobilize more labour inspectors and specialized inspection teams as a result of the crisis with the objective of protecting existing jobs and workers, improving productivity, and assisting companies to respond better when faced with future economic hardships.
- 96.** The Government member of Hungary, speaking on behalf of the EU Member States Government members of the Committee, focused on governments' role in strengthening the operation of labour administration and labour inspection services, particularly in light of the economic crisis, globalization and demographic change. She referred to ILO Convention No. 150 on labour administration and the core functions for addressing labour and socio-economic issues in the areas of labour protection, employment policy, research and statistics and labour relations. The core mandate of Convention No. 81, as mentioned in its Article 3, was to secure the enforcement of the legal provisions and supply technical information and advice to employers and workers.
- 97.** Labour administrations and labour inspectorates faced new challenges in adapting their operations and work methods in order to better respond to today's changing realities; however, these institutions sometimes lacked the resources to fulfil their mandate. Nonetheless, member States should maintain viable and active labour administration systems as enforcement in labour inspection secured workers' rights and promoted decent work. Reducing the number of violations and occupational accidents and diseases helped lower the cost on society and enterprises. Employment-centred policies should be integrated into governments' broader policy objectives and this depended greatly on cooperation between the responsible ministries. Similarly, improved cooperation between labour inspectorates and other government authorities was vital for improving the efficiency of enforcement and prevention measures. Yet, care should be taken that inspectors were not burdened with responsibilities beyond their primary obligations.
- 98.** Greater employment could be achieved in an entrepreneur-friendly environment where tax, social and employment policies and unemployment benefits were complementary. Clear labour regulations and administrative procedures were also crucial for creating a culture of compliance. The most important challenge, particularly in the EU, was how to attract inactive workers back to the labour market. Strong labour administration and labour inspection systems that ensured decent and safe working conditions were an important part

of this effort, in addition to being good business. The EU supported a greater policy-making role for labour ministries, where appropriate, noting that there was no single model for public administrative reform.

- 99.** The Government member of Chad stressed the importance of labour administration to the world of work and the essential nature of labour inspection. In recognizing its importance, Chad had trained its labour inspectors and strengthened labour inspection institutions, including through the creation of several regional labour inspectorates and postgraduate professional development centres in many of its 22 regions. At one point, Chad had had only three inspectorates in the entire country. All the coordination for labour administration services resided in the General Directorate of Labour Administration covering labour inspection, employment, social security, vocational training, and social dialogue. A recent national tripartite forum had been organized in collaboration with the ILO to put in place a national employment policy. The Labour Code was undergoing reform and structures for social dialogue had been introduced at various levels to promote industrial peace and sustainable development. Faced with today's challenges, he hoped that labour inspectors in Chad would become better trained and more specialized.
- 100.** The Government member of Norway noted that the Ministry of Labour in his country had a broad mandate covering such technical areas as labour inspection, petroleum safety, welfare, OSH, and labour dispute resolution. Such a broad mandate helped to promote coherence between the different labour fields and contributed to achieving an inclusive labour market. He suggested some possible solutions in response to the first point for discussion. Improved coordination, both within the Ministry of Labour, as well as with other governmental agencies, contributed to better labour market management. An improved exchange of knowledge and data between countries would improve the harmonization of labour practices and would be a valuable resource for enterprises, especially those with cross-border operations. An effective labour inspection system depended on having sufficient resources, while the economic crisis threatened budgets at a time when working conditions were deteriorating and demand for inspection activities was rising. Partly due to the crisis, Norway had decided to introduce faster inspection responses to labour violations, especially in sectors where there was a heightened risk of social dumping. Norwegian inspectors might also benefit from the ability to impose fines, a power that currently was only available to the police and judicial authorities. Lastly, he proposed imposing an individual obligation on contractors to ensure that providers in the supply chain were in compliance with the labour law.
- 101.** The Government member of Argentina recalled that the impact of the economic crisis on labour administration systems had not been identical in all countries but that it was essential in such situations for labour administration and labour inspection to continue to operate effectively, particularly in the context of administrative and technological change. Argentina had had its own financial crisis in 2001 and 2002, to which the Government had responded with political measures such as a national plan to promote the transition of workers to the formal economy. At that time, 49.9 per cent of workers were undeclared, reduced to 33 per cent today. In response to this situation, labour administration and labour inspection services required strengthening. The response to the earlier crisis had included raising the number of labour inspectors from 40 to 400, updating and investing in their tools and equipment and equipping labour inspection offices with computers. This was part of a movement away from a paper-based inspection system; today, labour inspectors carried portable computers, giving them remote access to information from the social security and tax institutions which improved the effectiveness and efficiency of their work. The labour inspectorate was further strengthened by channelling all funds from the fines imposed by inspectors towards improving labour inspection services. His Government's response to the crisis in Argentina was to protect jobs and workers through labour law compliance while at the same time strengthening the labour inspection system and working

to win the trust of workers and employers. The crisis presented an opportunity to all those working in the world of labour relations to unite.

- 102.** The Government member of Kenya observed that non-compliance with labour standards by some enterprises often gave them an advantage over enterprises that complied fully. If labour inspection was to be given the mandate it deserved, there would be a need to upscale labour administration and inspection institutions to the highest level possible, as these institutions required adequate resources to enable them to operate effectively. It was important for the Committee to examine the role of labour administration in a context of change. The Kenyan Government was currently debating whether to introduce a human resources/labour relations audit with the social partners, to identify enterprises that failed to comply with the implementation of labour standards. Partnerships with trade unions and employers to track violations of labour legislation and to track good practices in labour relations were also being mooted. The labour inspection system in Kenya was multifaceted as there were various labour inspectorates dealing with various aspects of workplace conditions. This disrupted coherence as each category of labour inspector operated in isolation of the others. The concept of an integrated labour inspection system should be clarified.
- 103.** The Government member of Brazil pointed out that the federal Government of Brazil, through the Ministry of Labour and Employment, recognized the importance of labour administration and labour inspection, which fell within the mandate of the Government, and the coordination between the State and provinces. In Brazil, efforts had been made to adapt methods of work to changing circumstances and new inspectors had been recruited and trained on ILO Conventions. During the global economic crisis, many measures had been taken to reinforce the Ministry of Labour, including the creation of a Secretariat for Economic Solidarity. Labour inspectors also worked with the social partners on a tripartite basis. They have recently tried not to operate in a reactive way but sought to reach certain targets through teamwork. The key objectives of the inspectorate included action to: reduce labour accidents; combat child labour; and reintegrate disabled persons into the labour market. Rather than using the economic crisis to justify a reduction in social rights, there were strong grounds for reinforcing such rights and for strengthening labour administration and inspection. Attempts had also been made in Brazil to create jobs and to hire more people, to use data-processing equipment to improve the efficiency of the functioning of labour administration institutions, and to take measures to improve the skills of workers.
- 104.** The Government member of the Republic of Maldives indicated that the concept of labour administration and labour inspection in her country was relatively new. The Ministry of Human Resources and Youth had responsibility for labour administration and inspection. Labour inspectors in the Republic of Maldives lacked adequate capacity as most were high-school leavers without extensive training. There was also a lack of adequate resources to strengthen labour inspection, and a lack of specialized human resources. The Government, with support from the ILO, had introduced a number of programmes to strengthen labour inspection and labour administration. She acknowledged the support received from the Government of the United States to strengthen labour administration in the Republic of Maldives.
- 105.** The Government member of Ghana observed that there was no doubt that labour issues were at the centre of the survival of every country. As a result, the need to ensure that labour administration was an integral part of national policy formulation and implementation became critical. In Ghana, the Ministry of Employment and Social Welfare was the central ministry responsible for labour administration and coordination. The overall administration of labour in Ghana operated within a tripartite framework under the auspices of a national tripartite committee and the Ministry maintained good working relations with the social partners. The major challenge facing labour administration in

Ghana was limited budgetary provision, which hindered operations in labour inspection. The ILO was to be commended for training government agencies working in the labour market. However, these efforts were not adequate since the ILO did not have enough resources to meet all the needs and challenges facing labour administration. The ILO should henceforth play more of an advocacy role, by lobbying governments to encourage them to consider labour administration and inspection as one of the key pillars of development policy.

- 106.** The Government member of Uruguay underscored the importance of inter-institutional collaboration and partnerships between government and the social partners in addressing challenges on labour administration and inspection. The Ministry of Labour in Uruguay had a special administrative unit that established public job centres. A decree had also been passed in Uruguay for the establishment of a national tripartite institution on employment and vocational training.
- 107.** The Government member of the Bolivarian Republic of Venezuela explained major changes in her country whereby labour administration had been transformed into an integrated system built around operative units composed of employment agencies covering the entire country. The principal function of these was to coordinate employment offer and demand, and promote productive social development. The function of the labour inspectorates, bodies that depended on the Ministry of Labour, was to ensure stability of employment, freedom of association, collective bargaining and workers' rights. The Government also had at its disposal monitoring units at provincial level, responsible for ensuring compliance with labour legislation, social security requirements and OSH. Other important government institutions were in place to safeguard safety and health for workers and to provide social security, including maternity benefits, survivors' benefits, old-age pensions, benefits in case of sickness, accident, disability, or unemployment. The labour administration was centralized, flexible and inclusive, and involved the social partners through social dialogue in its operation. National law also provided for OSH committees, which included equal employer and worker representation. These bodies monitored safety conditions at work and approved OSH activities, policies and programmes.

Point for discussion 2

***What role should workers' and employers' organizations play in improving the functioning of labour administration and inspection services?
What institutional arrangements best enable them to exercise this role (for example, tripartite committees, joint policy working groups)?***

- 108.** The Worker Vice-Chairperson first emphasized that social dialogue, including active involvement of the social partners in labour-related policies and discussions, was essential and could contribute to strengthening the action of ministries of labour and inspection services. Workers' organizations had a fundamental role to play, and this implied respect for their rights to freedom of association and collective bargaining. Governments should actively promote those rights, including through ratification, implementation and enforcement of Conventions Nos 87 and 98.
- 109.** Mechanisms for social dialogue had to be established at the national level; ad hoc dialogue was inadequate. Tripartite committees were useful for the oversight of various agencies, including labour inspection. Equal representation and capacity were important in that respect. Trade unions should be able to participate in the various tripartite committees, but

their effective participation in dialogue and policy-making was often hampered by lack of technical capacity and violations of trade union and workers' rights. This had to be addressed through trade union training and capacity-building in the various areas of labour and employment policies and by respect in law and practice for Conventions Nos 87 and 98.

- 110.** As Report V stated, social dialogue in economic and social councils involving other ministries was required: dialogue had to be across the board, rather than limited to labour matters. With regard to labour inspection, workers' organizations could contribute as strategic partners in shaping the priorities and activities of labour inspectorates through sound cooperation. Policies and programmes endorsed by workers and employers were in general more successful and ensured greater sustainability. Article 5 of Convention No. 81 promoted consultation of trade unions. In some countries legislation explicitly provided for the involvement of workers' representatives in labour inspection duties in certain circumstances and the speaker believed that that could facilitate and strengthen their role. He stressed, however, that workers and employers and their organizations had a monitoring role to play in this regard and that the responsibility for labour inspection itself remained with government.
- 111.** Workers' organizations had a significant role to play in improving compliance in the workplace, particularly advocacy and awareness raising among their members. Numerous empirical studies had shown that organized workplaces were safer workplaces, with lower rates of workplace accidents and diseases than unorganized ones. The same was true in relation to fighting discrimination. Workers were sometimes sceptical about labour inspection, particularly when it was under the direct political control of a government eager to please employers and multinationals. The Workers' group therefore strongly called on governments to ensure that labour inspection services were independent. Protection was also needed for workers who pointed out deficiencies to labour inspectors.
- 112.** The Workers' group also strongly recommended that national tripartite working groups should be set up in order to develop legislation, based on Recommendation No. 198, in order to increase the number of workers covered by labour legislation and improve enforcement of that legislation. He ended by noting that in many countries tripartism was being rolled back. The vital role of tripartism should be restated in the conclusions.
- 113.** The Employer Vice-Chairperson was broadly in agreement with what the Worker spokesperson had said. Cooperation between workers' and employers' organizations was vital in labour administration and inspection services. Consultation, cooperation and negotiation were needed. Not all countries were at the same point in relation to tripartism and he endorsed the Worker Vice-Chairperson's remarks concerning encouraging governments to ratify and enforce the relevant Conventions.
- 114.** Involvement by employers' organizations in the development and drafting of labour laws facilitated their comprehensibility and enforcement. Employers' organizations were ideal intermediaries who could, for example, help companies to understand the importance of a healthy and safe environment. Labour administrations must respect the form of dialogue between the social partners, and not seek to dictate it.
- 115.** Labour inspection should be free of undue influence and subject to a code of ethics. Inspectorates and labour administrations had to improve their competences and understanding of how companies worked. Enhanced cooperation and coordination could only bring benefits.
- 116.** The Government member of Canada said that the social partners had a key role to play in supporting effective labour administration and inspection. Effective labour systems relied

on good and easy-to-understand legislation. Ongoing dialogue with workers' and employers' organizations helped identify issues and practical ways to address them. Consultation, communication and partnerships with workers' and employers' organizations could take a number of forms. In Canada, such consultative mechanisms contributed to consensus-building, better labour law and broader acceptance of legislative requirements. Participation of worker and employer representatives on tripartite boards and commissions with specific responsibilities for labour administration brought added expertise and strengthened system credibility among stakeholders. The social partners had an important role in ensuring workplace safety and health. In Canada the "internal responsibility system" assigned legal duties for control of workplaces to both employers and workers, to the extent that they had the authority to do so, while joint OSH committees in workplaces played a vital role in prevention and ensuring compliance with OSH legislation. The social partners also had an important educational role to play in informing workplace partners of their rights and responsibilities and in the sharing of information, guidelines and good practices. This was especially true in SMEs.

- 117.** The Government member of Argentina said that involvement of the social partners would clearly raise efficiency in labour administration and inspection. They knew and experienced the situation on a daily basis and, through participation at different levels, could help to establish inspections on a sound basis, helping with the planning and development of programmes and policies. National programmes and policies supported by the employers and workers were generally far more successful and sustainable. Cooperation agreements with other authorities were also primordial to the good functioning of the labour administration. Representatives of the social partners could channel information to their colleagues. Compliance, decent work and reduction in unfair competition would result from a better flow of information. The Ministry of Labour had reached tripartite inspection agreements which had already borne fruit, but the work must go on. The labour legislation in Argentina allowed trade unions to denounce situations as appropriate, to accompany labour inspectors in their visits and to be informed of events or findings. Tripartite committees or collective labour agreements were all fundamental for achieving Argentina's goals.
- 118.** The Government member of Brazil echoed other speakers by saying that workers' and employers' organizations were a key part of labour administration and labour inspection and should be so in all countries. In her country, the social partners were always involved, participating in the elaboration of social and labour policy, in the administration of funds and in the drawing up of new standards. She added that there was a greater involvement of companies, in particular in OSH discussions with workers. The workers knew the situation best and what needed to be improved. Tripartism was not only good practice but vital to ensure that all parties played their roles correctly.
- 119.** The Government member of Hungary, speaking on behalf of the EU Member States Government members of the Committee, emphasized that tripartite cooperation at the national, regional and local levels had a long history in ILO member States. National bodies, by exploring and reconciling the interests of employers, workers and governments, played an important role in attaining economic and social transformations. Tripartite cooperation at national level had always provided a formal structure for dialogue between the social partners and government.
- 120.** Enforcement clearly fell within the governments' responsibility, but cooperation with the social partners could produce better results in terms of compliance, quality of working life and productivity. Moreover, active social dialogue was essential and contributed to strengthening the role of labour ministries to develop legislation and labour inspection services. The presence of strong and independent workers' representatives in workplaces improved respect for workers' rights, working conditions and OSH.

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- 121.** The collaboration and cooperation of inspection staff with employers, workers and their organizations at national, sectoral and enterprise level improved compliance and enhanced enterprises' competitiveness and productivity. This kind of dialogue enabled mutual understanding by identifying high-risk sectors, allowing for targeted inspection. Clear and simplified information could contribute to ensuring that enterprises brought practices into compliance with the law. Most ILO member States agreed that the effectiveness of inspection services increased by receiving support from workers, employers and their organizations. A number of countries in Europe had set up national tripartite consultative bodies to deal with labour inspection issues. Some other EU countries had introduced other forms of cooperation, such as signing cooperation agreements, publishing strategies after wide consultation, producing information leaflets, or organizing meetings with the participation of employers from different sectors. The governments of the EU countries therefore acknowledged the importance of social dialogue at both national and international levels. In accordance with the relevant ILO standards, the EU countries encouraged the member States to improve tripartite systems continuously and develop new methods for active involvement of the social partners.
- 122.** The Government member of Norway said that her country had a strong tradition of social dialogue. Workers' and employers' organizations were invited by her Government to offer advice. Good tripartite cooperation required clearly defined roles, open dialogue and mutual respect.
- 123.** The delegate stressed three points. First, that tripartite structures should be strengthened to handle current and future challenges. Second, the need to promote commitment to the tripartite system among the social partners. Third, tripartite cooperation provided access to workplaces and enterprises; the social partners were a rich source of information, providing an ideal starting point on which to base national strategies on OSH as well as preventive action.
- 124.** The Government member of Niger thanked the Governing Body for putting this item on the agenda. He also thanked the staff who put together the comprehensive report. In Niger, labour administrations fell under the responsibility of the Ministry of Labour, which had three directorates: social security, OSH, and employment and continuous training. It also had a national social security fund and employment promotion directorate. According to the delegate, the social partners must play a full role in labour administration. It was very important to ensure that the social partners were involved in every activity of labour administration. With the ILO's support the social partners were involved in the revision of the 1996 Labour Code and played a role in a national employment policy and in implementing solidarity funds for civil servants and their pension funds. A national employment policy was adopted in March 2009 and the social partners had implemented the Code. A new OSH code was before the Council of Ministers for adoption and the social partners would help in implementing it.
- 125.** The delegate acknowledged the participation of the ILO in the form of three International Programme on the Elimination of Child Labour (IPEC) projects in his country. However, labour administration in Niger lacked the resources to function properly. As one of the poorest countries, Niger's priorities were poverty reduction and food security, along with good governance, improving health, infrastructure and services. The staff in the Ministry of Labour were under-motivated bureaucrats lacking in skills and resources to do their jobs. The modernization of labour administration would require the participation of all the social partners.
- 126.** The Government member of Mexico said that it was impossible to talk about labour inspection without mentioning OSH. It was vitally important that workers' and employers' organizations participated in the creation of OSH standards in order to reduce risks. These

groups were most involved at ground level and thus knew the risks. Mexico had set up a national consultative committee on OSH to study measures that could prevent risks. In the regions, there were state consultative committees. The public policy on safety and health at work 2007–12, focused on public institutions and state agencies working together to prevent accidents. It encouraged self-monitoring mechanisms and integrated health and safety systems that would favour safe and secure workplaces, establishing a culture of prevention, training of technical specialists to deal with risks and strengthening compliance and obligations in matters of safety and health in the workplace.

- 127.** The Government member of China said that, although labour administration and labour inspection were mainly the responsibility of governments, the social partners also had important roles to play. China had established the Tripartite Consultation Mechanism on Labour Relations in 2002. The main functions of this consultation were to:
- Conduct research and study major economic and social policies' impact on labour market performance and provide recommendations.
 - Research and study the trends of workplace relations and recommend policy options.
 - Participate in labour-related legislation and supervise its enforcement.
 - Provide guidance and assistance to enterprises and sector-wide collective bargaining.
 - Conduct joint investigations into major industrial disputes.
 - Provide education and a publicity service on labour laws and regulations.
- 128.** The social partners had also been active in labour dispute settlement. Tripartite mediation and arbitration committees had been formed. Many trade union officials had been appointed as part-time labour inspectors. Social dialogue had been a useful tool to help China out of the financial crisis.
- 129.** The Government member of Iraq stated that it was important to maintain regular dialogue with workers' and employers' organizations. Iraq particularly needed tripartite committees to deal with issues such as child labour and wages. The social partners participated in government inspectorate teams and provided help in choosing inspectors. It was necessary to build the capacity of inspectors and to increase their knowledge of national and international legislation. It was necessary to ensure the use of new technologies, build capacities and develop new solutions.
- 130.** The Government member of India strongly supported tripartism. Amendments to labour laws were only undertaken after consultation with the social partners. Tripartite committees should be established to enable employers and workers to play an important role in improving the functioning of labour administration and inspection services. The Labour Ministry in India engaged in meaningful cooperation with employers' and workers' organizations, and a large number of tripartite bodies were established at state level. Each year the Indian Labour Conference met, bringing together the social partners, and this body issued recommendations which provided input to amend labour legislation.
- 131.** The Government member of Colombia stated that tripartism and social dialogue were vital in helping her country arrive at measures to improve what was already an excellent inspection service. They had established a standing national consultative committee on wage and labour policies. This was a tripartite committee, established with the ILO's support in 2006, and decisions taken were mandatory for all three parties.

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- 132.** The Government member of Japan stated that, in order for job policies to be adequate, dialogue between workers and employers was indispensable. Consultation allowed a smooth passage of information on the latest policies and the findings of the labour administration and inspection. The economic and human resource strategy was an important tool to help Japan to overcome differences in economic and social conditions and provide the people of Japan with the jobs that they desired.
- 133.** The Government member of South Africa stressed the importance of having a strategic collaborative partnership between governments and workers' and employers' organizations, to ensure effective labour administration and inspection systems. To facilitate dialogue between the social partners, several meetings had been held to promote awareness among the different parties. Specific projects had been put in place to promote OSH standards, with worker and employer participation. South Africa faced the same challenges as many other countries, particularly in respect of the informal economy, and job creation. The country's entire body of labour legislation was a product of consultation and social dialogue between the relevant parties, aimed at improving the effectiveness and efficiency of labour administration and inspection systems.
- 134.** The Government member of Trinidad and Tobago emphasized the importance of workers' and employers' organizations in improving the functioning of labour administration and inspection services. The Tripartite Committee on ILO Convention No. 144 was very actively involved in general consultation on all labour administration matters. The social partners were systematically consulted before any labour administration initiatives. In Trinidad and Tobago there was a National Minimum Wages Board which was tripartite in nature and was responsible for making recommendations on national minimum wages and conditions of work. A tripartite Occupational Safety and Health Authority had also been established, which had authorized safety and health inspectors to issue prohibition or improvement notices to any workplace, including government workplaces, and to prosecute offending parties in the industrial court.
- 135.** Trinidad and Tobago faced the same challenge of insufficient labour inspectors as did other countries. To resolve this problem, the Government had amended the law to allow trade unions to make formal reports and to seek relief from the industrial court when there were breaches of the established minimum wage and other employment conditions. He highlighted the important role of the Employers Consultative Association of Trinidad and Tobago in providing training in best industrial practice to employers and other interested parties.
- 136.** The Government member of Zambia reaffirmed the significant role played by workers and employers in improving labour administration and inspection services. Efficient labour administration and inspection services benefited both employers and workers. In Zambia, social dialogue had played a key advisory role in the implementation of the DWCP. Workers' and employers' organizations cooperated closely with the Government of Zambia in the employment sector advisory groups, they contributed to the implementation of the national development plan and monitored the plan by generating appropriate statistics. The Tripartite Consultative Labour Council established under the industrial and labour relations law had provided an effective platform where Government, workers' and employers' organizations could deliberate on wide-ranging issues, including labour policy and human resources development.
- 137.** The Government member of Uruguay stressed the importance of social dialogue. He referred to Occupational Safety and Health Convention, 1981 (No. 155), ratified by his country, specifically highlighting the working environment and OSH conditions. Uruguay focused on safety and health standards for specific areas such as the construction industry and agriculture. There were also "quadripartite" committees on subjects such as child

labour where the inclusion of non-governmental organizations and civil society had been useful. He highlighted the important role of training, generating employment, attending to the special needs of young employees and women and creating adequate tools to achieve social dialogue and improve working conditions.

