



Experiences of the United States in Implementing the ILO Guidelines on General Principles of Labor Inspection

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Introduction

- Discussion Guidelines
 1. Chapter 3: Policy, Planning and Monitoring
 2. Chapter 4: Labor Inspectors' Status and Careers
- Experiences from DOL Enforcement Agencies:
 1. Mine Safety and Health Administration (MSHA)
 2. Occupational Safety and Health Administration (OSHA)
 3. Wage and Hour Division (WHD)



Protecting Underserved Populations

Guidelines 3.2.1: Protecting and Empowering Vulnerable Groups

- **MSHA:** Rural, Migrant, and Indigenous Populations
 - Develops bilingual educational materials to train workers on mine safety, health, worker rights.

- **OSHA:** Women, Black, Latinx, AAPI Communities
 - Investigates pressures, social inequities, and challenges facing communities.
 - Provides training, outreach, and education assistance to underserved workers.

- **WHD:** Migrant Workers in the Agricultural Sector
 - Monitors H-2A and H-2B visa violations by U.S. employers.
 - Recovers back wages and assesses penalties against U.S. employers in violation of visa programs.



Protecting Underserved Populations

Consular Partnership Program (CPP)

- Work with foreign embassies and consulates in the United States
 - Education and outreach programs
 - Receive complaints of labor law violations by US/foreign employers in the United States
- Since 2004, partnerships with Mexico, Honduras, El Salvador, and Guatemala
 - Disseminate vital information on worker safety and health
 - Reach and serve millions of workers with life-saving workplace rights information



Reactive and Proactive Inspections

Guidelines 3.2.1: Balance between Reactive and Proactive Enforcement

- **MSHA:** Enforces US Mine Safety and Health Act of 1977
 - Underground and Surface mines inspected multiple times per year (proactive)
 - All complaints about hazard must be investigated (reactive)

- **OSHA:** Two Primary Inspection Strategies
 - Programmed inspections targeting high hazard workplaces (proactive)
 - Imminent danger, fatality, and catastrophe inspections (reactive)
 - Severe Violator Enforcement Program (SVEP)
 - National, regional, and local Emphasis Programs

- **WHD:** Strategic Enforcement Model
 - Maximize industry-wide compliance using media, stakeholder engagement
 - Prioritizes inspection in areas with greatest challenge and results
 - Transportation in Agriculture
 - Child Labor
 - Construction
 - Health care and home care



Meeting Human Resource Challenges

Guidelines 4.1.8: Inspection Strategies against Resource Constraints

- **MSHA:** Compensating for inspector workforce shortage
 - Sending supervisors and other senior staff to support inspections
 - Move inspectors from one district to another

- **OSHA:** Combating overstretching the inspectorate
 - Voluntary Protection Program (VPP): designation for employers that meet performance-based criteria for a managed safety and health system

- **WHD:** Digitization to increase efficiency
 - Mobile technology to modernize inspection reporting and record-keeping
 - Electronic case file system to reduce inspection times



Talent Retention and Reduction in Turnover

Guidelines 4.1.9: Remuneration and Retainer of Qualified Inspectors

➤ **MSHA:**

- Benefits packages attract engineering retirees as inspectors
- “Bridge Program” targeting recruitment among ethnic minorities
- “Pathways” programs to attract students and new graduates
- MSHA apprenticeship program (new, 38 participants)

➤ **OSHA:**

- Difficulty competing with private sector salaries
- Challenges of recruiting industrial hygienists

➤ **WHD:**

- Retirement results in loss of institutional knowledge
- Expertise attractive to law enforcement careers with higher salaries



Conclusion

- **Topics For Future Discussions**

- **Guidelines 3.4.3:** Inspection Report and Mobile Platforms
- **Guidelines 4.1.5:** Inspectors' Independence from External Influences
- **Guidelines 4.1.15:** Diversity and Inclusion in the Labor Inspectorate
- **Guidelines 4.3.1:** Specialists in the Labor Inspectorate

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