

# **LABOUR INSPECTION**

## **The case of the European Union**

**Tbilisi 26<sup>th</sup> September 2017**

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- **Extensive ratification of Convention No. 81**
- **Diverse institutional systems**
- **Specialized committees of the European Commission**
- **Common principles of inspection for OSH (SLIC)**
- **Committee of Experts on Posting of Workers**  
(administrative cooperation between EU labour inspectorates)
- **KSS (common electronic platform for exchange of information on inspection activities OSH)**
- **IMI (Internal market information system – all operating businesses in the EU, including enterprises temporarily established)**
- **New platform of LI to be created for control of the informal economy and social fraud (decision of EU Parliament)**
- **Initiatives like CIBELES – cross-border imposition of sanctions to non-compliant enterprises (future EU Directive?)**

# Functions of labour inspection

**Technical information and advice on the most effective means of complying with the law**

**Secure enforcement of legal provisions relating to conditions of work**

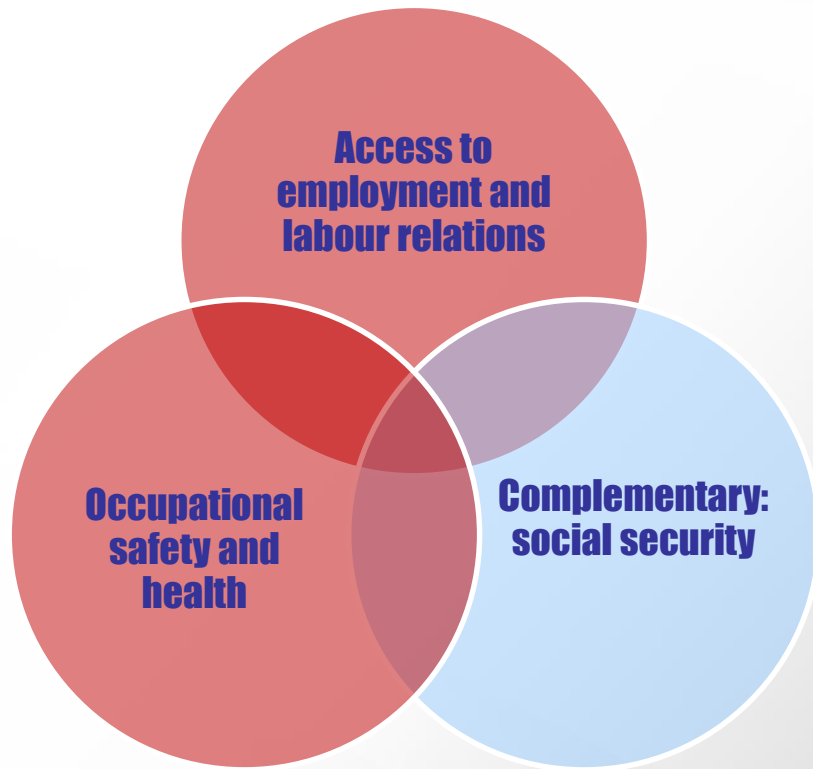
**Bring to the attention the defects or abuses not covered by law**

## **ART. 3/2 CONV 81**

Any further duties entrusted to labour inspectors shall not be such as to:

- a) interfere with the effective discharge of their **primary duties** or
- b) to **prejudice in any way the authority and impartiality** which are necessary to inspectors in their relations with employers and workers.

# LABOUR INSPECTION ACCORDING TO INTERNATIONAL LABOUR STANDARDS



**ART. 3/1 CONV 81**

“**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”

# LABOUR INSPECTION ACCORDING TO INTERNATIONAL LABOUR STANDARDS

Central Authority (ART. 4)	Labour inspection shall be placed under the supervision and control of a central authority.
Cooperation and collaboration (ART. 5)	With other government agencies and public or private institutions engaged in similar activities With employers, workers and social partners
Employment status of labour inspectors (ART. 6)	Public officials whose status and conditions of service are such that they are assured of <b>stability of employment</b> and are <b>independent</b> of changes of government and of improper external influences.
Quality of services (ART. 7)	Recruitment with sole regard to the qualifications for the performance of the duties Adequate training

# LABOUR INSPECTION ACCORDING TO INTERNATIONAL LABOUR STANDARDS

<b>Gender balance (ART. 8)</b>	Both men and women shall be eligible for appointment to the inspection staff; where necessary, special duties may be assigned to men and women inspectors
<b>Technical expertise (ART. 9)</b>	Qualified technical experts and specialists, including specialists in medicine, engineering, electricity and chemistry, are associated in the work of inspection, in such manner as may be deemed most appropriate under national conditions, for the purpose of securing the enforcement of the legal provisions relating to the protection of the health and safety of workers while engaged in their work and of investigating the effects of processes, materials and methods of work on the health and safety of workers.