- 138.** The Government member of Egypt said that his country was restructuring the labour inspection department, would increase the number of labour inspectors and would enhance the role of the labour inspectors by making it more preventive. The measures taken by Egypt were as follows: establish trust and social dialogue between employers' and workers' organizations and the labour inspection department; increase the employers' and workers' awareness of labour laws so as to ensure better collaboration with the labour inspection services; review the labour laws and establish mechanisms for tripartite dialogue; train labour inspectors to play a more supportive role in respect of both employers and workers; expand the practice of labour inspection to include the formal and informal sectors; and develop a national workplan with the help of the workers, employers, academic, social and cultural institutions to spread knowledge of the law, thereby helping labour inspectors to carry out their duties with support from all parties. It would be profitable to exchange information on labour inspection among other Arab States. To have an effective labour inspection system, it was imperative to have dialogue and interaction between the Ministry of Labour and other relevant ministries, including the Ministry of Social Security, the Ministry of the Economy and Development, the Ministry of Health and the Ministry of Education.
- 139.** The Government member of Senegal reminded the Committee that social dialogue was a reality in Senegal. The 2009 wage increase in the country, the fixing of the retirement age at 60 years, and the organized elections for trade union centrals, bore witness to highly constructive dialogue and collaboration between the social partners.
- 140.** The Worker Vice-Chairperson thanked the Governments for all the positive remarks they had made under discussion points one and two. For point one these included: the fact that many speakers had insisted on the need to strengthen labour administration and labour inspection; many had said that the crisis posed a challenge to resources; an idea had been put forward that fines imposed for violations might be used to fund inspection services; emphasis had been placed on the policy-making function of labour ministries, if they were to implement decent work; coordination between ministries had been mentioned as vital by many speakers; the need to respond to violations in specific sectors; and the need for increased statistical data had also been highlighted.
- 141.** With regard to discussion point 2, the main points of the discussion had been: to stress that the social partners had a full role in labour administration and inspection; the importance of legislation, employment policies and social security had been widely upheld; speakers had maintained that the responsibility for labour administration lay with governments, especially in respect of enforcement; many speakers had pointed to the usefulness of tripartite committees at various levels and in various fields; the question of paying greater consideration to protection for informal economy workers; many speakers had spoken of the need for strong and independent trade unions; and the identification of high-risk sectors had also been seen as important. He concluded by saying that the National Economic Development and Labour Advisory Council (NEDLAC) in South Africa was a well functioning labour administration institution that should serve as an example for other countries.
- 142.** The Employer Vice-Chairperson thanked the Governments for emphasizing the importance of meaningful tripartism for promoting labour standards, which included clearly defined roles and powers for the social partners. The Employers' group did not, however, accept the assumption that there was always a positive correlation between trade union

representation at the workplace and improved OSH outcomes. He was grateful to the Workers for stressing the role of labour administration in providing the necessary conditions for freedom of association, noting that this aspect was too often ignored.

Point for discussion 3

Given the important public function of labour administration and inspection services, what should be the role of private initiatives and public providers in their delivery – particularly for public employment services and labour inspection? What are the possible mechanisms for coordination and good governance, while ensuring complementarity?

143. The Employer Vice-Chairperson stressed that labour administration and labour inspection needed to be seen as acting in the interests of workers and employers as well as society at large and that public–private partnership arrangements depended on a country’s unique private sector capacity and public mandate. There was no single model to follow and such arrangements were found at all levels of government. Ultimately, there had to be mechanisms for good governance such as benchmarking and auditing structures to ensure that private providers operated in accordance with policy, laws and ethics. These mechanisms should be consistently applied at all levels. For employers, this was best achieved by parties, involved in tripartite committees at the national level, having reach extending to the regional and local levels.
144. The report provided interesting insights into the role of private initiatives and public providers in PES. Many recent institutional changes had taken place in industrialized countries to achieve greater coherence between active and passive policies and to give more responsibility to institutions at the local level. Performance management was increasingly important for labour administration and labour inspection, and the ILO was well placed to gather information on good practices, particularly to provide assistance to developing countries. On the other hand, the report did not address the issue of labour market regulation. Flexible labour policies better matched labour supply and demand, and facilitated the work of PES, allowing them to pay more attention to groups of workers such as the long-term unemployed, low-skilled workers and youth. The report warned against private outsourcing for the delivery of PES. This was unjustified since the examples used were either positive or inconclusive. The ILO should thus focus not only on the pitfalls and benefits of private employment services (PrES), but also draw on the beneficial experiences of member States and provide them with effective and efficient assistance.
145. Concerning the role of the private sector in the context of labour inspection, he expressed concern that the report focused unduly on negative examples from the export sector when considering private monitoring initiatives. In this respect, it was important to understand what was meant by enforcement which, in the employers’ view, was any formal procedure with a legal basis, such as prosecutions, work stoppage notices, improvement notices etc., and which were undoubtedly the prerogative of the State. Where inspection was focused on enforcement for non-compliance with national laws, it should be considered as a matter for state authorities and this authority could not be delegated. This still left considerable scope for public–private cooperation as an advisory activity. Many private bodies, including professional associations, academics and enterprises provided information to companies on best practices in such areas as the use of new technologies and OSH risks. Companies themselves were well placed to monitor and ensure labour law compliance in the interests of workers, customers and quality assurance. This was often done internally or

through external private accredited auditors. Ultimately, public–private partnerships (PPPs) provided opportunities for strengthening the capacity of labour administration and labour inspection systems and the subject deserved greater attention by the ILO.

- 146.** The Worker Vice-Chairperson said that labour administration and labour inspection were public functions and should remain so. There should be no privatization of essential public services and labour inspection. This was not an ideological point, but rather a practical necessity to ensure the independence and accountability of public services. Any cooperation should respect the spirit and letter of Convention No. 150 and Recommendation No. 158 in this connection. Many governments had introduced management systems to improve public performance, including systems drawn from the private sector. The results and experiences were not universally positive. The report put too much emphasis on the positive aspects of performance management. Performance should rather be measured against a government’s ability to provide decent working conditions for its officials and quality services to its citizens. Such methods should not be used if negative impacts could be expected.
- 147.** PES played a pivotal role in the smooth operation of labour markets and had provided a valuable institutional response to the economic crisis. Such services should be strengthened, particularly in developing countries, in line with Convention No. 88, ratified by 86 member States to date. The ILO had made efforts to increase support for PES. These needed to strengthen their focus on employment policies and active labour market policies in order to match labour supply and demand more effectively.
- 148.** Workers were concerned at the abuses instigated by private agencies both in developing and industrialized countries, for example vis-à-vis migrant workers. Under the previous Government in the United Kingdom, private providers were used extensively in providing employment services to long-term unemployed. However, empirical evidence showed that this did not produce positive outcomes. The regulation and regular monitoring and inspection of private employment agencies were a key responsibility of government. The Workers’ group encouraged member States to ratify and implement Convention No. 181 as a strategy to address abuses against workers and to regulate private employment agencies. It was regrettable that only 23 countries had ratified this instrument. The large-scale increase in short-term employment was creating an additional challenge for labour inspection services. Governments should also promote to the maximum extent possible permanent and direct forms of employment relationship.
- 149.** Labour inspection must be a public function. The ILO should use resources to fortify public inspection systems and not channel finance to private initiatives. Private inspection initiatives had no trade union participation, they tended to misinterpret ILO Conventions, they risked being treated as substitutes for inadequate government inspection and lacked accountability and independence. The proliferation of private inspection agencies was problematic. Given this proliferation, there might be support for a tripartite meeting of experts on private workplace inspection based on international labour standards. The experiences of the ILO with its Better Work Programme could inform such a meeting.
- 150.** The Government member of Egypt said that workers in Egypt were guaranteed health care throughout their term of employment and in retirement. Provision of health care for workers was compulsory by law in companies employing more than 50 workers. Another fund provided health care for workers in companies with less than 50 workers. Great emphasis was laid on OSH, with special attention to women workers. Workers were closely involved in OSH matters, and civil society was encouraged to provide OSH training to workers. The Ministry of Manpower and Migration issued certificates to civil society associations thus set up.

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- 151.** The Secretary-General of the Conference, addressing the Committee, highlighted the critical importance of the work of the Labour Administration Committee. He observed that the ratification of Conventions and the passing of domestic legislation would be meaningless without mechanisms being put into place to monitor and ensure compliance and implementation. For a long time the commonly held view had been that governments were the problem rather than the solution, with the result that many felt that the space given to governments should be reduced. But labour administration was a key part of government and its reduction undermined democracy.
- 152.** Over the past ten years remarkable corporate social responsibility (CSR) schemes had emerged, under which businesses and enterprises had set up their own compliance initiatives. The delegates in the Committee represented a valuable network of resource persons and collectively should be able to pave the way forward, finding innovative and creative ways of addressing challenges in labour administration and inspection. The global economic crisis had reduced resources everywhere, so that public finances were often considered a key problem. But in budgeting within the context of limited resources, it was necessary to prioritize. It should never be forgotten that the persons worst affected by the crisis were the vulnerable segments of the population who had in no way caused it. Economic crises showed that labour administration had a key role to play, but creativity and innovation were necessary both at the national and international levels.
- 153.** The Government member of Morocco thanked the Office for the excellent report. The task before governments was to seek out effective and efficient ways of administering labour, at the same time as combating the effects of the economic crisis. The Government of Morocco believed that as labour inspection services covered workers' rights, the labour inspectorate must necessarily remain a public service. However, the private sector could play a role in OSH certification. In Morocco some private agencies were certified in specific areas, while leaving government responsible for labour inspection. In respect of employment services, Morocco did not have a state monopoly and jobseekers do not pay agency services. Cooperation between PES and PrES was possible to the extent that the private sector was often well placed to provide information.
- 154.** The Government member of Brazil said that her Government had adopted the creative approach to which the Secretary-General had referred. The labour inspectorate had a staff of 3,000 labour inspectors, which was relatively few given the number of workplaces and the geographical area to be covered. A proactive, rather than a reactive approach was therefore adopted, in which the focus of inspection was placed on preventive action in high-risk areas. The Government considered that labour administration and inspection services should be public services. PrES, where they existed, should be carefully monitored. Private sector enterprises should only play a role in labour inspection in fields of technical expertise. She gave an example of self-auditing in Brazil, explaining what happened under an agreement to improve working conditions in the sugar sector, going beyond existing legislation. Companies were able to contract private auditors to examine compliance with the agreement and inspection remained the responsibility of the State.
- 155.** The Government member of Canada explained that in his country core labour administration and inspection functions outlined in the report were the responsibility of the federal, provincial and territorial governments. While they could not be contracted out, governments could form partnerships with the private sector and labour to promote safe, equitable workplaces. These could complement the work of labour administrations, particularly in the areas of OSH and employment standards. The workers' compensation boards were an example of such partnerships. The boards helped industry establish and fund sector safety associations that provided advice, training and peer audits to firms. A successful private sector initiative, supportive of effective labour administration and inspection, was the Certificate of Recognition (COR) programme, an OSH accreditation

programme that verified fully implemented safety and health programmes that met legal standards. The COR aimed at providing employers with an effective safety and health management system in order to reduce injuries and their associated human and financial costs.

- 156.** The Government member of South Africa said that his Government had developed a Public Employment Services Bill, to define the role of public and private providers in employment placement. This was currently under negotiation at NEDLAC, therefore he did not wish to go into detail. With regard to private initiatives in labour inspection services, approved inspection authorities had been established under legislation to tap into existing expertise and were providing excellent services. The labour inspectorate had no research capabilities and therefore relied largely on private providers for the information required to frame labour market policies and enforcement strategies. PPPs had enabled some inspectors to be placed in various industries for training. Most importantly, there had also been private initiatives, such as the safety cadet programmes, set up by private companies to enlarge the pool of qualified health and safety practitioners. Such initiatives could bring about significant improvements in compliance. Private initiatives were welcomed, but to complement and not replace labour inspection.
- 157.** The Government member of the United States recalled the three themes of transparency, tripartism and capacity that were critical to voluntary self-audits. The report noted that the increasing incidence of private compliance systems could jeopardize the goal of transparency and the related virtue of objectivity. Tripartism might be harmed by insufficient worker participation in an inspection regime, meaning that it was not informed by the views of those who had most to gain from an appropriate inspection. In the absence of a government role, there was also a question of accountability. The report also indicated the risk that private initiatives could undermine the public inspection function and inhibit the development of appropriate government capacity. This phenomenon was indeed already widespread. At the same time, voluntary compliance was and should be a central goal of any labour administration. In the United States, for example, there were some 7 million workplaces; it was impossible for the labour administration to inspect every workplace even once a year. Thus, an initiative had been implemented in the OSHA to develop a formal policy describing its treatment of voluntary employer OSH self-audits, including compliance with the Occupational Safety and Health Act (OSH Act). To fall within the scope of the policy, voluntary self-inspections had to be formal and meet strict qualifying criteria. In particular, they had to be systematic, documented and objective, and conducted or supervised by a competent person. The OSHA also had a formal Voluntary Protection Programme (VPP), the purpose of which was to emphasize the importance and encourage the improvement of employer-provided, employee-participative OSH management systems in meeting the goal of the OSH Act to ensure safe and healthy working conditions. The VPP had had impressive results in reducing injuries and accidents, significant savings in compensation and reduced employee turnover. The United States therefore acknowledged the important role that could be played by private initiatives, but stressed that they had to comply with the law.
- 158.** The Government member of Namibia informed the Committee that labour administration and inspection were public functions in his country. The Namibian Labour Act, 2007, had established institutions such as the labour inspectorate to enforce its provisions, decisions and awards under the Act. The country had no provision for private initiatives to provide labour inspection services, but it encouraged self-regulation, in particular in small towns and villages where there was no inspector. Namibia had drafted an Employment Services Bill, currently before Parliament, to establish the national employment service, impose reporting and other obligations on certain employers and institutions, and provide for the licensing and regulation of PrES.

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- 159.** The Government member of Kenya believed that PPPs could add value to labour administration. There was a need to ensure that PES and PrES were complementary, particularly in addressing issues relating to labour migration issues. Kenya was working on an integrated and jointly owned code of practice for PrES to address the problems of Kenyan migrants abroad. PPPs worked well in some areas, such as OSH, child labour and HIV/AIDS, but government remained the lead agency, as it did with regard to labour inspection. Partnerships could also add value to education awareness and outreach programmes promoting labour standards.
- 160.** The Government member of Japan stated that PES were a safety net for workers. According to the Constitution, articles 22 and 27, the PES should be a stable and consistent service provided free of charge. Japan had ratified Conventions Nos 81 and 88. PrES provided an additional, complementary service to jobseekers. Most private initiatives covered white collar jobs, in particular placement and headhunting. Labour inspection in Japan was a national responsibility but voluntary self-auditing was also practised. The Industrial Accidents Prevention Organization Act was enacted in 1964 to promote spontaneous engagement by employers' organizations. The Japan Industrial Safety and Health Association (JISHA) and other sector-based associations established by the Act, played a crucial role in providing technical guidance to prevent accidents. Under the OSH Act, private enterprises must provide workers with training in categories of work that required specialized training. While private institutions were helpful in improving working conditions, securing minimum standards was the exclusive work of national labour inspection systems. A balanced coordination was necessary to improve working conditions effectively.
- 161.** The Government member of Norway said, firstly, that labour inspection should be under the control of a central authority to ensure coherence and consistency in the application of legislation throughout the national territory, as was embodied in ILO Conventions. It allowed for targeted inspection efforts in times of change and was considered the best way to ensure tripartite cooperation, which could be hampered if left to private initiatives. Secondly, this approach made it possible to cooperate and share knowledge with other authorities, with the social partners and internationally. Thirdly, although the report referred to job placement through PrES as an example of cooperation yielding good benefits, it could also lead to abuses related to agency placement, particularly in respect of migrant workers, and damage regular employment relationships through misuse of these agencies. This was a current problem in Norway.
- 162.** The Government member of India reported that public-private models had been initiated in the area of skills development. Industrial partners had run many training institutions working on skills training, upgrading and horizontal mobility. The scheme had been developed in consultation with industry. Priority was given to existing workers in the informal sector and to those who had been withdrawn from child labour. Initiatives had also focused on the use of ICT to allow effective coordination and easy access. The Government was also formulating a new scheme to modernize employment exchanges throughout the country. The labour inspection system was a sovereign function of the State and, as such, could not be outsourced. However, industry associations, trade unions and tripartite committees could be involved in suggesting means for better compliance with labour laws. There was scope for assessment, third party certification and involvement of industry but the public labour inspection system must in no way be compromised.
- 163.** The Government member of New Zealand agreed with the Government member of the United States that governments were obliged to target their labour inspection services. In New Zealand, if the Department of Labour were to attempt to visit all workplaces, it could take up to five years to visit each workplace, consequently targeting inspection services based on risk is crucial. In terms of the mediation services provided by the Department of

Labour, individuals were also able to seek such services in the private sector. In relation to OSH, it was noted that it was important for industry to demonstrate greater leadership in health and safety, and the Department of Labour, working to a model also found in Ontario, Canada, had established a Business Leaders Forum for Health and Safety, comprising the chief executives of the largest businesses in New Zealand. The Business Leaders Forum encouraged the sharing of best practice in health and safety, provided health and safety leadership training for chief executives and senior executives, and shared information on company OSH performance. Like Brazil, New Zealand focused on targeting its inspection services on areas or issues of highest risk. This required good data and good analysis in order to ensure targeting was as effective as possible.

- 164.** The Government member of Ethiopia welcomed this item on the Conference agenda. Labour administration was crucial to economic development efforts in times of increased globalization and economic crisis. Government alone could not be responsible for provision of all services. Therefore, the role of the private sector was now crucial, but should be closely monitored. Ethiopia was interested in hearing experiences from other countries which had already established systems for private participation in labour administration and labour inspection. In Ethiopia, which had ratified Convention No. 181, PrES worked closely with the Ministry of Labour and Social Affairs.
- 165.** The Government member of the Republic of Maldives informed the Committee that her country was new to labour administration and labour inspection. The Human Resources Department of the Republic of Maldives worked closely with other agencies such as those responsible for immigration and economic development. A privately sponsored weekly radio programme aimed at raising awareness of OSH standards had recently been launched. The Government planned to take a more active role in monitoring and increase the number of inspectors. She welcomed the opportunity to hear experiences from others.
- 166.** The Government member of Zambia stated that labour administration in PES provided information, placement and support services at national and local levels. Nevertheless, the reality in Zambia was that the services were not adequately provided. They were inadequately equipped and also not present in certain areas of the country. Governments needed to establish a labour inspection system, with inspectors trained in OSH. The private sector could provide infrastructure for PES, including provision of ICT to improve coverage, online-based PES or job portals. Private providers could also benefit from better skills, and might be able to provide training in handling of equipment, prosecutions and the design of efficient inspection systems.
- 167.** The Government member of Sri Lanka said that his country had ratified Convention No. 81. Labour inspection was a public function and an important component of the DWCP approved by the President. Article 5 of Convention No. 81 on labour inspection called on the competent authority to promote effective cooperation between the labour inspectorate and private institutions engaged in similar activities. Labour inspection was only effective if it was independent and inspectors, who were public officials, could prosecute violating employers. In Sri Lanka, ten years ago, there were only 200 inspectors; now there were 450. Lack of inspectors, resources and training had led to a growth of private auditing, monitoring and certification systems both in EPZs and other work areas. These audits could be seen as a substitute for real inspection, however they were often carried out by people without in-depth knowledge of Sri Lankan labour laws or ILO values, and complaints to the Government from companies where such audits had taken place were common. Sri Lanka was not against private initiatives but frequently these initiatives failed to provide feedback to the Government, and trade unions were not consulted. As information was not shared appropriately, there was no way for the public inspectorate to verify claims in CSR reports. Neither did these private systems adequately reach subcontractors or home-based workers. Self-auditing needed to be under the

supervision of the central labour inspectorate and complementary to public inspection. Such private initiatives should not undermine the public inspection system.

- 168.** The Government member of Uruguay stated that labour inspection was a public service supported by the State, and labour inspectors were state specialized officials who, in cooperation with other government bodies, were able to cover different technical issues. The national PES reported to the labour ministry and sought to match labour offer and demand while paying special attention to disabled and other categories of disadvantaged workers. A website had been made available to help workers find jobs and employers to find employees that met their qualifications and needs. A National Council for Corporate Social Responsibility had recently been established. A National Council for Migration had also been established and inspection activities were organized to oversee compliance with migrants' rights.
- 169.** The Government member of Argentina recalled that labour inspection services were supervised by the Government. Only public authorities could engage in inspection activities and they could not delegate the power of inspection to the private sector. In the field of OSH, the occupational risk insurance institutions implemented periodic controls and prevention programmes with associated enterprises, but without enforcement powers. While there were many private companies that provided services to enterprises in the OSH field, inspection of legal compliance could not be delegated.
- 170.** The Government member of Australia pointed out that employment services in Australia had been outsourced over a decade ago. In 2008, a comprehensive review had been implemented, which revealed some shortcomings in the system. As a result, the Australian Government launched Job Services Australia in 2009 with the aim of increasing employment, building skills in demand and helping individual jobseekers, particularly disadvantaged jobseekers, to find sustainable employment. Under this outsourced system, the Government took on the role of purchaser and regulator. A new performance management system was developed which incorporated feedback from employers into the quality key performance indicator, encouraging Job Services Australia providers to help employers address their skills and labour needs. The aim of the privatization of employment services was to improve availability and consistency of services, to eliminate structural weaknesses and inefficiencies in the previous system and to provide targeted assistance to the most disadvantaged. Privatization had also led to a significant reduction in the average cost per employment outcome.
- 171.** The Government member of Colombia explained that PES were placed under the authority of the National Service for Vocational Training (SENA), while private employment agencies were authorized and regulated by the State and subject to monitoring by the labour inspectorate in order to combat fraud and to guarantee a free service for jobseekers.
- 172.** The Government member of Hungary, speaking on behalf of the EU Member States Government members of the Committee, accepted that PPPs supported state activities and extended the effectiveness of labour administration functions. However, there was a risk that where these initiatives were not implemented and monitored carefully, they could potentially undermine the public administrative function and they should therefore remain complementary to labour administration. While labour inspection should remain a public function, private initiatives aimed at supporting compliance with decent working standards were welcome. PES should provide efficient service to workers and employers with an emphasis on those workers who had been inactive or faced particular barriers to employment. A combination of employment and welfare services created links between the receipt of benefits and employment activation. PES could seek partnerships with private and voluntary sector agents to help disadvantaged people find work. Working in partnership with employers was crucial to secure links between jobseekers and vacancies.

