International Labour Organization

Study of the Impact of Labour Inspection actions on compliance with labour legislation

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ISBN 978-92-2-036911-1 (web PDF)

Printed in *Switzerland*

Produced by the Document and Publications Production, Printing and Distribution Unit (PRODOC) of the ILO.

Graphic and typographic design, layout and composition, printing, electronic publishing and distribution.

PRODOC endeavours to use paper sourced from forests managed in an environmentally sustainable and socially responsible manner.

Code: CHD-PMSERV

FOREWORD

Addressing the need for a sound and reliable system of labour inspection has been an ILO priority since its inception. After more than 100 years of existence, this public function continues to play a central role in the implementation of national regulatory frameworks, in promoting the effectiveness of labour rights and in protecting fair competition between companies.

The mandate of labour inspectorates has evolved in most countries in a way to cover all topics regulated under labour legislation, stemming from working conditions in general to formalization or occupational safety and health and in many cases, social security. This is an arduous mission, particularly when thinking of the increasing complexity of the world of work and an environment in which public administration institutions compete for resources. Labour inspectorates need, more than ever, to be effective in the discharge of their duties and provide evidence of their relevance, which is no longer possible without an evidence-based approach to compliance.

Building upon the ILO harmonized labour inspection statistical indicators published in 2016 and the results of consultation with selected labour inspectorates, this study informs of current labour inspection practices related to the use of effectiveness, efficiency and impact indicators and provides some suggested actions to progressively improve the collection and analysis of data that inspectorates could use to better accomplish their mission.

We hope the publication will contribute to a better planning and evaluation of inspection actions and to the continued affirmation of labour inspection as a fundamental element for a human-centred future of work.

Joaquim Pintado Nunes

Chief

Labour Administration, Labour Inspection and Occupational Safety and Health Branch (LABADMIN/OSH)

ACKNOWLEDGEMENTS

This study of the impact of labour inspection actions on compliance with labour legislation was prepared by the Labour Administration, Labour Inspection and Occupational Safety and Health Branch (LABADMIN/OSH) of the Governance and Tripartism Department (GOVERNANCE), under the conceptualization, technical guidance, and supervision of Mr Arsenio Fernández, Specialist on Labour Administration, Labour Inspection and Occupational Safety and Health. Ms Tzvetomira Radoslavova Legal & Labour Law Compliance Officer provided support in conducting the survey.

We thank the external expert Mr Manuel Velázquez, who assisted with shaping the study content.

The brief was edited by Mr Simon Knight. The graphical design and layout of the publication was prepared by Charlotte Design.

AFRICA	**Republic of South Africa (ZA)**	**Department of Labour**
	Republic of Tunisia (TN)	**D.G. Inspection de Travail – Direction de l'Inspection médicale et de la sécurité au travail**
ASIA	**Republic of Korea (KR)**	**근로감독관집무규정 – Labour Inspection Regulations**
	Malaysia (MY)	**Regional Departments on Labour Inspection**[1]
	Republic of the Philippines (PH)	**Department of Labor and Employment**
EUROPE	**Kingdom of Denmark (DK)**	**Arbejdstilsynet – AT**
	Kingdom of Spain (ES)	**Organismo Estatal Inspección de Trabajo y Seguridad Social – OEITSS**
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OCEANIA	**The Commonwealth of Australia (AU)**	**Fair Work Ombudsman**
	New Zealand – Aotearoa (NZ)	**Labour Inspectorate Employment**

1 Occupational safety and health in Malaysia is regulated federally and OSH inspections are exercised throughout the territory by the Department of Occupational Safety and Health (DOSH). Owing to Malaysia's constitutional history and structure, inspection of general working conditions is administered by three autonomous Departments of Labour for Peninsular Malaysia (DOLPM) and for the states of Sabah (DOLSAB) and Sarawak (DOLSAR). The survey results for Malaysia reflect responses from these four distinct inspection institutions. The survey does not include indicators related to social security inspection in Malaysia, which is regulated and enforced by the Social Security Organisation (SOCSO).

ABBREVIATIONS AND ACRONYMS

F.P.P.	Only for planning purposes
N.I.A.	Non inspection actions
P.U.	It would be possible to use it
O.S.M	only for some matters

CONTENTS

▶ CONTENTS

EXECUTIVE SUMMARY

Based on the ILO Guide on the Harmonization of Labour Inspection Statistics,[2] the ILO conducted a survey of a number of labour inspectorates concerning the indicators and criteria they use to measure the impact of their inspection activity, as well as its effectiveness, efficiency and penetration rate. The information and insights gained through this survey constitute the bulk of this study and have been structured into four sections, each dealing with a different type of indicator.

1. Inspection action indicators capture features of inspection actions over a period. They are commonly used by all inspectorates and only describe inspection actions per se, regardless of their outcomes or the means used to achieve them.

Inspection action indicators can be classified into four groups: those related to the distribution of inspection actions by economic activity, territory, matter and size of production unit; those related to the origin of actions, particularly proactive and reactive actions; those related exclusively to inspection visits; and others.

2. Effectiveness indicators describe the outcomes of labour inspectors' actions. They may refer to outcomes in terms of inspectors' decisions and achievements (corrections), or in terms of the extent or penetration of labour inspection actions with regard to a specific sector, territory, etc.

3. Efficiency indicators show the ability of labour inspectorates to carry out actions that lead to the intended results and meet the required quality standards, given the available resources. The efficiency indicators analysed in this report are: the ratio of work demand to work really undertaken, the ratio of proactive to reactive inspection actions, response times, average times spent on inspection actions, and the particular use of efficiency indicators in inspection campaigns.

4. Impact indicators are intended to measure the effects of inspection actions beyond their immediate beneficiaries. This means measuring the indirect effects on company workers, production units/workplaces other than those directly inspected, and on other companies. Impact indicators can be classified as relating to a single inspection action or as relating to compliance on a broader level.

2 https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/governance/labadmin-osh/WCMS_506961/lang--en/index.htm

METHODOLOGY

The ILO Guide on the Harmonization of Labour Inspection Statistics has served as the basis for most of the concepts referred to in this report.

Based on this Guide, the ILO conducted a survey of the 19 labour inspectorates listed on page 2 concerning the indicators and criteria they use to measure the impact of their inspection activity, as well as its effectiveness, efficiency and penetration rate.

The information and insights gained through this survey constitute the bulk of this study and have been structured into four sections, each dealing with a different type of indicator.

The responses have been processed in the form of 19 tables, comparing all the countries involved. The content is far from simple; therefore some abbreviations have been used.

Indicators are normally constructed from the data recorded by inspectorates concerning inspection actions, but sometimes other external data is gathered by inspectorates to measure the effects of labour inspection actions on society more generally, which is precisely the aim of this study.

In any event, the information presented and analysed in this report is susceptible to be improved and deepened in further studies. The purpose is to give a general picture of the situation, set down some basic findings and draw some conclusions.

1.

1. INTRODUCTION

According to paragraph 3.3.2 of the ILO Guidelines on general principles of labour inspection[3] "The use of activity indicators is essential to improve and monitor the inspectorate's effectiveness and efficiency. Quantitative indicators must be coupled with qualitative ones that try to measure the impact of labour inspection activities on improving labour law compliance".

The Office, through its LABADMIN/OSH branch, intends to provide its constituents with a study that will help them to measure the impact of labour inspection systems.

Measuring the impact of labour inspection activities is unarguably a difficult task, partly because the kind of data needed may not be readily available, partly because the causal link between inspection actions and the changes observed may not be clear or strong enough. For this reason, we have not confined ourselves to giving information about impact indicators in the strict sense, but have also considered other indicators. The assumption is that if an inspectorate is efficient, effective and has a high penetration rate in priority sectors, it will have a noticeable impact on a country's employers and workers and their level of compliance with labour law.

Another difficulty encountered in this study has been the heterogeneity of the different labour inspectorates, which extends to all aspects: their legal and institutional frameworks, organization, remit, supervisory and sanctioning powers, resources and so on. This heterogeneity has complicated the identification and use of common indicators for measuring efficiency, effectiveness and impact.

Nevertheless, further to the 2011 Report on Labour Administration and Labour Inspection, discussed at the 100th session of the International Labour Conference, in 2016 the International Labour Organization published a Guide on the Harmonization of Labour Inspection Statistics (subsequently referred to as "the ILO Guide").[4] This Guide includes a methodology that provides for the use of common terms and definitions, and common procedures, for the collection and compilation of labour inspection data.

The four types of indicators are:

a) **Inspection action indicators**, which capture features of inspection actions over a period;

b) **Effectiveness indicators**, which show the ability of labour inspectorates to achieve the intended results through such actions, and may include decisions taken by labour inspectors and improvements prompted by such decisions.

Penetration rate indicators have also been included in this category. They can be instrumental in measuring the extent of labour inspection actions by sector, territory or size of company, and can be a useful tool for planning such actions;

c) **Efficiency indicators**, which show the ability of labour inspectorates to carry out actions that lead to the intended results and meet the required quality standards, given the available resources;

d) **Impact indicators**, which are intended to measure the effect of inspection actions on workers or workplaces other than those inspected.

3 https://www.ilo.org/gb/GBSessions/GB344/ins/WCMS_837345/lang--en/index.htm

4 https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/governance/labadmin-osh/WCMS_506961/lang--en/index.htm

The notion of impact indicators (d) in the context of this study should be clarified by explaining the meaning of "effect on other workers" and "effects on other workplaces".

"Effects on other workers" means that a single inspection action directed to a specific worker or group of workers can have an effect on other workers in the same workplace. The ILO Guide proposes some impact indicators for measuring effects of this type:

- One such indicator is the number of infringements detected involving only one worker that were totally corrected, and the impact in terms of the number of workers whose working life and conditions improved as a result of the interventions concerned.
- Another indicator, proposed in this paper, would measure the effect of single inspection actions on workers other than those initially targeted by examining the rate of recurrence of the same or similar infringements in the workplace concerned in the years following the inspection action.

