



International
Labour
Organization



▶ **Building a culture
of workplace compliance
through development
cooperation**

Compendium of good practices

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Building a culture of workplace compliance through development cooperation: Compendium of good practices

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Foreword

The ILO Centenary Declaration on the Future of Work underscores the importance of strengthening labour administration and inspection as important institutions of work for promoting and enforcing decent working conditions, ensuring the respect of fundamental principles and rights at work and promoting safe and secure working environments.

Many countries have implemented reforms to modernize their labour inspectorates, notably through capacity building of labour inspectors and the use of technology for better evidence-based decision making and improved provision of services. However, effective labour inspection requires more than training and technology to fully accomplish its mission of providing reliable technical information to employers and workers and enforcing legal provisions, quite often in a context of complex legal frameworks, diversity of workplaces and competing priorities. Efforts to strengthen labour inspection services are most often a combination of legal and policy interventions, process review, strategy setting, use of technology and building the capacities of labour inspection staff to be able to identify and act upon labour law violations, which requires specialized knowledge and skills.

Many countries still have a long way to go to build professional, effective and efficient labour inspectorates, which are severely under-resourced, lack qualified staff and suffer legal, administrative or practical limitations in their capacity to conduct inspection according to the provisions of the Labour Inspection Convention, 1947 (No. 81) or the Labour Inspection (Agriculture) Convention, 1969 (No.129).

Conscious of the evolving world of work, the ILO has taken a fresh look at the issues surrounding labour law compliance. The ILO's vision, while remaining faithful to the principles enshrined in the Governance Conventions on labour inspection, also draws attention to the need for addressing labour law compliance through a holistic lens, stimulating closer inter-institutional collaboration and bringing new actors to the stage.

Development cooperation plays a key role in providing technical assistance to Member States in their efforts to strengthen labour law compliance. The United States has been a major development partner in this area and has supported the implementation of various projects in recent years undertaken to improve compliance in Bangladesh, Colombia, Georgia, Haiti, and the Philippines.

This compendium provides a unique set of successful practices from these projects to share knowledge gained and to help compliance actors improve efficiency with the long-term aim to replicate the positive results achieved and develop them further.



Vera Paquete-Perdigão

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Introduction

Workplace compliance and its challenges

Ensuring workplace compliance with national labour law proves to be challenging for all Member States. Inadequate or outdated legislation, information deficits, mistrust in public administration, lack of incentives and deterrents, poor enforcement, and the failure to comply on the part of some employers, contribute to poor working conditions in which the rights of workers are not respected, their safety and health is put at risk, all of which creates further negative impacts on productivity and businesses.

Appropriate legal frameworks, while critically important, are not sufficient to achieve workplace compliance. Compliance requires appropriate policy frameworks, informed and responsive duty holders combined with highly performant administrative and judicial mechanisms capable of encouraging, enforcing and maintaining adherence to national legislation. A robust social dialogue framework also contributes to compliance, as it gives employers and workers the opportunity to actively cooperate to ensure that policies and procedures are appropriate and implemented in compliance with national legislation.

Labour inspection, which is at the core of ILO's work since its inception¹ is an essential labour administration service with a mandate to ensure that "labour is not a commodity".² Through its combined roles for providing advice, guidance, and enforcement of legal provisions, labour inspectorates are at the centre of effective labour law. But as important as labour inspection is, it cannot ensure a sustained system of respect for established labour rights on its own.

For this reason, in recent years the ILO has taken a fresh look at the issues surrounding labour law compliance with the aim of applying a holistic lens to stimulate closer inter-institutional collaboration and bring new actors to the stage. This vision, while remaining faithful to the principles enshrined in the Governance Conventions on labour inspection,³ encompasses broader engagement between institutions addressing labour law compliance. In 2014, the ILO selected workplace compliance through labour inspection as an area of critical importance, launching a new model of technical assistance that included developing the capabilities of labour inspections and other institutions to establish an integrated approach to common problems, and deepening collaboration with social partners. This vision progressed into the development of a strategic compliance intervention model⁴ for the institutions of work currently used in various Member States to assist constituents to address major labour law violations.

Technical assistance to improve compliance with labour law

The ILO has a long tradition of providing technical assistance to Member States to assess, strengthen and modernize labour inspection systems in line with the principles enshrined in the Governance Conventions on labour inspection. This support further corresponds to an obligation under Article 10 (2) of the ILO's Constitution.

Technical assistance to countries is provided through a variety of interventions according to the specific needs of the institutions and taking into account the diversity of legal and administrative systems. Although there is no model that fits all, ILO assistance often addresses some of the key elements to ensure effectiveness of any inspection system. As highlighted in the ILO's 2011 report on labour administration and labour inspection,⁵ this often focuses on: developing

1 As early as 1919 the International Labour Conference adopted the Labour Inspection (Health Services) Recommendation, No. 5 (withdrawn), and the Labour Inspection Recommendation, 1923 (No. 20). Reference to labour inspection was already mentioned in Part XIII of the Treaty of Versailles, which established the ILO.

2 See Article I, [ILO Declaration of Philadelphia](#).

3 Labour Inspection Convention, 1947 (No. 81), and Labour Inspection (Agriculture) Convention, 1969 (No. 129).

4 Further details on the methodology are available at: https://www.ilo.org/global/topics/labour-administration-inspection/resources-library/training/WCMS_620987/lang--en/index.htm.

5 ILO. *Labour Administration and Labour Inspection*. ILO. 100/V. (Geneva, 2011). Available at: https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_153918.pdf.

systems for data collection; improving strategic planning and inspection methods; better coordination and more effective organization within the labour administration system; closer collaboration with social partners; and capacity building for labour inspection officials.

The ILO has engaged in a productive partnership spanning decades with the US Department of Labor (USDOL). Through its Bureau of International Labor Affairs, funding has been provided to implement ILO projects that promote labour law compliance in countries such as Bangladesh, Colombia, Georgia, Haiti and the Philippines, namely:

- ▶ Improve Compliance with Labour Laws in Georgia (January 2014–March 2020);
- ▶ Building the Capacity of the Philippines Labour Inspectorate (December 2014–August 2019);
- ▶ Building the Capacities of the Ministry of Social Affairs and Labour to Ensure Labour Law Compliance in the Haitian Apparel Sector (November 2013–December 2017);
- ▶ Improving Fire and General Building Safety in Bangladesh (November 2013–January 2017); and
- ▶ Promoting Compliance with International Labour Standards in Colombia (July 2012–December 2018).

This compendium features eleven good practices stemming from these projects.

