

ILO Curriculum on Building Modern and Effective Labour Inspection Systems

Module

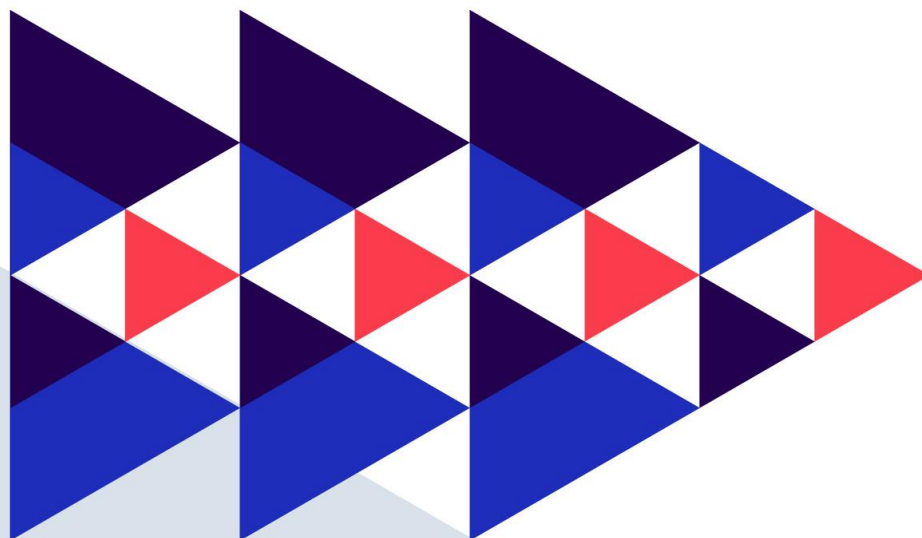
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- ▶ **An introduction to labour inspection**

ILO Curriculum on Building Modern and
Effective Labour Inspection Systems

► Module **2**

An introduction to labour inspection





▶ What this module is about

This module outlines the historical development of labour inspection and its main principles and functions as laid down in relevant ILO Conventions, as well as some of the differences in the ways that labour inspection is organized. The impact on labour inspection of emerging social and labour market challenges will be also discussed.



▶ Objectives

The aim of this module is to give an overview of the principles, practices and challenges of labour inspection, as well as the international labour standards on the subject. At the end of this module, participants will be able to:

- ▶ briefly describe the historical development of labour inspection and the key international labour standards on the subject;
 - ▶ explain the main purpose and functions of labour inspection, and how it can be effectively undertaken;
 - ▶ describe the status, resources, powers and duties that labour inspectors require to perform their functions effectively;
 - ▶ analyse emerging trends in labour-related and social issues and the challenges that they pose for labour inspection.
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▶ 1. Labour inspection: a short history

1.1 Early developments

The earliest national legislation for improving working conditions dates from 1802, when the British Parliament passed an “Act to preserve the morals of apprentices”. “Morals” were defined in terms of safety, health and welfare, and the “apprentices” were child workers in, for example, mining and chimney sweeping. Application of the Act was supervised by voluntary committees. However, the Act was not effectively enforced, so in 1833 the government appointed the first four “inspectors”. These were described as “persons of high standing” and they paid particular attention to the long working hours of adults and children.

In France, a labour inspection service was established in 1874, comprising 15 divisional inspectors, and in 1892 a body of civil servants dedicated to labour inspection was created. Initially the service was charged with the surveillance of the implementation of legislation from 1841 prohibiting the exploitation of child workers of less than eight years old.

By the end of the nineteenth century, many European countries had introduced legislation aimed to some extent at improving conditions at work. Although the first inspectors were men, in 1901 the first female inspector of factories was appointed, in Germany. Specialist inspectors were also appointed. For example, in Britain the first medical inspector was appointed in 1898 and the first specialist engineering adviser one year later.

The size and complexity of labour inspectorates continued to grow in the twentieth century, initially in industrialized countries and latterly in the developing world, where inspectorates were often modelled on those of the former colonial powers. The remit of inspectorates has also broadened considerably over recent decades to cover a wider range of economic sectors, as well as new technical and employment issues, keeping abreast of changes in the world of work and changing public expectations.

1.2 International developments

In parallel with these developments at the national level, attention was also given to adopting international standards for improving working conditions and for inspection services. Thus, in 1890, representatives of 15 countries attended a conference in Berlin to adopt the first such standard. The conference affirmed that laws in each State should be supervised by an adequate number of specially qualified officers, appointed by government and independent of employers and workers.¹

¹ ILO, *Labour inspection - a guide to the profession*, Geneva, 2002.

This initiative was given further impetus with the creation of the International Labour Organization (ILO) in 1919 under the Treaty of Versailles. In accordance with its Constitution, the ILO sought to improve working conditions in its Member States through the setting and ratification of international labour standards, and specifically mentioned the need for “systems of inspection”.² An overview of the ILO, its aims and institutions is given at Annex 1.

Two of the very first international labour standards³ adopted were the Labour Inspection (Health Services) Recommendation, 1919 (No. 5) and the Labour Inspection Recommendation, 1923 (No. 20). Although these were Recommendations rather than Conventions and thus not binding on Member States, they paved the way for the later adoption of much more comprehensive instruments, notably the Labour Inspection Convention, 1947 (No. 81) and later the Labour Inspection (Agriculture) Convention, 1969 (No. 129).

1.3 The Labour Inspection Convention, 1947 (No. 81)

Convention No. 81 remains the principal international reference for labour inspection services and is as relevant today as it was almost 75 years ago. It has become one of the most widely ratified of all ILO Conventions⁴ and still provides a sound foundation for labour inspection services across the world.

The Convention applies to the inspection of industrial and commercial workplaces, allowing for the possible exclusion of mining and transport undertakings (Articles 1, 2 and 22). However, the latter employment sectors are specifically covered by the separate Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82), also adopted in 1947, making inspection of such sectors non-binding. Under Convention No.81, labour inspection is also limited to those industrial workplaces where relevant legal provisions are actually enforceable (Article 2.1).⁵ Furthermore, Member States may make certain exclusions on the basis of sparseness of population or degree of economic development (Article 29).

The provisions of the Convention cover the functions and responsibilities of labour inspection systems, requirements for the recruitment of staff, resources for inspectors and their enforcement powers, and their obligations, independence and impartiality. Other stipulations include the need for the reporting of accidents and diseases, and for annual reports on the work of the inspection authority.

The Labour Inspection Recommendation 1947 (No. 81) was adopted at the same time as the Convention. It makes further provisions for collaboration between inspectors, employers and

² Article 10 of the [ILO Constitution](#).

³ International labour standards are legal instruments drawn up by ILO constituents (governments, employers and workers) at its International Labour Conference. They set out basic principles for the promotion of rights at work. They may take the form of Conventions or Recommendations. Further information can be found at: [Introduction to International Labour Standards](#).

⁴ 148 countries had ratified this Convention as of July 2021.

⁵ [Labour Inspection, International Labour Conference, 95th Session, Geneva 2006 Report III \(Part 1B\)](#), p. 7.

workers, for instance in the area of safety and health training, and gives further details as to what information should be included, as far as possible, in annual reports.