"Effects on other workplaces" refers to the fact that inspection actions directed at one specific workplace or production unit can also have an influence on others that share similar features in the same sector or territory.

In this category are **indicators of impact on compliance**, which seek to measure the effect or influence of labour inspection actions on workplaces other than those inspected, or on the working population as a whole.

These indicators, although developed to measure impact at regional or national level, can do so only imperfectly. There are two reasons for this:

- No data can provide incontrovertible evidence that inspections actions are the cause of the changes observed nationwide;
- The labour inspectorate inspects only a segment of workplaces, so the effects may be much more limited than the impact indicators adopted might suggest. Even so, indicators of this type come closest to measuring effects of this kind.

The information gathered through this study — in several countries — concerning the use of indicators that measure impact on compliance is presented in Section 4.2. By making this information available, LABADMIN/OSH expects to contribute to the sharing of good practices in this area, since only a small number of the respondent inspectorates use such indicators. It will provide the ILO with an important source of information that can be used by countries looking to improve their labour inspection systems.

Apart from the potential usefulness of this study for the respondent inspectorates, the ILO wishes to reach a wider audience and serve a wider purpose, embracing all inspectorates looking for ways to assess their performance and impact. Accordingly, the countries selected for this study are located in all five regions of the world and their inspectorates differ in remit and resources. Also, with a view to being useful to as many inspectorates as possible, this study covers all kinds of indicators, providing a definition and examples of each.

In a nutshell, the objective of this study is to make a global analysis of all types of labour inspection indicators (in relation to inspection actions, effectiveness and efficiency), as well as considering real-life experience of impact indicators and their potential utility for the design and implementation of labour inspection policies and strategies.

2.

▶ 2. INSPECTION ACTION INDICATORS

As stated in the ILO Guide, *"an inspection action occurs every time that one or more inspectors carry out a singular and distinct action to determine compliance with labour legislation, whether proactive or reactive. Inspection actions include inspection visits, preventive or advisory services, document checks, and procedures among other possible actions".*

Such actions may be carried out during inspection visits, be they proactive or reactive, or in other ways:

- document reviews, interviews, consultations with other institutions, advisory services, communications, information and awareness-raising campaigns;
- partnering with the media and other stakeholders, such as influential companies and brands and civil society, to increase the pressure for compliance;
- gathering compliance data from all possible sources including public registries, energy providers, stakeholders and the media.

Inspection action indicators are commonly used by all inspectorates and only describe inspection actions in themselves, regardless of their outcomes or the means used to achieve them.

Inspection action indicators can be classified into four groups: those related to the distribution of inspection actions by economic activity, territory, matter and size of production unit; those related to the origin of actions, particularly proactive and reactive actions; those related exclusively to inspection visits; and others.

2.1. Most widely used inspection action indicators

Inspection action indicators are those that classify actions by economic activity, territory, matter and size of company, workplace or production unit inspected.

Table 1 presents the responses of the inspectorates involved.

▶ Table 1 – Most widely used inspection action indicators

		CLASSIFFICATION BY SECTOR	CLASSIFICATION BY TERRITORY	CLASSIFICATION BY MATTER	CLASSIFICATION BY SIZE OF PROD. UNIT
Africa	ZA	Yes	Yes	Yes	Yes
	TN	Yes/P.U. in OSH	Yes/P.U. in OSH	O.S.M. / Not OSH	Yes /P.U. in OSH
Asia	KR	Yes	Yes/Not in OSH	Yes	Yes
	MY	DOSH Yes DOLPM Yes DOLSAB Yes DOLSAR Yes	DOSH Yes DOLPM Yes DOLSAB Yes DOLSAR Yes	DOSH Yes DOLPM No DOLSAB Yes DOLSAR Yes	DOSH Yes DOLPM Yes DOLSAB Yes DOLSAR No
	PH	Yes	Yes	Yes	Yes
Europe	DK	Yes	Yes	O.S.M.	P.U.
	ES	Yes	Yes	Yes	Yes
	FR	Yes	Yes	Yes	Yes
	MT	Yes	Yes	Yes	Yes
	PL	Yes	Yes	Yes	Yes
	SW	Yes	Yes	Yes	Yes
	UK	No[4]	Yes	Yes	No
America	CO	Yes	Yes	Yes	No
	CL	Yes	Yes	Yes	Yes
	PE	Yes	Yes	Yes	Yes
	UY	Yes	Yes	Yes / Not in OSH	No / Yes in OSH
Oceania	AU	Yes	Yes	Yes	P.U.
	NZ	No[5]	Yes	Yes	P.U.

a) Classification by economic activity

Classification by industry sector is common in most of the respondent inspectorates' statistics, the exceptions being the UK and NZ, which apply a system of classification by matter, case type or subject of violation, sometimes coincident with economic sector.

The classification tools for industry sectors may be those created by NACE or other similar instruments.

5 By subject of violation.

6 By case type.

In PL there is also a classification by public and private sector, which could be useful in measuring the incidence of labour inspectorates on both sectors, on a proportional basis.

This indicator might be relevant for planning purposes, to ensure that due care is devoted to the most infringement-prone sectors and that they are not neglected.

Moreover, the data might make it possible to quantify some effectiveness indicators, such as those related to the penetration rate of labour inspection activities in each economic sector, as later analysed in Section 2.3 of this report.

b) Classification by territory

Classification of actions by territory is also the general rule, except in the case of the territorially less extensive inspectorates in Malaysia or the specialized OSH inspectorates in TN and KR. The data normally corresponds with the territorial organization of the inspectorate in each State.

This indicator might also be relevant for planning purposes, to ensure that appropriate inspection actions and human resources are devoted to each territory.

The effectiveness indicator for the penetration rate of labour inspection actions by territory, described in Section 2.3 below, could also be easily calculated using these data.

c) Classification by matter

This form of classification is also very generalized, except in TN and UY (for OSH matters) and in some regions of ML. In some countries, in particular TN and DK, this form of classification is limited to some specific matters.

Classification by matter depends on the range of competences of each inspectorate as determined by national legislation and may therefore vary considerably from one State to another. Consequently, the outcomes are not easily comparable.

This form of classification might make it possible to develop other effectiveness indicators, such as the number of inspection actions dealing with each different matter by measuring the time and resources involved in each case in relation to other indicators, as discussed in Section 2.3.

d) Classification by size of economic unit

This indicator is used by twelve inspectorates. The headcount limits for small, medium and large-sized companies may vary, as can be seen below.

In PL and PT, the classification is as follows: micro-companies: up to 9 workers; small: between 9 and 49 workers; medium: between 50 and 249 workers; large: over 250 workers.

In PH, micro-companies: up to 9 workers; small: between 10 and 99 workers; medium: between 100 and 199 workers; large: over 200 workers.

In FR, the classification depends on the nature of the workplace: construction sites, factories, boat yards, etc.

Measurement of this item would reveal whether inspection actions are concentrated on large and medium-sized companies, whereas small companies, which need to be inspected more regularly, are neglected.

In any event, in order to perform this evaluation, other factors need to be taken into account, such as the number of workers affected by every action, the nature of the economic activity and the levels of infringement in each sector.

In summary, activity indicators have at least these characteristics:

1. They are commonly used by all inspectorates; they are the most objective or least subject to interpretation.
2. It is easier to make comparisons between inspectorates on this basis, especially when they have similar mandates
3. Using data relating to activity indicators, it may be possible to develop some relevant effectiveness indicators, such as those relating to penetration rates (as analysed in Section 2.3 of this report).

2.2 Indicators relating to the origin of inspection actions

Other activity indicators are used mainly to identify the origin of inspection actions. The most common classification distinguishes between proactive actions, i.e. those initiated by the inspectorate itself (such as campaigns), and reactive actions, i.e. those triggered by complaints, the investigation of work-related accidents or occupational diseases, or orders or instructions given by other public bodies.

Although this classification is not explicitly used by all inspectorates, many of them claim that these data could be extracted from the currently available information. Table 2 shows the responses of the inspectorates involved.

▶ **Table 2: Indicator of the origin of inspection actions**

		PROACTIVE AND REACTIVE ACTIONS
Africa	**ZA**	Yes
	TN	Yes/P.U. in OSH
Asia	**KR**	Yes
	MY	DOSH Yes DOLPM No DOLSAB Yes DOLSAR Yes
	PH	Yes [6]
Europe	**DK**	Yes
	ES	Yes
	FR	Yes
	MT	Yes
	PL	Yes
	PT	Yes
	SW	No
	UK	Yes
America	**CO**	Yes
	CL	Yes
	PE	Yes[7]
	UY	P.U.
Oceania	**AU**	Yes
	NZ	Yes[8]

7 In routine inspections, complaint inspections, OSH investigations and technical safety inspections.

8 Actions are classified as internal and external.

9 Proactive work is called planned investigation; audit and reactive work relates to complaints.

As the table shows, a proactive/reactive classification may be feasible in most of the 17 countries involved. However, the terms used for proactive and reactive, as well as the type of inspections included in each category, are not the same for all inspectorates.

This classification cannot be used in countries like FR where there are no records of complaints, or in DK, where it is possible to identify purely reactive inspection actions but difficult to divide all actions between these two categories.

NZ can be taken as an example of how inspectorates might classify actions using these two categories: they have one case type for proactive work, called Planned Investigation/Audit, which has three sub-categories: Planned Investigation, Inspection/Audit and Watching Brief. For reactive work, they have a case type called Complaints, which has three sub-categories: Employment Standards, Shop Trading and Migrant Exploitation.

As argued in Section 3.1 below, these data could be processed to calculate an efficiency indicator based on the ratio of proactive to reactive inspection actions.