Selection and dissemination of good practices

The eleven good practices presented in this compendium were selected following a rigorous process that entailed: i) a desk review of secondary data (project reports and evaluations), ii) consultations with ILO staff; and iii) interviews and/or focus group discussions with involved parties (during the final evaluation of each project). Criteria for inclusion as a good practice in enhancing compliance with labour law included being evaluated as: i) innovative; ii) effective; iii) efficient; iv) relevant; v) impactful; vi) replicable; and vii) sustainable. The eleven good practices are arranged around three themes that are key to building a culture of compliance:

1. modernizing processes and procedures;
2. capacity building of national institutions; and
3. strengthening social dialogue.

Compiling these good practices is part of the ILO's broader organizational learning and establishes the evidence-base for achieved results. This good practice compendium can be searched by country and type of intervention to assist development practitioners and country-level partners to easily select good practices which will increase the success of their future interventions to improve workplace compliance.

The five projects in brief

▶ Haiti

Building the Capacities of the Ministry of Social Affairs and Labour to Ensure Workplace Compliance in the Haitian Apparel Sector

(November 2013–December 2017)

In Haiti, the apparel sector is the country's largest employer. The sector needed to demonstrate stronger compliance with national labour laws and international labour standards in order to maintain its trade preference status with the United States. However, the Haitian Labour Administration was extensively strained in terms of resources and capacity. Labour inspectors, many of them poorly qualified, used obsolete tools on the rare occasion when they visited factories. The project took a comprehensive approach to improve the quality and efficiency of labour inspection, using an intensive capacity-building component. In parallel, the project provided specific training to the Ministry of Social Affairs and Labour conciliators and the Office of the Labour Ombudsperson, as well as to judges involved in labour cases.

▶ Colombia

Promoting Compliance with International Labour Standards

(July 2012–December 2018)

In Colombia, a precondition for a trade agreement with the United States required reforms to labour law and enforcement mechanisms. This included a doubling of labour inspectors with strengthened skills and technical tools to identify non-compliance behaviour and to sanction violations. The project sought to fortify government mechanisms to protect fundamental rights at work, particularly freedom of association and collective bargaining. It also encouraged social dialogue institutions to participate actively in promoting compliance and strengthened Government efforts to better protect trade union leaders to combat perpetrators of violence against them.

▶ Georgia

Improving Compliance with Labour Laws

(January 2014–March 2020)

In Georgia, after nearly a decade of a neoliberal-minded government that included abolishing the labour inspectorate, a new government asked for assistance to promote a culture of compliance. The project sought to i) reform the regulatory framework to bring about a better balance between the rights, interests, and roles of employers and workers; ii) restore the labour inspection system; and iii) improve dispute resolution mechanisms. One innovative area of work of the project was to expand judges' and lawyers' understanding of how international labour standards can be used to resolve labour disputes in domestic courts.



► **Bangladesh**

Improving Fire and General Building Safety

(November 2013–January 2017)

In Bangladesh, two major industrial disasters led to the suspension of trade privileges with the United States, workers' protests and international pressure to improve the working conditions in garment factories. This prompted the Government to ask that more than 3,500 export-oriented garment factories be inspected for fire, electrical and structural safety. The project sought to upgrade the overall fire and building safety regulatory framework and set up the necessary coordination mechanisms. It also built up the capacity of inspectors and improved the tools at their disposal to ensure that efficient and timely inspections are carried out.

► **The Philippines**

Building the Capacity of the Philippines Labour Inspectorate

(December 2014–August 2019)

In the Philippines, labour law violations and strong criticism from labour rights groups triggered government reforms of the labour inspection system. However, the capacity challenges were considerable, with several audits finding that the inspectorate lacked adequate skills and a clear understanding of how to do its job, and its reliance on an antiquated paper-based reporting system. The project introduced strategic compliance planning to engage an array of stakeholders and to strengthen cooperation and social dialogue to support shared efforts at improving labour law compliance and more effective inspection. The project focused on working conditions in problematic sectors (agriculture, fisheries and export processing zones) across all regions of the country. In so doing, it built the capacity of the labour inspectorate to better carry out its core functions while also supporting the development of a computerized information management system.

Evidence-based inspection, policy and process

The many challenges of compliance demand that labour administration authorities, including labour inspectorates, have critical information at their fingertips. In an era of digitalization, this means transitioning from the inefficient and often chaotic use of a paper-based reporting system to a digital format that guides inspectors to obtain necessary data for targeting, investigating and following-up on cases. User-friendly digitalized information management systems enhance the functioning of a professionalized inspectorate. There is also a need to ensure consistency of policy and approaches across sectors and workplaces, especially in national environments in which several agencies manage compliance requirements.

1.

The good practices featured here assisted in improving strategic planning for compliance, modernizing labour inspection tools, streamlining rules and practices in line with national labour laws and international labour standards, as well as stimulating coordination with other institutions in charge of promoting or enforcing compliance.

Bangladesh

Good Practice 1

Harmonized standards uplift safety compliance of garment factories leaving a legacy for all workplaces



Fire inspectors conducting a factory visit.



What needed changing?

After two major industrial disasters in Bangladesh which led to the suspension of trade privileges with the United States, workers' protests and international pressure, the Government determined that every export-oriented garment factory – more than 3,500 – would be inspected for fire, electrical and structural safety.

A National Tripartite Plan of Action on Fire Safety and Structural Integrity was launched in mid-2013 in a collaboration of employers' and workers' organizations, the Government and the ILO. The Plan of Action initiated legislative, policy, administrative and practical activities to ensure factory safety.⁶

The amount of work to be done was extensive and overwhelming. Three groups appeared ready to inspect factories and assist with corrective action: two were led by the private sector: the *Bangladesh Accord on Fire and Building Safety*⁷ and the [Alliance for Bangladesh Worker Safety](#).⁸ The third group, led by the Government (the National Initiative), also included support from the ILO and was channelled through several development cooperation initiatives, such as the multi-donor project *Improving Working Conditions in the Ready-Made Garment Sector in Bangladesh*.⁹

A major weakness in the regulatory system stemmed from divided responsibilities amongst the various authorities. Procedures for inspection and collaboration between the agencies were weak, and all lacked trained staff. The divided responsibilities also meant different standards, manuals, checklists and procedures. Each of the three groups (the Accord, the Alliance and the National Initiative) began inspecting factories with their own standards and it became apparent their work needed to be harmonized to ensure that all inspections adhered to similar criteria.



What did the project do?

With funding from the USDOL, the *Improving Fire and General Building Safety in Bangladesh project* worked to harmonize structural and fire standards in the garment industry.

1. Reviewed and harmonized the factory preliminary assessment reports from the three initiatives

- The process started with preliminary assessments that involved discussions between the three initiatives to agree on a minimum statistical value for determining the structural integrity of a factory building.

2. Facilitated the development of a protocol for remediation for the National Initiative factories

- A national "Protocol for Remediation and Oversight of Building, Fire and Electrical Safety of Ready-made Garment Factories in Bangladesh" was endorsed.
- It established a process flow as the basis for developing sustainable inspection and oversight processes in the ready-made garment industry.
- Two task forces were created to oversee the remediation process, one for structural issues and one for fire and electrical issues. They were also charged with endorsing consultants for remediation work.