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173. The Government member of Switzerland noted that there were good examples in his country of cooperation between the public and private sectors in the area of OSH. In Switzerland, companies were responsible for OSH in the workplace and relied on private experts to improve workplace practices in this respect. While this was done by large enterprises, SMEs did not always have the benefit of these private services. As a solution to this challenge, Switzerland had a special sectoral organization to deal with OSH issues. This was a body that evaluated OSH risks and problems on a sectoral basis and found appropriate solutions. A federal committee in turn examined the sectoral findings and issued recommendations where necessary. This approach to OSH complemented the work of the labour inspection system, which must remain the responsibility of the State.
174. The Government member of the Bolivarian Republic of Venezuela recalled the negative effect that the economic crisis had had on the working and living conditions of workers. Her Government was striving to maintain their well-being, particularly through its labour inspection system. An integrated system of labour inspection was managed by the Ministry of Labour and Social Security to ensure coherence in the application of the labour law. In addition to general labour inspection, there were specialized and autonomous public institutions that carried out inspections on specific technical matters. These included the National Institute for the Prevention of Occupational Safety and Health which ensured compliance in the area of OSH, and the Venezuelan Institute of Social Security responsible for verifying the registration of workers in the social security system and the payment of contributions by employers.
175. The Worker Vice-Chairperson welcomed the general consensus on labour inspection as a public function. He agreed with the Government member of the United States that, while many private initiatives were intended to be complementary, in practice they crowded out public services. Private initiatives in the public sphere were not necessarily good and neither were public administrative services inherently poor. He reminded the Committee that private sector initiatives also had implications on public budgets. He further welcomed the Secretary-General's intervention calling for creative thinking about labour administration and labour inspection and hoped that the conclusions of this Committee would reflect this aspiration.

Point for discussion 4

How can labour inspection systems best improve and balance prevention and enforcement measures to ensure compliance with national labour laws for achieving decent work (for example, education, prevention and sanctions)?

176. The Chairperson said that the next discussion point concerned the dual role of labour inspection systems, which included enforcing labour laws and providing information, education and consultancy services to workers, employers and their organizations. There was general agreement that deterrence measures alone were not enough. Rather, labour inspectors needed to employ a good mix of preventive measures, promotional tools and sanctions. Awareness-raising campaigns and the use of other approaches such as self-assessments were also helpful in fostering a culture of compliance.
177. The Worker Vice-Chairperson stated that enforcement and sufficiently dissuasive sanctions were a fundamental part of any labour inspection system. Despite the wording of the fourth discussion point in the report, there was no false dichotomy between the notion of prevention and enforcement measures in labour inspection. Rather, these two aspects

should be seen as part of a continuum of labour inspection action. It was important for governments to aim for an overall integrated strategy for inspection activities and to ensure the coordinating and supervisory role of the central authority. One possible option for closer collaboration between public authorities could be for penalty taxes and fines to be imposed by the tax office to enhance labour rights at the workplace.

- 178.** The Workers' group wanted to promote the idea of placing the enforcement of working conditions including wages and fundamental principles and rights at work at the centre of labour inspection activities. Targeted prevention campaigns, OSH committees, the right to organize, extension of collective bargaining agreements and the reduction in the proliferation of subcontracting and outsourcing could all greatly contribute to better compliance with labour legislation. OSH committees at company and sectoral level had been effective in preventing accidents and health problems and could help with enforcement.
- 179.** The Workers' group saw a role for the ministry of labour to play in promoting freedom of association and collective bargaining in a proactive way and the extension of collective bargaining should be promoted to make sure more workers are covered. Governments should promote OSH committees at sectoral and company level, which have generally been effective in preventing accidents and health problems. In the light of challenges resulting from outsourcing, subcontracting and triangular employment relationships, governments needed to become much more proactive in promoting a direct employment relationship and ensure that such direct employment relationships were respected in public sector and procurement contracts. Access to information was the key, including access to inspection reports. He also stressed that trade unions provided most effective workplace monitoring.
- 180.** The Employer Vice-Chairperson recalled that inspectors must be able to recognize activities that gave rise to significant risks to workers and others. The ILO, through the Turin Training Centre and other partners, should assist labour inspectors to be able to make these judgements. In general, training and continuous professional development should be a core feature of every inspector's work, as non-compliance by companies was often due to lack of inspector awareness and competence, training, advice and other preventive measures. The sharing of good practice between labour administrations and inspection services via established networks, in particular through the ILO, improved the capacity and competence of labour inspectorates to balance prevention, safety culture, advocacy and awareness with an ability to be more pragmatic and focused in addressing issues of compliance and conformity.
- 181.** Labour inspection had to ensure compliance with labour regulations using the most suitable and efficient methods. The report correctly emphasized that inspection interventions also entailed preventive awareness-raising and educational activities and campaigns, in a holistic approach. To ensure that advice was balanced and fair, employer and worker representatives should work within the tripartite system to assist labour administration and inspection services to develop advice, guidance and toolkits. Apart from sanctions and penalties, positive incentives for regulatory compliance and achieving good labour standards needed to be tailored into regulatory mechanisms, particularly in the developing world.
- 182.** OSH was an area where the approach to labour inspection was increasingly based on methods of risk management and prevention, reflecting the principles set out in the Promotional Framework for Occupational Safety and Health Convention, 2006, (No. 187). The Employers' group welcomed the shift towards prevention, which corresponded better to the realities and needs of enterprises, especially small enterprises. More discussion should be devoted to self-assessment, as the report said. Targeted campaigns, aimed at

high-risk sectors or specific processes, equipment or groups, was also an effective way of achieving compliance with labour regulation and improving labour standards. The social partners should be involved in their choice and design. While enforcement of rules also required sanctions—penalties and respective procedures, it should remain the last resort. The authority to impose sanctions also carried the risk of corruption which, in certain countries, was a major problem for employers.

- 183.** The Employers' group had no particular views about the best model for the scope of labour inspectors' work: whether it should just cover OSH, or whether it should include all the other social and labour issues such as discrimination, gender issues, child labour, minimum wage or social security.
- 184.** The Government member of Canada declared that effective labour systems must be based on clear and practical law, including fines and penalties sufficient to deter non-compliance administered and enforced by a professional inspectorate. Mechanisms to communicate requirements and to provide advice and training for employers and workers were another prerequisite. Prevention comprised public awareness, education, training, consultation and advice to workers and employers. However, too much reliance on softer prevention tools was as problematic as exaggerated reliance on prosecution and sanction.
- 185.** The Government member of Namibia noted that the Labour Act of 2007 provided for labour inspectors to issue compliance orders as a sanction for the violation of the law. Employers were given 30 days to comply with the order or, alternatively, they might lodge an appeal with the labour court. However, appeal proceedings were often lengthy. He indicated that the Namibian labour inspectorate had a good working relationship with the police and the prosecution authority which had helped to ensure that non-compliant employers were charged and prosecuted.
- 186.** The Government member of Japan said that corrective action was ordered where inspection revealed violations. Serious violations were subject to criminal prosecution. In terms of prevention, the Government of Japan notified employers of amendments to the Labour Standards Law well in advance; held lectures for employers to prevent recurrence in occupational accidents; drew up a checklist on labour compliance for employers; and required employers to notify the Labour Standards Inspection Office of their intention to install dangerous machinery. The labour administration also provided information and guidelines to workers and employers.
- 187.** The Government member of Jamaica noted that labour inspection systems should balance prevention and enforcement. Jamaica sought balance through a mixture of training and education programmes and on-site inspections. The approach had worked well in the informal sector. In OSH, the Government trained inspectors to develop their capability to use both preventive and compliance approaches. Public education programmes had been mounted to raise awareness on labour law-related issues. The various penalties for breaching national labour laws had been increased, to encourage compliance. The best practices shared by countries during the discussion of the Committee would be valuable.
- 188.** The Government member of Norway explained that the Norwegian Environment Act contained provisions that ensured that OSH representatives and employers achieved a certain level of knowledge on OSH and current labour legislation in general. Guidance was one of the key tools of the Norwegian labour inspection. Experience showed that the best inspection visit was a combination of inspection, guidance and supervision. Guidance was a task for the labour inspectorate, but also one for the social partners, in order to establish and disseminate good practices.

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- 189.** The Government member of Brazil recalled that inspectors needed the powers and skills set out in Conventions Nos 81 and 129, and in the Labour Inspection (Seafarers) Convention, 1996 (No. 178). As well as sound initial training, ongoing training and capacity building were required to enable inspectors to keep pace with legislation. They also needed soft skills in order to maintain dialogue and to persuade.
- 190.** The Government member of Oman said that his Government had made great efforts to align its legislation with international standards, but the country was in need of support and technical assistance. A Global Strategic Plan had been established. The Plan had increased the number of labour inspectors to 160, including some specialists, trained in cooperation with the ILO. An inspection manual had been published, and IT had been made available to inspectors. He expressed gratitude for the ILO's assistance.
- 191.** The Government member of the United Arab Emirates pointed out that his Government had put in place an electronic salary protection system monitored by labour inspectors, which had proved very successful. There were also online and phone portals in different languages to allow workers to make complaints. The Labour Department was responsible for OSH issues, ensuring that workers were protected by the best standards. The Department had introduced an electronic self-assessment system for employers, monitored by labour inspectors.
- 192.** The Government member of Lebanon stated that labour inspection should not be reduced simply to sanctions. Labour inspection should be dissuasive, but should also have an advisory role, providing guidance. A balanced approach should be adopted through discussion by the parties. Labour inspectors should be neutral and objective, thus inspiring trust in all parties. Ongoing training should be provided to inspectors, and bonus schemes could be introduced to encourage effective working methods.
- 193.** The Government member of Hungary, speaking on behalf of the EU Member States Government members of the Committee, said that labour inspection had a multifunctional role in the EU and worked through preventive measures and law enforcement. Member States needed a national strategy to ensure a good balance between enforcement, compliance and prevention, taking national circumstances into account. Central authorities had an essential coordinating role in developing and implementing those strategies. Focusing on improved governance structures, governmental and non-governmental partnerships, and human resources management, as well as on improved data and technology usage, could help to strengthen and improve the functioning of labour inspectorates. Recent changes in employment trends required labour inspection to possess flexibility and dynamism in order to perform its advisory, preventive and enforcement roles. The new challenges suggested that inspection services should concentrate on their preventive function, providing information and guidance for employers in order to improve their understanding, application and compliance with the law.
- 194.** Inspection services were more effective if supported by workers and employers. Preventive tools in labour inspection should serve as complementary measures to sanctions such as fines or prohibition of ongoing employment. Enforcement strategies should be applied through a system that considered a wide range of relevant data to help prioritize action that was consistent and proportional to the risk. The publication of successful enforcement action could increase the visibility of labour enforcement activities and act as a deterrent to other companies. The EU supported the ILO's efforts to strengthen labour inspection systems.
- 195.** The Government member of Niger observed that in his country labour inspectors had the power to enforce labour legislation. Articles 256 and 257 of the Labour Code authorized labour inspectors to enter any workplace at any hour of the day or night. When inspectors

noted infringements they had the right to make a simple verbal comment or warning, or issue a written report. If the infringement was serious, the report would be sent to the Attorney-General for follow-up. The Labour Code also authorized inspectors to settle immediately, by imposing a fine on the spot. Employers were entitled to refuse a settlement, at which point legal action would be engaged. In general, the guidance function of the inspectorate obtained better results than the imposition of sanctions.

- 196.** The Government member of South Africa pointed out that enterprises failed to comply with the law for various reasons. It was essential to create a culture of prevention. Thus, South Africa had tried to impress upon its inspectors to assist enterprises in developing prevention strategies. Advocacy and education were seen as an integral element of any prevention programme. A new “Health and Safety Management Toolkit” was under discussion with the social partners. The focus was on SMEs in specific, high-risk areas, including construction and agriculture.
- 197.** Some employers, irrespective of guidance efforts, still fell short of compliance. Fines were too low to be an effective deterrent. Some employers preferred to budget for the fines. For this reason, as part of the new labour law amendments, the Government was proposing a substantial increase of the fines and in some instances, imprisonment. This was a subject of negotiations at NEDLAC.
- 198.** The Government member of Egypt said that Egypt had ratified Conventions Nos 81 and 129 and was preparing to ratify Convention No. 187. The Egyptian labour inspection system was under the supervision of a central administration with two departments: a general inspectorate and a department dealing with health and safety at work. The labour law allowed inspectors to enter workplaces, check employers’ papers and take samples. It permitted inspectors to impose sanctions and even to call a halt to production if workers’ safety was at risk. The Government had recently developed a national plan to assess companies and grant awards to those that had made improvements to working conditions or were in full compliance with the law. Training was being given to labour inspectors to increase the esteem of the profession and to provide a career structure.
- 199.** The Government member of Gabon welcomed the inclusion of this item on the Conference agenda. Gabon had ratified Conventions Nos 81 and 150. Labour inspectors played a critical role in monitoring and applying measures in respect of employment, working conditions, social security and OSH throughout the country at provincial and departmental levels. However, the inspectors faced considerable problems, compounded by the economic crisis, and Gabon had need of ILO technical assistance to develop their skills.
- 200.** The Government member of New Zealand highlighted two possible principles for enforcement in labour inspection. Firstly, in respect of employment relations, it was important to ensure that disputes were resolved at the earliest possible point or opportunity. Secondly, in both employment relations and OSH, interventions should match the pattern of non-compliance. It was important to understand the reasons for non-compliance, including whether firms were wilfully neglecting their responsibilities to ensure their staff were safe and well treated. The Department of Labour had recently launched a Harm Reduction Programme in OSH which, rather than simply responding to incidents and notifications, focused on trying to eliminate the “harm” or risk by working to change the underlying behaviour. This approach could complement initiatives to “design out” risks or harms. Current focus areas for the Programme were reducing fatalities and injuries resulting from the use of quad bikes and from falls from heights in construction. Working with the agricultural and construction sectors was vital to the Harm Reduction Programme in order to promote their leadership in addressing the risks and issues. Enforcement and sanctions could play an important role in harm reduction in helping to change the risk-taking behaviour. The delegate observed that the best balance of intervention was

determined by the nature of the risk or issue in the target sector or industry, and emphasized the need to tailor interventions in order to get the best possible compliance outcome.

- 201.** The Government member of China agreed that penalties and sanctions were important tools for enforcing compliance; however with the evolving nature of the world of work, including technological changes, training advice and consultative services were gaining in importance. China had adopted the two network management system, also known as the grid and network based management system. This system had successfully turned a reactive and responsive inspection into a proactive and preventive inspection and enabled labour inspection to cover the rural areas. It had improved the visibility of labour inspection, inspection outreach, coordination between domains, policy formulation and capacity of inspectors. In cities, where the new system was practised, cases of violation had become more scarce.
- 202.** The Government member of Zambia stated that the inspection system was not for policing, but to promote decent work. Greater engagement with employers and workers should allow valuable feedback on best practices. The social partners appreciated the role of labour inspection, adopting a proactive approach, improving compliance with the law.
- 203.** The Government member of Argentina said that the labour inspectorate needed more highly trained personnel, with greater capacities and with all powers and functions as set out in Convention No. 81. In his country, all provinces and states shared the same sanction regime in OSH matters. Central Government, under the National Programme for Regularizing Workers, was responsible for registering workers, enrolling them in the social security system, and ensuring the payment of social contributions. To be more dissuasive, sanctions had recently been increased. However, the thrust of the labour inspectorate in Argentina was not to punish transgressors. The inspectorate aimed at educating, persuading and guiding towards compliance with the law.
- 204.** The Government member of Sri Lanka emphasized that labour inspection should maintain a balance between sanctions and promotion. The Ministry of Labour in Sri Lanka had encouraged promotional activities, including the setting up of the National Institute of Labour Studies and the National Institute of Occupational Safety and Health, which provided OSH training to workers and employers. The Ministry also fostered an educational programme at enterprise level. Centres had been established in EPZs, which had prevented many disputes. A computerized system of labour inspection was about to start operation, with support from the United States Department of Labor. Sri Lanka believed that employers who complied with standards should be rewarded. The ILO Turin Centre had provided 12 modules on labour inspection that had proved very useful, and had been successfully applied in the country.
- 205.** The Government member of Colombia explained that the mandate of the labour inspectorate covered a wide range of issues, including the payment of salaries, rights at work, social security and health insurance, and rights under the employment contract. The emphasis was placed on preventive action, advice and assistance, and persuasion to bring enterprises into compliance with the law. The Government had launched a number of awareness-raising campaigns on labour law as well as campaigns to promote the fundamental principles and rights at work.
- 206.** The Government member of Kenya said that the role of labour inspectors was to enforce labour law and promote best practices in all workplaces, whether formal or informal, in a fair manner and according to the circumstances in the country. Prevention and enforcement strategies should be balanced in the quest for total compliance. More emphasis should be placed on proactive prevention and good practices than on sanctions. In most African

countries, where the labour market was characterized by high unemployment rates, inspectors were obliged by circumstances to tread a line between enforcement and prevention. There was an urgent need for capacity building for labour inspectors.

- 207.** The Government member of Iraq noted that preventive measures at the workplace would help enhance the dignity of the workers. He regretted that some enterprises tended to put their profitability above the values of the ILO and stressed the importance of training, and improving the skills of labour inspectors. Labour inspection had a vital role to play in ensuring balanced relations between the workers and employers.
- 208.** The Government member of Uruguay pointed out that sanctions remained an important tool to achieve compliance. Inspectors in Uruguay, when dealing with OSH issues, had the power to shut down an enterprise or workplace which presented a serious and imminent risk to the physical integrity of a worker. The Ministry of Labour was considering placing infringements observed by the labour inspectorate within the realm of the Penal Code. However, Uruguay was aware that it needed to promote a culture of compliance with standards and good practice, and that tools other than sanctions were required. The tripartite sectoral OSH committees represented a fundamental tool. They disseminated the knowledge on labour standards within sectors. Training for workers and employers was another key tool in the promotion of compliance. Regarding sexual harassment, the Government was focused on awareness raising for inspectors, workers and employers. A balance had to be sought in labour inspection between the need to sanction and efforts to change work practice and culture.
- 209.** The Government member of Ghana said that labour inspection was above all a public function. Labour inspection systems could best be improved through a fine balance between enforcement and promotional measures but required initial strengthening of the labour inspection institutions responsible for enforcing labour legislation. On the basis of the interventions from governments in the Committee, it was clear that in developing countries labour inspection institutions were not well supported financially or politically. Among the priorities, he identified: carrying out regular inspection visits; raising awareness among the social partners about the value of labour inspection; fostering collaboration in labour inspection activities through tripartite dialogue; making sure inspection sanctions were applied where appropriate; and receiving technical support and advice at both the national and international levels.
- 210.** The Government member of Mexico said that his country had developed a new labour inspection philosophy based on visits to enterprises to determine risks through a better understanding of workplace activities and processes. Through this approach, a number of sector-specific protocols and guides had been adopted. Mexico had also adopted novel measures in the mining sector whereby the Federal Electricity Commission could not purchase coal from companies which were not certified as safe under the applicable law. The Federal Labour Inspectorate was also carrying out 100 extraordinary inspections over a period of 90 days in the coalmining region in coordination with other relevant federal agencies. The inspectorate was raising awareness of the applicable labour laws in the various industrial sectors. Other measures for improving workplace compliance included the promotion of self-evaluation by enterprises to determine how well their practices conformed with national labour standards in OSH. These self-evaluations were then submitted to the authorities who determined through follow-up inspections whether the enterprise was genuinely in compliance.
- 211.** The Government member of Senegal said that a recent assessment of labour law compliance among Senegalese enterprises persuaded the Government of the need to improve these two facets of labour inspection. The role of prevention necessarily required ongoing professional training for inspectors to improve their technical knowledge and

skills, particularly on OSH. Senegal had thus carried out a series of training activities for its inspectors focusing on a number of topics including inspection methods in the agro-food industry, risk assessment, the investigation of workplace accidents, and the study of musculoskeletal disorders. With improved knowledge in these areas, inspectors were able to have more influence and credibility when visiting and advising enterprises. In Senegal, labour inspection sanctions were not effective and employers tended to ignore notices given to them by inspectors. Even submitting these notices to the prosecutor's office did not have the desired effect on compliance, nor did the prosecutor necessarily take action, reinforcing the sense of impunity for labour law violators.

212. The Government member of Chad noted that to be effective, labour inspectors must actually visit the enterprises for which they were responsible. However, inspectors should not simply use their powers of sanction and injunction, but should act as advisors to workers and employers to improve understanding and application of labour standards. It was therefore vital that inspectors had the required technical knowledge. In Chad, the small number of labour inspectors led the Government to rethink its labour inspection strategy to make sure that inspectors were more physically present throughout the country and spending more time carrying out inspections instead of behind their desks. To this end, the Government had set up labour inspectorates in 18 out of the country's 22 regions. A tripartite committee had recently been created, headed by a labour inspector, to carry out an awareness-raising campaign on labour legislation and the rights and responsibilities of workers and employers, demonstrating the useful role of labour inspection in promoting workplace compliance.

213. The Worker Vice-Chairperson pointed out that there were examples in a number of countries where workers could visit other businesses. He also indicated that the concept of self-assessment could be a tool, particularly if the workers were involved in the process. In addition, he observed the importance of addressing underlying problems of non-compliance. He pointed out that sanctions should have a real, constructive impact. With respect to award schemes for employers, caution should be exercised; awards should not be granted simply to recognize compliance which was the basic obligation, but rather to promote good practices.

214. The Government member of Argentina nominated the Government member of Brazil as Reporter of the Committee. The Committee accepted the proposal.

Point for discussion 5

How can governments better ensure labour administration and inspection services apply universally to all workers? What measures can be effective for extending these services, in particular to vulnerable workers (for example in supply chains, export processing zones, the rural and informal economies)?

215. The Chairperson said that the next discussion point explored ways to help governments better ensure the universal application of labour administration and inspection services and to take effective measures for extending these services to various categories of vulnerable workers.