2.3. Indicators for inspection actions involving workplace visits

It is common practice to have a specific indicator for workplace visits, to set them apart from all other inspection actions, such as those undertaken in the inspectorate offices. Only in a few countries are all inspection actions generally carried out during workplace visits.

However, having an indicator based on the type of inspection visit (not the same as a workplace visit) is not so common. In eight countries, no such indicator is used, and in any case this form of classification can vary considerably.

Table 3 shows the responses of the States involved.

▶Table 3 – Workplace visits / Indicators for actions during workplace visits

		WORKPLACE VISITS	BY TYPE OF INSPECTION VISIT
Africa	**ZA**	Yes	No
	TN	Yes/P.U. in OSH	No
Asia	**KR**	Yes	Yes/Not in OSH
	MY	DOSH Yes DOLPM No DOLSAB Yes DOLSAR Yes	DOSH Yes DOLPM No DOLSAB Yes DOLSAR Yes
	PH	Yes	Yes
Europe	**DK**	Yes[9]	P.U.[10]
	ES	Yes	Yes [11]
	FR	Yes	Yes[12]
	MT	Yes	Yes[13]
	PL	Yes[14]	Yes[15]
	PT	Yes	Yes[16]
	SW	No	Yes
	UK	Yes	No[17]

10 All inspection actions are performed through inspection visits.

11 It would be possible to classify inspection visits as notified, unannounced, initial, follow-up, or involving one or more inspectors.

12 First and follow-up visits, day and night, holidays, joint visits with the police.

13 Joint visits, visits at atypical times and first and follow-up visits; no distinction between announced and unannounced visits.

14 Routine inspections, follow-up and previous visits, normal working hours and after hours, number of follow-up visits with recurrence.

15 Inspection / Promotion.

16 Night, holidays, duration, number of inspectors, cooperation with other public bodies.

17 First and follow-up visits, day or night, joint visits with other bodies.

18 Inspectors decide how to act.

(CONTINUED)		WORKPLACE VISITS	BY TYPE OF INSPECTION VISIT
America	CO	Yes	Yes[18]
	CL	P.U.	P.U.
	PE	Yes	Yes[19]
	UY	Yes	No
Oceania	NZ	P.U.	Yes[20]

These are the most common classifications used by labour inspectorates for workplace visits:

- Notified and unannounced visits: usually notified visits are made in the case of promotion campaigns or non-inspection visits;
- Initial and follow-up visits: follow-up visits are usually carried out to check what action the duty-holder has taken in response to improvement notices, injunctions or recommendations;
- Visits during normal working hours and after hours, nights or holidays. The latter are usually intended to disseminate the idea that the inspectorate may be active at any time;
- Ordinary inspection visits and joint visits in cooperation with other public bodies. Data about joint visits might help to disseminate the idea that there is a good understanding between different public bodies seeking to achieve common objectives.

2.4. Other activity indicators

Certain indicators capture other relevant features of inspection activities or types of inspection activity not occurring during workplace visits. Here are some examples:

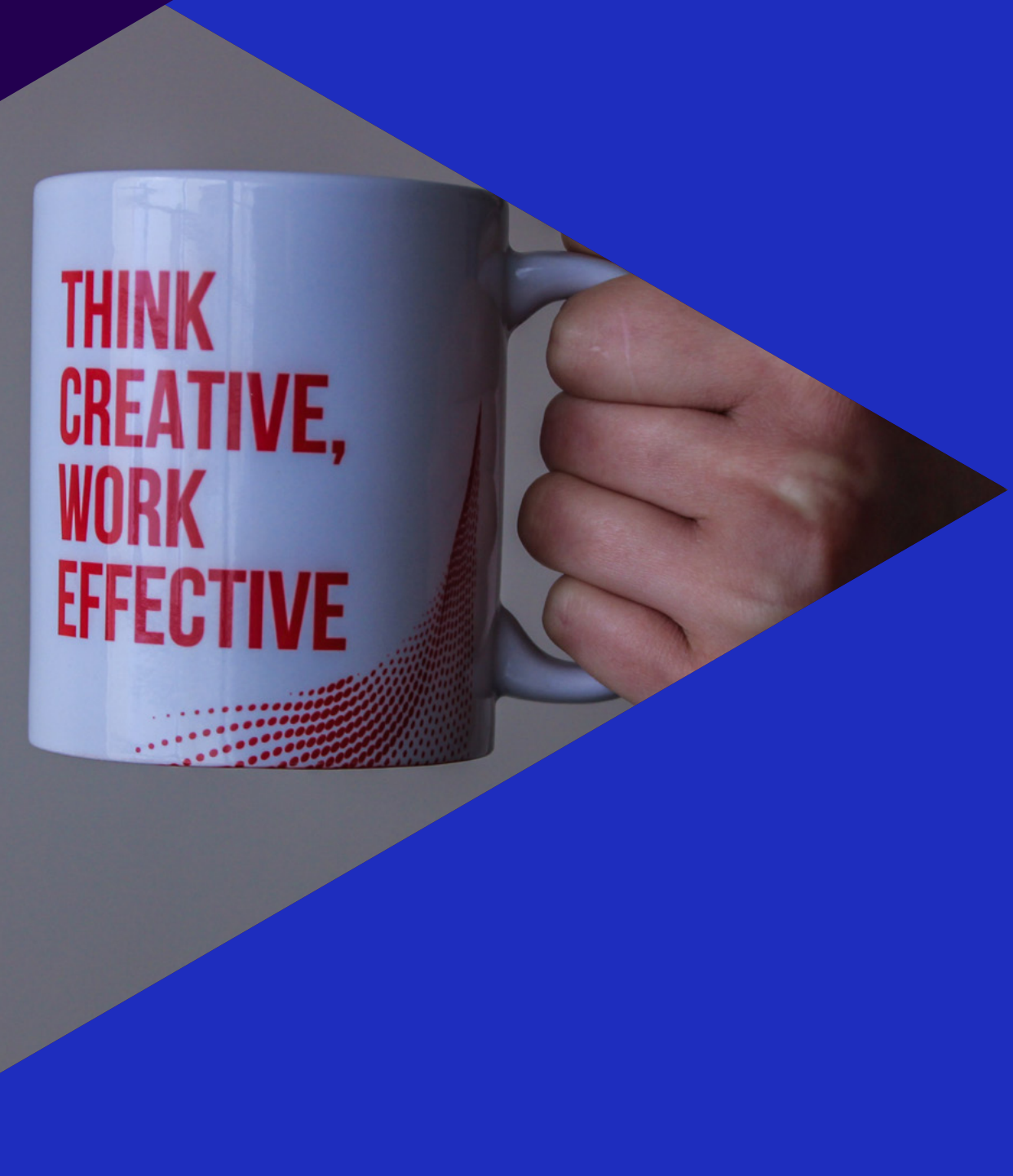
- Indicators for inspection actions arising from authorization proceedings granted or reported by inspectors (KR, PL, etc.);
- Activity indicators for non-inspection actions, such as training, personalized attention to outside calls or questions (UK), raising awareness (FR, PL, etc.);
- Indicators for inspection actions separate from visits, such as meetings with duty-holders after visits, equipment vetting and notifications (MT);
- Indicators for inspection actions by type of employer (CO) (physical person, legal person, cooperative, association, etc.), or the nature of the workplace (FR);
- Exceptionally and temporarily, some inspectorates have indicators for COVID-19 inspection actions.

19 By plan or programme.

20 According to the people assigned.

21 Joint deployments when a regulatory partner is involved.

3.



3. EFFECTIVENESS INDICATORS

Effectiveness indicators refer to the outcomes of labour inspectors' actions.

- **They include all inspectors' decisions arising from inspection work in relation to violations reported or detected by the inspector: improvement notices, injunctions, recommendations, sanctions imposed or proposed, work stoppages and claims for social security contributions, as well as decisions unrelated to infringements.**
- **These indicators might also be corrective measures adopted by employers as a result of inspection actions, such as infringements corrected (totally or partially); improvement/prohibition notices implemented, especially in relation to OSH; bogus self-employment, illegal employment contracts or illegal labour supply turned into formal employment contracts; additional workers registered with the social security system; refunds of salaries due, and so on.**
- **This type of indicator can also include penetration rates that provide information relating to the extent or degree of a labour inspectorate's intervention by sector, territory, matter, type or nature of workplace or production unit, etc.**

Effectiveness indicators therefore encompass both negative and positive labour inspection outcomes. Decisions, such as prohibition notices, are usually taken when inspectors are investigating — or after they have investigated — breaches of labour regulations, whereas corrections are positive achievements arising from labour inspectors' actions.

3.1. Indicators relating to inspectors' decisions

These effectiveness indicators may be classified into two broad categories: decisions arising from infringements and decisions unrelated to infringements. The first category may be sub-divided into: a) decisions not initiating infringement proceedings, b) decisions initiating infringement proceedings, c) decisions related to enforcement, usually for the claiming or recovery of workers' salaries or social security benefits. The second category — decisions unrelated to infringements (d) — includes actions such as awareness-raising campaigns or the rendering of technical assistance.

a) Indicators for decisions not initiating infringement proceedings

Responses regarding indicators for non-infringement decisions, such as warnings, improvement notices, recommendations or injunctions, as laid down in Article 17.2 of the ILO's Labour Inspection Convention, 1947 (No. 81), are shown in Table 4, as follows:

▶ **Table 4 – Decisions not initiating infringement proceedings**

		DECISIONS NOT INITIATING INFRINGEMENT PROCEEDINGS	MONITORING OF DECISIONS NOT COMPLIED WITH
Africa	**ZA**	Yes	Yes
	TN	Yes	No
Asia	**KR**	Yes	Yes
	MY	DOSH No DOLPM No DOLSAB No DOLSAR No	DOSH Yes DOLPM Yes DOLSAB No DOLSAR No
	PH	P.U.	No
Europe	**DK**	Yes	P.U.
	ES	Yes	No
	FR	Yes	No
	MT	Yes	Yes
	PL	Yes	Yes
	PT	Yes	No
	SW	No	Yes
	UK	Yes	No
America	**CO**	Yes	Yes
	CL	Yes	Yes
	PE	Yes	Yes
	UY	Yes	Yes
Oceania	**AU**	Yes	Yes
	NZ	Yes	No

Basically, almost all of the countries involved in this survey have indicators for these decisions or have the means to use them.