1.4 From 1947 to the present day: Towards broad coverage

In more recent decades, labour inspection systems have gradually become better established and better resourced, and their importance in improving working conditions has become more widely recognized at the national and international levels. Consequently, many recent Conventions and Recommendations now include references to systems of inspection or similar phrases, often referring specifically to Convention No. 81.⁶

The trend towards more comprehensive coverage by inspection services has also continued. For instance, adoption of the Labour Inspection (Agriculture) Convention, 1969 (No. 129), along with its accompanying Recommendation, extended inspection services to agriculture, forestry and related industries. Its provisions are broadly similar to those of Convention No. 81. However, Convention No. 129 has not been so widely ratified for various reasons.⁷ One is the uniqueness and diversity of the agricultural sector in which so many people are employed, often in remote locations and in small family units. The inspection of such enterprises imposes too great an administrative burden on many inspection services, because of lack of transport or for other reasons. The same characteristics of the sector have led to their exemption from much labour legislation, for instance concerning occupational safety and health, so in such circumstances there is no legal basis for labour inspection of the agricultural sector.

In many countries, inspection of agricultural enterprises has been very limited and often non-existent. Convention No. 129 was intended to rectify this problem, but its low rate of ratification compared to that of Convention No. 81 indicates that there are still major issues to be resolved. Nevertheless, a growing number of countries now have some form of inspection service for the agricultural sector and, with improved inspector training, this is a trend that will hopefully continue in the coming years.

In 1995, a Protocol⁸ to the Labour Inspection Convention, 1947 was adopted, which extended labour inspection to many more workplaces than fell within the scope of the earlier Convention. These include the “non-commercial” services sector, such as public administration, the armed services, education and health services, postal services and telecommunications, public utilities such as gas, water and electricity supply, waste collection and disposal services, and so on. Then, in 1996, the Labour Inspection (Seafarers) Convention (No. 178) was adopted,⁹ and was subsequently revised by the Maritime Labour Convention, 2006.

⁶ For example, the Occupational Safety and Health Recommendation, 1981 (No. 164) specifically refers to Convention No. 81 as a source of guidance for safety and health inspection systems.

⁷ 54 countries had ratified this Convention as of July 2021.

⁸ 12 countries had ratified this Protocol as of July 2021.

⁹ 15 countries had ratified this Convention, of which 14 automatically denounced it by virtue of Convention MLC, 2006, as of July 2021.

In the meantime, the cause of labour inspection benefitted indirectly from the ILO's identification of the following eight Conventions as fundamental:¹⁰

- ▶ Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).
- ▶ Right to Organise and Collective Bargaining Convention, 1949 (No. 98).
- ▶ Forced Labour Convention, 1930 (No. 29).
- ▶ Abolition of Forced Labour Convention, 1957 (No. 105).
- ▶ Minimum Age Convention, 1973 (No. 138).
- ▶ Worst Forms of Child Labour Convention, 1999 (No. 182).
- ▶ Equal Remuneration Convention, 1951 (No. 100).
- ▶ Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

These Conventions were the focus of the ILO's Declaration on Fundamental Principles and Rights at Work, adopted in 1998.¹¹

The ILO Governing Body has also designated another four conventions as governance (or priority) instruments, thereby encouraging Member States to ratify them because of their importance for the functioning of the international labour standards system. These four Conventions are:

- ▶ Labour Inspection Convention, 1947 (No. 81).
- ▶ Labour Inspection (Agriculture) Convention, 1969 (No. 129).
- ▶ Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).
- ▶ Employment Policy Convention, 1964 (No. 122).

Since that time, Member States have become increasingly aware of the need for stronger and more effective labour inspection services in order to meet the challenges of a rapidly changing global economy, and the ILO has provided technical assistance where called for. The ILO's General Survey concerning the Labour Inspection Conventions¹² led to the Governing Body's support, in 2006, for a new global strategy for the "modernisation and reinvigoration" of labour inspection.¹³ This has resulted in a number of new initiatives in this area, including a fresh round of tripartite audits of inspection systems and the development of national action plans.

The ILO Declaration on Social Justice for a Fair Globalisation,¹⁴ 2008, highlighted the importance of "effective labour inspection systems" as an aspect of making labour law and institutions effective. The Declaration also specifically mentions Conventions No. 81 and No. 129 in the context

¹⁰ As of 1st January 2019, there were 1,376 ratifications of these Conventions, representing 92 per cent of the possible number of ratifications.

¹¹ [ILO Declaration on Fundamental Principles and Rights at Work.](#)

¹² [Labour inspection - General Survey of the reports concerning labour inspection conventions, International Labour Conference, 95th Session, Geneva, 2006, Report III \(Part 1B\).](#)

¹³ [Report of the Committee on Employment and Social Policy, Governing Body 297th Session, ILO. GB 297/14 \(Rev.\) pp. 4-11.](#)

¹⁴ [The ILO Declaration on Social Justice for a Fair Globalization.](#)

of its commitment to identify, update and promote the international labour standards that are most significant from the viewpoint of governance.

In April 2009, the ILO launched a Labour Administration and Labour Inspection programme to provide more coherent direction in these two important areas, and specifically to help strengthen and modernize labour inspection in Member States globally.¹⁵ This programme was merged with SafeWork in 2013 to create the Labour Administration, Labour Inspection and Occupational Safety and Health (LABADMIN/OSH) Branch.

In Conclusion 17 of the Resolution concerning labour administration and labour inspection, the International Labour Conference (2011) declared that “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” and, going further, added that “this includes, for example, action to combat undeclared work, child and forced labour”.¹⁶

Finally, the 2019 [ILO Centenary Declaration on the Future of Work](#) underscores the importance of strengthening labour administration and inspection as a key aspect for further developing the ILO’s human-centred approach to the future of work, an approach that places workers’ rights and the needs, aspirations and rights of all people at the heart of economic, social and environmental policies.¹⁷

As can be seen from the above, labour inspection has been a priority for the ILO for many decades, and many activities have been undertaken to assist Member States in developing their labour inspection systems.

1.5 International Networks of Labour Inspection

The International Association of Labour Inspection (IALI)¹⁸

With growing awareness of the common challenges faced by many labour inspectorates, the International Association of Labour Inspection (IALI) was set up in 1972 to promote greater professionalism among its members, through better networking and improved exchange of information. Membership is open to any group or association of labour inspectors, and the labour ministry or department of any State (or any region of a federal State) that is responsible for directing or planning labour inspection. As of July 2021, IALI had more than 100 members worldwide.

The political and economic environment in which labour inspectorates now operate has made the IALI’s contribution all the more important, and in recent years its membership has grown rapidly.

¹⁵ For more details: <http://www.ilo.org/public/english/dialogue/labadmin/>.

¹⁶ [Resolution concerning labour administration and labour inspection. ILC, 100th Session, 2011.](#)

¹⁷ [ILO Centenary Declaration for the Future of Work.](#)

¹⁸ [International Association of Labour Inspection.](#)

The Senior Labour Inspectors Committee (SLIC)¹⁹

The Senior Labour Inspectors Committee (SLIC) is a committee of the European Commission, Directorate General for Employment, Social Affairs and Inclusion (DG EMPL). The SLIC had been meeting informally since 1982, before receiving its official mandate by Commission Decision in 1995. Its mandate is to provide guidance to the Commission on the enforcement of Community law governing health and safety at work in the EU Member States.

The SLIC consists of representatives of the labour inspection services of the EU Member States. Some of its principal activities are to develop exchanges of information between national labour inspection services and to cooperate with labour inspectorates in third countries to promote better understanding and assist in resolving any cross-border problems.

The ASEAN Labour Inspection Conference²⁰

The ASEAN Labour Inspection Conference was approved by the ASEAN Labour Ministers Meeting (ALMM) in 2010, after being proposed by the ASEAN Senior Labour Officials Meeting (SLOM) in 2009. The objectives of the ASEAN Labour Inspection Conference are to share information, knowledge and experience, to build and sustain the network of labour inspectors in ASEAN countries, and to promote the professionalism of each ASEAN Member State in all aspects of labour inspection.