216. The Employer Vice-Chairperson did not agree with a comment made in the previous sitting by the Worker Vice-Chairperson regarding the usefulness of visits by workers from

one enterprise to another. The Employers' group considered the labour inspector to be the only person entitled to enter business premises without permission or an invitation from the employer.

- 217.** The Employers' group strongly upheld the universal application of labour administration and labour inspection to all workers and enterprises, whatever their status. Outcomes of labour administration and labour inspection activities should be beneficial to all workers; on the other hand, these activities – and available resources – should be better targeted, and clear and transparent criteria for defining vulnerable groups should be established and assistance oriented to those at greatest risk.
- 218.** The informal economy could not be reduced merely by intensifying inspection activities: it required multidisciplinary efforts. Research should be conducted into the reasons for its existence and on how to improve the capacity and skills of its workers. Enforcement of regulations should be accompanied by awareness raising, and efforts to reach those who were hard to reach – for example, workers in rural areas and in agriculture; intermediaries at national and local level should ensure that the messages were delivered to the right people in the right language. Awareness of work-related risks could be enhanced by using various means of communication, such as social networking sites, magazines and television media. The ILO should provide training material based on the text of the report to support all the points raised.
- 219.** The Worker Vice-Chairperson said that many workers fell outside the scope of labour inspection and administration and that it was necessary to extend coverage to all categories of workers. Rather than just extending services for the sake of more services, it was important to improve the impact of these services on workers. General measures were required such as greater collaboration and coordination among authorities, the social partners and other stakeholders, capacity building and respect for ILO Conventions. A possible option was to enable labour inspectors to sanction violators of labour rights with penalty taxes and fines that would be enforced by tax authorities. The capacity of the central authority to maintain a coordination role, as set out in Convention No. 150, was crucial. The establishment of a coordinating unit based at the Ministry of Labour would help oversee and coordinate implementation and enforcement activities so as to ensure coverage of all workers.
- 220.** Capacity-building for all involved was vital. Information should be known and shared by all, including the social partners. This could be achieved through general campaigns, information materials, brochures and outreach programmes. IT was useful for this purpose, but many workers did not have access to email or the Internet, and not just in developing countries.
- 221.** New forms of employment, EPZs, the informal economy and supply chains required a different approach, such as media campaigns and specialized inspectors. Specially designed administrative structures and promotional campaigns were required to regularize undeclared workers: one example was Spain, where over half a million foreign workers were enrolled in the social security system in 2005. As stated by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) in the General Survey of 2006: “the primary duty of labour inspectors is to protect workers and not to enforce immigration law”.

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- 222.** Regarding workers in the informal economy, a recent ILO publication had stated: “Many international labour standards are far from being irrelevant or inapplicable to the informal economy. They are only in need of serious implementation.”³ He mentioned an example of mobile labour inspection in Brazil which could be considered good practice. At national level, tripartite working groups could be established to examine existing coverage and possibilities for extending inspection in the informal economy. It would be useful to examine different groups within the informal economy. Trade unions should expand their membership by promoting the rights of informal workers.
- 223.** The application or implementation of labour standards to EPZs was often weak or non-existent. Governments frequently ignored, and unacceptably, even waived all labour laws in EPZs. Labour inspection could reduce the number of accidents in EPZs but inspectors needed right of entry as well as support and cooperation from law enforcement and other agencies to gain access. In addition to access, trade union representatives needed to be present at inspection visits to determine working conditions. Labour inspectors needed to talk to workers, and protection and confidentiality for whistle-blowers was essential. Inspectors should pay attention to the following key issues in EPZs: freedom of association; working hours including overtime; wages; maternity protection; pregnancy tests at recruitment or as a ground for dismissal; sexual and other forms of harassment; and dormitory conditions. These issues were not unique to EPZs, but were acute where labour laws had been waived by governments. Some EPZs had set up their own private inspection systems which did not follow ILO provisions. This should stop, as it gave the erroneous impression that workers’ rights were respected. EPZs were overwhelmingly staffed by women; however, there were very few female inspectors or male inspectors trained to resolve gender-related issues.
- 224.** New forms of work relationships, including bogus self-employment and fake cooperatives, as well as outsourcing and complex supply chains, were impediments to the effective enforcement of labour legislation. In the case of bogus self-employment people were registered as businesses and thus were not covered by labour legislation or inspection, when in fact they were construction workers. Recommendation No. 198 provided guidance to governments on what constituted an employment relationship and hence applicability of the law. ILO Conventions and Recommendations should be respected. The Workers’ group requested to see specific conclusions both on the importance of Recommendation No. 198 in determining an employment relationship, as well as on the need to promote the principles of the Recommendation. Other measures requiring action included the collection of relevant information and statistical data based on new forms of employment. For instance, in relation to OSH, records of accidents and illnesses could help to provide information on the number of workers in non-standard employment. Domestic workers needed legal protection and enforcement of their rights. Formal recognition that private homes could also be workplaces was fundamental. There were interesting examples of national practice in Ireland and Finland. In the case of domestic workers, it was particularly important that gender equality be respected.
- 225.** Other programmes necessary for particular groups of workers included age-sensitive working conditions, and problems faced by youth. Labour inspection should be extended to workers not covered by Convention No. 81, for instance emergency services workers,

³*Extending the scope of application of labour laws to the informal economy – Digest of comments of the ILO’s supervisory bodies related to the informal economy*, ILO, 2010, http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@normes/documents/publication/wcms_125855.pdf

police, firefighters, prison workers, transport workers, maritime sector workers: these were targeted in Protocol No. 81 of 1995, which had only been ratified by 11 member States, leaving huge sectors without coverage.

- 226.** The working conditions of rural workers were also important and the Workers' group urged the promotion of Convention No. 129. Attention was required in the case of cross-border migrants: it was vital that the ILO address these workers as they were the least protected and yet most in need of protection. Psychosocial risks also needed to be addressed.
- 227.** The Government member of Burkina Faso called on all States to ratify Conventions Nos 81 and 150, but ratification was not enough – they must be implemented as well. To this purpose, labour inspectors should be given the necessary means, be independent and protected against corruption. Labour and employment policies should establish a clear political framework. Labour inspection should apply equally to all; it should not be a two-tier system.
- 228.** The Government member of Canada stated that governments could extend protection by modernizing labour laws or enacting specific legislation to address vulnerable workers. His Government saw this as a challenge because legislating rights for workers meant imposing obligations on employers. Consultation and dialogue were important in this connection. Consideration should be given to extending protection to as many workers as possible, especially undeclared workers and those in the informal economy. It was necessary to have clear definitions of who was an employee and who was an independent contractor. EPZs should not be exempt from labour laws. He further referred to government policies aimed at protection of migrant workers' rights in the Province of Manitoba where the Worker Recruitment and Protection Act (WRAPA) was enacted, as well as similar legislation in the Province of Ontario.
- 229.** The Government member of Austria noted that all workers were treated equally under the labour inspection system in her country, regardless of their employment status. Labour inspectors had no binding duties under the law to denounce illegal workers in the course of their visits, but such workers still sought to avoid labour inspectors, making it difficult for inspectors to make contact with this vulnerable group. This mistrust appeared to be based on a misunderstanding of the labour inspectors' mandate. In response, Austria disseminated online information for workers, in several languages, about the role of labour inspectors. This approach had not been very successful. It was therefore important to work with the support of the social partners, to help foster trust between vulnerable workers and the labour inspection services.
- 230.** The Government member of Norway observed that the informal sector was growing and there was increased need for inspectors to reach this group of workers. He referred to the agreement for a more inclusive working life, which aimed at reducing absence through sickness and at avoiding early retirement through illness or accident. Better results in widening labour inspection coverage could be obtained by targeting specific groups of workers. The Government welcomed the initiative taken by the Conference with respect to decent work for domestic workers.
- 231.** The Government member of Argentina said that for labour inspection to provide coverage to vulnerable groups, it had to work with different tools and technology to enhance its efficiency. Data should come from different databases – the tax office database, or the energy providers' databases – to examine which households were using more electricity. Awareness campaigns to inform the population of its rights and duties should be organized. Argentina had mounted a campaign in supermarkets and in cultural centres to engage in dialogue with domestic workers, or housewives, to inform them of the law. The

various public administrations should interact – the tax office, the social services, education and health departments – to obtain information on workers employed irregularly or in situations violating their rights. Different approaches were required depending on whether internal or external migrant workers, child labour or forced labour were involved. Another means of investigating undeclared labour was to verify enterprises' supply chains, checking for accounting discrepancies in amounts of raw materials purchased and sales made of finished goods. A new approach in Argentina to boost the numbers of declared workers had been to reduce employers' contributions to social security for new contracts. As a result, 75 per cent of new jobs created were declared. Greater use could be made of many forms of technology: GPS, geolocalization, netbooks, computer databases, and satellite maps – especially useful in his country, given the very large national territory. Argentina was making use of specialized inspectors, trained to be experts in specific industrial sectors: ports, transport, shipping or mining. Technology, pragmatism and imagination should be combined to combat new forms of fraud. Best results were obtained when the social partners were involved.

- 232.** The Government member of Sri Lanka described the history and profile of EPZs in his country and noted that some 114,000 workers were employed among the 12 EPZs in Sri Lanka. The Government and the social partners paid particular attention to EPZs and the Tripartite National Labour Advisory Council had on many occasions considered the issue of EPZ working conditions. Some measures were under discussion to strengthen social dialogue in the EPZs, including the creation in 2011 of a subcommittee within the Tripartite National Labour Advisory Council focusing on EPZ matters. Despite these efforts, the labour administration system lacked an effective system for planning, monitoring and analysing EPZ inspections, in part due to the antiquated and inefficient data-gathering processes still in place within the Ministry of Labour. New developments towards full computerization would help overcome these challenges and improve the ability of labour inspectors, particularly in the district offices, to monitor work practices and developments in EPZs and supply chains, as well as the working conditions of vulnerable workers in rural areas. A related pilot project funded by the United States was already under way and the Government needed the ILO's assistance to help extend this scheme throughout the country.
- 233.** The Government member of Iraq said that his Government was making efforts to improve the salaries and pensions of all workers to align them with those enjoyed by public sector employees. A number of programmes had been adopted, including on legislation to increase social security coverage to include all economic sectors. Raising awareness among workers through a variety of media was an important part of these efforts. With respect to enforcement, better incentives were needed to encourage labour inspectors to perform their functions effectively, including in areas of the labour market characterized by vulnerable and informal workers. In this regard, use should be made of modern IT to improve the information available to labour inspectors to help them better plan and carry out targeted actions for the benefit of vulnerable workers.
- 234.** The Government member of Egypt said that his Government was making efforts to extend social security coverage to all workers, especially agricultural workers and vulnerable groups. Legislation had been passed to protect workers in the informal sector and agriculture, while various decrees safeguarded the rights of construction and seasonal workers, and of mining workers and seafarers. In January 2012, new social security legislation would enter into force in respect of workers unable to work as a result of illness and accident, and in respect of pensions. The Government also provided social security and health care for all workers, including after retirement. Medical examinations were provided for all workers, including undeclared workers, with particular attention paid to adolescents of 15 to 18 years. Special OSH care was given to women workers, and protection during pregnancy.

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- 235.** The Government member of the Republic of Korea noted that her Government strove to extend coverage to vulnerable groups, including non-regular workers, youth, women, foreign nationals, and the disabled. Efforts were made to improve working conditions by reducing working hours, fixing a minimum wage and addressing the challenges faced by temporary agency or subcontracted workers. Labour inspectors visited workplaces regularly. Special inspections were made when a labour dispute was in process or likely following non-compliance with prescribed working conditions. When employers were in breach of the law, penalties were imposed. The Government had been working proactively to ensure that workers on special contracts, including those not in formal employment, were covered by the law. These workers were now covered by OSH insurance and were protected under the Monopoly Regulation and Fair Trade Act.
- 236.** The Government member of Trinidad and Tobago pointed out that it was hard to reach workers in the informal economy. Research to identify persons in this sector was vital to be able to extend the protection of the labour administration and inspection services to them. The Government had legislated to provide minimum wages and conditions of service to the most vulnerable workers. Collective agreements negotiated between employers and trade unions provided some protection to the unionized workforce. A basic set of minimum terms and conditions of service needed to be applied universally to all workers. Trinidad and Tobago had established an HIV/AIDS Advocacy and Sustainability Centre, with support from the US Department of Labor. Some 14,000 workers had been trained as peer educators.
- 237.** The Government member of Botswana said that Botswana had labour inspectors within the Department of Labour and factory inspectors in the OSH department. Both departments suffered from inadequate human resources, unskilled inspectors and poor ICT. The Government was grateful to have recently received ILO training for 50 labour inspectors and hoped for further technical assistance. Apart from labour inspectors, in Botswana a dispute-regulation system existed, which allowed aggrieved workers or employers to refer disputes to the office of the Labour Commissioner or the industrial courts. Other structures, such as the Labour Advisory Board, ensured dialogue between the social partners.
- 238.** The Government member of Namibia noted that the labour inspectorate was empowered by the law to enter any premises to carry out workplace inspections and to ensure that labour inspection services were available to all workers and employers. Recent legislation had brought EPZ workers back within the scope of the law, although EPZs had previously been categorized as essential services and thus excluded. SMEs were an important motor of socio-economic development in Namibia. The challenge faced by many inspectors was to promote compliance rather than to punish for non-compliance, to stimulate rather than to stifle SME development in a manner that combined economic efficiency, job creation and acceptable working conditions. The labour law provided for parties to sectoral collective agreements to request the Minister of Labour and Social Welfare to extend such agreements to employers and workers who were not parties to such agreements.
- 239.** The Government member of Japan underlined that the Labour Standards Law in Japan in principle applied to all workers in the country. In sectors where subcontracting was prevalent, such as the construction sector, the primary contractor was obliged to instruct subcontracted enterprises to respect the OSH Act. Individual measures had been introduced to enhance protection in particular areas, for example to improve the working conditions and restrict the hours of work of motor-vehicle drivers. These included specific inspections, the distribution of information leaflets on good practices, and lectures from specially trained instructors to provide advice on the law.
- 240.** The Government member of New Zealand spoke on the issue of vulnerable migrants. In New Zealand, the Employment Relations Act and the Health and Safety in Employment

Act applied to all workers regardless of their immigration status. However, vulnerable migrants had faced problems, particularly those who arrived with short-term work visas. Such migrants tended not to report employment or health and safety violations for fear that this might impact negatively on their immigration status. Consequently, the Labour Department sought to find a way to encourage greater compliance by employers, by incentivizing and supporting them to comply. Under the Recognized Seasonal Employer Scheme (RSE), employers were allowed to recruit workers from other countries in the Pacific for seasonal work such as fruit picking and tree pruning. Through the RSE, employers were responsible for the pastoral care of the workers, but benefited from being able to employ the same workers year-on-year, thus maintaining or raising skill levels. Working directly with employers to understand their needs and to design schemes which provided them with incentives to comply was therefore a means of protecting vulnerable groups.

- 241.** The Government member of India commented that, while labour administration and inspection services were geared more to the organized sector of the workforce, this represented only 7 per cent of the total workforce. There was therefore an urgent need to extend services to informal economy workers. India had a well-structured system of grass-roots democratic institutions right down to the village level, which were responsible for implementing India's Employment Guarantee Programme. Their officers functioned as local facilitators to help ensure better labour administration and inspection services, instead of relying on the formal machinery, which suffered from inadequate staffing and had difficulty in reaching vulnerable workers. In urban areas, local elected representatives could perform the function of facilitators, as well as non-governmental organizations. The Central Board of Workers' Education trained workers in unorganized and informal sectors. It could give local facilitators basic training in labour legislation. In the area of OSH, a system could be developed whereby academic institutions were accredited for conducting safety audits.
- 242.** The Government member of Mexico believed that one of the most important roles of governments was to guarantee access to their services by all workers. The National Employment Service had taken action in a number of areas in order to bring this about, by promoting the use of information and communication technologies in order to ensure that the various sections of the population were aware of and received support to acquire the skills they needed to find a job. The federal Government had established an Employment Observatory that provided a wide range of information about the main occupations and was thus a useful reference tool for students and jobseekers. One means of ensuring that more workers benefited from inspection was through collaboration between the Secretariat of Employment and Social Security and other bodies. The aim was to devise joint strategies, work together and exchange information to ensure that more workers were covered.
- 243.** The Government member of Kenya insisted on an appropriate framework for labour inspection which should comprise necessary infrastructure, training tools, information and reliable labour market data. The Kenyan labour inspectorate targeted small enterprises and the informal economy, as well as agricultural areas.
- 244.** The Government member of Colombia believed labour administration and inspection could be strengthened by managerial and administrative measures as well as by strengthening enforcement. The former included simplifying administrative procedures, updating reports, improving inter-institutional communication, training, and improved administration in all inspection areas. New 2010 legislation had increased fines and provided for training of inspectors in exercising their powers. She also explained that the Government had launched inspections in cooperatives illegally providing labour.

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245. The Government member of Brazil referred to the Worker Vice-Chairperson's question concerning inter-ministerial cooperation. In Brazil, this cooperation was developed through agreements between high-ranking officials on ministerial bodies, both at the federal and provincial level, aimed at including unprotected workers within the labour inspectorate. To combat hidden employment, the concept of the "real contract" had been developed: if a de facto contract existed, because one person was working for another on a regular basis, then there had to be a real employment relationship independently of the existence or non-existence of a formal document.
246. The Government member of Ghana suggested a number of ways in which governments might promote better labour administration and inspection services and their extension to cover all workers, such as ratification and application of ILO priority Conventions, enacting and enforcing national laws covering all sectors and categories of workers, fostering social dialogue, making labour administration and inspection services easily accessible to workers through the establishment of offices nationwide, ensuring the recruitment and retention of qualified, well-motivated officers and empowering agencies responsible for labour administration and inspection services to enforce sanctions.
247. The Government member of the United Arab Emirates explained that the Labour Department applied the outreach initiative which focused on workers in remote areas. This outreach initiative was based on establishing labour offices and branches to cover even the most remote areas. Inspectors visited workers on site to increase awareness of labour laws so that workers understood their legal rights. The inspectors ensured that the working environment was fair and that working and living conditions were safe, settled disputes and gathered complaints. The Labour Department provided call centres for workers to register complaints, especially those related to wages. The payment of wages was monitored electronically to make sure all workers were paid.
248. The Government member of Uruguay stated that in Uruguay, to ensure that labour administration and inspection covered as many workers as possible, the Government relied on inter-institutional cooperation, particularly in dealing with the informal sector. Campaigns were conducted at sectoral level and workers could use electronic means of communication, with easy access to telephones. The protocol for the inspection process involved completing a form, whereby the inquiry was initiated. Further analysis was based on site inspection, in the presence of both a representative of employees and the employer, and a report was prepared and signed by all parties. The information was later analysed to determine prevention measures and best practices. An update in Uruguayan legislation had restricted the number of working hours per day and the number of working days per week in rural areas. A joint Uruguay-Brazil inspection initiative had taken place, in which inspectors from Uruguay worked with Brazilian inspectors as observers, and vice versa. This initiative had proved successful and Uruguay was intending to repeat the same initiative with Argentina. In Uruguay most of the domestic workers were women and the government legislation recognized their rights for social security, defined working hours per day and per week, minimum wages, and their benefits and entitlements for maternity leave.
249. The Government member of Senegal pointed to staff shortages in the national labour inspectorate as a cause of reduced coverage. The Government had recently recruited 19 labour inspectors and eight assistants. To widen the labour administration and inspection service to cover the whole country, the Government had established several inspection departments. A new system had been put in place to promote and encourage effective communication between the Labour Administration Department and the relevant structures in the labour, employment and social security domains. Protection measures had been provided for workers with temporary contracts, with guarantees that the enterprises were respecting their obligations towards such workers. Regarding domestic workers, their

general working conditions and their benefits were defined by Government Decree No. 974 of 23 January 1968.

- 250.** The Government member of the Dominican Republic highlighted the importance of effective communication between all relevant sectors to extend inspection services and raise awareness on labour laws. This method of work included visits to all undertakings, block by block in defined zones. He also underlined the importance of professional inspectors.
- 251.** The Government member of Sweden stated that work environment inspections in Sweden were carried out by inspectors from the Swedish Work Environment Authority. There were around 38,000 inspections annually conducted by 440 inspectors located in 18 districts; as there were 325,000 worksites, inspectors could not visit all the worksites. Thus a special selection system had been introduced, based on assessment of workplaces presenting the greatest risk of ill health and diseases. The Work Environment Authority had developed an index as guidance for the inspections which consisted of nine rated variables. The risk-based priority instrument was combined with other measures and initiatives as the high rates on the index were often a sign of an urgent need for inspection, but did not necessarily point to a bad work environment. It was therefore important to rely on other sources of information: from the social partners, the employees, the safety delegates or from the research findings, and from media. The selection of workplaces could also be a result of a specific activity, initiative or campaign to develop special inspection strategies due to new risks and hazards with the aim of monitoring the work environment in a certain sector.
- 252.** The Government member of Guinea remarked that over the past years the labour administration and inspection systems in Guinea had deteriorated. This weakness had resulted from several political factors particularly related to unions, syndicates and civil societies. A challenge facing the Government today was the decentralization of the labour administration and inspection services and its division between several ministries. The Government was in the process of resolving this problem with the help of the ILO and through social dialogue. To further promote the role of labour administration and inspection, the Government was addressing the most critical issues by promoting tripartite dialogue, encouraging incentive measures and ensuring that the labour inspectorate had the material and resources to function well. ILO support was needed to ensure that the Government correctly implemented and applied the Conventions it had ratified.
- 253.** The Government member of the Bolivarian Republic of Venezuela explained that the Government sought to implement its strategy of ensuring that more workers were covered by the labour inspectorate by providing training to build workers' capacity, particularly in rural sectors, by convincing workers of the benefits of inspection, alerting them to their rights and by explaining to them how to submit complaints. The Bolivarian Republic of Venezuela provided a toll free and online service to gather complaints and encouraged workers to make use of this service. To increase awareness, the Social Security Department handed out flyers and brochures giving clear information on workers' rights.
- 254.** The Worker Vice-Chairperson thanked the Governments for their feedback and welcomed all the points and experiences shared with the Committee during the discussion. It was vital to consider the situation realistically, rather than adopt an over-optimistic outlook. He recognized the efforts made by the ministries of labour all over the world and acknowledged that the many problems and challenges facing all parties engaged in the process could only be resolved by concerted efforts on everyone's part to extend the coverage of labour inspection to all sectors.

Point for discussion 6

What should be the ILO's priorities for research, standard-setting, the ratification and implementation of relevant ILO Conventions, advocacy, technical assistance and policy advice in the area of labour administration and inspection?