Nine countries, however, do not record the outcomes of decisions not complied with by duty-holders (see Table 4, right-hand column), despite the fact that compliance with decisions would be a good indicator of the effectiveness of inspectorates' actions of this type.

b) Indicators for decisions initiating infringement proceedings

Decisions leading to infringement proceedings entail the initiation of administrative or judicial proceedings in respect of an employer's behaviour.

Where infringement decisions are concerned, Table 5 shows the responses of the inspectorates involved.

▶ **Table 5 – Decisions initiating infringement proceedings**

		DECISIONS INITIATING INFRINGEMENT PROCEEDINGS	CONFIRMED PENALTIES
Africa	**ZA**	Yes	Yes
	TN	Yes/Not in OSH	No
Asia	**KR**	Yes	Yes
	MY	DOSH Yes DOLPM Yes DOLSAB Yes DOLSAR No	DOSH Yes DOLPM Yes DOLSAB Yes DOLSAR No
	PH	No	No
Europe	**DK**	No[21]	No
	ES	Yes	No
	FR	Yes	Yes
	MT	Yes	No
	PL	Yes	Yes
	PT	Yes	Yes
	SW	Yes	Yes
	UK	No	Yes
America	**CO**	No	Yes[22]
	CL	Yes	No[23]
	PE	Yes	Yes
	UY	Yes	Yes
Oceania	**AU**	Yes	Yes
	NZ	Yes	Yes

22 The data is registered but not publicly available.

23 Records capture the result of legal proceedings.

24 Internal classification.

Most of the respondent countries keep records or statistics relating to decisions involving infringement proceedings, with a few exceptions (PH, DK, UK and CO). However, eight countries have no records of the number of penalties handed down in administrative or judicial proceedings and therefore cannot determine the effectiveness of decisions of this type.

c) Indicators for decisions relating to claims and recovery actions

Some States have indicators for other types of decisions that cannot be classified according to categories a) and b) above because the decisions are not about whether or not to initiate infringement proceedings but refer to other kinds of enforcement actions.

They usually relate to claims for or recovery of social security benefits or contributions, and workers' salaries, as evidenced by these examples:

In ES, there is a set number of social security units per inspector.

Where social security benefits are concerned, there are indicators relating to the amount of benefits misused when recipients are illegally combining them with labour activities, and indicators for the number of fictitious registrations and applications to the social security system in order to obtain undue benefits.

Regarding social security registration and contributions, there are indicators for the number of workers improperly registered, the amount of unpaid contributions, etc.

Regarding the monitoring of public assistance and subsidies, there are data regarding the amount of aid and subsidies granted by the States and Autonomous Communities (regions).

Where OSH is concerned, there are data on actions taken in relation to public bodies that are not subject to ordinary infringement proceedings.

In NZ, the inspectorate has enforcement tools enabling inspectors to request payment of arrears, though only in relation to wages and leave payments.

d) Indicators for decisions unrelated to infringements

Regarding the classification of actions unrelated to infringements (see Table 6), many countries have data about promotion activities or non-inspections actions. Others have a separate category for inspection visits during which no infringements were found, which could be used as an impact indicator of the level of compliance (as argued below in Section 4.2b).

25 Non-inspection actions.

▶ Table 6 – Actions unrelated to infringements

		ACTIONS UNRELATED TO INFRINGEMENTS
Africa	**ZA**	No
	TN	No
Asia	**KR**	Yes/Not in OSH
	MY	DOSH Yes DOLPM Yes DOLSAB Yes DOLSAR Yes
	PH	No
Europe	**DK**	Yes[24]
	ES	Yes
	FR	Yes
	MT	Yes[25]
	PL	No[26]
	PT	No
	SW	No
	UK	Yes
America	**CO**	Yes[27]
	CL	No
	PE	Yes[28]
	UY	No
Oceania	**AU**	Yes[29]
	NZ	Yes[30]

26 Non-inspection actions.

27 Awareness-raising campaigns.

28 Non-inspection actions.

29 In preventive actions.

30 Technical assistance actions.

31 Awareness-raising campaigns.

32 Advisory services.

3.2. Indicators of corrections achieved by inspection actions

Corrections may be the result of compliance with warnings, improvement and prohibition notices, recommendations or injunctions, as stated in Section 2.1.a) above. They may also be the result of inspection actions performed during follow-up visits or other types of actions (e.g. awareness-raising campaigns).

Table 7 shows the inspectorates' responses concerning the use of indicators for corrections achieved by follow-up visits and indicators used for other kinds of outcomes (e.g. those relating to the number of undeclared workers regularized).

▶ **Table 7 – Corrections achieved by inspection actions**

		CORRECTIONS ACHIEVED THROUGH INSPECTION ACTIONS	
		THROUGH FOLLOW-UP VISITS	THROUGH ANY OTHER KIND OF ACTION
Africa	**ZA**	Yes	No
	TN	No	No
Asia	**KR**	Yes	Yes
	MY	DOSH Yes DOLPM Yes DOLSAB No DOLSAR No	DOSH No DOLPM No DOLSAB No DOLSAR No
	PH	P.U.	No
Europe	**DK**	P.U.	No
	ES	No	Yes
	FR	No	No
	MT	Yes	No
	PL	Yes	Yes
	PT	No	Yes
	SW	No	No
	UK	No[31]	Yes
America	**CO**	Yes	No
	CL	No	No
	PE	Yes[32]	Yes
	UY	Yes	No
Oceania	**AU**	Yes	Yes
	NZ	Yes	No

33 Inspectors remain engaged until contraventions are remedied.

34 Only for inspection actions relating to the pandemic.

Some countries have very specific indicators in this area. Here are some examples:

In PL, the National Labour Inspectorate collects data concerning follow-up visits: so-called recurrent inspections. They also collect data on legal measures applied in response to information provided by employers on the implementation of decisions and post-inspection instructions.

In PT, the inspectorate keeps statistics related to bogus self-employment and misclassified employment contracts regularized, and the regularization of foreign workers with a valid permit.

In ES, the inspectorate keeps statistics on the regularization of undeclared and under-declared work, and the regularization of illegal employment contracts.

In PE, the inspectorate has data on the regularization of undeclared workers.

3.3. Indicators based on penetration rates 3.3. Indicators based on penetration rates

These indicators provide information concerning the degree of inspectorates' intervention by sector, territory, matter, type or nature of workplace or production unit, etc.

As mentioned earlier, almost all countries have the potential to obtain penetration rate indicators by cross-referencing activity indicator data with public statistics on companies, workplaces and production units.

For the information to be reliable, however, it would be necessary to refine the data and ensure that the same items (the same actions in the same workplaces) have not been counted multiple times.

More often than not, these indicators are calculated only for planning purposes.

Table 8 presents the outcomes regarding different kinds of penetration rates, as follows:

▶ Table 8 – Impact indicators based on penetration rates

		WORKERS OR PRODUCTION UNITS AFFECTED	PENETRATION BY SECTOR, TERRITORY, ETC	OTHER PENETRATION INDICATORS
Africa	**ZA**	No	No	No
	TN	No	No	No
Asia	**KR**	Yes	P.U.	No
	MY	DOSH Yes DOLPM No DOLSAB Yes DOLSAR No	DOSH Yes DOLPM No DOLSAB No DOLSAR No	DOSH No DOLPM No DOLSAB No DOLSAR No
	PH	No	No	No
Europe	**DK**	No	No	F.P.P.
	ES	No	No	P.U.
	FR	Yes	Yes	No
	MT	No	F.P.P.	No
	PL	Yes	P.U.	No
	SW	No	Yes	No
	UK	No	P.U.	Yes
America	**CO**	Yes	Yes	F.P.P.
	CL	No	No	No
	PE	Yes	Yes	Yes
	UY	No	Yes	P.U.
Oceania	**AU**	Yes	F.P.P.	No
	NZ	No	No	No

Here are some examples:

In PE, inspection objectives are set according to the territorial areas of the regional inspectorates and performed on a regional basis. Inspection operations are carried out according to priority economic sector (e.g. construction, transport, fishing, etc.). There is also information on what types of enterprises are inspected, whether micro, small, medium or large.

In the UK, the HSE does not routinely calculate inspection penetration rates, although they occasionally make use of this indicator if it is required for a specific reason (for example, their recent intervention programme to provide public reassurance that schools were appropriately implementing government guidelines on reducing transmission of COVID-19, involved interventions in a defined proportion of schools across the country). The HSE operates (in the non-major hazard industries) within a targeted and intelligence-led environment. This requires prioritizing their regulatory resources in higher-risk sectors, established by analysing sector-related data and research.

4.

▶ 4. EFFICIENCY INDICATORS

Following the ILO Guide, these indicators are intended to convey the effectiveness of labour inspectorates in relation to the human resources deployed and the speed with which the desired goals are achieved. These statistics also aim to provide information on the overall quality of labour inspection performance.

Efficiency indicators can also be classified into several groups: those that can be regarded as general indicators of efficiency (3.1); those related to targeted campaigns (3.2); those specifically related to inspection visits (3.4); and others (3.5).

4.1. General efficiency indicators

General efficiency indicators relate to the ratio of work demand (usually formal complaints or requests) to work undertaken, and the ratio of proactive to reactive inspection actions.

Where the ratio of work demand to work really undertaken is concerned, only six countries have publicly recorded data. The same six countries state that this indicator is only used internally for planning purposes.