Since 2010, eight ASEAN Labour Inspection Conferences have been organized on various themes. The 8th Conference²¹ on “Securing Decent Work in the Fisheries Sector through Labour Inspection in ASEAN” was held in 2019 in Bangkok, Thailand, and attended by representatives of governments from ASEAN Member States, the ASEAN – OSHNET Chair, the ASEAN Trade Union Council, the ASEAN Services Employees Trade Union Council, the ASEAN Confederation of Employers, the ASEAN Secretariat, the ILO and the IALI.

Other networks

Networks of regional labour inspectorates are also being established in other regions. A 2009 meeting between countries in Latin America, Spain and Portugal resulted in the Santiago Declaration,²² expressing the need to strengthen labour inspection systems through knowledge-sharing and close international cooperation.

¹⁹ [Health and safety at work – Senior Labour Inspectors Committee.](#)

²⁰ [The ASEAN Labour Inspection Conference.](#)

²¹ [The 8th ASEAN Labour Inspection Conference Conclusion and Recommendation.](#)

²² [Declaracion de Santiago.](#) Other Latin-American countries joined this network through the Guatemala Declaration, signed in 2009.

Other networks include the Western Balkan Labour Inspection Network, the Réseau International d'Institutions de Formation dans le domaine du Travail (RiiFT, International Network of Training Institutions in the Field of Work),²³ the Arab Centre for Labour Administration and Employment (ACLAE), the African Regional Labour Administration Centre (ARLAC)²⁴ and the CRADAT (Centre Régional Africain d'Administration du Travail).²⁵

²³ Réseau International d'Institutions de Formation dans le domaine du Travail (RiiFT).

²⁴ The African Regional Labour Administration Centre (ARLAC).

²⁵ Centre Régional Africain d'Administration du Travail (CRADAT).

▶ 2. The labour inspection system

2.1 Purpose and functions of labour inspection

There is no formal or legal definition of labour inspection. Indeed, it may differ from country to country. However, it could be broadly defined as **that part of the labour administration system that is responsible for the supervision and enforcement of relevant labour legislation and policies in workplaces.**

In general terms, inspection serves to demonstrate to governments, employers, workers and the general public that society recognizes the achievement and maintenance of basic labour standards at work to be a public good, but one that duty-holders might not bring about without oversight by an independent regulator. In other words, *"the existence of an efficient labour inspectorate provides the surest guarantee that national and international labour standards are complied with not only in law but in fact".*²⁶

The main purposes of labour inspection include the need to ensure that:

- ▶ labour legislation is respected in workplaces;
- ▶ employees' rights are respected and decent employment and working conditions are met;
- ▶ enterprises adopt adequate control measures to ensure work practices and environment do not cause safety and health risks for employees;
- ▶ employers and workers get information and guidance about how to comply with legal requirements;
- ▶ harmonious relations between employers and workers and a framework of social dialogue contribute to sustainable economic growth;
- ▶ feedback, information and lessons learnt are instrumental in developing legislation, policy and guidance, and contributing to maintaining modern and effective legal provisions governing conditions at work.

According to the Article 3.1 of Convention No. 81, the primary functions of the system of labour inspection shall be:

- a) to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, safety, health and welfare, the employment of children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors;
- b) to supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions;

²⁶ Chapter X. Conclusions of General Survey on Labour Inspection, 1985.

- c) to bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions.

(a) Enforcement of labour law

The enforcement functions of labour inspectorates vary considerably from country to country, depending, on the one hand, on the scope and content of the legislation in force (it may not apply to all sectors of the economy) and, on the other, on the government's willingness to entrust enforcement of the legislation to the labour inspectorate.

Countries can decide whether or not they wish to empower the labour inspectorate to enforce collective agreements and arbitration awards, although the functions of inspectors should not include that of acting as conciliators or arbitrators in proceedings concerning labour disputes (Labour Inspection Recommendation, 1947, Paragraph 8).

(b) Provision of technical information and advice

Information can be provided by such means as giving advice and information during inspection visits; written or verbal requests; education campaigns (courses, conferences, TV and radio broadcasts, exhibitions, posters, pamphlets, films), and so on.

In many countries, the provision of information and advice is to a large extent institutionalized, especially with regard to occupational safety and health. Labour inspectorates are increasingly using the possibilities offered by modern information technology to provide technical information and advice on the content of labour legislation and the most effective means of complying with it.

(c) Contribution to the improvement of labour law

It is essential that labour legislation keep pace with changes in the world of work, to ensure an adequate legal framework.

Thanks to their direct knowledge and experience of the workplace, labour inspectors are ideally placed to identify any obvious gaps in labour legislation and policies, and to propose remedial action to their ministries for the improvement of working conditions. Labour inspectorates should therefore play a key role in the process of drafting new labour legislation, to ensure that it is both feasible and enforceable.

The investigation of complaints, accidents and cases of work-related ill-health is a function common to many inspectorates. The immediate reasons for such investigations are usually to respond impartially to any complainants or victims, to establish any breaches of law and to take any remedial action required. However, such investigations can also serve to highlight deficiencies in current legislation and policies and to learn lessons for the future.

2.2 Scope of labour inspection

The scope of regulatory oversight on the part of labour inspectors includes all aspect of legislation pertaining to conditions of work and the protection of workers as defined by national legislation, including:

- ▶ occupational safety and health, including the prevention and investigation of work-related accidents and diseases, and welfare facilities;
- ▶ wages;
- ▶ working hours and overtime, holidays and rest periods, including sick and maternity leave;
- ▶ fundamental principles and rights at work;²⁷
- ▶ the employment relationship;
- ▶ social security registration and contributions;
- ▶ the employment of women, children and young persons, and other workers with special needs (including persons with disabilities);
- ▶ the enforcement of collective bargaining agreements.

Many labour inspectorates cover only some of the above activities. For example, some deal exclusively with occupational safety and health and working conditions, but not wages or industrial relations. In other countries, inspection of the above topics is divided between two or more inspectorates. For example, occupational health might be covered by a different inspectorate from that concerned with safety.

In some cases, labour inspectorates are responsible for protecting the right to unionization and collective bargaining. In Chile, the labour inspectorate even promotes unionization by organizing awareness-raising campaigns in the community.

Some inspectors are empowered to enforce legal provisions pertaining to areas covered by environmental or other legislation that is not strictly labour law. Elsewhere, they may be required to undertake non-inspection tasks, such as the calculation of severance pay or the drafting of resignation letters at the request of workers, as in El Salvador. In Niger and Costa Rica, labour inspectors give presentations and perform teaching duties in schools and training centres to familiarize pupils and trainees with aspects of their future working conditions.

ILO labour inspection instruments do not rule out the possibility of labour inspectors being assigned other promotional tasks by legislation or national practice, in addition to those inherent in their primary duties. These duties are complex and require time, resources, training and considerable freedom of action and movement. Any further tasks that might be entrusted to labour inspectors should not be such as to:

²⁷ The right to 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.

- ▶ interfere with the effective discharge of their primary duties;
- ▶ prejudice in any way the independence and impartiality that inspectors must be able to exercise in their relations with employers and workers.²⁸

Among the additional duties sometimes assigned to labour inspectors, one of the most controversial is the settlement of collective labour disputes. As noted earlier, inspectors should not act as “conciliator or arbitrator in proceedings concerning labour disputes” (Recommendation No. 81). In some countries, however, inspectors do nevertheless play an important role in the *prevention* of such disputes.

In some countries, there are other institutions and functions that have common features with the labour inspection services and it is necessary to differentiate between them:

Labour inspection vs. the administration of labour justice. Both functions are public services that share the purpose of implementing labour legislation, but they are separate institutions and have different mandates for reaching similar goals.