6 Initially adopted in March 2013 as a preventive approach to fire safety in the aftermath of the devastating fire at Tazreen Fashions, in which at least 112 people died, it was quickly amended to include structural integrity after the Rana Plaza collapse, in which 1,136 people died. The Plan of Action included provision for a High-Level Tripartite Committee to monitor progress.

7 A group of non-government and workers' organizations, brand companies and buyers signed an Accord on Fire and Building Safety in May 2013. The Accord committed to establishing a fire and building safety programme in Bangladesh to support the Tripartite Plan of Action, with the ILO a neutral chair of the steering committee and supporting coordination with other activities. The Accord was signed by more than 200 brands, retailers and importers, two global trade unions, eight Bangladeshi trade unions and four NGO witnesses.

8 Representatives of 18 North American brands and suppliers who did not sign the Accord developed their own programme, the Safer Factories Initiative, bringing together workers, factory owners, buyers and the Government of Bangladesh to develop an industry standard on fire and building safety. At the end of the ILO project, 28 apparel companies, retailers and brands had joined the Alliance.

9 Further information on this project is available at: <https://www.ilo.org/dhaka/Whatwedo/Projects/safer-garment-industry-in-bangladesh/lang--en/index.htm>.



3. Developed an Engineering Assessment Guidance Manual

- ▶ The detailed engineering assessment is conducted when the inspection process (preliminary assessment) of factories reveals insufficient information available to determine the safety of a structure.
- ▶ It entails the partial removal or destruction of some structural elements, such as taking a core sample from a concrete column, removing soil for testing or removing wall or beam finishes to see hidden or covered details.

4. Initiated a Remediation Coordination Cell

- ▶ Under the Ministry of Labour, the Remediation Coordination Cell ensures the remediation of factories under the National Initiative and ensures compliance with national standards.



Key results

- ▶ By December 2015, all export-oriented garment factories had been inspected for structural, electrical and fire safety (including 1,549 factories targeted by the Government in its initiative with the ILO).
- ▶ All National Initiative factories under remediation were visited at least once by the Remediation Coordination Cell engineers (as of June 2019).

The agreement of a core strength value for the preliminary assessment of factories was considered a major achievement in the harmonization process. As part of this process, the project also supported the endorsement by the National Tripartite Committee of the Protocol for Remediation and Oversight of Building, Fire and Electrical Safety of Ready-made Garment Factories, and the subsequent Detailed Engineering Assessment Guidance Manual, which are now an important component of the National Tripartite Plan of Action on Fire Safety and Structural Integrity in the Ready-Made Garment Sector.

Major Akm Shakil Newaz, Director of Operations with the Fire Service and Civil Defence Department, noted that “The project marked the first time this sector had received international attention and [this] has helped a lot to enhance fire safety in the sector in Bangladesh (...) In addition, we now have better systems in place, both on paper and on the ground.”

At the completion of the project, the harmonization of safety and inspection standards was cited as one of the project’s major achievements.



Challenges and solutions

The level of complexity in carrying out the preliminary assessments was not anticipated – instead of one assessment visit, three separate visits had to be made by each discipline (structural, electrical and fire), and the assessments took two years longer than planned. The project subsequently developed the Detailed Engineering Assessment Guidance Manual.

Full compliance proved to be a longer-term process, with only 67 per cent of the National Initiative factories having developed a corrective action plan by the end of the project. In response, the ILO extended its support to the Government under other ILO projects.



Why it is a good practice?

A collaborative approach was instilled among the regulating authorities, which tended to work on their own previously, which will sustain the harmonization of standards and processes. This collaboration of inspections also makes compliance easier for employers.

The Remediation Coordination Cell started operations after project closure with support of a private firm providing engineering, case management and capacity development support to the staff (until November 2021). A remediation kit for factories containing all necessary information on the remediation process was also produced. Ultimately, it is expected that the Remediation Coordination Cell will evolve into a national industrial safety agency or unit that provides one-stop shop services.

When the Minister of Labour and Employment, Muhammad Mujibul Haque, launched the Remediation Coordination Cell (in May 2017), he stressed “the Government of Bangladesh is fully committed to ensuring the safety of the garment industry and all who work in it. The remediation of all garment factories must be completed as quickly as possible and the Remediation Coordination Cell will make a major contribution to this goal.”

Philippines

Good Practice 2

Strategic compliance planning brings together an array of stakeholders to cooperate towards labour law adherence



Strategic compliance activity in the agriculture sector.



What needed changing?

There had been increasing criticism by trade unions over labour law violations in the Philippines and the perceived weakness of Government response. Long-overdue reforms across the Department of Labor and Employment (DOLE) started which were aimed at improving labour law enforcement for better worker protection. In addition, through DOLE campaigns, workers were becoming more aware of their rights and the options available to them if their rights were violated. Employers, especially in micro- small, and medium-sized enterprises, were also becoming more sensitized to their legal obligations to ensure decent, safe and healthy working conditions. As a result of these reforms and increased attention by DOLE on enforcement and preventive measures, the Department's profile among constituents was more prominent than it had been previously.

Despite these positive developments, achieving widespread compliance improvements remained a challenge, as did implementing the ambitious inspection reforms. The difficulty in securing workplace compliance was in part attributed to how planning and prioritizing of labour inspection remained an internal process within DOLE. For example, priority compliance issues were discussed at the national level, but had only limited input from the regional inspectorate offices. Moreover, there were no tripartite discussions about inspection, data collection and compliance outcomes.

Limited resources, both human and financial, was another challenge. There was a need to build partnerships and pool resources towards promoting greater compliance with the legal framework at the national, regional and sectoral levels. This would become the trigger for DOLE, other government agencies and the social partners to better organize their actions and collaborate.



What did the project do?

From late 2017 to mid-2019, the *Building the Capacity of the Philippines Labour Inspectorate Project*,¹⁰ with funding from the USDOL, introduced the ILO strategic compliance methodology.

The project recognized that improved compliance with labour laws required better understanding and focus on where violations occurred and where the most vulnerable workers were located – by region, sector or occupation. Improved compliance also required the labour inspectorate – from the national to the regional and field levels – to ask why businesses did not comply with the law in order to better identify the root causes of non-compliance and the mechanisms that affect compliance. The ILO strategic compliance model promoted proactive, targeted and tailored interventions by engaging multiple parties to brainstorm and draft plans for achieving compliance outcomes through benefiting from each actor's strengths and use of resources to maximize intervention impact.