Work demand is a concept that varies from one country to another, and therefore is not easily comparable.

Although most of the respondent countries know or could quantify the numbers of proactive and reactive inspection actions performed, as discussed in Section 2.2., the ratio of proactive to reactive actions is used in only thirteen countries.

This indicator could be relevant for measuring an inspectorate's degree of autonomy, i.e. the extent to which its work depends on its programme and the degree to which its workload arises from external petitions or requests and investigations into complaints and occupational accidents and diseases.

▶ Table 9 General efficiency indicators

		DEMAND – WORK RATIO	PROACTIVE – REACTIVE RATIO
Africa	ZA	No	Yes
	TN	No	No
Asia	KR	Yes	Yes
	MY	DOSH Yes DOLPM No DOLSAB No DOLSAR No	DOSH Yes DOLPM No DOLSAB Yes DOLSAR No
	PH	P.U.	Yes
Europe	DK	F.P.P.	No
	ES	Yes[33]	No
	FR	No	Yes
	MT	P.U.	Yes
	PL	Yes [34]	Yes
	PT	Yes[35]	Yes
	SW	Yes	Yes
	UK	P.U.[36]	Yes[37]
America	CO	P.U.[38]	No
	CL	T.I.C.	Yes
	PE	P.U.	Yes
	UY	P.U.	Yes
Oceania	AU	P.U.	Yes
	NZ	P.U.	Yes

4.2. Efficiency indicators relating to inspection visits

Efficiency indicators may also relate to aspects of inspection visits, for example the response times in making a visit after receiving an order or complaint (in the case of reactive actions), or the time spent by inspectors on each visit and the human resources deployed by inspectorates for these actions.

Table 10 presents the various responses regarding efficiency indicators relating to inspection visits, as follows:

35 Only with regard to complaints.

36 Data on complaints and accidents investigated.

37 Concerning complaints investigated and complaints not processed.

38 Complaints recorded (investigated, dealt with by phone calls, etc.), but no statistics.

39 The ratio of time spent on proactive cases to that spent on reactive cases is reported.

40 Periodic assessment of investigations in progress.

▶ Table 10 – Efficiency indicators relating to inspection visits

		RESPONSE TIME FOR VISIT	TIME SPENT ON INSPECTION	HUMAN RESOURCES ALLOCATED
Africa	**ZA**	No	No	No
	TN	No	No	No
Asia	**KR**	Yes	Yes/ No in OSH	Yes/ No in OSH
	MY	DOSH Yes DOLPM Yes DOLSAB Yes DOLSAR No	DOSH Yes DOLPM No DOLSAB Yes DOLSAR No	DOSH Yes DOLPM No DOLSAB Yes DOLSAR No
	PH	P.U.	No	Yes/ No in OSH
Europe	**DK**	P.U.	Yes	P.U.[39]
	ES	No	No	P.U.
	FR	Yes	No	P.U.
	MT	No	No	No[40]
	PL	Yes[41]	Yes	No[42]
	SW	Yes	Yes	No
	UK	No	P.U.	Yes
America	**CO**	P.U.	P.U.[43]	F.P.P.
	CL	Yes	No	No
	PE	Yes	Yes	Yes
	UY	No	No	No
Oceania	**AU**	Yes	No	No
	NZ	Yes	P.U.	Yes

41 This information would be available.

42 As a rule, two OSH Officers are required for every inspection.

43 Several aspects covered: total duration, time taken to conduct the inspection, time taken for implementing measures.

44 Average number of labour inspectors per inspection, average number of inspections per labour inspector and average number of entities per labour inspector.

45 In relation to the administrative procedure code.

a) Regarding response times for visits

Nine inspectorates have data on response times for inspection visits, i.e. the time that elapses between receipt of a complaint by the inspectorate and the day the inspector/s visit/s the workplace. In some cases, the maximum wait time is established by internal rules. Here are some examples:

> In DK, the DWEA has statistics on the time it takes to respond in a given circumstance. Responses to complaints about the working environment are dealt with according to a specific assessment classifying companies for inspection. Complaints regarding acute dangers will always trigger an immediate inspection. Acute accidents, i.e. serious accidents, must be investigated immediately, on any day of the week, round the clock. Accidents that are not investigated immediately must, as a rule, be investigated within three months.

> In CO, the IVC – SISINFO information system manages the time spent on administrative investigations, following a preliminary investigation and administrative sanction procedure published on their integrated management system – GIS. It is possible to determine the time between the assignment of a case to an inspector and the date on which the visit took place by referring to the data registered on the system (as long as the visit is recorded in the test module).

Some countries point out that the inspectorate's response to complaints does not always necessitate an inspection visit, but only an answer to queries or requests for information about legal proceedings or regulations.

The indicator of average response time for visits could be useful in determining how well an inspectorate copes with such demands, while the indicator for average response times to queries could be useful in determining how well an inspectorate copes with requests for information from citizens.

b) Regarding the time spent on inspection actions

Some countries record statistics on the time spent on inspection actions, which normally entail workplace visits. Here are some examples:

In DK, the DWEA's statistics include monthly statements of:

- inspection time (understood as the time spent on inspecting a workplace)
- average inspection time per inspector
- average time for preparation and reporting per inspector
- average travelling time per inspector
- average time per decision
- average time for preparation and reporting per decision
- average number of actions per inspector during the inspection time in order to ensure a satisfactory outcome

During 2021, the DWEA expects to calculate inspection time spent on various types of supervision. The DWEA has set targets for this:

- average number of inspection hours per inspector
- total number of inspection hours in the DWEA devoted to combating social dumping
- total number of inspection visits

In PL, the inspectorate's registers indicate the duration of inspections, the time taken to examine complaints, and the way in which they are examined (the outcomes). The statistics also show the dates on which inspection actions were conducted in a given workplace, the time (date) when the employer fulfilled the obligations imposed, and when the legal decisions were issued.

The statistics also include the time spent on inspection actions. It is possible to make a classification of inspections by duration of inspection on the employer's premises and at the National Labour Inspectorate's office, and by duration of other inspection-related activities (e.g. preparing decisions, filling in inspection forms, etc.).

c) Regarding the human resources deployed in inspection actions

Six countries have records of this parameter, expressed in different ways.

In PL the statistics record, among other things, the average number of labour inspectors per inspection, the average number of inspections per labour inspector, and the average number of workplaces per labour inspector.

In CO, the human resources department estimates the number of inspectors active in each territory in order to set an appropriate target figure for inspection actions by type of inspector (labour standards or labour risk).

In CL, the time for the whole inspection process is measured and recorded.

4.3. Efficiency indicators for targeted inspection campaigns

Efficiency indicators play a fundamental role in inspection campaigns. They are usually established, together with the campaign objectives, before the campaign is launched. Once the campaign is over, they can be used to measure the extent to which it has achieved its objectives.

Table 11 shows the responses to the questionnaire:

▶ Table 11 - Indicators for targeted inspection campaigns

		SPECIFIC INDICATORS FOR TARGETED INSPECTION CAMPAIGNS
Africa	**ZA**	No
	TN	No
Asia	**JP**	No
	KR	Yes
	MY	DOSH Yes DOLPM No DOLSAB No DOLSAR Yes
	PH	Yes [44]
Europe	**DK**	Yes
	ES	Yes
	FR	Yes
	MT	Yes
	PL	Yes
	PT	Yes
	SW	No
	UK	Yes
America	**CO**	F.P.P.
	CL	Yes
	PE	Yes
	UY	Yes
Oceania	**AU**	Yes
	NZ	Yes

Here are some examples:

In DK, the DWEA carries out industry-oriented inspections with a focus on selected problems relating to the working environment. In these situations, indicators/targets that report the "resource effort" (i.e. the number of inspection hours) in relation to the problem in question are normally used.

46 Compliance rates.

47 Compliance data to provide one indication of the impact of intervention programmes alongside other indicators.

In ES, in the case of campaigns on specific issues, the data obtained is concerned with indicators directly linked to those issues, such as the number of workers regularized in anti-fraud campaigns, or contracts or extensions processed, using sex-disaggregated data. This is numerical data that makes it possible to evaluate the effectiveness of inspection activity year by year, and by campaign, industry and type of infringement detected. The results include a comparison with the data collected for the previous year, which provides evidence of the success of each new campaign and enables the inspectorate to adapt the planning of future inspection actions.

In FR, the labour inspectorate has developed significant schemes with tailored indicators for each campaign. The aims and objectives, and the type of actions to be carried out by the inspectors, are defined before launching the campaign. The most common indicators are the number of companies or workplaces under supervision, the number of inspection visits and the numbers of infringement-related and non-infringement-related decisions (especially stoppages, workers affected, and information and training actions).

In the UK, compliance data are used to provide one indicator of the impact of intervention programmes, alongside accident / incident rates and qualitative information, such as feedback from stakeholder groups and inspectors. They monitor engagement with their communication activities by quantifying website hits and re-tweets of inspection campaign notifications.

In MT, each inspector has a set of expected deliverables and the inspectorate quantifies those actually delivered. Comparisons are made between inspectors, and this provides a rough measurement of efficiency. During inspection campaigns, officers focus on pre-determined parameters (without ignoring other situations which they may notice). Thus, it can be said that inspectors' actions are tailored to the specific issue being examined or the specific sector concerned.

4.4. Other efficiency indicators

Some countries use other efficiency indicators. Here are some examples:

The Labour Medicine Inspectorate in TN uses indicators to measure occupational medical coverage and its periodic increase.

In KR, the inspectorate has indicators for the resolution rate and the processing-time reduction rate of reported cases of infringements.

In PH, the inspectorate has indicators of enforcement rates and satisfaction rates.

Outcome indicators are set to assess the effectiveness and efficiency of inspection visits. Compliance rates in relation to general labour standards and OSH are some of the indicators taken into account as part of the Department of Labour's inspection programme.