Agencies responsible for the administration of labour justice specialize in labour law and their task is to solve individual and collective **legal**²⁹ conflicts. Collective **economic**³⁰ conflicts are addressed by the labour administration, and normally there are specialized industrial-relations departments and arrangements for conciliation and mediation within the labour administration for dealing with these conflicts, separate from the labour inspection services.



▶ Disputes

Disputes can be classified as individual or collective, depending on who initiates, or has the authority to initiate, the dispute. Generally, an individual dispute is one involving an individual worker, while a collective dispute involves a group of workers, usually represented by a trade union. A further distinction is often made between rights-related and interest-related disputes. A rights-related dispute (also called a legal dispute) involves the application or interpretation of rights under law or an existing provision set out in a contract of employment or a collective agreement. An interest-related dispute, on the other hand, is a dispute regarding the creation of rights or obligations or the modification of those already in existence. Interest-related disputes primarily arise in relation to collective bargaining.

²⁸ Article 3, Paragraph 2, of Convention No. 81 and Article 6, Paragraph 3, of Convention No. 129.

²⁹ In this context, the term “legal conflict” means a controversy that emerges when a worker claims non-compliance or a different interpretation of a certain legal provision on the part of the employer.

³⁰ The term “economic conflict” in this context means a conflict of a public nature that affects or can affect the productive activities of the enterprise and has an impact on social harmony.

Labour inspection vs. technical inspection. Some high-risk workplaces or operations require greater attention and specialist knowledge than others to ensure that the relevant risks are properly managed and controlled. These include major hazard sites, such as chemical works and nuclear power stations, and certain laboratories (e.g. microbiological ones), as well as such plant/equipment as boilers, cranes, electrical and gas installations, and those involving ionizing radiation. In many countries, the inspection of such hazardous operations is entrusted to specialist technical organizations, which may be accredited or approved by the ministry of labour, rather than labour inspectors themselves. Specialist organizations of this kind will usually inspect relevant plant or operations at legally prescribed intervals and submit reports or certificates to the employer concerned. If any serious deficiencies are found, the local office of the labour inspectorate will be notified, so that they can follow up and take any remedial action required. In addition, labour inspectors will often check that the relevant certificates are present and up-to-date during their routine inspections.

Labour inspection vs. auditing/monitoring. Labour inspection has some common features with independent auditing or monitoring. Both aim to inspect and independently assess working conditions and compliance with legal requirements, but there are also some important differences.

- ▶ **Labour inspection** is a process of independent assessment, giving advice and taking enforcement action where necessary to promote compliance with relevant labour legislation. It is a legal and public function mandated by government, which ensures that labour legislation is obeyed by employers, workers and other duty-holders. The initiative for the inspection visit lies with the inspectorate. Inspectors also have wide-ranging legal powers to enforce the law effectively, including free access to workplaces and the ability to impose sanctions, including initiating legal proceedings.
- ▶ **Auditing** is a systematic, independent and documented process for obtaining evidence and evaluating it objectively to determine the extent to which defined criteria are fulfilled. Audits are often commissioned by a third party to check compliance with some well-recognized voluntary standard, such as the Social Accountability Standard SA 8000, and can lead to certification under that standard. Occupational safety and health management systems are frequently audited against such voluntary standards.

Thus, audits are often (but not always) undertaken at the initiative of the audited enterprise, remaining under its control. It is important to note that auditors do not have the same legal powers as inspectors to issue sanctions; nor do they have right of access. However, such audits can have a serious impact on an enterprise's business if it does not meet stipulated criteria, for example if it fails to meet the exacting requirements of a customer within a supply chain.

The term **monitoring** is often used to denote the checking of working conditions, for example, by an employer's own workers. The purpose may be to ensure that records are kept up to date, or to inspect and check the safety of certain plant or operations. This function is not to be confused with labour inspection, as workplace monitors act at the behest of employers and, like auditors, have no legal right of access and no enforcement powers.

2.3 Structure and organization of the labour inspection system

Convention No. 81 states that all ratifying Members shall maintain a system of labour inspection in industrial workplaces, and that *“so far as is compatible with the administrative practice of the Member, labour inspection shall be placed under the supervision and control of a central authority”* (Article 4). Attaching the labour inspectorate to a central authority facilitates:

- ▶ the application of a single policy throughout the territory covered;
- ▶ the use of available resources in a rational way (for example, by eliminating duplication of effort or the lack of adequate budgetary resources in decentralized regional or local authorities).

The **labour inspectorate** is the national competent authority designated by government to carry out the functions of supervising and enforcing labour legislation and policies under its jurisdiction.

In some countries, the organization of the labour inspectorate is based on laws designed to protect workers, whether the text be of a general nature or specific to certain issues or branches of the economy. Generally speaking, these laws devote a chapter to the labour inspection service, or contain provisions for their enforcement. Other countries have specific regulations for the operation of their inspection services.

As noted earlier, some so-called “specialist” inspectorates deal with only a few of the topics listed above and their structures are organized accordingly. For example, those that focus solely on occupational safety and health and working conditions may have a structure that meets the needs of inspectors, often with in-house advice and expertise on specialist topics and appropriate training. This is the case in Ireland, the UK and the USA.

In other countries, inspectorates are more “generalist” and inspectors have a broad mandate that includes promoting fair conditions of employment and good labour relations, combating illegal work and checking on social security compliance, as well as occupational safety and health and general working conditions. This is the case in countries such as Greece, France, Japan, Spain, Portugal, most of the French-speaking countries of Africa and Latin American countries.

In most countries where labour inspection is organized as a central government function with a decentralized field organization under its direct supervision and control, it will normally depend on the ministry of labour or its equivalent. The functions of designing, monitoring and evaluating labour inspection policy may also be separated from field operations and inspection.

In some countries, notably in Asia and, Africa, two different inspectorates exist side by side, one a specialist body dealing with occupational safety and health, the other a general inspectorate dealing with working conditions and/or industrial relations. These inspectorates usually report to the same ministry and cooperate – or should cooperate – effectively at the national and local levels.

Although the inspection service with the widest scope is usually attached to the ministry of labour, some countries have different kinds of inspection services reporting to other government departments or municipal authorities but whose fields of action sometimes overlap. This is often

the case with fire safety, for example, where the labour inspectorate must maintain good relations with the local fire services.

Field of activity or industrial sector concerned. In many countries, there are sectoral and technical models, in addition to the principal labour inspectorate. Some sectors, such as mining, agriculture, ports, seafaring and offshore oil and gas platforms, are inspected by officials reporting to ministries other than the ministry of labour, e.g. the ministry of energy or the ministry of agriculture. Public-sector workers may also have a specific inspection service, although more and more countries have extended the scope of general labour inspection to the public administration.

Subject area. In some Central and Eastern European countries, the ministry of health is often responsible for the inspection of occupational health issues and the prevention of industrial diseases, while the inspection of safety issues is the responsibility of the ministry of labour.

Geographical/administrative area: In some federal or decentralized countries, for example Argentina and Italy, inspections may be carried out autonomously in the different states or regions, even if the same national labour law applies. In other federal countries, the system is even more complex, as labour inspection systems may differ between one province, state or territory and another (e.g. Australia, Canada, and USA). There are also States with a federal structure but with a central authority for labour inspection (Nigeria, Brazil, and Russian Federation). In some countries, local authorities and municipalities have powers to inspect under their own regulations or as delegated by central authorities, on fire safety for instance.