# LABOUR INSPECTION ACCORDING TO INTERNATIONAL LABOUR STANDARDS

## Sufficiency of resources

### a) Inspectors

Number of inspectors depending on

- duties they have to perform
  - number, size and situation of workplaces
  - number and classes of workers
  - number and complexity of legal provisions
- material means placed at the disposal of inspectors
- practical conditions under which visits must be carried out to be effective

### b) other

- Local offices suitably equipped
- transport facilities (and reimbursement of expenses with)

# LABOUR INSPECTION ACCORDING TO INTERNATIONAL LABOUR STANDARDS

<b>Notification of work accidents and occupational diseases (ART. 14)</b>	in such cases and in such manner as may be prescribed by national laws or regulations
<b>Frequency of visits (ART. 16)</b>	Workplaces shall be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions.
<b>Sanctions (ART. 17 + 18)</b>	<ul style="list-style-type: none"><li>a) Persons who violate or neglect to observe legal provisions (...) shall be liable to prompt legal proceedings without previous warning (...) exceptions may be made by national laws or regulations in respect of cases in which previous notice to carry out remedial or preventive measures is to be given</li><li>b) Adequate penalties for violations of the legal provisions enforceable by labour inspectors and for obstructing labour inspectors in the performance of their duties shall be provided for (...) and effectively enforced.</li></ul>



# RESOLUTION CONCERNING LA and LI

(100<sup>th</sup> Session of the International Labour Conference, 2011)

**“20. In promoting a prevention culture and securing compliance, labour inspectors use a wide variety of interventions and tools including prevention initiatives as well as enforcement**

**(...) An appropriate mix of preventive measures such as risk evaluation, promoting a culture of leadership and best practice, implementing occupational safety and health measures, information guidance and awareness campaigns combined with sanctions should be adopted.”**

# Diverse institutional arrangements

- **General/ Specialized**
- **Number of inspectorates**
- **Centralized states/ Federal states/  
Autonomous regions**
- **Universal coverage of working conditions/  
OSH**
- **Centralized/ Decentralized**
- **Usually under Labour Administration**

# Institutional arrangements

## **LUXEMBOURG**

**Inspection du travail et des mines (ITM)**  
**(part of the Ministry of Labour and Employment)**

**Application of labour legislation, except public administration**

## **UNITED KINGDOM**

**Health and Safety Executive**  
**a non-departmental public body, sponsored by the Department for Work and Pensions (DWP)**  
**Functions: regulation, prevention, enforcement, research.**

**HM Revenue & Customs “HMRC”**  
**(enforcement officers for the purposes of the National Minimum Wage).**

**Gangmaster’s Licencing Authority**  
**(FL-THB /Food production sector)**

# Institutional arrangements

## **ESTONIA**

**Labour Inspection Agency (under supervision of Ministry of Social Affairs)**

**2 departments: OSH/ Labour relations**

## **HUNGARY**

**Branch of the National Labour Office  
(Directorate of OSH/ Directorate of Labour relations)**

## **PORTUGAL**

**Authority for Working Conditions**

*(agency under the Ministry of Labour)*  
OSH, labour relations and part of social security

## **SPAIN**

*General inspectorate for labour and social security (OSH, labour relations and social security)*

## **BELGIUM**

OSH inspectorate, labour relations and social security inspectorates

# Institutional arrangements

## **GERMANY**

Federal level: Department of Labour Law and Labour Protection prepares labour law/OSH

Each «lander» free to choose the administrative structure of their enforcement system (some under general administrative structure/ other as agencies)

## **IRELAND**

NERA (Employment rights)  
HSA (OSH)

## **CYPRUS**

Departments of Ministry of Labour  
(employment, OSH, equality)

## **FRANCE**

### **Diréction Général du Travail**

Under the Ministry of Labour  
OSH/ Labour relations

## **SWEDEN**

SWEDISH WORK ENVIRONMENT  
AUTHORITY (agency)  
Working environment

## **CZECH REPUBLIC**

State Labour Inspection Office (General  
working conditions and OSH)

## **GREECE**

OSH, labour relations (2 directorates)

# Independently of the system cooperation is at the core of successful LI



## NEED OF:

- Clear mandates and roles
- Shared objectives
- Precise planning
- Constant monitoring
- Joint assessment of results
- Non conflicting *modus operandi*
- Defined method
- Swift data sharing
- Common voice
- Follow up of procedures