In DK, the inspectorate has indicators for appealed decisions revoked, complaints about decisions, and user satisfaction with supervision and internal audits.

In PL, there are budgeting-based indicators and statistics on the implementation of legal measures undertaken.

In SW, the inspectorate uses internal productivity indicators concerning the number of working days per inspector (165 days per year must be devoted to inspections).

In the UK, the inspectorate monitors the proportion of inspection visits which result in enforcement action being taken. This enables the inspectorate to target industries with low standards of compliance.

In PE, the inspectorate keeps records of the number of workplaces and companies inspected or included in other actions, the number of workers affected by inspection actions, and the number of workers whose status is formalized or registered as a result of inspection actions.

In NZ, the inspectorate assesses each case to ensure that it is aligned with their strategies and that they are targeting the systemic issues which provide the best return on investment.

5.

▶ 5. IMPACT INDICATORS

As the ILO Guide states, the impact of the work of labour inspectors on the working population as a whole is extremely difficult to quantify, but it is crucial to at least attempt to have some proxy measures to gauge this. In fact, being confident that their work has a meaningful effect on workers' quality of life constitutes a great part of inspectors' job motivation.

Impact indicators are intended to measure the indirect effects of inspection actions beyond their direct and immediate targets. This means measuring the indirect effects on employees working for the same company other than those in the workplace or production unit that was inspected, as well as the indirect effects on other companies and the general effects of inspection actions on society at large.

Impact indicators are therefore classified into two categories: those relating to a single inspection action, and those impacting compliance at regional or national level.

5.1. Impact indicators derived from a single labour inspection action

This first type of indicator concerns the impact of a single inspection action on a company, production unit or workplace beyond its initial purpose.

As the ILO Guide states, such indicators refer to the impact or indirect effects of a single labour inspection action on workers other than those directly affected.

This kind of indicator may also relate to recurrent infringements committed by the same employer after a previous inspection action, as a way of knowing the indirect effect of that action.

Table 12 shows the responses given by the inspectorates involved in the study regarding these impact indicators:

▶ **Table 12 – Impact indicators derived from single inspection actions**

		SINGLE ACTIONS INVOLVING IMPROVEMENTS	RECURRENT INFRINGEMENTS
Africa	**ZA**	No	Yes
	TN	No	No
Asia	**KR**	Yes	No
	MY	DOSH No DOLPM No DOLSAB No DOLSAR No	DOSH Yes DOLPM No DOLSAB Yes DOLSAR No
	PH	No	P.U.
Europe	**DK**	No	No
	ES	No	Yes
	FR	No	No
	MT	No	P.U.
	PL	Yes	Yes
	PT	No	Yes
	SW	No	Yes
	UK	No	F.P.P.
America	**CO**	No	F.P.P.
	CL	Yes	No
	PE	Yes	Yes
	UY	No	Yes
Oceania	**AU**	F.P.P.	Yes
	NZ	No	No

The data show that only four countries use the number of workers indirectly affected by a single inspection action as an indicator, while nine use indicators relating to recurrent infringements after such an action.

Regarding the first indicator, inspectorates usually keep records of the improvements likely to have been occasioned by an inspection action that were verified in follow-up visits. However, many of them do not distinguish between direct effects on the workers targeted by those actions, and indirect effects (impact) in terms of improvements for other workers.

Here is one example of the good practices that emerged from the study:

In PL, inspectors make so-called "preventive conclusions", whereby they draw attention to a specific infringement that could affect other workers employed by the same company or indeed all of its workers.

Where the second indicator and its uses are concerned, many inspectorates keep records of repeat infringements, but they use them only for planning purposes or to measure the level of recurrent infringements of any kind in the country as a whole (as noted below in Section 4.2.d).

5.2. Impact indicators relating to compliance

Finally, impact indicators relating to compliance are intended to measure the general effect of labour inspection performance on compliance with labour legislation.

a) Impact indicators based on number of complaints

The number of complaints received might be used as an indicator of the level of compliance with labour law on specific issues, as Table 13 shows:

▶ **Table 13 – Impact indicator based on complaints**

		Based on the number of COMPLAINTS
Africa	**ZA**	Yes
	TN	No
ASIA	**KR**	Yes
	MY	DOSH Yes DOLPM Yes DOLSAB No DOLSAR Yes
	PH	No
Europe	**DK**	No
	ES	Yes
	FR	No
	MT	No
	PL	Yes
	PT	F.P.P.
	SW	Yes
	UK	F.P.P.

(CONTINUED)		Based on the number of COMPLAINTS
America	CO	Yes
	CL	P.U.
	PE	Yes
	UY	No
Oceania	AU	Yes
	NZ	Yes

The number of complaints about specific issues is an indicator used in nine countries. Some use it only for planning purposes or when considering proactive interventions (UK).

In KR the inspectorate has indicators concerning the improvement rate in respect of violations stemming from complaints.

The use of statistics about complaints may be limited by data protection laws, especially when the complainants can be identified. For this reason, many inspectorates do not make these data available to the public.

b) Impact indicators based on levels of compliance and non-compliance ascertained by labour inspectors

Levels of compliance and non-compliance might be adopted to measure the impact of labour inspection actions. Table 14 shows which countries use this indicator.

▶ Table 14 – Levels of compliance and non-compliance

		COMPLIANCE AND NON-COMPLIANCE LEVELS
Africa	**ZA**	Yes
	TN	No/Yes
Asia	**JP**	Yes
	KR	Yes
	MY	DOSH Yes DOLPM Yes DOLSAB No DOLSAR Yes
	PH	No
Europe	**DK**	Yes
	ES	P.U.
	FR	No
	MT	No
	PL	Yes
	PT	P.U.
	SW	Yes
	UK	Yes
America	**CO**	Yes
	CL	P.U.
	PE	Yes
	UY	No
Oceania	**AU**	Yes
	NZ	Yes

Levels of compliance or non-compliance derived from labour inspection actions might be used when there has been previous and targeted collection of this information through inspection visits. In any event, it should be borne in mind that inspection actions usually target the businesses most prone to infringements.

As we have seen previously, many inspectorates classify data into infringement-related and non-infringement-related actions, but by the latter they mean only promotional or information-related activities.

c) Impact indicators based on accident rates

Data on accident rates are usually used as an indicator of the state of play in occupational safety and health at national, sector or even company level.

Inspectorates might measure the impact of their actions by comparing the average accident rate with the accident rate in the companies in which they have intervened. Table 15 shows whether or not these data are used in the countries involved in the study.

▶ **Table 15 – Impact indicator based on accident rates**

		INDICATOR BASED ON ACCIDENT RATES
Africa	**ZA**	No
	TN	No
Asia	**KR**	Yes
	MY	DOSH Yes
	PH	F.P.P.
Europe	**DK**	Yes
	ES	No
	FR	No
	MT	F.P.P.
	PL	F.P.P.
	PT	Yes
	SW	No
	UK	F.P.P.
America	**CO**	Yes
	CL	P.U.
	PE	P.U.
	UY	No
Oceania	**AU**	No
	NZ	No

The answers to the questionnaire reveal that only three countries use the accident rate as an impact indicator.

In KR, the inspectorate uses indicators concerning the accident reduction rate.

Most of them consider the number of accidents over a period to be subject to random circumstances, thus not attributable to the inspection activity conducted before or during that same period.

For this reason, many of the countries in the study prefer to use it for planning purposes or in order to inform their intervention strategies.

d) Impact indicators based on rate of recurrence

The general rate of recurrence of labour infringements might be also considered as an indicator of the impact of inspection actions on the working population as a whole.

▶ **Table 16 – Impact indicator based on rate of recurrence**

		RECURRENCE RATE
Africa	**ZA**	No
	TN	No
Asia	**KR**	Yes
	MY	DOSH Yes DOLPM No DOLSAB No DOLSAR No
	PH	No
Europe	**DK**	No
	ES	No
	FR	No
	MT	No
	PL	F.P.P.
	PT	Yes
	SW	No
	UK	F.P.P.[46]
America	**CO**	Yes
	CL	P.U.
	PE	P.U.
	UY	No
Oceania	**AU**	Yes
	NZ	No

48 Recorded for planning. The inspectorate compares rates of non-compliance and accident statistics to provide an imperfect indicator of the effectiveness of intervention programmes.

Here are some of the practical experiences that emerged from the study:

In PL, the National Labour Inspectorate can identify businesses defined as "recurrent infringers" by examining the number of complaints against them and their content (the issues raised in complaints filed with the NLI). When complaints are the parameter used to identify repeat infringers in evaluating the impact of inspection activity, it is useful to quantify the number of inspections, including those triggered by complaints against the employers concerned over a specific period.

In PE, information collected by the inspectorate's system (SIIT) enables them to compile a list of the main infringers, with whom they will arrange working meetings to boost a culture of compliance with labour law.

e) Impact indicators based on regularizations

The level of regularization of non-inspected companies after a chain of inspection actions, which are often part of an inspection campaign, might also be measured in order to learn more about their general impact on a sector, territory, or type of company or workplace.

This might be the case of inspection campaigns directed to specific targets with measurable goals or objectives, such as the number of companies or workers registered for a specific purpose, e.g. asbestos users or workers brought in from other countries.

Only a few countries use this kind of indicator, and even then only regularizations that have taken place in the companies or workplaces inspected or visited are taken into account, not the impact of those actions on non-inspected workplaces.

Examples of the use of this impact indicator would be those related to increases in registrations with social security systems just after an inspection campaign in a sector or territory, or increases in the number of occupational disease declarations immediately following an information, awareness-raising or inspection campaign on this topic.

Table 17 shows the answers to the questionnaire given by the countries involved. However, as previously mentioned, the regularization data relate only to companies or workplaces inspected or visited.