► Labour inspection in Brazil³¹

In Brazil, labour inspection falls within the competence of the Ministry of Labour and Employment, is embodied in its organizational structure and is performed by the Labour Inspection Secretariat (Secretaria de Inspeção do Trabalho, SIT). The SIT is responsible for establishing guidelines and for undertaking inspection activities that are implemented by the decentralized but subordinated branches of the Ministry, the 27 Regional Superintendencies of Labour and Employment (Superintendências Regionais do Trabalho, SRTE). It is the Inspectorate's responsibility to monitor the implementation of enforcement actions and to promote research and examine proposals for legislative changes relating to the world of work.

Inspectors are competent to operate throughout the national territory, in the urban, rural, port and waterway realms, covering all enterprises, establishments and workplaces, public and private, professional and non-profit institutions, as well as foreign vessels in Brazilian waters. Their role is to verify compliance with all laws and regulations, including those relating to safety and health at work in the context of labour relations and employment; compliance with agreements, conventions and collective bargaining; agreements between workers and employers; and agreements, treaties and conventions ratified by Brazil. The SIT is divided into two departments: the Department of Labour Inspection, and the Department of Health and Safety at Work.

The advantage of countries with central labour inspectorates and decentralized field services under their control is that clear ministerial accountability and support for all labour inspection issues are easily established. This type of organization ensures stability and continuity, indispensable for the implementation of existing and new policies.³² On the other hand, a hierarchical and centralized structure may reduce flexibility when it comes to dealing with contingent and local aspects, finding solutions for new challenges and stimulating commitment and innovation on the part of inspectors. In non-centralized systems, institutional coordination and cooperation may be very difficult, and there is often competition and waste due to friction and duplication, with a negative impact on inspectors' efficiency and effectiveness.

Integrated labour inspection. In recent decades, several countries have attempted to merge their separate inspectorates into new, more integrated organizations, so as to improve inspection effectiveness and increase efficiency. Adopting the "one inspector: one enterprise" approach, countries like Bulgaria and Vietnam have reorganized their inspectorates into single institutions and trained their inspectors in a wider range of disciplines. The results have been positive, both for employers and workers, who have had more ready access to professional advice on employment issues, and also for the inspectors themselves. Although political and economic

³¹ Labour Inspection in Brazil, ILO information resources.

³² ILO: *Labour Inspection - A guide to the profession*, Geneva, 2002.

constraints may inhibit such integration in some countries, it seems likely that the trend will continue and more will adopt this approach in the foreseeable future.



▶ Case study: training for integrated labour inspection, Bulgaria, 1999–2005

During this German-funded ILO project, Bulgaria undertook a labour inspection reform and revised its Labour Code so that labour inspection enforcement and advisory activities, occupational health and safety and matters relating to working conditions could be integrated into the daily work of each inspector.

An intensive three-year train-the-trainer programme supported the transition, during which over 300 inspectors were trained. The new integrated inspectorate now carries out its activities on the basis of one inspector for one enterprise and its competence in planning and carrying out inspections in a more holistic manner using preventive inspection methods has significantly increased.

Based on the integrated inspection approach, the number of inspection visits relating to occupational safety and health and other issues increased from 20,251 in 1998 to 32,271 in 2003. The number of complaints investigated doubled from 3,437 in 1998 to 6,857 in 2003. Moreover, the inspectorate recruited over 70 new inspectors in 2003 and 2004. The success of the project is clear from an independent EU Senior Labour Inspection Committee evaluation, which confirmed that Bulgaria now meets all criteria for EU accession in the field of labour inspection.³³

2.4 The social function of labour inspection

Labour inspection plays a very important social function in any country. As mentioned, it is responsible for ensuring that the labour legislation in force is adequately implemented in workplaces. This function should result in the effective protection of workers' rights, as well as in harmonious working relations and a productive environment that contributes to balanced and sustainable economic and social development.

In some countries, there are legal or practical constraints on unionization and the protection of workers' rights, and workers may become victims of different forms of abuse, among the worst being forced labour, child labour and extremely dangerous work. The labour inspectorate is almost the only force ensuring that workers have their basic rights protected.

In such cases, labour inspectors play a key role in correcting the imbalance between the respective power of employers and workers, enforcing legal provisions relating to conditions of work, and

³³ Labour inspection - General Survey of the reports concerning labour inspection conventions, International Labour Conference, 95th Session, 2006, Report III (Part 1B), p. 63.

generally protecting workers. When the situation in which workers find themselves is not taken into consideration by the legislation, labour inspectors should report the abusive conditions in order to improve the inadequate legal framework and bring about the implementation of exceptional measures.

Inspectors, therefore, should not only perform inspections to check the conformity of working conditions with the relevant labour legislation, but should also develop a sense of social commitment, becoming vectors of change for the improvement of national labour legislation and working conditions.

Stakeholders and the public should be very aware and supportive of this fundamental role. The commitment of the labour inspection authorities and labour inspectors should also be reflected in their attitudes, behaviour and performance. A right attitude to this social function should be a *sine qua non* for the profession of labour inspector.

The decisions of government authorities on the powers, status, staffing and resources allocated to labour inspection should be consistent with its declared importance and the country's obligations under international law.

▶ 3. Principles of labour inspection

Although the authority of any labour inspectorate derives from national law, the key aspects of inspectors' roles and responsibilities are encompassed in Convention No. 81, supported by the Protocol of 1995. Convention No. 81 identifies five key principles for the establishment and development of labour inspection systems in ratifying Member States:

1. **INDEPENDENCE.** This is a fundamental principle on which the authority of inspectors – and consequently the effectiveness of inspection services - depends. The independence of labour inspectors is twofold: a) they should be independent of changes in government and b) they should be independent of external influences. Labour inspection is a responsibility of government, a public function; inspectors are public officials, empowered and expected to operate in an independent and impartial way. This status as public officials³⁴ was considered necessary for inspection staff as being best suited to guaranteeing the independence and impartiality necessary for the exercise of their functions.

Ministries in a number of countries have their own internal inspection services to oversee labour protection: the armed forces, posts and telecommunications and other large public services, to cite some examples. The chief drawback of such internal inspection services is their lack of independence from the management of the operational or production units they have to inspect (and which they may on occasion have to criticize). So, while inspection services of this kind have an important function, they cannot be regarded as labour inspectorates as defined in Convention No. 81.³⁵

2. **PARTNERSHIP** with employers and workers. A *sine qua non* of effective labour inspection is close cooperation between the inspection service and the social partners, both employers and workers.

Labour inspection was established for the protection of workers. Clearly, they are the primary beneficiaries of its services, and it is both inevitable and indispensable that labour inspectors and workers should have close relationships. These can be established at national, regional, local and enterprise levels, through trade unions, workers' representatives on works councils and labour protection committees, shop stewards and safety and health representatives. At the same time, the effectiveness of labour inspection services is considerably enhanced if it is also supported by employers and their representatives, both nationally and locally.

Recommendation No. 81 advocates the establishment of bodies enabling representatives of the labour inspectorate to engage in social dialogue with representatives or workers' and employers' organizations. The establishment of bodies such as joint committees is in many

³⁴ Further to their public-official status, stability of employment, attractive remuneration and attractive career prospects are important pillars of independence as they make labour inspectors more independent of external influences.

³⁵ ILO: *Labour Inspection-A guide to the profession*, Geneva, 2002.

cases provided for by legislation and supplemented by collective agreements supervised by the inspectorate.

Tripartism constitutes the framework in which labour inspection needs to operate if it is to be successful. In the ILO context, this means interaction between government (the labour administration system) and employers and workers, their organizations and their representatives. It is an instrument for addressing common concerns, involving various means of interaction within a framework of social dialogue: sharing of information, consultations, negotiations and decision-making. The specific knowledge and interests of each of the three parties can be taken into account in addressing economic and social questions.