- 255.** The Worker Vice-Chairperson recalled the ILO's mandate for labour administration and labour inspection. In particular, the ILO Declaration on Social Justice for a Fair Globalization stated that for the ILO to achieve its objectives the Office would need to strengthen its capacity to assist its Members' efforts inter alia through "making labour law and institutions effective, including in respect of the recognition of the employment relationship, the promotion of good industrial relations and the building of effective labour inspection systems". Furthermore, by adopting the Global Jobs Pact in 2009, the ILO pointed to strengthening the capacities of labour administration and inspection as "an important element in inclusive action on worker protection, social security, labour market policies and social dialogue", highlighting this as a key area of importance in responding to the crisis and promoting economic and social development.
- 256.** The establishment of the LAB/ADMIN Programme in April 2009 was another sign of renewed efforts to improve labour administration and labour inspection systems. The Workers' group noted that much of LAB/ADMIN's work had been focused on design and implementation of technical assistance based on needs assessments of country institutions and elaborated in national action plans. Donor support had proved to be important to ensure that work in strengthening labour administration and labour inspection continued.
- 257.** The Office should take a more systematic approach in the following areas:
- Some countries had identified labour administration and labour inspection as key components of their DWCPs. But not all countries had done so. A clearer approach based on real tripartite consultation was needed to include labour administration and labour inspection outcomes in the DWCPs as well as commitment and support from the ILO regional offices.
 - The Office should expand the training modules developed by LAB/ADMIN and the Turin Centre to include capacity building for ILO constituents and to scale up training activities.
 - LAB/ADMIN should be proactive in the development of networks in labour administration and labour inspection, particularly at regional level.
 - Labour administration assessments, as undertaken by LAB/ADMIN, should continue with specific technical assistance for the areas identified in the country action plans. It was important to mobilize donor support for the strengthening of labour administration and labour inspection systems in developing countries. Convention No. 144 should be prioritized to promote mechanisms for tripartite policy discussions.
 - The Workers' group fully supported the Office campaign for the ratification and effective implementation of the governance Conventions, including Conventions Nos 81 and 129. LAB/ADMIN should work with the International Labour Standards Department and the other services of the Office to encourage governments to be proactive towards ratification and effective implementation of these instruments, as well as Convention No. 150, Protocol No. 81, and the implementation of accompanying Recommendations.

- Recommendation No. 198 should also be promoted as providing important guidance for national laws. In addition, Convention No. 187, the Protocol of 2002 to Convention No. 155, and the Labour Clauses (Public Contracts) Convention, 1949 (No. 94), all needed to be promoted more vigorously.
- Among ILO units, there could be better cooperation between the Employment Sector and the Social Dialogue Sector. In particular, enhanced coordination could probably be achieved if the PES unit were located in the Social Dialogue Sector with the labour administration unit.
- Research priorities should include the challenges presented by increased outsourcing, subcontracting, short-term contracts, and triangular employment relationships, cross-border postings and means or methods to enforce legislation in respect of all workers in an employment relationship. Research should also be conducted on government responses and measures aimed at the promotion of direct employment relationships and how to expand services to the informal economy. Furthermore, there was a need to improve gender-disaggregated statistics related to labour administration and labour inspection, to allow benchmarking of progress made. Research should be linked to the ILO's wider knowledge management strategy to avoid duplication of effort.
- The Workers' group also expressed interest in a work programme dedicated to promoting the application and enforcement of Conventions Nos 87 and 98 in EPZs and further stressed the need for capacity building of trade unions in the area of labour administration and labour inspection with the aim of ensuring effective participation of trade unions in various national dialogue mechanisms and tripartite committees.
- The Workers' group called for a tripartite meeting of experts dealing with concerns around private inspection initiatives/social auditing.

258. The Employer Vice-Chairperson noted that the report sought to define a role for the ILO in labour administration and labour inspection, which consisted of standards-related activities and technical advice to member States. However, this needed to be taken further and specific concrete areas of competitive advantage had to be determined. The ILO should focus on areas where it could add value and not try to cover everything. It should develop a credible strategy that reconciled the limited resources at its disposal with the needs of its Members in this field to achieve as much impact as possible.

259. The Employers' group outlined the following priorities for the work of the ILO:

- The report did not make particular proposals for research. The Employers' group suggested that the ILO should collect and analyse information on the specific conditions of labour administration and labour inspection in developing countries in order to be able to develop assistance better tailored to their needs.
- There was no need for further standard-setting in the field of labour administration and labour inspection. The focus of ILO activity should be on assisting member States to implement these standards more correctly by the development of guidance and provision of technical assistance.
- The labour administration standards Convention No. 150, and Recommendation No. 158, provided up-to-date orientation and a useful framework for developing and improving national systems of labour administration. They were comprehensive, without limiting flexibility. Convention No. 150 had been ratified by 70 ILO member States and thus was a relatively widely ratified ILO Convention. Still, the report referred to some perceived obstacles to ratification, particularly Articles 7 and 10 of

the Convention. The Office should provide guidance and clarification of the concrete requirements of these provisions in order to dispel possible misconceptions.

- The two flagship instruments for labour inspection, Conventions Nos 81 and 129, had been classified as governance Conventions and thus had a special status. Their ratification and implementation had been the subject of a campaign by the ILO in recent years. Convention No. 81, with 142 ratifications, was the most ratified ILO Convention, other than the fundamental Conventions. Other Conventions, such as Convention No. 129, had few ratifications. The ILO should investigate the reasons for this – it could be an indication of the lack of flexibility in the instrument to suit member States' conditions, or it could be an indicator that ILO member States did not have sufficient implementation capacity.
- The ILO should continue to assist countries in advising them on the requirements of the instruments. The ILO should also help countries in need to gradually build up their labour inspection capacities, particularly in agriculture and non-commercial-industrial workplaces, taking account of the various existing difficulties in this regard. The development of promotional material (handbooks, guides) and training was relevant in this respect.
- Priority should be placed on providing clear cohesive messages of simple principles that needed to be amplified by the international community. This should be supported by practical, easy-to-understand guidance tailored to the audience and ready to be used by intermediaries and in arenas of training and technical assistance. There was a lot of good information developed by the ILO and training courses and qualifications provided by the International Training Centre (ITC) in Turin. However, they were not automatically recognized and utilized as centres of excellence by enterprises. The International Organisation of Employers (IOE) was seeking to do what it could to support and advertise this work. However it had to be seen to be business and enterprise relevant.
- Report V described, in Chapter VI, ILO technical assistance and its various elements in the field of labour administration and labour inspection. This included needs assessments, action plans, involvement of social partners, preparation of promotional material and training packages, and support to the work of global and regional networks. While this did not look unreasonable in terms of methodology, the underlying strategy was not clear. Moreover, little information was provided on problems encountered, lessons learnt, usefulness, relevance and the impact achieved by ILO technical assistance.
- The ILO should use a ranking system to define its role, priorities and strategy.
- A credible ILO strategy also had to take into account the available means and resources. In this regard, the ILO, given its worldwide membership and given that guidance on labour administration and labour inspection was particularly badly needed by developing countries, should focus on facilitating the transfer of knowledge and good practice from industrialized countries to developing countries, taking into account the special needs of constituents in developing countries.
- Online databases and guidance tools should be developed that could be directly accessed by labour administrations, labour inspectorates and employers' and workers' organizations in ILO member States.
- In particular when it came to developing tools for employers and their organizations, the competent ILO departments should continue to cooperate with the ILO's Bureau for Employers' Activities (ACT/EMP). A good example in this respect was the

preparation in 2010 of a Guide: *Labour inspection: what it is and what it does – A brochure for employers*.

- There needed to be a clearer indication that priorities in all the areas of ILO activity were aligned. This would show both added value and coherence within the ILO. For example, the CEACR needed to look into the reasons behind the lack of reporting and make recommendations to others in the ILO system. Visibility and measures involving labour administrations and labour inspectorates should be profiled in the DWCPs. These and other measures should be reported to the Conference. Only when there was sufficient information about what was successful and what had not been successful and the resources and budget available to the ILO would it be possible to collectively set a programme of priorities. This might possibly involve a tripartite task force set up to identify, monitor and report on the work arising from this discussion.

260. The Government member of Hungary, speaking on behalf of the EU Member States Government members of the Committee, agreed that labour administration and labour inspection had increased in relevance as a consequence of globalization and the global economic crisis. The EU supported the ILO campaign for ratification of all relevant Conventions relating to labour administration and labour inspection.

261. The ILO Declaration on Social Justice for a Fair Globalization underlined the need to strengthen the ILO's capacity to assist its constituents, "promoting social dialogue, making law and institutions effective as well as promoting the building of effective labour inspection systems". Many useful instruments had been adopted to achieve this objective. The ILO's relevant Conventions on labour administration and OSH provided a good framework.

262. The LAB/ADMIN Programme played a crucial role in advising labour ministries on strengthening labour administration and labour inspection. The EU welcomed the LAB/ADMIN Programme's emphasis on national level needs assessments designed to avoid a one-size-fits-all approach. While the LAB/ADMIN Programme focused on meeting individual country needs, it should also facilitate knowledge exchange to allow labour ministries to learn from good practices of other countries. The EU encouraged LAB/ADMIN to create tools to streamline coordination between agencies that contributed to the objective of decent work.

263. Knowledge-sharing, exchange of good practice and information on methods of work, relevant data and statistics, training and education programmes, and ongoing research, were examples of tools which would be helpful to member States in their efforts to strengthen and streamline their labour administration and labour inspection. Changing conditions of work, new forms of employment and new risk factors in working life had considerable effects on the organization and operations of labour administration and labour inspection. Knowledge-sharing in these fields should be improved, focused and disseminated via the ILO website and other information channels. The ILO could assist member States by offering training programmes, awareness-raising campaigns, seminars and technical assistance to those countries most in need. The EU would welcome more information from the ILO on how capacity could be developed at the national level in view of the discussions in this Committee.

264. The Government member of Canada suggested that the ILO focus its efforts on strengthening labour administration and inspection by researching and analysing how strong labour administrations and inspectorate services helped improve the economic well-being of all citizens in member countries. The Office should compile information on good practices in labour administration and labour inspection. The ILO should also continue to include assistance to build effective labour administrations and inspectorate services in the

technical cooperation components of its DWCPs. It should promote relevant ILO Conventions and provide technical assistance for their implementation. The ILO should build the capacity of ministries of labour and the social partners through training on the development of statistical information required for good policy development. Finally, the Organization should build on partnerships that had been established with multilateral organizations and the Bretton Woods institutions.

- 265.** The Government member of Egypt noted that the ILO had a vital role in assisting constituents to overcome challenges in the area of labour administration and labour inspection and had done particularly good work in promoting the principles of Conventions Nos 129 and 155. In this regard, he recalled the Secretary-General's statement to the Committee that when ILO Conventions were adopted, countries should make every effort to incorporate them into domestic law and apply them in practice. He highlighted his country's national centre for OSH. This centre was particularly useful as a forum for exchanging good OSH practices with other Arab countries and he hoped that the ILO would lend its support to strengthen the centre's effectiveness for the benefit of his country and the region.
- 266.** The Government member of the Russian Federation recalled that many labour administration and labour inspection institutions were weakened as a result of the crisis. This should inform the ILO's research agenda towards studying the consequences of the crisis on the world of work. Namely, the ILO could look at whether there was an increase in workplace accidents, growing constituent dissatisfaction with labour administration and labour inspection services, or an increase in industrial disputes. The results of this research could be used to advocate for a better balance between labour administration expenditures and decent work outcomes. The ILO should increase its efforts to promote the ratification of the relevant Conventions. There was a need for a common methodology in the collection of statistics, as outlined in paragraph 332 of the report, as there was currently a large disparity between national approaches and standardization of this information would greatly facilitate comparability between countries.
- 267.** The Government member of Zambia, speaking on behalf of the Africa group, Member States Government members of the Committee,⁴ applauded the comprehensive report prepared by the Office, noting that strong labour administration and labour inspection were indispensable for achieving social justice. Many African countries faced decent work deficits but countries had recently redoubled efforts to improve this situation in line with the Decent Work Agenda for Africa (2007–15). Collaboration between African nations and the ILO had been long and fruitful and the Office should continue to support efforts on the continent to strengthen labour administration and labour inspection systems. The results of the Strengthening Labour Administration in Southern Africa (SLASA) project, under which the ILO provided equipment and technical assistance were particularly positive. The informal economy continued to be a serious challenge for Africa and more research and exchanges of good practices were needed on how to address it. The ILO should assist member States in building social dialogue mechanisms to resolve industrial disputes and to contribute to socio-economic policy development; it should provide support on building effective information management systems. The ILO's comparative work on labour

⁴ Algeria, Botswana, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chad, Congo, Côte d'Ivoire, Egypt, Eritrea, Ethiopia, Gabon, Ghana, Guinea, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Senegal, Seychelles, South Africa, Sudan, United Republic of Tanzania, Togo, Tunisia, Uganda, Zambia and Zimbabwe.

inspection initiatives such as mobile inspection units was excellent, and valuable work had also been carried out by the three regional labour administration centres: the Arab Centre for Labour Administration and Employment (ACLAE), the African Regional Labour Administration Centre (ARLAC, Harare), and the African Regional Labour Administration Centre (CRADAT, Yaoundé). However, due to an increase in the demand for the services provided by the three regional centres, there is a need for the ILO to increase its support to these institutions. Lastly, the conclusions of the Committee should help the continent address its persistent challenges in the areas of labour administration and labour inspection.

- 268.** The Government member of the United States made a number of suggestions for potential future ILO work in the area of labour administration and labour inspection. This included research on the impact of ILO training programmes for labour inspectors, specifically its long-term effectiveness in building capacity and improving compliance. The ILO should study the relationship between the incidence of labour organization in the workplace and overall compliance with fundamental labour standards and national labour laws, as well as the impact on injuries and illnesses, productivity, and absenteeism. Research was also needed on the impact of labour inspection on compliance with national labour laws in comparison with voluntary programmes, information and outreach. Likewise, the ILO was invited to research the use of IT in providing training and education on international labour standards and national labour laws and in improving transparency of government enforcement activities. A compilation of good practices in private employment agencies in accordance with Convention No. 181 was also suggested as was an ILO assessment of the effectiveness of private voluntary codes of compliance. Lastly, the ILO should study the effectiveness of different strategies for accessing the social networks of vulnerable and hidden workers to provide them with information on available labour services.
- 269.** The Government member of India asked the ILO to provide specific technical assistance on silicosis and asbestos in the workplace, including through the training of medical doctors. India benefited from the training programmes offered by the ITC–ILO and the country’s national labour institute, V.V. Giri, worked in collaboration with the ITC–ILO and could potentially become a regional training centre on labour matters for South Asia. India would welcome the ILO’s technical expertise and information on good practices in the use of new technologies for strengthening the effectiveness of labour administration and labour inspection services.
- 270.** The Government member of Iraq pointed out that the ILO’s comparative advantage included its capacity to assess the impact of the economic crisis on labour administration and labour inspection and to help constituents develop a better understanding of the consequences for the labour market. The ILO should continue to offer technical assistance where requested on labour administration and labour inspection and to help member States ratify the relevant Conventions. The ILO had made useful contributions in this regard, particularly through its Regional Office in Beirut, which helped member States to address the observations and requests of the CEACR. Regional centres were crucial for extending the range of ILO services, particularly the ACLAE Centre, which provided important services to the Arab region and which should be strengthened to provide even better capacity development for labour administration and labour inspection institutions.
- 271.** The Government member of Argentina urged the ILO to promote international cooperation as a means to build a culture of good practice on labour administration and labour inspection. The ILO’s support was crucial in this regard for building on existing national achievements and in prioritizing assistance for those countries in greatest need. Beyond the assistance provided by the ILO, it was important to promote exchanges of national experts as a contribution to integration and as a way to achieve greater impact than the ILO might otherwise be able to accomplish alone. Support should also be given to regional labour inspection networks in the same manner as LAB/ADMIN’s support for the *Red*

Iberoamericana. These regional forums were powerful tools for collaboration, particularly for dealing with the challenges of economic crises and fiscal austerity.

- 272.** The Government member of Chad endorsed the statement made by the Government member of Zambia on behalf of the Africa group. The ILO should continue its traditional role in research, standard-setting, awareness raising and technical assistance, particularly in the areas of labour administration and labour inspection. Chad required additional assistance in the training of labour inspectors and strengthening of its OSH services as well as capacity building for social partners and social dialogue institutions and in the implementation of labour policies. He thanked the ILO for its ongoing support.
- 273.** The Government member of Ghana said that the current budget constraints facing labour administration and labour inspection were a daunting challenge but that efforts had to continue to strengthen these institutions through the ILO's technical assistance and policy advice. His country particularly needed to train labour administration and labour inspection officers and to provide them with the necessary tools as part of improving the overall effectiveness of their activities. Improvements should be made in the collection of labour market information, especially on wages and OSH, as a means to strengthen the objective basis of policy-making in these areas. The ILO should continue its promotional work on the ratification of Conventions related to labour administration and labour inspection.
- 274.** The Government member of Kenya endorsed the call by the Government member of Zambia on behalf of the Africa group for continued ILO support to the regional training institutions in Africa. There should be an interface with the Turin Centre in Africa (that is, rather than sending people to Turin for training, the Turin training services should be brought to Africa). ILO technical cooperation should go beyond training workshops to include subregional and regional programmes. Inspectors and labour administrators should network and use existing networks such as South–South cooperation structures, triangular networks and exchange programmes. Labour administrators and labour inspection services should be involved in the reconstruction of countries that had undergone crises, such as Liberia, Somalia and South Sudan.
- 275.** The Government member of New Zealand identified a number of possible research priority areas, the first of which was exploring the advantages and disadvantages or limitations of self-regulation. The second research area was auditing, and examining the appropriate role of auditing in labour administration and labour inspection systems. A third area of research was on vulnerable workers, where the interface between regulatory frameworks for labour inspection and immigration could be examined in the light of their impact on vulnerable workers. A last area of research was leadership, and exploring the role of leadership in promoting best practice in labour administration and labour inspection, and to see how the social partners demonstrated leadership at international, national and local levels.
- 276.** The Government member of Japan stressed the importance of having a wealth of labour administration and inspection data, above all if the ILO was to perform the role of standard-setting, advocacy support, technical assistance and policy advice in the area of labour administration and inspection effectively. A first priority was therefore to collect good labour administration practices. The ILO's capacity as a global knowledge base should be enhanced by building a strong knowledge management system.
- 277.** The Government member of Sri Lanka pointed to the need for good practices in coordination and collaboration among inspectorates in the Asian region. Collaboration and cooperation with the social partners and other stakeholders should be increased, as labour inspectors would not be able to cover all establishments annually. A specialized tripartite committee should be established for labour inspection, although research should be conducted into how and why, or why not, such mechanisms worked. The labour

inspectorate in Sri Lanka needed to ensure that its management practices and operational procedures met the requirements of good governance. ILO assistance would be needed to help the Sri Lanka labour inspectorate to adopt a performance-oriented approach to its work, with the establishment of performance targets, preparation of workplans, and monitoring. The labour inspectorate would require support in setting up an effective ICT system to facilitate the flow of information between field offices in the districts and the central inspectorate. The ILO should supply practical training for the labour inspectors in the following areas: labour law drafting; analysing labour inspection data; negotiation skills; reporting skills; communication skills; and prosecution skills.

- 278.** The Government member of Brazil highlighted the efficacy of ILO labour administration and inspection modules of which the Zero Training Module was posted on the web page of the LAB/ADMIN Programme. These modules should be translated into other languages. Brazil was currently using module 12 for institutional capacity building in labour inspection.
- 279.** Technical cooperation to strengthen labour administration and inspection should also be pursued within BRICS (Brazil, Russia, India, China and South Africa). Cooperation through BRICS should be facilitated through the foreign ministers of these countries.
- 280.** The Government member of Mexico suggested that more international forums should be used for the sharing of good practices in labour administration and inspection such as the one that was held in Lima, Peru, on 27 April 2011. The ILO should continue to provide guidance to countries to strengthen national institutions responsible for upholding labour standards.
- 281.** The Government member of the Islamic Republic of Iran said the time had come to produce one consolidated text by merging Conventions Nos 81, 129 and 150. Through this consolidation work, the ILO would be able to identify challenges related to the ratification of these Conventions and thus widen labour inspection coverage.
- 282.** The Government member of Colombia said that her Government wished to harness the knowledge and experience of the ILO in labour inspection in order to introduce labour inspection methods in line with new working modalities. Technical cooperation would be needed.
- 283.** The Government member of Indonesia said that Indonesia needed information on good practices in fostering coordination and collaboration between its central and regional inspectorates. This subject would be a good area for future ILO research. Indonesia's 3,000 labour inspectors were not able to inspect all establishments on a regular basis. Support was therefore needed from the social partners to set up a tripartite committee for labour inspection. Research was required to explore the successes and failures of such mechanisms in countries where they had been established. ILO support would also be needed in helping the labour inspectorate in Indonesia to adopt a performance-oriented management system at district, provincial and local level. This would include support in setting up performance targets, preparing workplans, establishing monitoring plans, and establishing strategies on how to make the best use of human and other resources.

Discussion of the draft conclusions

- 284.** At its eighth sitting the Committee considered the proposed conclusions that had emerged from the work of the Drafting Group. The Chairperson introduced the document containing the draft conclusions prepared by the Group and thanked the members for their work. She

said that this sitting was an opportunity to review the draft in the light of proposed amendments.

Point 1

- 285.** The Worker Vice-Chairperson introduced an amendment to replace the word “important” by the word “essential” in the penultimate line of point 1 in order to strengthen the sentence slightly. The amendment was adopted.
- 286.** The Worker Vice-Chairperson then introduced an amendment to add the words “the Employment Policy Convention, 1964 (No. 122),” after the words “the Employment Service Convention 1948 (No. 88),” in the third line, because employment policy was addressed later in the draft conclusions and it was appropriate to mention the relevant Conventions in advance. The amendment was adopted.
- 287.** The Government member of Indonesia introduced an amendment, seconded by the Government member of Sri Lanka, to delete the words “and the advancement of” in the ninth line in order to clarify the text. The Worker Vice-Chairperson preferred the text as it stood because everyone wanted such advancement. The Employer Vice-Chairman agreed with this objection and the amendment was not adopted.
- 288.** Point 1 was adopted as amended.

Point 2

- 289.** The Government member of Argentina, speaking on behalf of a number of Latin American Government members of the Committee,⁵ submitted an amendment to delete the word “including” in the first line of the draft text, to read: “Effective labour administration systems, public employment services and labour inspection,” as public employment systems and labour inspection must necessarily be part of any effective labour administration system. By using the word “including” it would be implying that this was not always the case. As there were no objections, the amendment was adopted.
- 290.** The Committee decided to discuss the next two amendments together. These were a proposal by the Government member of the United States, speaking on behalf of some Government members of the group of industrialized market economy countries (IMEC),⁶ to amend the first phrase of the second sentence to read: “These systems can help make decent work a reality”, to reflect the aspirational aspect of the text. The Workers’ group had submitted an amendment to the same phrase, to read: “These systems make decent work a reality”; however, they agreed to the aspirational aspect underlined by the Government member of the United States, also supported by the Employer Vice-Chairperson, and withdrew their amendment. The Worker Vice-Chairperson proposed a subamendment as follows: to delete the word “help” to read: “... can make decent work a reality”. There were no objections and the amendment presented by the Government member of the United States was adopted as subamended.