1. Organized strategic compliance planning workshops at the national, regional and sectoral levels in agriculture and fishing

- Tripartite activities were conducted at the national, regional and sectoral levels to identify as many leverage points as possible to enhance compliance among social partners.
- The strategic compliance methodology workshops for the tripartite constituents centred on determining inspection priorities (issues, sectors or category of workers) and the root causes of non-compliance.
- Participants then developed more specific strategies that partners could implement individually, or jointly.
- The workshops resulted in preliminary tripartite compliance plans for all regions, including the Autonomous Region in Muslim Mindanao, that focused (for the most part) on one priority issue faced by each region, covering matters such as “contractualization” (disguised employment).

10 More information on this project is available at: https://www.ilo.org/manila/projects/WCMS_379086/lang--en/index.htm.



- Separate strategic compliance workshops were later organized for the agriculture and fishing sectors involving other relevant government agencies such as the Philippine Economic Zone Authority, the Philippines' Bureau of Fisheries and Aquatic Resources, and the Department of Agriculture.

2. Organized an executive course for regional Department of Labor and employment managers on strategic compliance planning

- The course highlighted the importance of strategic compliance interventions and the application of streamlined procedures across various regions. The training emphasized the value of inter-regional case conferencing, especially for enterprises that may have a presence in different regions of the country, to ensure consistency of approaches and decisions.



Key results

- The project provided orientation to 858 tripartite partners on workplace compliance and helped develop and implement ten tripartite regional strategic compliance plans.
- More than 300,000 workers were regularized, with 73 per cent achieved through voluntary regularization and 27 per cent reached through inspections. This was attributed to both the project and other external factors.
- The strategic compliance planning workshops enabled the mainstreaming of inspection data from the management information system (MIS) into the discussions of the Regional Tripartite Industrial Peace Councils, which have the mandate and resources to implement action and ensure follow-up.
- Inter-regional case conferencing on priority and high-profile cases became a regular part of national and regional senior officials' meetings.
- The Department of Agriculture requested orientation on occupational safety and health issues for all of its 21 satellite agencies so that staff would become familiar with the labour standards that agri-businesses and farmers' cooperatives need to comply with, and to determine further areas for collaboration.
- In the fishing sector, inter-agency coordination was established at the port level between the Department of Labor and Employment and the Bureau of Fisheries and Aquatic Resources. This was accompanied by awareness raising efforts among fishing vessel owners to better familiarize them with the labour provisions of the country's trade agreements with destination countries. This led better coordination of training for labour inspection of fishing vessels.
- In export processing zones, partner trade unions and the Employers' Confederation of the Philippines (ECOP) supported the strategic compliance plans, which covered the establishment of inter-trade union monitoring networks in the Cavite and Mactan export processing zones. Participation in the strategic compliance planning process gave the ECOP a platform on which they could reach out to regions where they had limited presence in the past.



Challenges and solutions

A significant investment in terms of time and financial resources required to develop and implement the strategic compliance methodology is needed. In addition, long-term monitoring is required to ensure that actions are properly implemented. The strategic compliance planning process is more effective if implemented at the start of a project because it draws on various actors, builds consensus, and helps sharpen focus. It is important to mainstream the planning process into each partner organization's planning processes, indicators and workplans.



Why it is a good practice?

This intervention was built on the strength and capacity of each party to promote compliance, taking into consideration actual resources and political will. The Bureau of Working Conditions (essentially the central inspection authority within DOLE) integrated the strategic compliance planning process into the inspectorate's inspection manual and operational guidelines.

The strategic compliance planning workshops came at an opportune time – shortly after DOLE set national priorities for labour inspection work in 2018. The workshops thus corresponded with the Department's need to draft regional inspection plans. The availability of reliable inspection data from the new MIS, also covered by the project, was critical to supporting and facilitating consensus around priority areas of action, especially on contentious issues during the strategic compliance planning process.

The strategic compliance methodology maximized the use of existing resources (human and financial) to foster compliance in a pooled approach. By bringing together an array of stakeholders and building common workplans, the project fostered social dialogue and inter-agency collaboration that had not existed before on matters of labour law compliance.

Philippines

Good Practice 3

An effective information system makes a difference in the lives of workers, employers and labour inspectors

Violated Indicator

General Labor Standards

Records Keeping (Employment records e.g. payrolls, DTR kept at workplace for at least 3 yrs.)

Minimum Wage

Basic Wage Pay

Cost of Living Allowance (COLA)

Time of Payment of Wages

Meal Period

Night shift differential pay

Overtime Pay

Interface of the Information Management System of the Labour Inspectorate.



What needed changing?

In the Philippines, inspection reports are legal documents that can be used in court and thus must follow certain rules for gathering evidence. Yet, many cases arising from inspection have not succeeded in court due to insufficient evidence collected during inspection visits.

Additionally, the legacy system for managing data generated by nearly 600 labour inspectors covering more than 900,000 establishments was paper-based. With no central database, inspection data were not properly collated and analysed.

This paper-based system made preparing, conducting and following inspection visits extremely difficult for inspectors. In addition, policymakers within the Department of Labor and Employment (DOLE) were missing out on consolidated workplace information that was needed to identify compliance trends, build robust compliance plans and to ensure more targeted inspections. Ultimately, violations of workers' rights were not dealt with as effectively as they could have been.



What did the project do?

Through the *Building the Capacity of the Philippines Labor Inspectorate project*,¹¹ the ILO worked with DOLE to implement labour inspection reforms and develop tools that would make a difference to the lives of workers.

One component of the project aimed to digitalize the management information system (MIS) and create a web and mobile application for labour inspectors. The application was designed to resolve data and case management gaps, track compliance towards protecting workers' rights and generally help promote industrial peace.

1. Engaged a Philippine software development firm and conducted a business process review of the labour standards enforcement system in the country to design the MIS

- To create a system that was flexible, sustainable and aligned with provisions of the law, project partners remained hands-on with the software developers to ensure the system design was based on the business process review. This led to the specific development of three system modules:
 - A labour inspection module containing the electronic inspection checklist, the assignment of establishments to inspectors and a function for performance monitoring;
 - A case management module allowing the tracking of inspection actions to their completion; and
 - A public-facing online platform, accessible through DOLE's website, enabled online notification and reporting from the general public on any workplace accidents, injuries and illnesses.

11 For more details on the project see: https://www.ilo.org/manila/projects/WCMS_379086/lang--en/index.htm.



2. Established an MIS team and designated focal persons in regional offices

- The MIS team managed the design and implementation of the system.
- DOLE established a technical working group composed of the MIS team, officers from other DOLE units, lawyers handling labour standards cases, labour inspectors and regional managers.
- The process solicited inputs from all end-users to ensure that the system was user-friendly while fulfilling all the necessary legal requirements.



Key results

- Targeted capacity-building training focused resources on 25 key national and regional personnel in charge of planning and communication to build their capacity to use the MIS for basic descriptive statistics, technical writing and translating compliance data into infographics. This personnel then trained other staff.
- More than 700 users of the MIS were trained (labour inspectors, field and regional managers, Bureau of Working Conditions staff and other senior labour officials).
- As of mid-2019, the system contained information on 180,000 establishments and 97,000 inspection reports (dating to 2018).
- From 2015 to the end of 2018, compliance and correction rates on both general labour standards and occupational safety and health increased. As of first quarter 2019, correction rates were at 73 per cent for general labour standards and 40 per cent for occupational safety and health standards.