Inter-institutional cooperation with the social partners may take the form of a national consultative body (of tripartite composition with a general mandate in respect of labour issues, most frequently OSH) or national, sectoral or enterprise agreements. These different forms of cooperation are to be found in the legislation and practice of countries which differ considerably in terms of their economic, political and social conditions. In many countries, there is a persistent lack, at least in practice, of cooperation mechanisms that would be helpful to the labour inspectorate in performing its tasks.

- 3. COOPERATION** with other organizations. Labour inspection is vital for ensuring the implementation of labour law in enterprises, but in an increasingly complex working environment cooperation with other “stakeholders” is essential. These include both public and private organizations, such as technical, medical and research institutes, educational and training organizations, police and fire authorities, manufacturers and suppliers, architects and insurance organizations.

The organizations with which the labour inspection services need to collaborate will vary from country to country, depending on the functions and internal skills of the inspectorate, and the institutional framework in each country. To maximize the effectiveness of the labour inspection services, the competent authority needs to analyze the situation, identify and make appropriate arrangements to promote cooperation, and ensure that support is received from these institutions.

- 4. PREVENTION.** It is better to prevent poor working conditions from arising than to sanction or punish the perpetrators because such conditions exist. Prevention in the context of labour protection means a determined effort to eliminate or mitigate the risk of accidents and diseases, labour disputes, conflicts, unfair treatment of workers and so on by ensuring compliance with existing legislation. In preventing such risks, labour inspection services are instrumental in reducing the potential damage, social and economic, to individuals, enterprises and society as a whole.

In practical terms, the preventive role of the inspection services implies **greater emphasis on proactive measures** (carrying out planned proactive inspection visits; assessing plans for new buildings, plant, equipment, processes and so on), rather than focusing mainly on reactive activities (investigations after accidents have occurred or reacting to complaints). It

also implies the promotion of a **prevention culture** among employers and workers. Of cardinal importance, this is one of the long-term purposes of labour inspection.

- 5. UNIVERSALITY.** In principle, society should not – and labour inspection cannot – tolerate the existence of an economy in which certain categories of workers are protected and others are not. The mandate of labour inspection should apply equally to all workers and all workplaces in all sectors, whether private or public, in rural or urban areas, in the formal or the informal economy, in respect of which legal provisions relating to conditions of work and the protection of workers are enforceable by labour inspectors.

As noted above, the 1995 Protocol to the Labour Inspection Convention, 1947 extended the application of the Convention's provisions to most other workplaces that did not already fall within its scope.³⁶

This idea of universality in the world of work also led the International Labour Conference to state that “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)”.³⁷

³⁶ However, the Protocol authorizes ratifying countries to exclude the following categories wholly or partly from its scope: essential national (federal) government administration; the armed forces (both military and civilian personnel); the police and other public security services; and the prison services (whether prison staff or prisoners when performing work), if the application of Convention No. 81 to any of these categories would raise special problems of a substantial nature.

³⁷ [Resolution concerning labour administration and labour inspection. ILC, 100th Session, 2011.](#)

▶ 4. Status of labour inspectors

4.1 The conditions of service of labour inspectors

The conditions of service of labour inspectors are important in determining the general quality of the performance of the labour inspectorate. Labour inspectors must be:

- ▶ public officials whose status and conditions of service are such that they are assured of stability of employment;
- ▶ recruited with sole regard to their qualifications (women must be eligible for appointment to the inspection staff);
- ▶ adequately trained and given the necessary instructions, information and/or support³⁸ for the performance of their duties;
- ▶ competent to undertake their responsibilities;
- ▶ impartial and independent of changes of government and of improper external influences.

In addition, inspectors' remuneration and career prospects must be sufficient to attract and retain qualified personnel and safeguard them against undue outside influence.

Workplaces must be inspected as often and as thoroughly as necessary to ensure the effective application of relevant legal provisions.³⁹ However, many countries have too few labour inspectors — not enough to ensure a minimum presence of the labour inspectorate over large areas. The limited number of inspectorate staff is an important factor, and a frequent topic of concern for labour administrations.

Resources, or the lack of them, are a key issue for many inspectorates. According to Convention No. 81, the number⁴⁰ of labour inspectors must be sufficient to secure the effective discharge of the duties of the inspectorate in all economic sectors and must be determined with due regard for:

- a) The importance of the duties which inspectors have to perform, in particular:
- ▶ the number, nature, size and situation of the workplaces liable to inspection;
 - ▶ the number and classes of workers employed in such workplaces;
 - ▶ the number and complexity of the legal provisions to be enforced.

³⁸ Labour inspectorates should ensure that inspectors are able to get the specialist, technical, scientific, legal, methodological and other support they need in carrying out their duties.

³⁹ According to the Article 16 of Convention No. 81.

⁴⁰ According to Article 10 of Convention No. 81.

- b) The material means placed at the disposal of the inspectors.
- c) The practical conditions under which inspection visits must be carried out in order to be effective.

Inspectors should also be afforded adequate office space and transport facilities for undertaking their work.⁴¹ In practice, this can be one of the greatest challenges that inspectors face. A lack of transport facilities, in particular, can impede inspectors' work very significantly, especially in remote areas away from conurbations where public transport is likely to be available.

4.2 The powers of labour inspectors

The authority of any labour inspectorate should ensure that inspectors are given the powers of intervention necessary to carry out the duties assigned to them. The main and specific powers of intervention of labour inspectorates are:

- ▶ supervisory powers, including the right of free entry to establishments liable to inspection, without previous notice, and the right of unrestricted inspection;
- ▶ powers of injunction, enabling labour inspectors to order the necessary measures to be taken (or to cause such orders to be issued) to remedy defects observed during an inspection; and
- ▶ sanctioning power to take legal action against duty-holders not complying with the law.

Although the authority of any labour inspectorate derives from national law, the key aspects of inspectors' powers are encompassed in Convention No. 81, supported by the 1995 Protocol. According to Article 12 of Convention No. 81, labour inspectors shall be empowered:

- a) to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection;
- b) to enter by day any premises which they may have reasonable cause to believe to be liable to inspection;
- c) to carry out any examination, test or enquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed, and in particular:
 - (i) to interrogate, alone or in the presence of witnesses, the employer or the staff of the undertaking on any matters concerning the application of the legal provisions;
 - (ii) to require the production of any books, registers or other documents the keeping of which is prescribed by national laws or regulations relating to conditions of work, in order to see that they are in conformity with the legal provisions, and to copy such documents or make extracts from them;

⁴¹ Article 11, Convention No. 81.

- (iii) to enforce the posting of notices required by the legal provisions;⁴²
- (iv) to take or remove for purposes of analysis samples of materials and substances used or handled, subject to the employer or his representative being notified of any samples or substances taken or removed for such purpose.

Depending on the non-compliance found, the inspector shall have powers to:

- ▶ make legal orders and require the adoption of measures needed to correct the law breach or the defects observed in plant, layout or working methods within a set timeframe;
- ▶ order the immediate adoption of corrective measures within a specified time limit, or measures with immediate executory force in the event of imminent danger to the health or safety of the workers;⁴³
- ▶ apply, or propose to the competent authority to start a procedure to impose, sanctions and penalties, either at the time of breach or once the term for its correction has expired without such correction having been done;
- ▶ decide in each case to give advice or warning, or recommend or institute legal enforcement proceedings.

Generally, labour inspectors enjoy the presumption of **certainty and veracity** in respect of statements of violations when presenting allegations for prosecutors. In some countries, the presumption of veracity has certain limitations and labour inspectors are asked to present systematic evidence to support their allegations.