▶ **Table 17 – Impact indicator based on regularization**

		REGULARIZATION
Africa	**ZA**	No
	TN	N0/Yes
Asia	**KR**	Yes
	MY	DOSH Yes DOLPM No DOLSAB No DOLSAR No
	PH	No
Europe	**DK**	No
	ES	Yes
	FR	No
	MT	No
	PL	F.P.P.
	PT	P.U.
	SW	No
	UK	F.P.P.
America	**CO**	No
	CL	No
	PE	No
	UY	No
Oceania	**AU**	No
	NZ	No

f) Impact indicators based on subcontracting chains

An impact indicator relating to subcontracting or supply chains (e.g. the number of subcontractors complying with a specific regulation after their contractor has been subject to some kind of direct intervention by the inspectorate) might show whether inspection actions affecting the contractor have had a knock-on effect on companies dependent on it.

Contractors usually play a monitoring role in subcontracting and supply chains, a fact which might be exploited by inspectorates to extend or multiply the effects of their inspection actions (the so-called cascade effect).

However, Table 18 shows that only a few inspectorates take into consideration this strong link between contractors and subcontractors when measuring the impact of their actions.

▶ Table 18 – Impact indicator based on subcontracting chains

		SUBCONTRACTING
Africa	ZA	No
	TN	No
Asia	KR	Yes
	MY	DOSH No DOLPM No DOLSAB No DOLSAR No
	PH	No
Europe	DK	No
	ES	Yes
	FR	No
	MT	No
	PL	No
	PT	P.U.
	SW	No
	UK	No
America	CO	No
	CL	No
	PE	No
	UY	No
Oceania	AU	Yes
	NZ	No

g) Impact indicators based on surveys

Impact indicators can also be extracted from regular surveys of employers and workers.

These surveys might cover the effects of inspection actions.

In DK, regular surveys are conducted concerning employees' working environments and the preventive activities taken by companies. The DWEA's user survey is conducted annually. It shows that approximately 95% of all decisions are complied with.

In other cases, surveys are used as a self-evaluation tool for employers.

Table 19 shows which of the countries involved in the study use such tools.

▶ **Table 19 – Impact indicators based on surveys**

		SURVEYS AND OTHER TOOLS
Africa	**ZA**	No
	TN	No/Yes
Asia	**KR**	Yes
	MY	DOSH Yes DOLPM No DOLSAB No DOLSAR No
	PH	No
Europe	**DK**	Yes
	ES	No
	FR	F.P.P.
	MT	S.A.T.
	PL	No
	PT	P.U.
	SW	No
	UK	Yes
America	**CO**	No
	CL	No
	PE	S.A.T.
	UY	Yes
Oceania	**AU**	Yes
	NZ	No

h) Impact indicators based on sources other than inspection statistics

There are impact indicators which use data from sources other than inspection statistics. This is a good example:

In FR, the labour inspectorate has made serious efforts to achieve changes in collective behaviours using a finely tuned interplay of public policies for improving labour conditions in specific areas. These involve simultaneous and coordinated information and awareness-raising actions with key stakeholders, periodic inspection actions, and the use of open indicators based not only on inspection actions but also on changes in social behaviours.

An example might be a campaign relating to asbestos with the aim of achieving compliance with the relevant legislation on the part of all the stakeholders. Besides inspection action indicators, other signals to bear in mind would be the number of requests for information, the organization of training actions, certifications or declarations submitted, the hiring of experts for risk assessment or removing asbestos, professional diseases declared, specific health examination data on this issue, the use of specific personal protective equipment, etc.

The set of indicators would be tailored and adapted to the content and objectives of each campaign.

i) Research to identify inspection actions with the greatest impact

Finally, it is valuable to mention research that seeks to identify the types of intervention with the greatest impact:

In the UK, inspections are just one small (but significant) part of the effort to drive compliance and behavioural change. The inspectorate uses behavioural insight research to identify the types of intervention likely to have the biggest impact in a particular sector or for a particular campaign. In addition to proactive inspection campaigns, they use a combination of:

- focused engagement and collaboration across networks with a strong interest in improving work-related health and safety. This includes employees and employers, trade unions, industry associations, professional institutions and third-sector bodies, alongside other government agencies and regulators;
- specific, insight-led behaviour change campaigns to achieve tangible improvements in awareness, and action on the key issues and themes set out in the inspectorate's strategies;
- guidance and advice which is accessible, understandable, meets the needs of users, and encourages proportionate risk management;
- scientific work to support the inspectorate's regulatory activities.

6.

6. MAIN FINDINGS AND CONCLUSIONS

6.1. The relevance of indicators

If appropriately established, indicators can give a clear picture of labour inspection actions and contribute to a common understanding of inspectorates' activities and mutual learning of their best practices.

6.2. Inspection action indicators

The most commonly used and comparable indicators are those related to inspection actions.

There is a wide consensus about the use of general activity indicators classified by activity, territory, matter and size of workplace inspected. These indicators are considered the most objective and the least subject to interpretation, and therefore make comparisons between different inspectorates easier, especially when they have similar competences. Therefore, they might play an international role.

Moreover, activity indicators are indispensable for calculating all other indicators. Here are some examples:

- Most of the inspectorates in the study classify — or could classify — their actions according to origin into proactive and reactive, and, by working out the ratio of one to the other, obtain an indicator related to the efficiency of the labour inspection service.
- There are activity indicators based specifically on inspection visits and others based on the type of visit. The latter are not so common but are useful in better describing and explaining the way and the time in which inspection actions are carried out. In other words, they can serve as a basis for obtaining efficiency indicators.

Other kinds of indicators, such as those referred to in Section 1.4, are specific to certain inspectorates, so comparisons are hard to make.

In any event, it is useful that records of all inspectorate activities of any kind be kept and can be analysed in terms of indicators.

6.3. Effectiveness indicators

Effectiveness indicators describe the outcomes of labour inspectors' actions.

They may relate to inspectors' decisions and achievements (corrections) or the extent or penetration of labour inspection actions with regard to a specific sector, territory, etc.

- **Decisions**, according to Article 17 of ILO Convention No. 81, can take different forms. Inspectors can give warnings and advice, rather than instituting or recommending proceedings, or they can initiate legal proceedings without previous warning. Such proceedings may be infringement proceedings or other legal enforcement proceedings, depending on inspectorates' respective competences. The latter are normally related to claims for or recovery of social security benefits or contributions and workers' salaries.

  Almost all the countries involved in this survey have indicators in respect of inspectors' decisions, but some keep no records of decisions confirmed or overturned in administrative or judicial proceedings and therefore cannot determine the effectiveness of decisions of this type.

- **Achievements** — usually in the form of corrections of violations found in the course of inspection actions — may be related to the above-mentioned decisions or can simply be the result of inspection visits (usually follow-up visits or other types of action, such as promotional or awareness-raising activities).

  Achievements are the positive aspect of labour inspection outcomes. Although collection of such data is necessary for a complete picture of inspection outcomes, they are not commonly recorded or used as an indicator.

  Many countries do not have an indicator that would enable them to quantify achievements, not even achievements resulting from the giving of advice or warnings. Such data would be a good indicator for measuring the effectiveness of labour inspection actions and presenting them in a positive light.

- **Penetration rates** give an idea of the proportion of the working population that has been inspected in a given period. Almost all countries could calculate penetration rate indicators by cross-referencing activity indicator data with publicly available statistics on companies, workplaces and production units.

  However, in order to achieve trustworthy results, it would be necessary to refine the data, avoiding double-counting of inspection actions relating to the same workplaces.

  Having these figures would be very useful for analysing the subsequent impact of labour inspection actions on employers other than those inspected, and for calculating the penetration rate required in each case to have a significant impact on a sector, territory, type of company or workplace.

6.4. Efficiency indicators

Efficiency indicators are intended to measure the effectiveness of labour inspectorates in terms of their deployment of human resources and the speed with which the desired goals are achieved. These are the main findings of this report:

- **The ratio of work demand to work really undertaken** could be a good efficiency indicator. However, it is likely to vary from one country to another and therefore cannot be used for comparisons, though it is useful for internal purposes.

- **The ratio of proactive to reactive inspection actions** could be calculated by most of the countries involved in this study. However, it is actually used by only a small group of countries. This indicator could be useful in determining the degree of autonomy or dependency of inspectorates in terms of programming their own activities (proactive actions) and the proportion of their workload arising from external petitions or requests (reactive actions).

- **Reaction times** are not exclusively related to complaints and inspection visits, but to any kind of response to citizens' queries or requests. In both cases, this indicator would be useful in determining the quality of inspection services and their ability to cope with requests from the public. The assumption is that promptness is an element of quality of any service rendered.

- **Average time spent on inspection actions** is a parameter used by some countries to measure inspectors' efficiency. As an indicator, however, it may increase the risk of work-related stress, especially if inspectors' degree of autonomy in taking decisions is unduly restricted.

- In the case of **inspection campaigns**, indicators tailored to the objectives of the campaign are usually set beforehand and are subsequently compared with achievement data. This is a good way of measuring the efficiency of inspection actions of this type.

There are?? other factors that might have an influence on efficiency, such as improvements in inspectors' training, the use of information technology, and the provision of administrative support. However, it would be difficult to establish and compare indicators covering these topics.

6.5. Impact indicators

Impact indicators are intended to measure the effects of inspection actions beyond their immediate beneficiaries. This means measuring indirect effects on workers of the company, production unit or workplace other than those directly inspected, and indirect effects on other companies.

These indicators are generally calculated only for planning purposes.

Impact indicators have been classified into two categories: those relating to a single inspection action and those measuring compliance generally:

- **Relating to single inspection actions**
  Many inspectorates keep records of improvements or the achievements of inspection actions as verified in follow-up visits, but many do not distinguish between the direct effects (on the immediate target of such actions) and indirect effects (in terms of improvements affecting other workers or other aspects of workplace life beyond their initial purpose).
  Many inspectorates also keep records of recurrent infringements, but use them only for planning purposes. They have no way of linking these records to single inspection actions, which would give an idea of how successful the actions actually were.