3. Trained labour officials on how to use the system

- Training was provided to national and regional officials on data analysis so they could better read the data that populated the MIS and thus plan more targeted inspections at national and regional levels.
- Inspectors were also trained on writing reports and translating data into infographics that can be used for regional or sectoral compliance campaigns.

- Some 62 per cent of the labour inspectors surveyed at the end of the project indicated an increase in the use of the system due to the ease and speed with syncing and uploading inspection data (especially with the offline feature). They also reported improvements related to retrieving compliance history of an establishment and in filling in the shorter electronic inspection checklist.

Lilian Solis, a labour inspector in Mindanao, explained that the new system made carrying out her duties easier and now that “compliance can be tracked and monitored online (...) we can immediately identify missing documents and elements to check, validate and follow up for compliance and generate reports. It will just be click and go”.

When interviewed for the final evaluation, five regional directors, the Bureau of Working Conditions director and the Undersecretary for Labor Relations all acknowledged they use the MIS for determining work priorities and designing workplans for targeted assessments. The MIS allows them to immediately report on regional performance on a monthly basis, adjust strategies, as well as better target establishments.



Challenges and solutions

The procurement for the MIS was delayed by more than six months because the Department wanted to secure resources to host the system (rather than outsourced hosting) before any further development took place. Further delays were experienced waiting for changes in labour regulations before these were reflected in the system. To move forward before the legislation was finalized, the project opted to rely on the existing Labor Code because any new regulations would have to comply with it.

Some initial challenges to using the MIS included convincing labour inspectors to see it as a guide for evidence gathering and documenting inspection findings and helping them to realize that inspection reports still required a narrative report explaining the context, findings and evidence. This was a change from their previous use of a bullet format of labour law violations without the documentation of evidence. In response, the project highlighted the fact that this change in reporting was necessary to enhance the quality of cases before the courts.



Why it is a good practice?

The project led to more efficient and effective working methods of the Department of Labor and Employment because it offered a pragmatic and user-friendly system that modernized practices and improved recording of inspection activities.

The inspection data from the MIS proved useful in building consensus in tripartite strategic compliance planning exercises and in improving inter-agency coordination on occupational safety and health issues, such as in export processing zones. Relevant or public MIS data are regularly requested by other government offices for programme monitoring, reporting and policy-making.

In addition to the labour inspectorate, the project involved other relevant DOLE units that could contribute to the system's operation and sustainability, including human resource staff and senior management.

Although the project mobilized resources to support the business review, DOLE secured funds to ensure the sustainability of the process. The Department allocated budget for tablets, other equipment upgrades (new computers, a physical server and a data server room) and internet subscriptions, which it continues to cover. Regional visits to conduct MIS training were also funded demonstrating the ownership and sustainability of the system.

Colombia

Good Practice 4

Labour inspectors help design an electronic information system considered core to guaranteeing workers' rights





What needed changing?

An *Action Plan Related to Labour Rights*,¹² adopted jointly by the governments of Colombia and the United States, was a precondition for the entry into force of the United States–Colombia Trade Promotion Agreement and provided a road map for Colombia to protect internationally recognized labour rights by building on recommendations from the ILO.

The plan called for legal reforms and doubling the number of labour inspectors to enhance enforcement. Incorporating, equipping and training the resulting new personnel presented enormous challenges, largely because all the labour inspectors had to learn and apply the newly adopted Code of Administrative Procedure and Administrative Litigation, even though the Ministry of Labour was still designing internal procedures.

The Ministry lacked a centralized information system for case management and the collection of data. The inspectorate's reporting system was still paper-based. This meant that the central authority had little control or knowledge of the caseload or handling of cases in the regional offices or their application of administrative procedures. This meant inspectors used an inefficient system that impeded their work.



What did the project do?

Through the USDOL-funded project, *Promoting Compliance with International Labor Standards in Colombia*,¹³ the ILO supported the development and roll-out of an electronic labour inspection case management system to increase the efficiency, effectiveness and transparency of labour inspection.¹⁴

1. Provided technical assistance to the Ministry of Labour to design an electronic labour inspection case management system

- A study was conducted to estimate the total operating costs, including for human and technical resources and the cost of maintenance for a new technological platform. This detailed information enabled the Ministry to fully see what duties were involved, as well as the costs and resources, and thus plan for expenditures in the budget forecast.
- Labour inspectors were trained on the content and use of the case management system during its development phase and, in turn, they made suggestions on ways in which to improve the system's use.

2. Organized, digitalized and systematized all case files

- All paper case files for 33 offices (dated between 2011 and 2019) were digitized and systematized and then fed into the system to give labour inspectors and managers easy access to the inspection history of an establishment or a sector.

¹² For more information on the action plan see <https://ustr.gov/about-us/policy-offices/press-office/fact-sheets/2011/june/colombian-action-plan-related-labor-rights-accomplishmen>.

¹³ Information on the project is available at: <https://www.dol.gov/agencies/ilab/promoting-compliance-international-labor-standards>.

¹⁴ Tripartite partners of the project included the Government of Colombia (the Ministry of Labour, the Prosecutor General's Office and the National Protection Programme), the trade union confederations and the National Employers' Association.



3. Supported the roll-out of the system throughout the country

- ▶ To set up the system in all of the Ministry's 35 regional offices, an institutional readiness plan was created that proved invaluable for managing difficulties.
- ▶ The plan presented training and communication strategies for a smooth transition from the previous paper-based system to the digitized format.
- ▶ On average, two representatives in each office were trained on the use of the system and they provided helpdesk support for colleagues as they transitioned from paper to digital. They also played a key role in promoting the computer system in their respective regional offices.

4. Fostered interoperability of the system

- ▶ The Ministry of Labour and the fines collection authority created a joint working group for bridging their information systems to ensure proper information sharing and timely fines collection between the Ministry and the fines collection authority.
- ▶ An inter-institutional fines bridge module was created to ensure traceability of fines imposed by the Ministry and those collected by the fines collection authority.

5. Designed user and administrator manuals

- ▶ To facilitate the training process for new labour officials, user and administrator manuals were developed for the case management system that were made available for online access in the Virtual Campus for labour inspection training.

6. Supported the sustainability of the system

- ▶ Once the roll out was completed in all regional offices, the use of the system became a component of the performance management system for labour inspectors.
- ▶ An investment plan was developed enabling the Ministry of Labour to start assuming cost maintenance and update the development of the system.



