

Committee on the Application of Standards

Date: 16 May 2022

Governments appearing on the list of individual cases have the opportunity, if they so wish, to supply on a purely voluntary basis written information before 16 May 2022.

▶ Information on the application of ratified Conventions supplied by governments on the preliminary list of individual cases

Tajikistan

Labour Inspection Convention, 1947 (No. 81) (ratification: 2009)

Information provided by the Government in relation to the conclusions adopted by the Committee, in 2021:

1. Take all necessary measures to ensure that no moratorium or other restrictions of this nature on labour inspections be placed in the future.

To provide government support to business entities in manufacturing, to generate job opportunities, to strengthen industrial and expert capacities of the Republic, to create a business-friendly environment and improve the investment climate, to ensure post-pandemic recovery of organizations, to create new jobs taking into account technical consultations with the International Finance Corporation and the World Bank, in 2018 the Government of the Republic of Tajikistan declared a moratorium on inspections in all industrial workplaces until 1 January 2021. The moratorium on inspections in industrial workplaces expired on 1 January 2021. It should be mentioned that this moratorium mainly concerned scheduled comprehensive inspections. The moratorium did not restrict the powers of the labour inspectorate to conduct unscheduled and unannounced inspections in response to reports and complaints about serious violations of labour legislation. In the case of major occupational safety and health (OSH) violations threatening workers' life and health and other non-compliance with labour standards as well as complaints, reports and requests filed by workers and other individuals (by post, e-mail, via the helpline and hot-line as well as through the feedback form on the Service website), the inspectorate organized unscheduled and unannounced inspections at enterprises (moreover, no prior mandatory written notice was given to these enterprises) ensuring confidentiality and anonymity of such complaints and requests.

At the same time, during the period of the moratorium while exercising their control and supervisory powers, labour inspectors of the Service strictly adhered to the provisions of article 10 of the Constitution of the Republic of Tajikistan and the Labour Inspection

Convention, 1947 (No. 81), ratified by Tajikistan in 2009. The Regulatory Authorities Coordination Council under the Government was officially informed about the commitment to strict observance of Convention No. 81. The Coordination Council issued a written decision instructing the Ministry of Justice, the State Committee for Investments and State Property Management and other government authorities to examine this matter and to make proposals concerning the harmonization of legislation on these issues.

2. Provide information on the developments regarding labour inspections, including on the number of inspection visits undertaken by the labour inspectors, disaggregated by type of inspections and by sectors.

Data on enterprises inspected, state monitoring of compliance with labour legislation and data on inspection visits in line with the report concerning Convention No. 81 was sent to the ILO (the report was sent in May 2022).

In accordance with the action plan, requests from law-enforcement authorities, instructions from and decisions by the Government and the Ministry of Labour of the Republic of Tajikistan as well as complaints, reports and requests received from workers, individuals and legal entities, in 2021 the Service of State Supervision in the Sphere of Labour, Migration and Employment (the Service) conducted 2,588 inspections at enterprises including 2,044 scheduled, 531 unscheduled and 13 follow-up inspections.

In 2021 the Service inspectors visited 2,588 enterprises and organizations in different economic sectors including agriculture, hunting, forestry and fisheries (77 inspections), manufacturing, mining and processing of ores (27 inspections), electricity, gas and water supply (121 inspections), construction (254 inspections), hotels, restaurants wholesale and retail trade (131 inspections), transport, farming and communications (106 inspections), government authorities and defence, compulsory social insurance (cities) (135 inspections), education (321 inspections), healthcare and social services (151 inspections), other utilities, social and individual services (83 inspections), foreign organizations and bodies operating in the Republic (20 inspections), culture (59 inspections) and other industries (442 inspections).

3. Take all necessary legislative measures to ensure that labour inspectors are empowered to make visits without previous notice, and that they are able to undertake labour inspections as often and as thoroughly as is necessary to ensure the effective application of the legal provisions and to guarantee the powers of the state inspectorate in line with the Convention.

It should be noted that a prior written notice is required only for scheduled comprehensive labour inspections. The rationale behind this regulation is as follows. Comprehensive inspections include a detailed checklist, and the law gives employers an opportunity to prepare for such inspections physically and practically without compromising the enterprise operations. And in all other cases, for example, when complaints, reports or requests are filed (by post, email, via the helpline and hotline and through the feedback form on the Service website) to investigate industrial accidents, non-payment of wages and conduct scheduled inspections of workers and other individuals, inspectors are entitled to carry out inspections without giving the employer a prior mandatory written notice.

4. Revive the functioning of the Council for the Coordination of the Activities of Inspection Bodies so as to ensure the effectiveness and the efficiency of both labour inspectorates.

Order No. 12 issued by the Service (Inspectorate) on 25 June 2021 approves new composition and regulations of the Council for the Coordination of the Activities of the Labour Inspection. The Council operates under the Service (Labour Inspectorate) and is composed of authorized representatives of the State and trade union labour inspectorate.

5. Implement outcome 2.2 of the Decent Work Country Programme 2020–24, in order to increase the effectiveness of the labour inspection.

Response: To increase the effectiveness of the labour inspection, Government Decision No. 418 of 24 July 2020 introduced the appropriate amendments and additions to the Regulations of the Service of State Supervision in the Sphere of Labour, Migration and Employment (the Service) expanding and formalizing the powers of the Service. The Decision also established the Division for Assessment of Working Conditions in the Service headquarters and additional regional offices of the Service locally. In the framework of the Decent Work Country Programme, the ILO assisted with trainings targeted at the Service workers to build their capacities. Thus far, the Ministry has drafted project proposals to develop and implement the initiative “Online Labour Inspection”, to create an OSH resource centre affiliated with the Service, to supply the Service with mobile diagnostic laboratories for working conditions measurement, to provide the Service with expert and consulting support to build its capacities. These proposals are backed by donors and development partners of Tajikistan.

6. Publish reports on the work of the inspection services and transmit those reports to the ILO in line with Articles 19 and 20 of the Convention.

In line with Articles 20–21 of the Convention), on 4 May 2022 the Government sent Report No. 13/1035 on the Work of the Service of State Supervision in the Sphere of Labour, Migration and Employment to Guy Ryder through the ILO National Coordinator in Tajikistan. The report contains the information specified in Article 21 paragraphs a–g. As requested, the report has been circulated among social partners and published on the website of the Ministry of Labour and the Labour Inspectorate.

7. Involve the social partners in implementing those recommendations.

All recommendations, observations and direct requests made by the ILO Committee on the application of Convention No. 81 have been discussed with social partners: the Federation of Independent Trade Unions of Tajikistan and the Employers’ Association in the Republic of Tajikistan. Following these consultations, the required joint measures were taken.

We would also like to inform you that presently the ILO technical advisory mission is operating in the Republic of Tajikistan in the framework of the current technical assistance programme in Tajikistan, which will contribute to the solution of issues related to all recommendations, observations and direct requests made by the ILO Committee concerning the application of Convention No. 81.

Technical cooperation with the ILO through the ILO National Coordinator’s Office in Dushanbe continues.