⁵ Argentina, Brazil, Colombia, Dominican Republic and Bolivarian Republic of Venezuela.

⁶ Canada, France, Germany, Japan, Republic of Korea, Netherlands, New Zealand and United States.

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- 291.** The Worker Vice-Chairperson proposed amending the second sentence of point 2 by adding the word “thus” to read: “improving working and employment conditions, thus increasing accountability,” mainly to clarify in the French and Spanish language versions that the points that followed were as a result of the first clause in the sentence. The amendment was adopted.
- 292.** The Government member of Canada, speaking on behalf of some Government members of the IMEC group,⁷ submitted an amendment inserting the word “occupational” before the words “safety and health”. He stated that the amendment clarified that the point only referred to occupational safety and health, not general public safety. The amendment was adopted.
- 293.** The Worker Vice-Chairperson introduced an amendment to insert the words “with social equity” after the words “competitiveness and productivity” to read: “increasing accountability, occupational safety and health, competitiveness and productivity with social equity.” He stated that “social equity”, along with the other points in the list, was one of the Workers’ group’s goals. The Government member of the Bolivarian Republic of Venezuela proposed to delete the words “competitiveness and productivity”. The Chairperson observed that this was a new amendment, not a subamendment, and should have been submitted in advance. It was therefore not possible to discuss it. The Workers’ group pointed to a problem in the translation of the term “social equity” in both the French and Spanish language versions. The Chairperson said that the secretariat would revise the translation. The Government member of New Zealand requested clarification from the Workers’ group on what was meant by the term “social equity” in a point which focused on accountability, safety and health and competitiveness. The Worker Vice-Chairperson replied that for his group it was important that the gains of competitiveness and productivity be shared. The amendment was adopted.
- 294.** The Worker Vice-Chairperson submitted an amendment suggesting to add the words “and decent work” after the words “social cohesion” at the end of the point. He explained that decent work was logically included in all that his group wanted to achieve. The amendment was adopted.
- 295.** Point 2 was adopted as amended.

Point 3

- 296.** The Government member of Indonesia, seconded by the Government member of Sri Lanka, suggested deleting the word “contributory” in the first phrase of point 3, to read “labour administration has an essential role among government institutions,” explaining that labour administration was truly essential, in particular in the recent economic crisis, and that the notion of “contributory” was misplaced. The amendment was adopted.
- 297.** Point 3 was adopted as amended.

⁷ See footnote 6.

Point 4

- 298.** The Government member of the United States, speaking on behalf of some Government members of the IMEC group,⁸ suggested replacing the second sentence by the following: “They have a specific role to enforce labour laws and to provide information to workers and employers about their rights and responsibilities in order to protect workers, to enable and promote sound industrial relations, to promote employment and better workplace practices, to encourage mediation and dispute resolution, to ensure compliance with employment standards, and to improve the functioning of the labour market.”
- 299.** The purpose of the proposed amendment was to clarify and strengthen the second sentence by moving the last phrase to the beginning. The enforcement of labour laws was the primary objective of labour administrations. The specific functions of labour administrations could then follow. The goal to “promote employment” was actually common to all labour administrations, especially in light of the current economic crisis. The proposal to include “encourage mediation and dispute resolution” was because these were important tools for achieving compliance with labour laws.
- 300.** The Workers’ group agreed with the moving of the phrase on enforcement of labour laws to higher up in the text. They could accept the amendment with three subamendments. First, they proposed inserting the word “decent” in the text to read “promote decent employment”. They further suggested deletion of the phrase “to encourage mediation and dispute resolution”, not because they were opposed to mediation or dispute resolution, but because these elements were already covered by “sound industrial relations” and they contained some aspects of better work practices. They also felt that it was not applicable to include mediation and dispute resolution in the context of occupational safety and health. Finally, the Worker Vice-Chairperson suggested replacing the word “employment” by the word “labour” in the phrase “to ensure compliance with employment standards”.
- 301.** The Government member of the United States agreed to the Workers’ group’s first and third subamendments. However, he had reservations concerning the second subamendment, explaining that mediation and dispute resolution were relevant to labour administration issues in the United States. The Employer Vice-Chairperson agreed with this. The Government member of the United States introduced a further subamendment to the Workers’ group’s text. He suggested a revised drafting as follows: “They have a specific role to enforce labour laws and to provide information to workers and employers about their rights and responsibilities in order to protect workers, to enable and promote sound industrial relations, including mediation and dispute resolution, to promote decent employment and better workplace practices, to ensure compliance with labour standards, and to improve the functioning of the labour market.” The changes were accepted by the Committee. The amendment was adopted with the suggested subamendments.
- 302.** The Government member of Argentina, speaking on behalf of a number of Latin American Government members of the Committee, proposed an amendment to delete the words “parte de” from the phrase “Los ministerios de trabajo y empleo y sus organismos constituyen parte de los sistemas de administración de trabajo”. This amendment did not affect either the English or the French texts and was adopted.

⁸ Canada, France, Germany, Japan, Republic of Korea, Netherlands, New Zealand, Switzerland and United States.

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- 303.** The Worker Vice-Chairperson introduced an amendment to add a new last sentence to point 4, to read: “Labour administration systems are instrumental in enforcing gender equality legislation and policy.” The Workers’ group wished to include gender equality, in line with other ILO texts, and believed that it fitted well in this point. The purpose behind the addition was to make the point that labour administration and inspection services were vital to combat discrimination. The amendment was strongly supported by the Government member of Uruguay on the grounds that labour administration and inspection services were a basic tool to combat gender discrimination.
- 304.** The Government member of Austria said that the concept of equal rights appeared in the text in various places. EU countries had legislation in place to enforce this principle, but the means of enforcement differed from country to country. It was not always in the mandate of the ministries of labour, the labour administration and inspection to ensure gender equality. This responsibility could fall to other administrations. She therefore proposed replacing the words “are instrumental” with “can contribute”. The Government member of Switzerland supported this proposal.
- 305.** The Worker Vice-Chairperson explained that the choice of the term “instrumental” had been made to avoid implying that labour administrations had sole responsibility for ensuring gender equality. He subamended the amendment to read: “are also instrumental”. The Employer Vice-Chairperson suggested the words “can be instrumental”, which were subamended by the Government member of New Zealand to read: “can also be instrumental”. The Government member of Austria agreed with this formula.
- 306.** Point 4 was adopted as amended.

Point 5

- 307.** The Government member of Hungary, speaking on behalf of the Governments of Member States of the EU attending the Conference,⁹ proposed replacing the first sentence of point 5 with the following sentence: “General tripartite social dialogue can contribute to effective labour administration and labour inspection.” The speaker explained that the purpose of the amendment was to highlight the importance of active involvement of the social partners through social dialogue. The Worker Vice-Chairperson did not support this amendment, which he felt reduced the role of social dialogue to merely contributing to effective labour administrations and labour inspection. The original draft text of the point read: “Governments should build effective labour administration and labour inspection systems through genuine tripartite social dialogue.” This was much stronger. The Employer Vice-Chairperson did not support the amendment either. The Government member of Hungary suggested a subamendment whereby “General tripartite social dialogue” became “Genuine tripartite social dialogue”. The Government member of Ghana supported the text submitted by the Drafting Group, while the Government member of France suggested that the Drafting Group’s text was too strong and implied an obligation to build labour administration and inspection systems through social dialogue. The Government member of Argentina supported the Drafting Group’s text, in which he saw no obligation, as the verb “should” was in the conditional tense. The Chairperson, noting that there was insufficient support for the amendment, ruled that it was rejected.

⁹ Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom.

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- 308.** The Government member of Argentina, speaking on behalf of a number of Latin American Government members of the Committee, proposed striking the word “genuine” from the phrase “genuine social dialogue” in the draft text. There was no need to add a qualifying adjective. The Worker and Employer Vice-Chairpersons wished to retain the word “genuine”, and include further qualifiers, and the Government member of Canada agreed that genuine social dialogue was preferable to a pretence. The Government member of Ghana supported the amendment, saying that the inclusion of the word “genuine” weakened the meaning. The Chairperson ruled that the amendment was rejected.
- 309.** The Employer Vice-Chairperson introduced an amendment so that the phrase should read “genuine, effective and timely tripartite social dialogue”. The notion of “timely” was introduced on the basis of the principle that “justice delayed is justice denied”. These words emphasized rather than weakened the text. In some countries, social dialogue functioned perfectly, in others, less well. Hence the need to be emphatic. The Worker Vice-Chairperson supported the Employers’ group’s amendment. The Government members of Côte d’Ivoire, Egypt, Ghana and Uruguay all felt that the additional adjectives weakened the text. The Government member of New Zealand suggested removing the word “genuine” but retaining “effective and timely”. The Employer Vice-Chairperson subamended his group’s amendment to read “genuine and timely tripartite social dialogue”.
- 310.** The Worker Vice-Chairperson proposed adding a new sentence at the end of point 5, to read: “The presence of workers’ and employers’ organizations facilitates labour inspection.” He pointed out that the amendment reflected much of the emphasis made during discussions by the Committee on the important role that workers and employers should play in assisting with the process of inspection. He indicated that the amendment also fitted well within the context of point 5. The Committee approved the amendment.
- 311.** Point 5 was adopted as amended.

Point 6

- 312.** The Government member of Indonesia proposed deleting the word “meaningfully” from the phrase “delivering adequate services to their citizens or meaningfully influencing policy-making processes”. The amendment was seconded by the Government member of Sri Lanka. The Worker Vice-Chairperson did not support the amendment and argued that the original text should remain unchanged. The word “meaningfully” was the key word in the sentence because some labour administrations were not able to influence policy-making processes meaningfully. The Employer Vice-Chairperson supported the position taken by the Worker Vice-Chairperson for the same reasons. The Government member of Ghana also supported the position and arguments advanced by the Worker and Employer Vice-Chairpersons. The amendment was rejected.
- 313.** The Government member of New Zealand, speaking on behalf of some Government members of the IMEC group,¹⁰ suggested amending the second sentence, to read: “It is important to strengthen and increase the leadership role of ministries of labour in these countries ...”. This amendment sought to clarify the second sentence by linking it to the previous sentence, and to provide a clearer context for the points made in the second

¹⁰ See footnote 6.

sentence – i.e. to increase the leadership role of ministries of labour in countries referred to in the first sentence. The Employer Vice-Chairperson agreed with the proposed amendment. The Worker Vice-Chairperson did not. The first part of the amendment, concerning strengthening and increasing the role of leadership, was acceptable, but it should apply to all countries. The labour ministries of all countries should have increased leadership roles in the coordination of employment and labour market policies. The Government member of Ghana concurred with the Worker Vice-Chairperson. The Government member of the United States pointed out that he supported the proposed amendment in that it helped to link the second sentence to the first. He further pointed out that it would be inaccurate to say that the leadership role of labour ministries needed to be strengthened in all countries. The Government member of Hungary supported the argument advanced by the Government member of the United States and indicated support for the proposed amendment. The proposed amendment was adopted.

314. The Government member of Indonesia, seconded by the Government member of Sri Lanka, suggested deleting the word “market” from the last sentence of point 5, which read: “development of employment and labour market policies and national development plans”. He explained that labour policy included labour market policy. The Worker Vice-Chairperson did not support the amendment, preferring the original text. He explained that it was important for the text to be specific, and labour market policy represents a specific subset. The Employer Vice-Chairperson supported the arguments advanced by the Worker Vice-Chairperson and indicated that the original text should remain unchanged. The amendment was rejected.

315. The Worker Vice-Chairperson proposed adding a new last sentence, to read: “Consultations with workers’ and employers’ organizations is essential.” The amendment was adopted.

316. Point 6 was adopted as amended.

Point 7

317. The Government member of New Zealand, speaking on behalf of some Government members of the IMEC group,¹¹ proposed replacing the words “qualified, adequately trained and dedicated staff” by the words “specifically dedicated staff who are qualified and adequately trained and equipped”. He pointed out that the amendment clarified the text. The intent was that the staff should be dedicated to the role of labour inspection. The addition of “equipped” in the amendment was in line with the discussions held by the Committee. The Employer and Worker Vice-Chairpersons supported the amendment, which was adopted.

318. Point 7 was adopted as amended.

¹¹ See footnote 6.

Point 8

- 319.** The Government member of the United States, speaking on behalf of some Government members of the IMEC group,¹² introduced the amendment as follows: begin the second sentence with the word “Strong” to replace the word “Stronger”. The amendment related back to the point made on the issue of there being different levels of coordination and development. He indicated that it must be recognized that different countries had different levels of coordination. For this reason he indicated that the group supported strong coordination and not “stronger coordination”. The Worker Vice-Chairperson supported the amendment. He said strong coordination was the group’s goal. The Employer Vice-Chairperson also supported the amendment and it was adopted.
- 320.** The Worker Vice-Chairperson introduced an amendment to insert the words “and regulation” after the word “coordination” in the second sentence. This would reinforce the means of achieving the other elements listed in point 8. The amendment was adopted.
- 321.** The Government member of Argentina, speaking on behalf of a number of Latin American Government members of the Committee, introduced an amendment to insert the words “of these services” after the word “coordination” and to replace the words “and avoiding” by the words “in order to avoid”, both in the second sentence of point 8. He explained that the first part of the amendment was aimed at clarifying what was being referred to, while the second part was perhaps a question of translation. The Worker Vice-Chairperson agreed to the second part of the amendment, but not to the first part. He argued that the meaning of the sentence had already been slightly changed by the previous amendment and that inserting the words “of these services” would change it still further. The Employer Vice-Chairperson also had no objection to the second part of the amendment but did not support the first.
- 322.** The Government member of Argentina, speaking on behalf of his country, stated that the purpose of the amendment was to avoid any possibility of doubt in the future as to what sort of coordination was being referred to. The Government member of the United States supported the proposal to insert the words “of these services” for the reasons the Government member of Argentina had given. The Government member of Zimbabwe also supported the insertion as it acted as a link with the first sentence. The Worker Vice-Chairperson was not convinced by the arguments in favour of the first part of the amendment, arguing that the effect of inserting the words would be to limit the meaning of the point. The Employer Vice-Chairperson suggested that the argument was a question of semantics and that the meaning was clear with or without the proposed additional words. The Worker Vice-Chairperson was emphatic that the discussion was not a mere question of semantics, because inserting those three words would result in the entire point being only about public employment services. The Government member of the United States stated that the Employers’ and Workers’ comments had only served to clarify the need for the amendment because the point was indeed about public employment services. He reiterated his support for the second part of the amendment, feeling that it was needed in order to ensure the focus of the point was maintained. The Chairperson ruled that there was a majority in favour of the amendment and that it was therefore adopted.
- 323.** The Government member of Hungary, speaking on behalf of the Governments of Member States of the EU attending the Conference, introduced an amendment to the second

¹² See footnote 6.

sentence to insert the words “such as” after the words “vulnerable workers” on the grounds that the list that followed was not exhaustive and that the insertion would avoid excluding other groups. The Chairperson noted that the amendment was very similar to another amendment that proposed replacing the words “domestic and” by the words “such as domestic”.

324. The Government member of the United States, speaking on behalf of some Government members of the IMEC group,¹³ agreed that their amendment was identical in intent to that of the EU amendment. Both the Worker Vice-Chairperson and the Employer Vice-Chairperson were in favour of adding “such as”. Both amendments were adopted. An amendment submitted by the Government member of Chad to insert the word “especially” after the word “workers” was not seconded and therefore fell.

325. Point 8 was adopted as amended.

Point 9

326. The Worker Vice-Chairperson presented an amendment to insert the word “, demographic” after the word “institutional”, to read: “characterized by dramatic economic, institutional, demographic and political transformation”, as an addition to the list of issues with which labour administration and inspection systems had to deal. The amendment was adopted.

327. Point 9 was adopted as amended.

Point 10

328. Point 10 was adopted without amendment.

Point 11

329. The Government member of Argentina, speaking on behalf of a number of Latin American Government members of the Committee, withdrew the amendment submitted to point 11.

330. Point 11 was adopted without amendment.

Point 12

331. The Government member of Côte d’Ivoire, seconded by the Government member of Chad, introduced an amendment to insert the words “of labour legislation” after the word “violations” in the first sentence, to make it clear that reference was being made to violations of labour legislation and not other forms of violations. The amendment was adopted.

¹³ See footnote 6.

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- 332.** An amendment submitted by the Government member of Sri Lanka to replace the words “corrective and developmental” by the word “technical” in the fourth line was not seconded and therefore fell.
- 333.** The Government member of Argentina, speaking on behalf of a number of Latin American Government members of the Committee, proposed replacing the words in the first sentence “corrective and developmental” by “technical”, as “technical” was the word used in Convention No. 81 and the word “developmental” was not specific to this field; to delete the comma after “tools” in the first sentence; and in the second sentence to replace the words “ensure compliance, secure decent working conditions and a safe working environment” by the words “achieve decent work”, in order to have a shorter wording that covered everything. The Chairperson noted that the last part of the amendment was similar to another amendment and therefore proposed to deal with the proposed word “technical” first. The Worker Vice-Chairperson and the Employer Vice-Chairperson agreed to this part of the amendment. The Employers’ group agreed with the first two proposals. In their opinion, the word “developmental”, referred to assistance in basic procedures and management; therefore they would prefer to leave it in, but could also accept the proposed deletion. They agreed that the last point in this amendment, to replace the words “ensure compliance, secure decent working conditions and a safe working environment” by the words “achieve decent work”, should be taken with the next amendment. The Workers’ group asked if the Employers’ group were proposing a subamendment to keep the word “developmental”. If so, the Workers’ group would support it. The Employers’ group therefore proposed to amend the sentence beginning in the third line: “while also providing corrective developmental and technical advice, guidance, prevention tools and promoting workplace best practices.” The Government member of Argentina accepted this subamendment. The first and second parts of this amendment were adopted as subamended, while the Committee turned its attention to the third part of the amendment in conjunction with the similar amendment introduced by some Government members of the IMEC group.
- 334.** The Government member of the United States, speaking on behalf of some Government members of the IMEC group,¹⁴ proposed replacing the last sentence by: “These functions should be balanced as part of a comprehensive compliance strategy in order to ensure decent working conditions and a safe working environment”. The objective was to focus, strengthen and tie the sentence to points discussed previously referring to enforcement, sanctions and also technical guidance. A comprehensive strategy for compliance included, but was not limited to, enforcement. He insisted that the change from the word “secure” to “ensure” made the sentence stronger.
- 335.** The Workers preferred the text in the original draft. They did not support the modifications proposed by the Government member of Argentina, speaking on behalf of a number of Latin American Government members of the Committee, (replace the words “ensure compliance, secure decent working conditions and a safe working environment” by the words “achieve decent work”) because they believed it important to be very specific in this instance.
- 336.** With regard to the amendment previously introduced by the Government member of the United States, the Workers’ group also preferred the original text, which was focused and strong. It included wording on regulation and balance. If that wording were omitted, then

¹⁴ See footnote 8.

some of the meaning of the point would be lost. The Employers' group agreed with the Workers' group in respect of the amendment presented by the Government member of Argentina, that the specific elements were important. As far as the amendment presented by the Government member of the United States was concerned, they noted that guidance, tools and promotion were difficult to regulate. They found the formulation of the proposed amendment clearer and would support it. The Chairperson remarked that there was not much support for the last part of the amendment presented by the Government member of Argentina, who then withdrew the last part of the amendment and it was adopted as amended. The Government member of Brazil, speaking now of the amendment introduced by the Government member of the United States, agreed with the Workers' group that the original text was preferable. The Government member of Zimbabwe also supported the original text as it contained two essential elements missing from the proposed amendment. The Government member of Hungary stated that the Government members of the EU accepted the amendment presented by the Government member of the United States, as it clarified and simplified the content.

- 337.** The Workers proposed a subamendment to this amendment, the addition of the words “regulated and” before “balanced”. The new text would read: “These functions should be regulated and balanced as part of a comprehensive ...”. This would maintain the idea of regulation and enforcement. The Employers' group proposed a further subamendment by adding the words “as appropriate” after “balanced” to read: “These functions should be regulated and balanced as appropriate as part of a comprehensive ...”. The Government member of the United States appreciated the clarification made by the Workers' group and supported the addition of the words “regulated and” before “balanced”. However, in the view of his Government, the addition of the expression “as appropriate” was considered unnecessary as this idea was already understood by the word “balanced”. Therefore his Government would not support the Employers' group's subamendment. The Workers' group agreed with the Government member of the United States that if “regulated and balanced” was included, “appropriate” was understood in “balanced”. The Employers' group then withdrew their subamendment and supported the Workers' group's subamendment. The amendment presented by the Government member of the United States was adopted as subamended.

- 338.** Point 12 was adopted as amended.

Point 13

- 339.** The Committee had before it a proposal from the Government members of Canada, France, Germany, the Republic of Korea, the Netherlands, Switzerland and the United States, to delete the entire point 13 which read: “Labour inspection systems, particularly those in developing countries, face numerous challenges that are common to labour administrations as a whole, including the need for increased financial resources, and increased inspector capacity and equipment where needed, better training, and improved recruitment procedures.”

- 340.** The Government member of New Zealand reported that the nature of this proposal was to make the entire document more concise. One issue it raised concerned equipment for labour inspectors. They had introduced an amendment in point 7 and, in light of that, the group believed that the remaining issues had already been covered. The Workers' group did not agree with the deletion of this point as the point set out issues important to resources for developing countries. The Employers' group noted that when this point had been discussed in the Drafting Group, it was considered essential that developing countries be specifically addressed. Removing this point would leave a gap in the document. The Employers' group thus supported the Workers' group. The Government member of New

Zealand withdrew the amendment and stated that the amendment was not indicative of any disregard for the needs of developing countries; it simply appeared to be redundant text.