Key results

- ▶ A total of 1,173 Ministry of Labour regional directors, area coordinators, labour inspectors, professionals and administrative assistants were trained on the use of the case management system.
- ▶ All labour inspectorate offices (36 regions, including the capital) now use the system.
- ▶ Post-training surveys found that 75 per cent of the intended users gave it a satisfactory rating.
- ▶ All 14 Ministry of Labour officials interviewed for the final evaluation agreed that the electronic information management system was the project's single most important contribution.
- ▶ At the end of 2020, there were more than 70,000 cases in the system and more than 50 per cent of these were completed.
- ▶ The Regional Office of Bogota processes 45 per cent of the cases at the national level, with more than 17,000 cases submitted between 2011 and 2019.

Shortly after the system was launched, then Minister of Labour, Clara López, praised the tool for helping labour inspectors ensure compliance through efficient and timely surveillance. She noted that "especially now in the post-conflict era, it also makes mobile inspection possible, particularly in rural areas, since it enables system access from anywhere with an internet connection," she said.



Challenges and solutions

It was thought there might be some resistance from inspectors who are not comfortable with computer technology or who fear possible repercussions as a result of the transparency of the inspection process. The project, therefore, emphasized involvement and training of labour inspectors throughout the entire process to ensure buy in.

The system was first developed by an ILO-funded independent software developer and was therefore not fully owned by the Government. Following a 2017 agreement with the ILO, the Ministry set up an in-house team to manage the system and hired their own team of software developers to ensure sustainability.

Although the system was ready to register the activities of the 36 regional offices of the Ministry when it was launched, there were 158 additional offices operating in small municipalities linked to the regional offices. Most of those offices lacked sufficient internet access and thus could not connect to the Ministry's servers nor access the new system. As a result of discussions between the USDOL and Colombian delegations on the signing of a Memorandum of Understanding in 2018–19, the Colombian Government provided the needed infrastructure and internet service access to every Labour Ministry office.



Why it is a good practice?

The close collaboration between the labour inspectorate and the information technology (IT) units throughout the design phase created the inspectors' buy-in to achieve a satisfactory end product.

The institutional readiness plan was another insightful and proactive step to prevent difficulties that might occur as the system was rolled out across the country.

Technical monitors in the regional offices were able to troubleshoot issues that popped up during the system's inauguration. The project made sure the designated technical monitors in each regional office was sufficiently prepared to provide assistance to the labour inspectors and that the information technology staff had sufficient technical support to troubleshoot any problems.

The project also provided technical assistance to the Ministry's Division of Inspection, Monitoring, Control and Regional Management officials to develop a performance monitoring plan with baseline and performance indicators to measure changes in the efficiency and effectiveness of the labour inspection process over time. The Ministry's in-house information technology office has subsequently made its own updates and improvements, demonstrating the Ministry's commitment and ownership of the system.

A virtual training programme was developed to train new inspectors on the use of the case management system and an investment plan was designed to ensure that sufficient funding is secured to keep the system going.

Colombia's National Development Plan 2014–2018 (still ongoing in 2020) outlined actions for achieving decent work, with the labour inspection case management system seen as strengthening labour inspections and strengthening social dialogue.

Capacity building of national institutions

Labour inspectors are agents for social progress. But due to the absence of proper preparation and scant familiarity with international labour standards, or even domestic legislation, many of them lack the capacity to carry out their core functions. This affects their confidence to conduct proper inspections, provide legal and technical advice to employers and workers, build a strong case in the event of violations and impose sanctions. Many inspectors are not aware of how they could be building a better culture of compliance by creating constructive and positive relationships with employers and workers. They are also quite often not properly coordinated with other government departments or the judiciary.

2.

Through diverse capacity building activities, including rigorous training sessions, mentoring and study visits, the ILO set out to strengthen labour inspectors' abilities, as well as other relevant actors, such as judges and legal practitioners, by updating their knowledge and skills. For the five cases featured in this compendium, trainings were tailored to the environment and circumstances in each country. Four cases relate to the training of inspectors, and offered step-by-step instruction on the complete path an inspector must follow in the course of their duties. They covered labour rights, the role of labour inspectorates, using inspection data, preventing and acting upon violations, and influencing a culture of prevention in workplaces. All five cases emerged as good examples of strengthening labour inspectorates or the judiciary – partly because of the confidence conveyed to the project evaluators that inspectors and judicial authorities felt to act upon cases of alleged labour law violations, including sensitive issues, and because of their sustainability (inclusion in the curricula of training institutions).

Bangladesh

Good Practice 5

Overhaul of inspectors' competencies
to ensure fire and building safety



Fire inspectors participating in an ILO capacity building activity.



What needed changing?

On 24 November 2012, Zakir Hossain heard a fire alarm on the third floor of the Tazreen Fashions clothing factory where she worked in Bangladesh and ran, only to find the doors on both stairways locked. Behind her, piles of yarn and fabric in the corridors easily ignited. Actually, a manager had told her and her workmates to sit still, that there was no need to panic. Luckily, the locks were broken, and Zakir Hossain made it to safety. But at least 112 other people, mostly women, did not survive. Around 200 others ended up in hospital. The cause was attributed to a short-circuit on the building's first floor.

Only six months after the Tazreen fire, on 24 April, 2013 another building, Rana Plaza, with five clothing factories operating on the top three floors collapsed (all three floors had been illegally added to the original structure). It quickly replaced the Tazreen factory fire as the worst industrial disaster ever in Bangladesh with the fatalities of at least 1,132 workers and more than 2,500 injured.

According to Bangladesh Fire Service and Civil Defence Department data, before the project started, more than 75 per cent of fires in the country's garment industry were caused by electrical faults. Poor wiring was only a part of the problem, along with lax construction standards, and ineffective enforcement of building regulations. The inspection system was not sufficiently developed, inspection bodies had no clear procedures, and there was a weak compliance culture.

"It was a harsh wake-up call to the fire danger present in ready-made garment factories," Senior Station Officer Shams Arman told an ILO specialist when talking about the Tazreen Fashions factory fire.



What did the project do?

The ILO's project *Improving Fire and General Building Safety*,¹⁵ funded by USDOL, launched work to improve the safety of the garment industry working conditions in Bangladesh.

Among several targeted fixes, the Government embarked on modernizing the fire and labour inspectorate and the safety and inspection standards. Through the USDOL-funded project, the ILO supported the Government's ability to ensure compliance with fire and building safety standards.

The project targeted the principal safety challenges – the lack of human and organizational capacity to regulate the booming ready-made-garment industry – and included case management training, fire inspection, emergency evacuation planning and electrical safety training for fire professionals. These activities were supported by numerous capacity-building workshops aimed to also build institutional collaboration and follow-up on assessments. In particular, the project undertook the following actions:

1. Strengthened the capacity of fire inspectors to conduct quality inspections

- Initially, 40 fire inspectors were trained on case management, fire inspection, emergency evacuation planning, electrical safety training, industrial building design, separation and segregation systems, hazardous materials found in garment factories, and labour rights. They were also trained on how to follow up on inspection reports and collaborate with counterparts from the Department of Inspections for Factories and Establishments to carry out joint inspections.