4.3 The obligations of labour inspectors

Besides the extended powers conferred on them, labour inspectors should be required to respect certain obligations,⁴⁴ namely those of detachment, professional secrecy and discretion as to the source of complaints.

- ▶ **Detachment.** To maintain their impartiality and independence, inspectors are forbidden to have any direct or indirect interest in the undertakings placed under their supervision. Some countries specify this obligation, including prohibitions on participating in the management of any enterprise concerned, acquiring shares or financial interests and having an interest in the use of a patent or trademark. The obligation of detachment extends to offers of gifts or services made by employers or workers. Countries have measures to ensure this obligation is complied with: clear information, the obligation of

⁴² The obligation to post notices is intended to keep both employers and workers clearly informed of their rights and obligations. In this context, it would be good practice to use simplified and intuitive graphic illustrations of safety and health instructions in workplaces where there is a high rate of illiteracy among the workers.

⁴³ In any case, the applicability of this power requires a prior standard definition of the term "imminent danger".

⁴⁴ These obligations are stipulated in Article 15 of Convention No. 81 and Article 20 of Convention No. 129.

self-declaration of financial interests upon appointment, disciplinary penalties, dismissal, penal sanctions and so on.

- ▶ **Professional secrecy.** Inspectors must not disclose manufacturing or commercial secrets, or the working processes of the enterprises they inspect (even after leaving the service). In the event of breach of professional secrecy, inspectors are normally liable to the disciplinary penalties in force in their public service, without prejudice to civil or criminal penalties.
- ▶ **Confidentiality.** Inspectors must keep confidential the source of any complaint bringing to their notice a defect or breach of legal provisions. They must give no intimation to an employer that an inspection visit was made following a complaint, unless the complainant expressly allows this. If this duty is not respected, workers will be reluctant to report infringements, for fear of possible reprisals from employers.

4.4 The attitudinal profile of labour inspectors

In addition to labour inspectors' legally defined powers and duties, there are other professional values and principles required of them concerning their attitudes and behaviour in performing their daily tasks.

Some of the most relevant values and principles required of labour inspectors are:

- ▶ social commitment;
- ▶ dedication to public service;
- ▶ diligence and efficiency;
- ▶ accountability and responsible care;
- ▶ credibility and reliability;
- ▶ integrity and honesty;
- ▶ courtesy and respect;
- ▶ objectivity, impartiality and neutrality;
- ▶ confidentiality;
- ▶ accessibility, transparency and openness;
- ▶ austerity;
- ▶ exemplary and ethical conduct;
- ▶ respect for the law;
- ▶ respect for people;
- ▶ conduct free of cultural and gender bias.

Although these principles and values are enshrined in international labour standards and internationally recognized good practice, the primary concern is to meet citizens' expectations of public service standards.

4.5 Codes of conduct of different organizations

Some of these principles and values are included in national policies for labour inspection, others in national legislation. Some inspectorates have adopted specific codes of conduct or ethics to regulate the behaviour, attitudes and judgement of labour inspectors. In many cases, these codes are not specific to labour inspectors, but apply to all public officials. Some examples are the ethics codes and codes of conducts of OECD Countries⁴⁵ and the Global Code of Integrity for Labour Inspection developed by the IALI.



▶ IALI Global Code of Integrity for Labour Inspection⁴⁶

In June 2008, the International Association of Labour Inspection (IALI) adopted a Global Code of Integrity for Labour Inspection. Their aim was to underpin the professionalism of labour inspectors' work and to promote good practice, providing an ethical framework within which inspectors could operate. The Code expresses the need for both governmental and personal support for high ethical standards, and is based on six broad values:

1. Knowledge and competence
2. Honesty and integrity
3. Courtesy and respect.
4. Objectivity, neutrality and fairness
5. Commitment and responsiveness
6. Consistency between personal and professional behaviour

To ensure that labour inspectors adhere to these codes, the codes should be adequately promoted and, when necessary, enforced. They can play an important part in the recruitment process and in reinforcing key aspects of the training of new inspectors.

They are also useful in supervising individual work practices and evaluating the performance of inspectors, as well as in skills development, especially when new situations arise involving

⁴⁵ Ethics Codes and Codes of Conduct in OECD Countries.

⁴⁶ Global Code of Integrity for Labour Inspection. IALI website:
http://www.iali-aiit.org/iali/download/directions/Code_of_Integrity.pdf.

competing interests, conflicts of interest or ethical problems in dealing with staff and the public, which can be used as learning opportunities.

Managers and supervisors need to develop a high level of expertise in dealing with complex ethical situations and in providing guidance to inspectors consistent with regulations, national policy and ethical codes.

The IALI Global Code of Integrity for Labour Inspection includes a “model for ethical decision-making” to assist inspectors in determining an appropriate course of action when faced with an ethical dilemma.

► 5. Current challenges in labour inspection

For about 175 years, labour inspectors have gone about their work of improving working conditions with a wide remit. Their achievements across the world have been many, and their record is one to be proud of. For most of that period, their way of working has followed traditional lines, persisted in by inspectorates of long standing and adopted by those that been established more recently.

Inspectors visit a workplace to ensure compliance with labour legislation. Where they find non-compliance, they seek improvements to ensure that the workplace concerned complies with the law, and possibly punish those responsible for violations. The types of punishment have been extended in recent years to include notices of various types, but the principle has remained unchanged.

As we move into the third millennium, change is all about us, and the world in which labour inspectors operate is no exception. Let us now describe and analyse some of these changes and likely future challenges for labour inspectors.

5.1 Changes in the economic situation and social structure

When countries experience economic crisis, the priority tends to be employment per se, relegating the issue of improving the working environment to second place. This affects both the resources available for labour inspection and the resources that enterprises can devote to the improvement of the working environment, which could in turn result in tensions between the labour inspectorate and employers or trade unions.

Many countries are facing rapid demographic and social changes and this is having a powerful impact on the world of work. Among the most important issues are labour migration and the ageing of the working population. Both of these issues are explored in details in separate modules.

5.2 Changes in the industrial structure and in labour organization

Recent years have seen massive changes in the structure of industry in developed and developing countries, for example the shift from manufacturing to services, the changing focus of enterprises on core activities, the development of global supply chains, and the emergence of platform working.

The changes in industrial structure have led to a huge increase in small and medium-sized enterprises. Small firms greatly predominate over large firms around the world, both in number

and in the share of the labour force they employ.⁴⁷ This is particularly true of developing regions, where, as well as the large share of small firms in the formal economy, the industrial structure is characterized by high levels of self-employment and the presence of micro- and small firms in the informal economy.

This shift from large-scale industry to small firms has important implications for the work of labour inspectors.

5.3 Changes in social expectations

In parallel with the changes in structure and organization of labour, there has been a noticeable rise in public concern over the impact of business activity on people and the environment.

Because of advances in technology, the public are now much better informed regarding even quite complicated legal and technical matters, and are increasingly prepared to challenge regulators concerning action taken (or not taken) in relation to labour inspection. The days of people deferring to the status and knowledge of an inspector are over in many countries. If people feel aggrieved, they will complain, involve the media and, in some cases, take legal action against the regulator. Open government, now instituted in a number of countries, allows any member of the public to see government papers, minutes, e-mails and so on, and discover how and why a particular regulatory decision was taken.

5.4 Changes in the nature of work hazards

The demise of traditional, labour-intensive heavy industries in many countries has had a beneficial effect, particularly on accident rates, and a plateau has now been reached. Large year-on-year reductions in accidents are no longer obtainable and a number of countries are trying a variety of innovative ideas to see if the “plateau” can be moved downwards.