- 341.** An amendment was proposed by the Government member of Argentina, speaking on behalf of a number of Latin American Government members of the Committee. After the words “increased financial resources”, replace the end of the sentence with “more inspectors with greater capacities, better equipment and broader powers and improved recruitment procedures”. The final wording of the amendment was not exactly what the group had intended. Rather than “more inspectors with greater capacities” their real intention had been “better training”. The Chairperson suggested that the Committee should also consider at the same time another amendment proposed by the Workers’ group, as it was similar. This amendment read: in the third line, replace the words “increased inspector capacity” by the words “increased inspector training”. Further down, replace the word “training” by the word “competencies”. The Employers’ group supported the Workers’ group’s amendment, but not that of the Latin American countries. The Worker Vice-Chairperson said that the word “competencies” could be used differently in English. It did not imply that labour inspectors needed to be more competent. The Government member of Brazil sought to point out a misunderstanding in the proposed amendment. What was really meant was more inspectors, not with “greater capacities” but with “greater competencies”. She suggested “more inspectors with better equipment”. The Workers’ group proposed withdrawing their amendment and to support the proposed amendment if it read: “more inspectors with greater capacities, better training and better equipment”. The Government member of Argentina accepted this proposed subamendment. The Employers’ group were in agreement, but wished to have the reference to “broader powers” removed, as the Committee had no competence to discuss broader powers. The Worker Vice-Chairperson withdrew their proposed amendment and submitted a further subamendment to the original amendment, to replace “broader powers” by “better training”. The subamendment was supported by the sponsors and by the Employers’ group. The Worker Vice-Chairperson introduced a subamendment to replace “greater competencies” by “greater capacities”. The Government member of Argentina agreed with the text as read by the secretariat. With regard to subamendments suggested by the Workers’ group, he pointed to the importance of a strong labour inspectorate, in line with the requirements set out in Convention No. 81. The Employer Vice-Chairperson agreed with the Government member of Argentina’s statement and suggested a subamendment replacing “greater capacities” with “adequate competencies”.
- 342.** The Government member of Hungary, on behalf of the EU Government members, agreed with the proposed amendment, and suggested to add the words “where needed” at the end. The Government member of Argentina agreed with the Employers’ group’s subamendment and requested the addition of “according to Article 9 of Convention No. 81” after “adequate competencies”. He felt that the subamendment submitted by the EU was not required. The Worker Vice-Chairperson subamended “adequate competencies” to read “duly qualified”. He agreed with the remarks made by the Government member of Argentina regarding the EU subamendment. The secretariat read out the final text: “more duly qualified inspectors, better equipment and better training, and improved recruitment procedures.” The Committee adopted the amendment as subamended.
- 343.** Point 13 was adopted as amended.

Point 14

- 344.** The Government member of the United States, speaking on behalf of some Government members of the IMEC group,¹⁵ presented an amendment to the first phrase of point 14, replacing the word “promote” by “ensure”, to read: “In order to ensure the integrity of labour inspection.” He said that promotion was not enough, and a stronger word was required. The groups approved the amendment, and it was adopted.
- 345.** The Government member of Canada, speaking on behalf of some Government members of the IMEC group,¹⁶ added the words “reflect gender equality and” to point 14, to read: “conditions of service for labour inspectors should reflect gender equality and facilitate career stability”. Gender equality was an important value to uphold within the labour inspectorate. The groups approved the amendment and it was adopted.
- 346.** The Government member of Argentina, speaking on behalf of a number of Latin American Government members of the Committee, wished to replace the word “career” with the word “employment” in point 14. The word “career” in Spanish was rendered by “profesional”, but this word did not normally apply to the category of workers in question in Latin America. The groups approved the amendment and it was adopted.
- 347.** Point 14 was adopted as amended.

Point 15

- 348.** The Government member of Hungary, speaking on behalf of the Governments of Member States of the EU attending the Conference, proposed an amendment to the first words of point 15 to read “Adequate resources should be made available”, instead of “Adequate resources must be made available”. The purpose was to allow a degree of flexibility where resources were not available to countries. The Employer Vice-Chairperson commented that where there was a regulatory framework in place, to which employers were obliged to comply, then it was important to have a properly funded training programme for inspectors, so that they should be able to do their jobs: the word “must” should remain. The Government member of Senegal agreed that the word “must” should remain. Properly trained labour inspectors were a necessity. The Government member of Hungary withdrew the amendment. The Worker Vice-Chairperson introduced a proposal to add the words “of labour inspectors” at the end of point 15, to make it clear what the subject of the point was. The Employer Vice-Chairperson agreed. The amendment was adopted.
- 349.** The Government member of Argentina, speaking on behalf of a number of Latin American Government members of the Committee, said that the notion of “independence” of training inspectors should be qualified by the following reference: “as required by Article 6 of the Labour Inspection Convention, 1947 (No. 81)”. The Committee agreed to add this to the previous amendment so that the last phrase of point 15 read as follows: “reinforcing ethical behaviour and ensuring independence of labour inspectors (as required by Article 6 of the Labour Inspection Convention, 1947 (No. 81))”.

¹⁵ See footnote 8.

¹⁶ See footnote 8.

350. Point 15 was adopted as amended.

Point 16

351. The Government member of Hungary, speaking on behalf of the Governments of Member States of the EU attending the Conference, presented the group's amendment, which was not a new point, but rather a re-ordering of the text from the Drafting Group, with the new order reflecting the relative importance of each of the elements. The only addition was the inclusion of the notion of the "serious risk" that some types of private initiatives could undermine public labour inspection. The Worker Vice-Chairperson made three subamendments, and the subamended text read as follows: "Labour inspection must be a public prerogative and be in accordance with international labour standards. However, the past decades have seen a growth in private auditing initiatives such as the establishment of social reporting and private monitoring systems. There is a serious risk that some types of private initiatives could undermine public labour inspection. The issues of private compliance initiatives, self-regulation and potential public private partnerships are deserving of closer tripartite examination by experts to be drawn together by the ILO."

352. The Government member of Hungary accepted these subamendments, and the Employer Vice-Chairperson agreed generally, although he pointed out that some private auditing initiatives did indeed complement public labour inspection services, and therefore his group wished to delete the word "serious" preceding the word "risk". This was agreed by the Committee. A query was then raised as to how the Committee could communicate to the Governing Body its recommendation that a tripartite meeting of experts be held, as suggested in the last sentence of point 16. After seeking guidance from the Legal Adviser, the Committee agreed to add a new last sentence to read: "The Committee therefore recommends that the Governing Body consider such a tripartite meeting of experts."

353. Point 16 was adopted as amended.

Point 17

354. The Committee agreed to an amendment described by the Worker Vice-Chairperson as a straightforward word change, replacing "maintaining" in the first sentence of point 17, with "respect for".

355. The Government member of Hungary, speaking on behalf of the Governments of Member States of the EU attending the Conference, proposed an amendment to the third sentence of point 17 in which the words "and all workplaces" were replaced by the words "taking into account special characteristics of groups of workers and workplaces". The Worker Vice-Chairperson disagreed with this amendment, maintaining that while different types of workers had different needs, labour administration and labour inspection must apply to all workers and all workplaces equally. The Employer Vice-Chairperson agreed with the Workers' group's point of view, equally echoing the point that a specific approach could be adopted for certain workers, and the Government member of Hungary withdrew the amendment. A further amendment, which referred to the Spanish version only, was adopted.

356. Point 17 was adopted as amended.

Point 18

357. The Employer Vice-Chairperson proposed an amendment to the first sentence of point 18, to read: “Governments should also promote social dialogue in safety and health at sectoral and company level,” as the group favoured social dialogue on OSH at those levels, and did not want the use of the word “committee” in the text, as it did not necessarily imply tripartism. The Worker Vice-Chairperson said that the word “committee” did not give rise to problems for the group, but that the Workers’ group could live with the amendment, which was adopted. He then proposed deleting the final words of the point: “giving priorities to the most hazardous working places”, on the grounds that the issue was already covered elsewhere in the text. The Committee supported this amendment.

358. Point 18 was adopted as amended.

Point 19

359. The Government member of the United States, speaking on behalf of some Government members of the IMEC group,¹⁷ presented an amendment in which the second sentence read: “However, many inspectorates are unable to provide meaningful and comparable statistics” thus changing the words “most inspectorates” to “many inspectorates” and deleting the words “since there are no internationally accepted standard criteria, making comparisons difficult”. He explained that the thrust of the conclusions point concerned planning and programming and targeting interventions, and that the question of generating internationally comparable data was out of place in this context and incoherent. Moreover, the establishment of an international system for the comparison of such data would be an extremely costly undertaking.

360. The Government member of Hungary, speaking on behalf of the Governments of Member States of the EU attending the Conference, withdrew the group’s amendment, which was identical to the first part of an amendment proposed by a selected group of IMEC Government members. The Worker Vice-Chairperson accepted the first part of the amendment, but not the proposed deletion. He pointed out that the original text worked well as a coherent point, saying that that there was indeed a need for data and that there were acceptable criteria to make comparisons. He therefore proposed retaining the middle sentence in modified form: “many inspectorates are unable to provide comparable statistics since there are no international accepted criteria, and that makes comparisons difficult”. The Employer Vice-Chairperson agreed with the first part of the amendment, but he had reservations regarding the part relating to international comparisons. It was difficult to say that labour statistics could not be meaningful. On the contrary, many countries did have meaningful statistics. He pointed out that point 22, paragraph 6, of the conclusions addressed the issue of international statistics, and possibly point 19 should restrict itself to statistics at country level, avoiding the question of international comparisons.

361. The Chairperson recalled that there had been consensus on the first part of the amendment and proposed that the Committee turn its attention to the second part. The Worker Vice-Chairperson proposed a subamendment to delete the same text but to replace it by “collection by the ILO of basic national data on numbers of inspectors and inspection actions and other related statistics could facilitate benchmarking and exchange of best

¹⁷ See footnote 8.

practices”. The Employer Vice-Chairperson supported the subamendment. The Government member of the United States said that this subamendment addressed his group’s concerns but kept some of the language of the original point. He therefore withdrew the original proposal, and the amendment was adopted as subamended.

362. The Worker Vice-Chairperson introduced an amendment to replace the word “inspectories” by the words “labour administration” in the second sentence on factual grounds, because it was not inspectories but labour administrations that were unable to provide data. The Employer Vice-Chairperson supported the amendment, which was adopted. The Government member of Argentina, speaking on behalf of a number of Latin American Government members of the Committee, withdrew an amendment to replace the words “are unable to provide” by the words “do not provide” in the second sentence.

363. Point 19 was adopted as amended.

Point 20

364. The Worker Vice-Chairperson introduced an amendment to replace the words “management standards” by the word “measures” in the second sentence, arguing that “measures” was a broader term that included “management standards”. The Employer Vice-Chairperson did not object to the amendment. The Government member of South Africa objected because he felt the result would be repetition of the word “measures” which appeared earlier in the same sentence. The Worker Vice-Chairperson pointed out that the earlier incidence of the word was used generally, while in the amendment he was proposing the word was applied specifically to OSH measures. The amendment was adopted. The Worker Vice-Chairperson then introduced an amendment to delete the word “industry” after the words “promoting a culture of”, to read: “promoting a culture of leadership and best practice” in the second sentence, so that the meaning should not be restricted to industry leadership, but should include trade union and other forms of leadership. The Employer Vice-Chairperson supported the amendment and it was adopted by the Committee.

365. An amendment proposed by the Government member of Sri Lanka to replace the words “culture of industry leadership” by the words “preventive culture” in line 5 was not seconded and therefore fell.

366. The Government member of Argentina, speaking on behalf of a number of Latin American Government members of the Committee, introduced an amendment to replace the words “industry leadership and best practice” by the words “good practice at work and in the enterprise” because it was felt that the former were neither appropriate nor necessary from the point of view of inspection. There was a suggestion that the French and English translations of the amendment did not accurately reflect the original Spanish. The Worker Vice-Chairperson said that he would rather keep the original wording. The Employer Vice-Chairperson also preferred the original wording. The amendment was withdrawn.

367. Point 20 was adopted as amended.

Point 21

368. The Government member of Hungary, speaking on behalf of the Governments of Member States of the EU attending the Conference, introduced an amendment to replace the word “penalties” by the words “enforcement sanctions” in the first sentence because “penalties”

was narrower and was included in “enforcement sanctions”. The Worker and Employer Vice-Chairpersons supported the amendment, which was adopted.

369. The Government member of Argentina, on behalf of a number of Latin American Government members of the Committee, introduced amendments to the text so that it would read, as already amended by the EU, as follows: “Orientation and prevention measures and enforcement sanctions are complementary to the overall purpose of promoting compliance with employment regulations. It is essential for labour administration systems to establish appropriate and speedy processes for imposing and enforcing fines, as well as timely proceedings consistent with the principles of due process.” Two further corrections concerned only the French and Spanish language versions. These amendments were not substantial, but purely textual corrections. After some questions had been asked by the Committee, the Government member of Colombia explained that the Spanish term “orientación” meant “guidance” in English, while the Government member of France suggested that it would be best rendered in French by “informations”. The Worker Vice-Chairperson wished to subamend the amendment by replacing “compliance with employment regulations” with “compliance with labour standards” and requested clarification concerning the notion of “orientation.” If this indeed meant “guidance” he preferred retaining the text as it stood. The Government member of New Zealand agreed that the idea of “Prevention measures” had been to cover all preventive measures, including “guidance”. The following amended version of the text was adopted by the Committee: “Prevention measures and enforcement sanctions are complementary to the overall purpose of promoting labour standards. It is essential for labour administration systems to establish appropriate and timely processes for imposing and enforcing fines, as well as timely proceedings consistent with the principles of due process.”

370. Two further amendments, submitted by the Government member of Sri Lanka were withdrawn.

Point 22

Paragraph 1

371. The Government member of Hungary, speaking on behalf of Member States of the EU attending the Conference, presented an amendment to the first phrase of point 22, paragraph 1, replacing the words “and/or” by “, implementation and”, to read: “Promote the ratification, implementation and effective application of the relevant international labour standards.”. She said that the change proposed was to ensure the clarity of the process and show that it was carried out in three stages. The groups approved the amendment and it was adopted.

Paragraph 3

372. The Worker Vice-Chairperson proposed amending the first phrase of point 22, paragraph 3, adding the word “international” after the word “Encourage” and replacing the words “in particular” by the word “including”, to read: “Encourage international cooperation and exchanges, including South–South cooperation.”. He explained that the

changes enhanced the text and gave it a wider scope without reducing the importance of South–South cooperation. The groups approved the amendment and it was adopted.

- 373.** The Government member of New Zealand, speaking on behalf of some Government members of the IMEC group,¹⁸ presented an amendment to the first phrase of point 22, paragraph 3, adding the words “and develop a database” after the words “South–South cooperation” and deleting the words “, including the creation of a database” in the same phrase, to read: “Encourage international cooperation and exchanges, including South–South cooperation and develop a database on best practices in labour administration and inspection.” The intention was to underscore that the purpose of the database was to provide best practices in labour administration and inspection. The groups approved the amendment and it was adopted.
- 374.** The Government member of Colombia, speaking on behalf of a number of Latin American Government members of the Committee, proposed an amendment to the first phrase of point 22, paragraph 3, adding the words “accessible through the ILO website” after the word “database”, to read: “Encourage international cooperation and exchanges, including South–South cooperation and develop a database, accessible through the ILO website, on best practices in labour administration and inspection.” The purpose of the changes was to stress the importance of having the database available to all ILO Members and social partners. The groups approved the amendment and it was adopted.
- 375.** A further amendment, submitted by the Government member of Sri Lanka, was not seconded and therefore fell.

Paragraph 4

- 376.** An amendment submitted by the Government members of the EU was withdrawn.
- 377.** The Employer Vice-Chairperson proposed amending the first phrase of point 22, paragraph 4, adding the word “transparent” after the word “governments,” and the word “/selection” after the word “recruitment” to read: “Promote, in cooperation with national governments, transparent recruitment/selection processes,”. He explained that the word “transparent” was relevant to the recruitment process and gave more strength to the phrase. The Committee approved the amendment and it was adopted.
- 378.** The Government member of the Netherlands, speaking on behalf of some Government members of the IMEC group,¹⁹ added the words “the exchange of best practices on” to point 22, paragraph 4, after the word “governments”, to read: “Promote, in cooperation with national governments, the exchange of best practices on recruitment/selection processes,”. She pointed out that the basis for this amendment was to promote an open communication channel across governments that would encourage sharing of experiences and mutual learning. The groups approved the amendment and it was adopted.

¹⁸ See footnote 8.

¹⁹ See footnote 8.

Paragraph 6

- 379.** The Government member of Canada, speaking on behalf of some Government members of the IMEC group,²⁰ presented an amendment to replace the paragraph with a modified text to reflect the discussion of the previous sitting on the gathering of statistical information. After a subamendment by the Worker Vice-Chairperson the text read as follows: “Design a methodology for the collection and analysis of basic national statistical data, including gender-disaggregated data, to allow for international comparisons and benchmarking on inspection services and activities, available to ILO constituents.” The groups agreed with this text and the amendment was adopted as subamended.

Paragraph 7

- 380.** The Employer Vice-Chairperson proposed inserting the word “provide” after the words “research and” in the first sentence for the sake of clarity. There was no opposition to this amendment and the point 22, paragraph 7, was adopted as amended.

Clause (a)

- 381.** The Government member of Sri Lanka proposed an amendment which was not seconded. It therefore fell. Point 22, paragraph 7, clause (a), was adopted without amendment.

Clause (b)

- 382.** The Worker Vice-Chairperson explained that the proposed amendment did not affect the English text but wished to make a change to the Spanish version substituting the word “desafíos” for the word “obstáculos”. This amendment was adopted.
- 383.** The Worker Vice-Chairperson proposed an amendment to replace the word “triangular” in the second line with the word “disguised” to bring this text into line with other instances in the conclusions where “disguised” was used rather than “triangular”, and to replace the word “of”, after “labour inspection” with “posed by”. The text would then read: “research around the challenges for effective labour inspection posed by increased outsourcing, subcontracting, disguised employment relationships”. The Employer Vice-Chairperson supported this amendment. The Government member of Portugal speaking on behalf of the Governments of Member States of the EU favoured the change but argued that disguised work and triangular employment relationships were not the same thing. He proposed a subamendment to read “subcontracting, disguised work and triangular employment relationships”. The Employer Vice-Chairperson opposed the subamendment stating that he preferred either one or the other term, but not both. The Government member of the United States supported the EU subamendment, noting that the Employer Vice-Chairperson had not previously objected to the use of the word “triangular”. The Employer Vice-Chairperson clarified that his objection was not with the word “triangular”, but to include both “disguised” and “triangular” in the same line. The amendment was adopted as subamended.

²⁰ See footnote 8.

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- 384.** The Government member of the Netherlands, speaking on behalf of some Government members of the IMEC group,²¹ proposed to replace the word “enforce” by the word “extend” since the notion of extension could cover a range of interventions, whether through enforcement or communication, etc. The Worker Vice-Chairperson appreciated the sentiment of the amendment but suggested further amending the relevant section to read “to extend and enforce” in order to preserve the emphasis on enforcement. The Government member of Ghana supported the amendment and its subamendment. Point 22, paragraph 7, clause (b), was adopted as amended.

Clause (c)

- 385.** The Worker Vice-Chairperson proposed replacing the word “evaluate” in the first line with the words “evaluation of” to clarify what the Committee was asking the Office to undertake. Point 22, paragraph 7, clause (c), was adopted as amended.

Clause (d)

- 386.** The Worker Vice-Chairperson proposed an amendment to insert the words “the risks and practices of” after the words “research on” in point 22, paragraph 7, clause (d). He noted that this change clarified that research undertaken by the Office should look in particular at the risks and practices related to labour migration and the role of labour administration and labour inspection. The amendment was adopted. The Government member of the Islamic Republic of Iran proposed an amendment to add a new clause after point 22, paragraph 7, clause (d), that read: “research the possibility of consolidating the ILO Conventions related to labour administration and labour inspection through the merging of Conventions Nos 81, 129, 150 and 155”. The amendment was not seconded and therefore fell. Point 22, paragraph 7, clause (d), was adopted as amended.

Paragraph 8

- 387.** The Government member of Colombia, speaking on behalf of a number of Latin American Government members of the Committee, proposed the deletion of point 22, paragraph 8, noting that the function of labour inspection in most Latin American countries was primarily a legal one and it would be unnecessary to convene a meeting of experts as requested in the draft text. The Worker Vice-Chairperson opposed this deletion and noted that while he shared the concerns expressed about the focus of any eventual meeting, he insisted that it was important to hold a meeting to at least consider the role of private compliance initiatives in the area of labour inspection, which was of political importance to the Workers’ group. The Employer Vice-Chairperson likewise opposed deleting the point and the Government member of Colombia withdrew the amendment noting that the issue was in any case dealt with under point 16.
- 388.** The Government member of Hungary, speaking on behalf of Member States of the EU attending the Conference, withdrew her proposed amendment noting that the group would support a similar and subsequent amendment to be put forward by some members of the IMEC group.

²¹ See footnote 8.

389. The Government member of Canada, speaking on behalf of some Government members of the IMEC group,²² introduced an amendment to replace the word “Organize” at the beginning of the point with “Request that the Governing Body consider”. She further subamended this point to replace the word “within” with the word “during” and to replace the word “inspection” in the last line with the word “compliance”. The Worker Vice-Chairperson agreed generally with the amendment but proposed a further subamendment to use the phrase “private auditing initiatives” instead of “private compliance initiatives”. He explained that the word “compliance” alone was not clear on what was to be complied with and that it could be too broad, including potentially such things as private codes of conduct which were not recognized as authoritative by the Workers’ group. The Government member of Canada agreed with this subamendment on behalf of the proposers but the Government member of New Zealand preferred using the word “compliance” to be more inclusive, since “compliance” was broad enough to encompass auditing, inspection and other initiatives such as self-regulation, which had been discussed by the Committee but did not appear in this paragraph. It was further pointed out by the Office that the term “private compliance initiatives” was used elsewhere in the document. The Worker Vice-Chairperson agreed to keep the word “compliance” for the sake of consistency throughout the document. The amendment was adopted as subamended, and point 22, paragraph 8, was adopted as amended, to read as follows: “Request that the Governing Body consider an international tripartite meeting of experts, during the next biennium, on private compliance initiatives in the light of international labour standards.”

Paragraph 9

390. The Government member of New Zealand, speaking on behalf of some Government members of the IMEC group,²³ presented an amendment to the first line of point 22, paragraph 9, replacing the words, “a strategy” by the word “strategies”. He said that preference for the use of the plural was to acknowledge that there could be various strategies by which vulnerable workers could be reached. The groups approved the amendment and it was adopted.

391. The Worker Vice-Chairperson suggested amending point 22, paragraph 9, by inserting the words “workers in the public sector” after the words, “legislation for”. He explained that the amendment aimed at ensuring that labour administration and inspection covered all vulnerable workers. The discussion had revealed that there were numerous examples where public sector workers did not benefit from such cover. The groups approved the amendment, and point 22, paragraph 9, was adopted as amended.

Paragraph 11

392. The Government member of the Netherlands, speaking on behalf of some Government members of the IMEC group,²⁴ presented an amendment to the first sentence of point 22, paragraph 11, to replace the word “committees” by the word “dialogue”. She explained that dialogue covered a wide range of methods for addressing problems encountered in labour law enforcement and inspection. The Worker Vice-Chairperson did not support this

²² See footnote 8.