"Before the training, we did not know about different industrial building structures and the strengths and weaknesses of each design," admitted Senior Station Officer Shams Arman. "We are learning a lot, which is good because factories are changing a lot. They are installing new things, like fire doors and early detection systems. Most owners are positive – they want their factories to be safe, and we are able to make them understand why safety also makes business sense."

¹⁵ Full details on the project can be accessed at: https://www.ilo.org/dhaka/Whatwedo/Projects/WCMS_341914/lang--en/index.htm



2. Provided specific training on the electrical causes of fires to government inspectors and industry compliance officers

- ▶ Three-day training course targeting electrical safety for fire inspectors and garment and knitwear industry associations' compliance officers, with training on potential electrical safety hazards; and understanding fire detection and alarm systems as well as schematics.
- ▶ Core group of inspectors trained as trainers in electrical safety.
- ▶ Classroom work was balanced with field visits to help inspectors put new skills into practice in a factory environment.

Senior Station Officer Shams Arman emphasized that: "You can reduce fire danger by over 90 per cent just through five simple measures: Never block exits, take a dedicated approach to fire drills, have proper storage systems, use good-quality electrical equipment and undertake periodic maintenance."

3. Created a post-graduate diploma course on electrical safety for fire inspectors

- ▶ Established collaboration between the Bangladesh University of Engineering and Technology, the University of Maryland (in the United States) and the National Fire Protection Association to develop the country's first academic programme on fire protection and safety.
- ▶ Initially attended by six Bangladesh university professors and facilitated by the University of Maryland and the National Fire Protection Association, training workshops are also provided for factory managers, supervisors, graduate engineers and fire service officers.

4. Expanded access to fire inspection safety training through an online course

- ▶ Interactive online course on international standards developed in collaboration with ILO International Training Centre in Turin, Italy to enhance the capacity of Fire Service and Civil Defence Department inspectors to carry out inspections of ready-made-garment factories.
- ▶ Two online modules of this course include interactive multimedia sessions that take participants on a virtual inspection visit of garment factories to find issues of concern and orient users to address problems related to fire safety and emergency plans.
- ▶ Online certificate awarded to participants after passing each module test.



Key results

- ▶ A total of 790 participants were trained through 46 events.
- ▶ The Bangladesh platform version of the online course registered 4,008 users (including 318 women) and issued 1,941 certificates of successful completion, as of January 2021.
- ▶ The online Fire Safety Management Course became a globally available version, free of charge, registering 5,083 users (largely located in India, Mexico, Egypt, Pakistan, Nigeria, Bangladesh, Ghana, Cameroon, Turkey and Kenya, including 537 women) and issuing 2,890 certificates, also as of January 2021.

Brigadier General Ali Ahmed, Chief of the Bangladesh Fire Service and Civil Defence praised the results of the project: "Fire service inspectors now go on joint inspections with the Department of Inspections for Factories and Establishments. The joint inspections make it easier to pinpoint problems at the factories and help arrive at joint decisions on what remediation needs to be carried out. This benefits the industry as well as the fire service by giving us exposure and interaction with another agency."



Challenges and solutions

A challenge for the project was the limited access to quality training material and courses. The project addressed this gap by developing the interactive online course for fire inspectors in collaboration with the ILO International Training Centre.

Significant headway was made in building the skills of the Fire Service and Civil Defence Department to carry out inspections in a systematic, credible and accountable manner. However, longer-term support is needed to enable them to put into practice what they learned, which is currently being facilitated through other ILO projects.



Why it is a good practice?

The project systematically brought fire inspectors together with their counterparts from the Department of Inspections for Factories and Establishments, as well the employers' and workers' organizations active in the sector. Joint training sessions paved the way to organize joint inspections by the Fire Service and Civil Defence Department and the labour inspectorate. This represented a small but major step towards more systematic and harmonized inspection procedures.

Training continued beyond the project, and for the final evaluation the training on inspectors' competencies was highly praised and seen as helping to lead to a sustainable inspection regime. With the creation of a university course as well as an online course, the project continues making impact years after it ended, demonstrating the importance of easy access to training and refresher learning.

The increase in the number of inspectors and recruitment drives (including for women inspectors) is considered a good indication of the Government's commitment to continuing and even scaling up inspection work. The project's contribution to strengthening the capacity and knowledge of both the Fire Service and Civil Defence Department and the Department of Inspections for Factories and Establishments adds to the sustainability of its impact.

Vice-chancellor Saiful Islam announced on the Bangladesh University of Engineering and Technology's Fire Safety Programme website that a fire safety institute is coming soon. This facility, he told the ILO, will "benefit our industry not only with qualified [human resources] but also with quality certification of industry products. Research work will focus on mitigation of the fire risk in our buildings and ensure fire safety in every corner of our economic activities."

Georgia

Good Practice 6

Judges study international labour standards for relevance in their courtrooms



Flag of Georgia associated with a symbol of justice.



What needed changing?

For 24 years, Asmat Koronashvili worked in the packing unit of a flour mill. When she turned 60 in 2015, her employer dismissed her, though she wanted to keep working. It had been nearly a decade since the Government had abolished its own labour inspectorate leaving people like Asmat without many options to challenge their employers when they felt their rights had been violated.

Her only option was a court case. Although 2013 amendments to the labour law had ushered in a return to some protections for workers, gaps and a lack of clarity on different issues remained. Asmat's situation fell into one of those areas with a lack of clarity and two lower courts did not agree with her argument of unfair dismissal. Asmat then pushed her case to the Supreme Court. In those years, the ILO had been working outside of the courtrooms with judges and lawyers to deepen their knowledge and practical application of international labour standards.

Four years after she was fired, the Supreme Court considered Asmat's case. Taking into account relevant international labour standards concerning working age and termination that they had been exposed to through the training, the judges ruled that her dismissal was unjustified and ordered she be given her job back along with compensation for loss of income.



What did the project do?

With funding from USDOL, the ILO partnered with the High School of Justice of Georgia to develop a training programme, first for judges. In addition, it further partnered with the Georgian Bar Association to train lawyers, on the use of international labour standards to resolve labour disputes.

1. Developed a labour law manual for judges and lawyers

- A working group of nominated judges and representatives of the High School of Justice (responsible for the professional development of judges) worked with the ILO to adapt a training manual for judges, lawyers and legal educators.
- Its unique adaptation fostered an integrated and coherent application of the national labour laws based on international standards.

2. Trained judges to be trainers

- Training of trainers (Georgian judges in the working group) was organized (September 2016), with the first pilot training conducted by Georgian judges in November.