- ▶ “Heavy industry” hazards have been replaced by new and emerging health hazards, ranging from bio-chemicals and nanotechnology to psycho-social matters.
- ▶ A range of relatively new hazards has emerged. For example, COVID-19 and its impacts on the world of work have forced labour inspectors to redefine priorities and respond to increased demands by adapting strategies, methodologies and operational procedures.

⁴⁷ According to the OECD (2002), SMEs represent between 96 and 99 per cent of the total number of enterprises in most OECD countries. Micro-enterprises (0 to 9 employees) account for 78 per cent of all firms on average, while firms with 0 to 49 employees account for at least 95 per cent of all firms. *World Employment Report 2004-05: Employment, Productivity and Poverty Reduction*, Geneva, 2005.

5.5 Implications of these changes for labour inspectors

The speed at which these changes are taking place is rapidly increasing and it is essential that labour inspectorates continually review their priorities and activities in order to be relevant in the current employment climate. Globalization has brought about many and various economic, social and technical changes that have affected not only every country but also the world of work as a whole. The need for inspection systems is undisputed, but it is a time to reflect on and adapt the role and objectives of labour inspection, as well as the distribution of expertise and responsibilities. For instance, it is important to take into account such factors as the increasingly diverse workforce and the need to prevent discrimination.

Given the evolving social and demographic situation brought about by labour migration, ageing and the increasing participation of women in the workforce, labour inspectorates need to pay more attention to their allocation of resources, devise new regulations and guidelines, and improve inspectors' competences in dealing with these problems.

The changes in labour organization, and especially the growth of small firms, contractors and sub-contractors, have led to more complex interfaces than was traditionally the case. This has implications for those with overall responsibility for safe and decent working conditions, as well as for labour inspectors. Inspectors must now be able to identify and pursue lines of responsibility at the various levels of management, both in routine inspections and especially when investigating accidents, incidents and work-related ill-health.

The increase in the numbers of contractors and subcontractors in high-risk industries has also resulted in a loss of competencies and expertise concerning the working environment, leading to an increase in occupational accidents and diseases. The huge growth in small firms has also created a logistical challenge for inspectors. Many small firms have only a short lifespan before passing to new owners, perhaps with a change in operations. Also, given the large numbers of sites in need of an inspector's visit, there is a need for careful allocation of time and resources on the part of inspectorate management.

The decline in trade union membership occasioned by the fragmentation of the workforce into smaller units also has important implications for labour inspection. In enterprises without trade union representation, workers' rights, working conditions and the working environment cannot be internally monitored, and therefore more frequent visits by labour inspectors are required to ensure compliance with the labour regulations.

A further factor is that changes in social expectations require that labour inspection be more transparent and accountable, which inevitably has an impact on the activities of the labour inspectorate and on individual inspectors' behaviour.

In industrialized countries, the role of labour inspection has been gradually changing in recent years, particularly as enterprises have taken on increased responsibility for the management of occupational safety and health. Mechanisms for the self-evaluation of occupational hazards have been implemented to this end, and inspectors need to upgrade their competences in order to advise and check up on these management skills.

The above-mentioned “new hazards”, the impact of technological progress and the increasingly complex regulations associated with these developments demand new and greater technical expertise on the part of labour inspectors. Furthermore, a better understanding of labour problems and challenges means that inspectors must now enter into cooperative relationships with a multitude of economic, social and judicial partners, and with universities and research centres.

In the least developed countries, the basic objective remains the setting up of functioning labour inspection systems, with the assistance of the social partners, along the lines and with the principles set out in the relevant ILO standards. However, adequate training of inspectors is even more necessary, given the magnitude of the problems with which they have to deal.

► Summary

The right of workers to decent working conditions is a fundamental human right, one that the International Labour Organization (ILO) has sought to promote ever since its creation in 1919. National governments then have a responsibility to introduce legislation and policies that promote such conditions, in consultation with employers' and workers' organizations, and to set up labour inspection services that will supervise the proper application of such legislation and policies, and ensure compliance. Inspection services are therefore a very important part of the overall system for ensuring that decent working conditions are achieved in practice at the enterprise level.

The principal international labour standard on this subject is the Labour Inspection Convention, 1947 (No. 81), which provides a broad basis for the functions, principles and duties of labour inspection services. This Convention has been widely ratified and almost every country now has some form of labour inspection service. Labour inspectorates are organized differently from country to country and the ways in which resources are allocated also vary markedly. This reflects different levels of economic development and of political and professional support, different national priorities and so on. Nevertheless the functions of labour inspection services are broadly similar worldwide, corresponding closely to those laid down in Convention No. 81.

Labour inspection is thus a public function organized by the State. In practice, the labour inspection services – or labour inspectorates – provide a wealth of information and advice to employers, workers and others through workplace visits — a function that is vital to the effective working of the system. Where necessary, and usually as a last resort, inspectors may use their powers to take formal enforcement action in order to achieve compliance with the law.

The legal mandates of inspectorates also vary from country to country. As explained in more detail in this module, their remit is potentially vast and may include such diverse matters as occupational safety and health, welfare, working time and wages, social dialogue, labour relations and illegal employment, discrimination, child labour and forced labour.

Labour inspectorates perform their duties in a challenging environment characterized by significant change in a number of areas: the economic situation and social structure, the industrial structure, the organization of labour and employment, social and political expectations, technology, and the nature of work hazards.

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▶ Annex 1. The International Labour Organization

The **International Labour Organization (ILO)** is a UN specialized agency whose main object is to promote social justice and internationally recognized human and labour rights.

It was founded in 1919, in the wake of a destructive war, to pursue a vision based on the premise that universal, lasting peace can be established only if it is based on decent treatment of working people. The ILO became the first specialized agency of the United Nations in 1946 and is the only “tripartite” agency that brings together representatives of governments, employers and workers to jointly shape policies and programmes. The ILO performs its work through three main bodies:

The **International Labour Conference** establishes and adopts international labour standards and is a forum for discussion of key social and labour questions. It also adopts the Organization's budget and elects the Governing Body.

The **Governing Body**, the executive organ of the ILO, is composed of 56 titular members (28 governments, 14 employers and 14 workers). It meets three times a year (March, June and November). Its main functions are to:

- ▶ take decisions on ILO policy;
- ▶ decide the agenda of the Conference;
- ▶ adopt the draft ILO Programme and Budget for submission to the Conference;
- ▶ elect the Director-General (for a five-year renewable term).

The **International Labour Office** is the permanent secretariat of the International Labour Organization. It is the focal point for overall ILO activities, which it prepares under the scrutiny of the Governing Body and the leadership of the Director-General. In 2019, the Office employed 3,241 officials of 148 nationalities at its Geneva headquarters and in 40 field offices around the world.

The ILO is the global body responsible for drawing up and overseeing international labour standards. Working with its Member States, the ILO seeks to ensure that labour standards are respected in practice. Several hundred experts undertake missions to all parts of the world under the programme of technical cooperation. The Office also engages in research, documentation and information, producing many specialized studies, reports and periodicals. The ILO's diverse tasks are grouped and addressed under four strategic objectives:

- ▶ Promote and realize standards and fundamental principles and rights at work.
- ▶ Create greater opportunities for women and men to secure decent employment and income.
- ▶ Enhance the coverage and effectiveness of social protection for all.
- ▶ Strengthen tripartism and social dialogue.

There are two other ILO institutions:

- ▶ **The International Institute for Labour Studies** (established in 1960) promotes research, public debate and knowledge-sharing on emerging issues of concern to the ILO and its constituents, governments, employers and workers.
- ▶ **The International Training Centre** (established in 1964 and located in Turin, Italy) is the ILO focal point for training and human-resource development for governments, employers' organizations, workers' organizations and other social and economic actors.