²³ See footnote 8.

²⁴ See footnote 8.

amendment, preferring the original text of the paragraph, which expressed a specific request for the Office to promote national tripartite committees to address particular problems. The Employer Vice-Chairperson and the Government members of Ghana, Namibia, New Zealand and Switzerland supported the amendment. The Chairperson ruled that there was majority support for the amendment and it was adopted. The Committee adopted point 22, paragraph 11, as amended.

Paragraph 13

- 393.** The Government member of New Zealand, speaking on behalf of some Government members of the IMEC group,²⁵ presented an amendment to the first sentence in point 22, paragraph 13, to insert the words “on best practice” after the word “information”. This provided greater clarity of purpose in improving coordination and the exchange of information. The Worker Vice-Chairperson did not support the amendment and preferred to retain the original wording. He explained that the original idea was to improve coordination and exchange of all forms of information and not to limit this to best practices. The Employer Vice-Chairperson supported the argument presented by the Workers’ group to retain the original wording of the text. The Government member of New Zealand withdrew the amendment.
- 394.** The Government member of Colombia, speaking on behalf of a number of Latin American Government members of the Committee, suggested additional wording to be added at the end of point 22, paragraph 13, with the insertion of the words “through regional networks supported by the ILO, for example” after the word “Office”. She said the idea was to give visibility to the various mechanisms that could be used to exchange information. The Committee adopted the amendment.
- 395.** The Government member of the United States, speaking on behalf of some Government members of the IMEC group,²⁶ suggested adding the words “and across the multilateral system” at the end of point 22, paragraph 13. The amendment was to clarify the extent of dialogue necessary to be promoted in this instance. The Chairperson noted that this modified slightly the previous amendment. The Committee adopted the amendment and point 22, paragraph 13, as amended, was adopted as well.
- 396.** The Committee then adopted the text of the conclusions, as amended, in its entirety.

Discussion on resolution concerning labour administration and labour inspection

Third preambular paragraph

- 397.** The Worker Vice-Chairperson presented an amendment to the third paragraph of the preamble of the resolution to insert the words “including freedom of association and collective bargaining” after the words “workers’ rights”. He explained that collective bargaining was essential to workers’ support of labour administration and inspection, and

²⁵ See footnote 8.

²⁶ See footnote 8.

was one of the means whereby workers would be able to fulfil their role as foreseen in the conclusions. Moreover, compliance with the legislation was more likely in enterprises where there was a culture of collective bargaining, which would allow the inspectorate to concentrate its attention elsewhere. The Employer Vice-Chairperson opposed the amendment on the grounds that it did not reflect discussions held on the conclusions. He pointed out that collective bargaining per se did not appear in the text of the conclusions, but that it was sufficiently covered implicitly, for example, in the mention of protection of workers' rights, to render explicit mention superfluous. Peripheral detail should be left out of the text as it would only serve to dilute it.

- 398.** The Worker Vice-Chairperson, responding to the views of the Employer Vice-Chairperson, said that this question was not peripheral as far as the Workers' group were concerned. He pointed out that, while collective bargaining was not explicitly mentioned in the conclusions, there were implicit references to it throughout the conclusions. He cited point 4 of the conclusions, which spoke of sound industrial relations and workers' rights, point 5, which spoke of social dialogue and freedom of association, and point 10, which referred to social dialogue at all levels. Freedom of association and collective bargaining were enabling mechanisms to help support labour inspection and administration.
- 399.** The Government member of Ghana opposed the amendment as presented by the Worker Vice-Chairperson on the grounds that the original text spoke already of the enforcement of labour legislation and of protecting workers' rights. The Government member of Egypt also opposed the amendment, arguing that the original wording was very clear since the fundamental rights of workers included freedom of association and the right to organize. Enumerating all the rights would dilute the text.
- 400.** The Government member of Canada, speaking on behalf of some Government members of the IMEC group, introduced a subamendment to insert before the words "collective bargaining", as proposed by the Workers' group, the words "the right to" so that the paragraph would reflect the wording of the ILO Declaration on Fundamental Principles and Rights at Work. The Worker Vice-Chairperson accepted the subamendment. The Government member of Senegal preferred the initial version because workers' rights already included freedom of association and collective bargaining. The Government member of Hungary, speaking on behalf of the Government members of the EU, supported the Canadian subamendment, as did the Government member of South Africa. The Employer Vice-Chairperson then proposed an amendment to the subamendment that would include "the right to effective collective bargaining" and then list all the other fundamental rights. The Government member of Ghana was sorry the Employer Vice-Chairperson seemed to have abandoned his previous position. He read the paragraph in its original wording and stated that the reference to labour legislation and workers' rights clearly included everything else. He was in favour of keeping the original wording.
- 401.** The Workers' group presented a new subamendment to the third preambular paragraph. This would read: "... to protect workers' rights, including the fundamental principles and rights at work, freedom of association and the effective recognition of the right to collective bargaining, elimination of all forms of forced or compulsory labour, effective abolition of child labour and the elimination of discrimination in respect of employment and occupation." The Employers' group agreed with this new wording, as did the Government member of Canada. The amendment was adopted as subamended. The Employers' group had submitted a subamendment to the third paragraph to insert the words "to promote sustainable enterprises" after the words "workers' rights" in the fourth line. The group withdrew this amendment. The third preambular paragraph was adopted as amended.

Fifth preambular paragraph

- 402.** The Workers' group requested a subamendment to the fifth paragraph to insert the word "EPZs" after the word "supply chains". The new text would read: "... to expand their coverage to all workers in an increasingly diverse global workforce, including workers in extended global supply chains, export processing zones, the informal economy and workers in a disguised employment relationship." This was accepted by the Employers' group. The fifth preambular paragraph was adopted as amended.

Seventh preambular paragraph

- 403.** In the seventh paragraph, the Workers' group proposed an amendment to replace the entire paragraph as follows: "Recognizing that sound labour administration and inspection systems are vital for the enforcement of labour standards, the promotion of social dialogue and collective bargaining, social security, employment services, and the development employment policies." They then requested a subamendment to insert the word "of" after "development" in the last line. The Employers' group countered with a new subamendment which would remove "and collective bargaining" and add "sustainable enterprises". The new paragraph would then read: "Recognizing that sound labour administration and inspection systems are vital for the enforcement of labour standards, the promotion of social dialogue, social security, sustainable enterprises, employment services, and the development of employment policies." If this subamendment was acceptable to the other groups, the Employers' group would withdraw a further proposed amendment that referred to sustainable enterprises. The Workers' group accepted the Employers' group's subamendment. The Employers' group withdrew the other amendment in question. The Committee adopted the seventh preambular paragraph as amended.

Eighth preambular paragraph

- 404.** The Employers' group withdrew a further proposed amendment to the eighth preambular paragraph that referred to sustainable enterprises.
- 405.** The Government member of Canada, speaking also on behalf of the Government members of New Zealand and the United States, presented a procedural amendment which she withdrew on confirmation by the representative of the Secretary-General that the text of the resolution would precede the text of the conclusions.
- 406.** The Committee adopted the draft resolution concerning labour administration and labour inspection, as amended, in its entirety.

Consideration and adoption of the report

- 407.** At its 13th sitting, the Committee considered its draft report, the resolution concerning, and the conclusions on, labour administration and labour inspection.
- 408.** The Employer Vice-Chairperson declared that his group considered the work of the Committee to have been a job well done, with significant and interesting contributions from all. The Employers' group would have appreciated more mention of sustainable enterprises, which were referred to only once each in the resolution and conclusions, however the group recognized the need for compromise. The Employers' group would also have wished to provide the Office with a list of priority actions, to allow planning for

efficient use of resources, but welcomed the proposed holding of the tripartite experts meeting on private compliance initiatives in the light of international labour standards.

- 409.** A Worker member of France referred to article 24(1) of the Standing Orders of the ILC, which stipulates that the French and English languages shall be the official languages of the Conference. This had not been respected in the work of the Drafting Group, for which the participation of persons able to work in English had been encouraged. This practice, which was becoming usual, was detrimental to delegates whose language was French or Spanish, and was contrary to article 59 of the Standing Orders, which specifies that, in so far as may be possible the committee drafting committee shall comprise members conversant with both official languages. The Workers' group strongly condemned this flouting of the Standing Orders, which went against the universal nature of the Organization's work.
- 410.** The Worker Vice-Chairperson echoed his Employer counterpart's sentiments regarding the success of the Committee's work. Very many good points had been made, and an interesting exchange of information from different countries had taken place. The conclusions would provide a very useful framework and guidance for labour administrations and inspectorates in their role of underpinning the promotion of decent work for all. He called on the Governing Body of the ILO to ensure that sufficient resources were put at the disposal of the LAB/ADMIN Programme to allow it to fulfil the responsibilities placed on it by the conclusions.
- 411.** The Chairperson of the Committee thanked her Employer and Worker counterparts, and all Committee members. She praised particularly the excellent atmosphere that had prevailed throughout, which had permitted true consensus. The Committee, composed of almost 200 members from more than 110 countries, had greatly enriched international dialogue and discussion on the subject. At her invitation, the Committee unanimously adopted its draft report, the resolution concerning, and the conclusions on, labour administration and labour inspection.

Geneva, 13 June 2011

(Signed) G. Kvam
Chairperson

V. Albuquerque
Reporter

Annex

Fate of amendments to draft conclusions

1. The following amendments were adopted: D.4, D.9, D.19, D.20, D.21, D.24, D.25, D.29, D.30, D.33, D.35, D.36, D.38, D.40, D.41, D.42, D.48, D.49, D.52, D.56, D.57, D.60, D.65, D.66, D.69, D.71, D.72, D.74, D.75, D.76, D.77, D.79, D.80, D.81, D.84, D.85, D.86, D.87, D.88, D.89, D.90, D.91, D.93, D.95, D.96, D.99, D.100, D.102.
2. The following amendments were adopted as subamended: D.18, D.22, D.26, D.31, D.32, D.34, D.39, D.43, D.47, D.50, D.54, D.62, D.64, D.73, D.83, D.97.
3. The following amendments fell: D.3, D.5, D.6, D.7, D.8, D.10, D.12, D.13, D.14, D.15, D.16, D.27, D.45, D.53, D.58, D.59, D.82, D.92, D.101.
4. The following amendments were withdrawn: D.11, D.17, D.23, D.28, D.37, D.44, D.46, D.51, D.55, D.61, D.63, D.67, D.68, D.70, D.78, D.94, D.98.

Resolution concerning labour administration and labour inspection

The General Conference of the International Labour Organization, meeting at its 100th Session, 2011,

Having undertaken a general discussion on the basis of Report V, *Labour administration and labour inspection*,

Recognizing that labour administration and labour inspection are institutions for good governance at the service of ILO constituents and are essential to achieve the decent work objectives; to promote compliance with and enforcement of labour legislation; to protect workers' rights, including fundamental principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour, and the elimination of discrimination in respect of employment and occupation; and to develop mechanisms for solving complex issues in the world of work,

Recognizing that labour ministries have a pivotal role to play in shaping social and economic policies as well as applying such policies in both the workplace and at the national level,

Affirming the urgent need to build, foster and maintain sound labour administration and inspection systems notwithstanding the financial and economic crisis, and to expand their coverage to all workers in an increasingly diverse global workforce, including workers in extended global supply chains, export processing zones, the informal economy and workers in a disguised employment relationship,

Recognizing that today's labour administrations' strategic, policy-making and coordinating roles are hampered in many countries by a lack of political support or a lack of financial, human or material resources,

Recognizing that sound labour administration and inspection systems are vital for the enforcement of labour standards, the promotion of social dialogue, social security, employment services, sustainable enterprises, and the development of employment policies,

Bearing in mind that labour administration and labour inspection have been ILO priorities since its foundation, and that the importance of strong and effective labour administration and inspection is recognized in the ILO Constitution, the Declaration of Philadelphia, the ILO Declaration on Social Justice for a Fair Globalization and the Global Jobs Pact, as well as several ILO Conventions, Recommendations and other instruments,

1. Adopts the following conclusions;
2. Invites the Director-General to bring these conclusions to the attention of the member States and employers' and workers' organizations; and
3. Invites the Governing Body of the International Labour Office to give due consideration to them in planning future action, especially within the technical cooperation programme and the delivery of Decent Work Country Programmes, and to request the Director-General to take them into account both when allocating other resources as may be available during the 2010–11 biennium and when implementing the programme and budget for the coming biennia.

Conclusions on labour administration and labour inspection

1. The principles of labour administration and labour inspection are grounded in international labour standards. These standards, notably the Labour Inspection Convention, 1947 (No. 81) and its Protocol of 1995, the Employment Service Convention, 1948 (No. 88), the Employment Policy Convention, 1964 (No. 122), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), (Conventions Nos 81, 122 and 129 are considered “governance standards”), the Labour Administration Convention, 1978 (No. 150), the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), are relevant to all countries regardless of their level of economic development. The ratification and implementation of these Conventions with respect for and the advancement of fundamental principles and rights at work, are essential to strengthen national systems of labour administration and labour inspection.
2. Effective labour administration systems, public employment services and labour inspection, are vital for good governance of labour matters and for economic and social progress. These systems can make decent work a reality in the workplace by enforcing labour standards and improving working and employment conditions, thus increasing accountability, occupational safety and health, competitiveness and productivity with social equity. At the same time, labour administration systems can help stimulate economic growth by developing and implementing economic and social policies designed to produce higher employment rates, social cohesion and decent work.
3. Experience from the recent financial and economic crisis has shown that labour administration has an essential role among government institutions, as good labour policies and efficient institutions can help to address difficult economic situations, by protecting workers and enterprises against the worst impact of an economic crisis and mitigating its economic and social consequences while facilitating economic recovery.
4. Ministries of labour and employment and their agencies are the core of labour administration systems throughout the world. They have a specific role to enforce labour laws and to provide information to workers and employers about their rights and responsibilities in order to protect workers, to enable and promote sound industrial relations including mediation and dispute resolution, to promote decent employment and better workplace practices, to ensure compliance with labour standards, and to improve the functioning of the labour market. Labour administration systems can also be instrumental in enforcing gender equality legislation and policy.
5. Governments should build effective labour administration and labour inspection systems through genuine and timely tripartite social dialogue. Effective tripartism requires respect for freedom of association. The presence of workers’ and employers’ organizations facilitates labour inspection.
6. The current weaknesses of labour administrations in many countries prevent ministries of labour from delivering adequate services to their citizens or meaningfully influencing policy-making processes. It is important to strengthen and increase the leadership role of ministries of labour in these countries in the coordination and development of employment and labour market policies and national development plans. Consultation with workers’ and employers’ organizations is essential.
7. The lack of resources constitutes a major obstacle to effective labour administration in many countries. In countries where available resources are at critically low levels, a substantial and sustained increase of resources is necessary. In these countries, as in all

countries, the focus should be on developing and retaining skilled human resources, since no labour administration can work without specifically dedicated staff who are qualified and adequately trained and equipped.

8. Public employment services are fully part of a labour administration system. Strong coordination and regulation of these services are required at the national level with a view to promoting balanced and equitable policies in order to avoid abuses, including with respect to vulnerable workers, such as domestic and migrant workers and people with disabilities.
9. Labour administration and inspection systems today operate in a rapidly changing environment characterized by dramatic economic, institutional, demographic and political transformations, including changing patterns of production, work organization, employment structures and relationships, labour migration and cross-border postings, outsourcing and extended global supply chains, and the expansion of the informal economy.
10. To cope with challenges in a rapidly changing world of work, labour administrations must continuously adapt and modernize. They should explore efficient and effective methods of governance and management and build tripartite partnerships as well as partnerships with other institutions and actors. However, any modernization effort must respect values such as the rule of law, tripartism, social dialogue at all levels, public interest, democracy, equity, good governance and transparency.
11. In their efforts to adapt and modernize, labour administration and labour inspection systems should take advantage of advances in information and communication technologies to improve their internal working methods and expand the range and accessibility of services for constituents while maintaining thorough inspections. A variety of online, mobile and networking technologies have the potential to increase efficiency and reduce costs, improve transparency, facilitate the collection and analysis of labour statistics, and assist with the dissemination of accessible information about labour laws and policies. While the adoption of new technologies is uneven between countries, developing nations can still greatly benefit from modest and cost-effective systems adapted to their own level of technological development.
12. As a main labour administration component, labour inspection is a public function and is at the core of effective labour law with wide powers and functions, including enforcement and sanctions that should be sufficiently dissuasive to deter violations of labour legislation while also providing corrective, developmental and technical advice, guidance, prevention tools and promoting workplace best practices. These functions should be regulated and balanced as part of a comprehensive compliance strategy in order to ensure decent working conditions and a safe working environment.
13. Labour inspection systems, particularly those in developing countries, face numerous challenges that are common to labour administrations as a whole, including the need for increased financial resources, more duly qualified inspectors, better equipment and better training, and improved recruitment procedures.
14. In order to ensure the integrity of labour inspection, conditions of service for labour inspectors should reflect gender equality and facilitate employment stability and personal security in the exercise of their functions, underpinned by an appropriate regulatory framework.
15. Adequate resources must be made available by member States for the design and implementation of budgeted national training programmes with a view to upgrading

technical skills, reinforcing ethical behaviour and ensuring independence of labour inspectors (as required under Article 6 of ILO Convention No. 81).

16. Labour inspection must be a public prerogative and be in accordance with international labour standards. However, the past decades have seen a growth in private auditing initiatives such as the establishment of social reporting and private monitoring systems. There is a risk that some types of private initiatives could undermine public labour inspection. The issues of private compliance initiatives, self-regulation and potential public–private partnerships are deserving of closer examination by tripartite experts to be drawn together by the ILO. The Committee therefore recommends that the Governing Body consider such a tripartite meeting of experts.
17. Promoting and enforcing decent working conditions, safety and health standards and respect for fundamental principles and rights at work are at the core of labour inspection activities. This includes, for example, action to combat undeclared work, child and forced labour. The provisions of labour law should apply equally to all workers and all workplaces. General compliance and preventive strategies are essential for ensuring fairness in the workplace and consequently sustainable enterprises and economic growth. These strategies should cover all workers, including those in the public sector, the informal economy, rural economy and agriculture and export processing zones (EPZs). It is unacceptable that some EPZs are exempted from basic national labour laws. Labour inspectors face the challenge of ensuring labour law compliance in workplaces that are difficult to detect (e.g. in the agricultural and construction sectors), or where the employment relationship is particular (home-based work, domestic work), or is difficult to identify (new forms of employment, outsourcing and complex supply chains). In this regard, the Employment Relationship Recommendation, 2006 (No. 198), should be noted.
18. It is important for governments to aim for an overall integrated strategy for inspection activities and to ensure the coordinating and supervisory role of the central authority recognized by Convention No. 81. Governments should also promote social dialogue in safety and health at sectoral and company level, particularly aimed at prevention. National tripartite dialogue could also focus on identifying specific prevention campaigns in sectors at risk or where widespread violations of labour law occur. Safety and health initiatives should where possible be based on the best available information and methods of work that are focused and effective.
19. For an overall effective system of labour inspection, the planning, programming and reporting cycle is also fundamental for achieving a coherent and objective basis for inspection action that responds to prevailing working conditions and anticipates geographic areas or sectors where targeted interventions may be required. However, many labour administrations are unable to provide comparable statistics. Collection by the ILO of basic national data on the number of inspectors and inspection activities and other related statistics could facilitate benchmarking and exchange of best practices.
20. In promoting a prevention culture and securing compliance, labour inspectors use a wide variety of interventions and tools including prevention initiatives as well as enforcement. Sufficiently dissuasive sanctions are an indispensable component of any labour inspection system. An appropriate mix of preventive measures such as risk evaluation, promoting a culture of leadership and best practice, implementing occupational safety and health measures, information guidance and awareness campaigns combined with sanctions should be adopted.
21. Prevention measures and enforcement sanctions are complementary to the overall purpose of promoting labour standards. It is essential for labour administration systems to establish

appropriate and timely processes for imposing and enforcing fines, as well as timely proceedings consistent with the principles of due process.

22. The International Labour Office should use all appropriate means and apply appropriate measures including the following initiatives in order to strengthen labour administration and labour inspection:

- (1) Promote the ratification, implementation and effective application of the relevant international labour standards, in particular Conventions Nos 81 (and its Protocol of 1995), 88, 129, and 150.
- (2) Strengthen the consultation with and the capacity of workers and employers and their organizations in the design of labour administration and inspection policies and tools with a view to implementing the Decent Work Agenda.
- (3) Encourage international cooperation and exchanges, including South–South cooperation, and develop a database, accessible through the ILO website, on best practices in labour administration and inspection.
- (4) Promote, in cooperation with national governments, the exchange of best practices on transparent recruitment/selection processes, decent working conditions, security and protection, appropriate career development and training for labour administration officials and labour inspectors.
- (5) Encourage adequate and effective use of human and financial resource allocation for labour administration and inspection services.
- (6) Design a methodology for the collection and analysis of basic national statistical data, including gender-disaggregated data, to allow for international comparisons and benchmarking on inspection services and activities, available to ILO constituents.
- (7) Carry out research and provide advisory services, linked to the wider knowledge management strategy of the ILO, in those selected areas of interest to labour administration and inspection and social partners as identified in the report of the Committee on Labour Administration of the 100th Session of the International Labour Conference, including:
 - (a) research on the use of government procurement in advancing compliance with labour standards;
 - (b) research around the challenges for effective labour inspection posed by increased outsourcing, subcontracting, disguised and triangular employment relationships and means or methods to extend and enforce legislation to all workers in an employment relationship;
 - (c) research and evaluation of training methodology as well as training content to ensure that it addresses labour administration and inspectorates’ needs and objectives; and
 - (d) research on the risks and practices of the interface between labour administration and migration regulatory frameworks.
- (8) Request that the Governing Body consider an international tripartite meeting of experts, during the next biennium, on private compliance initiatives in the light of international labour standards.

-
- (9) Design strategies for reaching out in order to promote the application and enforcement of labour legislation for workers in the public sector and for vulnerable workers, especially in the informal and rural economies, domestic workers and workers in EPZs.
 - (10) Consider the conclusions arising from the 2009 general discussion “Gender equality at the heart of decent work”, and recall that labour administrations, including labour inspection systems, are instrumental in enforcing gender equality legislation and policy.
 - (11) Promote national tripartite dialogue to address problems around labour law enforcement and inspection related to the growth of new forms of employment, noting Recommendation No. 198 as an instrument to assist in dealing with disguised employment relationships.
 - (12) Develop a technical cooperation portfolio to support the Office in the delivery of technical assistance to member States with a view to strengthening national labour administration and inspection services and mainstreaming them in the Decent Work Country Programmes.
 - (13) Improve coordination and exchange of information in the areas of labour administration and inspection within and outside the Office and across the multilateral system, through regional networks supported by the ILO, for example.

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