- **Relating to general compliance**
  These are the main findings:

  - **Number of complaints** is used as an indicator in some countries, but in some cases it is used only for planning purposes or its use is restricted by data protection laws. Therefore, many inspectorates use this indicator only for internal purposes.

  - **Level of compliance or non-compliance** may be used as an indicator when the necessary information has been directly collected in relation to previous inspection visits. However, bearing in mind that inspection actions usually target the companies most prone to breaking the law, the rate of non-compliance may not necessarily reflect the general level of non-compliance at national level.

  - The **accident rate** is normally regarded as an unreliable indicator because it is subject to random circumstances. For this reason, many inspectorates prefer to use it only for planning purposes or in order to inform their intervention strategies.

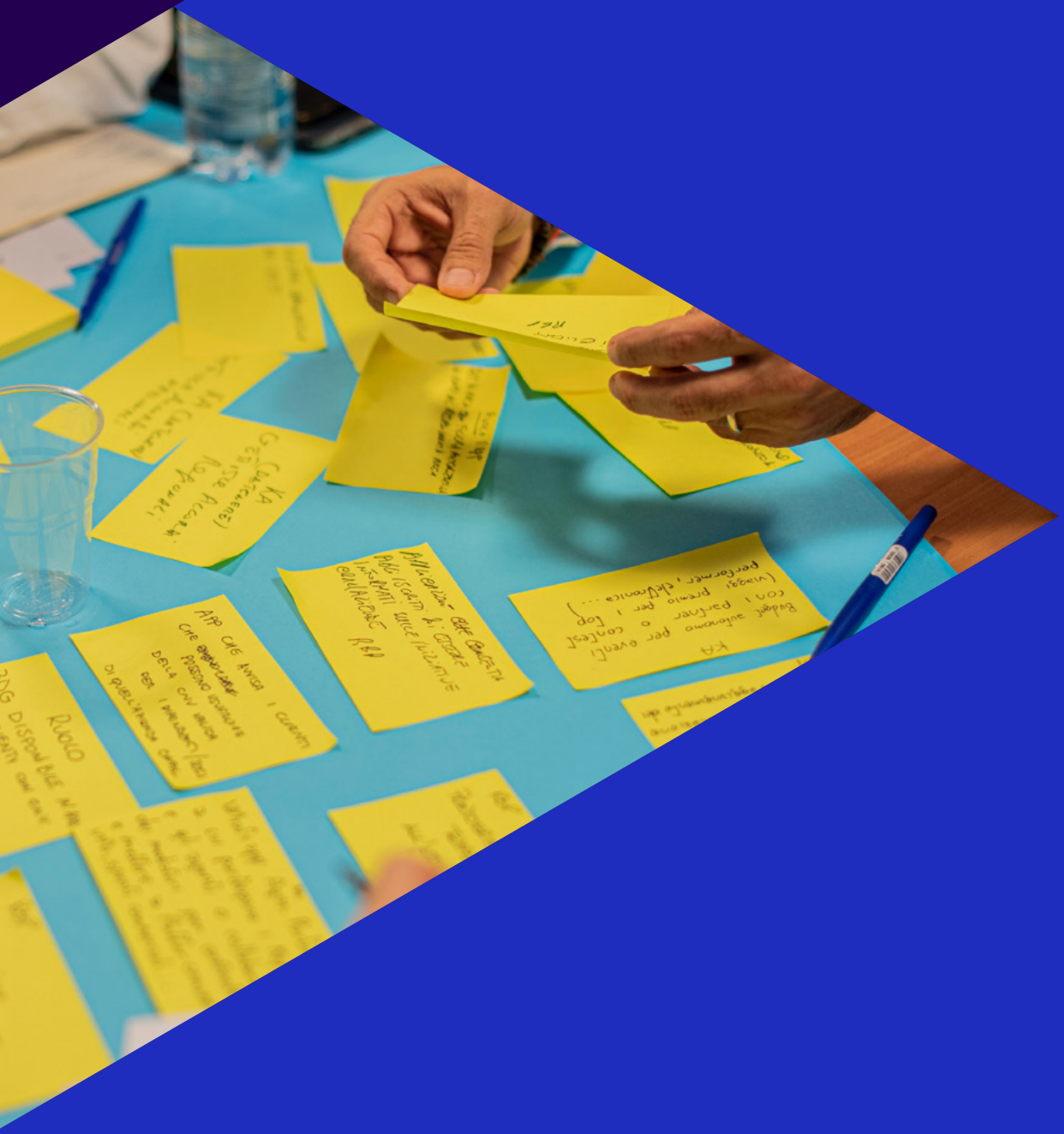
  - Data in respect of **regularization** is used as an indicator, but such data are derived from single inspection actions and do not reflect the impact of inspection actions on non-inspected workplaces.

  - Some inspectorates conduct **surveys** of inspected employers or administer questionnaires for employers' self-evaluation, but these do not normally provide information about non-inspected companies and therefore cannot serve as impact indicators.

  - Impact indicators of other kinds, based on **external or social sources**, are also used to measure specific aspects. These are usually related to inspection campaigns or programmes. A practical example from France has been described above. These actions provide a more complete picture of the impact of inspection actions.

  - Lastly, in one of the countries involved (the UK), **research** has been conducted on how inspection actions can achieve the greatest impact.

7.



7. SUGGESTED ACTIONS

7.1. Indicators of inspection actions

As highlighted in this report, the most widely used and reliable indicators are those relating to inspection actions. It is precisely because they are the most objective and most common that comparisons between different countries can be drawn. Labour inspectorates might, therefore, consider that

- It is advantageous that all inspectorates' activities be recorded and analysed in terms of indicators, without any exceptions. Without such data, it would be impossible to have a complete picture of an inspectorate's activity, or to derive further reliable indicators of effectiveness, efficiency and impact.
- There is a wide consensus on the usefulness of these indicators. This should be taken into account in trying to establish accepted international criteria for collecting the data concerned, e.g. which sectors, sizes of company and size of territory should be adopted for the purpose of classifying information
  .

7.2. Use of effectiveness and efficiency indicators

Effectiveness and efficiency indicators require more data-processing than inspection action indicators and are less widely used. However, their use should be encouraged as they help inspectorates to determine whether inspection actions are effective and useful in achieving their objectives, and whether they are carried out using appropriate means and resources.

7.3. Effectiveness indicators

Based on the findings set forth above, it might be suggested that:

- **Establishing indicators based on inspectors' decisions confirmed or overturned** in administrative or judicial proceedings may be useful in determining the effectiveness of such actions.
- **Establishing achievement indicators** sheds a positive light on labour inspection outcomes and contributes to a complete picture of inspection results. Inspection outcomes should take into account not only the infringements detected but also the corrections achieved by labour inspectors.
- **Establishing penetration rates** gives an idea of the percentage of the working population that has been inspected in a given period. Almost all countries could potentially calculate such rates. Having these percentages would be very helpful in determining the need to extend inspection actions so as to have an impact on employers other than those inspected.

7.4. Efficiency indicators

Based on the main findings above, it might be suggested that

- **Establishing the ratio of work demand to work really undertaken** is a good indicator for measuring the workload of inspectorates, provided it is well adapted to national circumstances.
- **Establishing the ratio of proactive to reactive inspection actions** may be especially useful for inspectorates coping with overloads due to external demands and queries.
- **Establishing reaction-time indicators** may be useful for determining quality of service and ability to cope with requests from the public.
- **Establishing indicators of the average time spent on inspection actions** is useful.
- **Establishing indicators for inspection campaigns adapted to the campaign** objectives may be especially useful in measuring an inspectorate's efficiency.

7.5. Impact indicators

It must be born in mind that inspection actions can never encompass all productive activities or the whole working population. They are always directed towards industries considered most likely to breach labour law regulations, or in which the most vulnerable workers are to be found.

For this reason, it is important to obtain as much information as possible on the impact of labour inspection actions and, in particular, their effects on non-inspected undertakings. To be really useful and effective, inspection actions should have a multiplier effect on companies, workplaces and production units other than those directly inspected.

It is this indirect effect that impact indicators are intended to measure. However, their use is not generalized, partly because existing inspectorate records and sources of information do not enable inspectorates to develop them.

a) **Concerning inspectorates' records, with a view** to implementing impact indicators, labour inspectorates could consider the following:

- A clear distinction should be made between the direct effects of a single inspection action and its indirect effects, i.e. its impact on workers other than those directly inspected, and the relevant data recorded.
- Recurrent infringements on the part of employers previously inspected should be recorded and analysed.
- Complaints should also be recorded, where national laws permits, in order to calculate the impact of labour inspection actions on every employer.
- The levels of compliance or non-compliance following labour inspection actions could serve as an impact indicator if this information is recorded for inspection visits and not only in relation to promotional or awareness-raising actions.

b) **Regarding the use of data sources other than those pertaining to inspectorates themselves**, with a view to making a global impact assessment of labour inspection actions. Labour inspectorates could consider the following:

- **Regularizations** in companies other than those directly inspected could be achieved by using resources from other administrative bodies.
- **Periodic surveys** of workers and employers concerning infringement behaviours in the population could be conducted to determine the impact of inspection actions.
- During inspection campaigns, **external or social sources** could be drawn on to determine the impact of inspection actions on companies other than those inspected. A practical example from France has been described.

c) Lastly, it would always be advantageous to keep abreast of national **analysis and research** on how inspection actions can achieve the greatest impact.

As a final observation, it would be advisable to analyse all the indicators described in this report in their specific national contexts, opting for those that can be most easily used by the inspectorate in question — taking into account its degree of development (in particular technological) — and can provide clear and reasonable information concerning inspection activity and its impacts.