3. Trained judges with the newly prepared trainers

- National trainers, along with ILO experts delivered two-day training sessions for judges from different court levels across the country using interactive methods (lectures, group discussions, case studies and role play).
- Collaboration with the Supreme Court in 2019 led to a tailored training course for the Supreme Court judges on issues related to termination and discrimination as they are the subject of many court cases in Georgia.



4. Tailored and delivered training to lawyers

- ▶ ILO further developed a partnership with the Georgian Bar Association to train lawyers on international labour standards for resolving labour disputes, with training for lawyers customized to their needs, enabling them to base their arguments in court on international labour standards, where legally possible.

5. Promoted exchanges of experience between judges and lawyers

- ▶ “Bench-Bar” meetings were introduced in which judges and lawyers exchange their experiences and opinions on labour-related legal and procedural issues, and thus arrive at a mutual understanding of issues and case law.



Key results

- ▶ Ten training sessions conducted for 128 judges and 35 assistant judges, and 14 training sessions conducted for around 260 lawyers.
- ▶ Analysis of 59 judgments by the Supreme Court (2010–18) reflected considerable increase in the application of international labour standards. In 2019, a minimum of 158 judgments referred to international labour standards, throughout all three instances in Georgia’s legal system (city/district, appellate and the supreme court).
- ▶ The Bench-Bar meetings continue, each with around 15 judges and 15 lawyers discussing challenges and possible solutions to labour-related legal and procedural concerns.

Teimuraz Todria, a Supreme Court judge (2005–2015) said: “I think that this project [had] a very important role in the process of establishing correct case law in Georgia. Judges [were] provided the opportunity to pay special attention to the international legal requirements that are necessary to regulate employment relations. Eventually, this will promote the development of accurate case law. The first results of this project are already reflected in the Supreme Court practice, and it shall be assessed in a positive manner.”



Challenges and solutions

In order to increase compliance with labour law, training of the judiciary must be coupled with activities aimed at building a labour inspectorate, in line with ILO Labour Inspection Convention, 1947 (No. 81).



Why it is a good practice?

As the first of its kind of training in Georgia, the project was innovative in expanding judges' and lawyers' understanding of international labour standards in a process that can be easily replicated in other countries. The international umbrella gave the Bench-Bar forum more leverage.

With a partnership forged with the High School of Justice and the Georgian Bar Association, the project's sustainability was substantially enhanced from the outset.

The participatory approach used for developing the manual ensured its contextual relevance for judges and the High School of Justice. The added value of the international labour standards application in the Georgian context led the High School of Justice to institutionalize the manual as the main resource to train future judges.¹⁶ The duration of the compulsory training is at least three days per year. Training modules also have been incorporated into the In-service Training for Sitting Judges.

For would-be lawyers, a pilot programme for Masters students on International Labour Standards and national law was conducted by one University during its fall 2020 semester using the manual as the main source for its curriculum.

Towards the end of the project implementation, the High School of Justice and the Georgia Bar Association conducted two joint training programmes for judges, lawyers and Ministry of Labour staff on the new law on occupational safety and health. This reflects willingness to build on the partnerships created through the project to reinforce the knowledge and capacity of judges and lawyers to adjudicate labour law cases.

¹⁶ The High Council of Justice adopted the N1/205 decision on Approval of Rules of Passing Compulsory Training Courses of Judges of Common Courts of Georgia (taking effect in January 2019). According to this decision, the purpose of the mandatory training is to ensure the quality of justice, strengthen the rule of law and enhance judicial independence.

Haiti

Good Practice 7

Intensive training, shadow mentoring and a study tour for labour inspectors led to major alterations in the labour inspectorate for apparel factories



Labour inspectors conducting a visit in a garment factory.



What needed changing?

The apparel sector is the largest single employer and exporter in Haiti, providing jobs to nearly 52,000 workers in 2019, constituting 90 per cent of Haitian exports to the United States. Since 2008, the sector had been benefiting from preferential trade treatment with the United States, in conjunction with various programmes to upgrade labour skills and employment relations in the sector, which was required by a trade agreement.

To maintain that preferential trade status, factories making exported items needed to prove stronger compliance with national labour laws, as well as international labour standards. If conditions did not change, the country would lose its preferential trade status, which would impose extensive difficulties for the sector, the economy and ultimately workers and their families.

When the ILO conducted a needs assessment of the Haitian Labour Administration in 2009, enforcement of the labour laws and protection of workers' rights were found wanting. Haiti's labour inspection services relied on poorly qualified staff, used obsolete tools and did not plan strategically. The labour inspectors rarely visited factories, and when they did, the supervision carried out did not follow a defined protocol or method. Given the extensive limitations that the Ministry was facing in terms of resources and capacities, labour inspections were generally of poor quality and usually not taken seriously by workers or employers.



What did the project do?

The ILO's *Building Capacities of the Ministry of Social Affairs and Labour to Ensure Labour Law Compliance in the Haitian Apparel Sector* project¹⁷ with financial support from USDOL, set out in 2014 to help the Government improve the quality and efficiency of labour inspection. The project introduced complementary and incremental activities to strengthen the capabilities of the labour inspectorate.

1. Created a task force to begin changing the way labour inspectors operate

- A task force composed of 18 officials, labour inspectors (11) and managers (seven), was created and provided in-depth training over a four-year period.
- The Ministry of Social Affairs and Labour selected the members based on job skills, representation of both management and first-line labour inspectors, gender balance and geographical coverage.
- Training focused on international labour standards, fundamental rights at work, occupational safety and health standards, industrial relations, labour law, training of trainers, inspection visit techniques, soft skills and ethical conduct.

2. Conducted shadow inspection visits with Better Work¹⁸ enterprise advisers

- Class training complemented with on-the-job training in collaboration with Better Work Haiti.
- "Shadow" inspection visits enabled the task force inspectors to follow and observe how the skilled advisers in the Better Work Haiti project operate, behave and apply international labour standards in the context of enterprise assessments and counselling services in the apparel sector.

¹⁷ Further details on the project are available at: https://www.ilo.org/labadmin/projects/WCMS_538855/lang--en/index.htm.

¹⁸ Better Work Haiti, also funded by the USDOL, provided a range of support within the context of implementing Haitian Hemispheric Opportunity through Partnership Encouragement II (HOPE II) requirements. This included assessing producers' compliance with core labour standards and the labour laws related directly to and consistent with those standards and to ensure acceptable conditions of work with respect to minimum wages, hours of work and occupational health and safety.



3. Initiated two study tours to neighbouring Guadeloupe

- ▶ A study tour to the neighbouring French island of Guadeloupe enabled the Haitian labour inspectors to learn from the experience of the French labour inspection service in terms of inspection methodology and managing the process surrounding inspection visits, particularly in terms of preparation and follow-up.
- ▶ Following the initial visit, the Haitian and French authorities continued the cooperation, leading to a training of trainers targeting the Ministry of Social Affairs and Labour managers along with selected Haitian and French inspectors.

4. Task force members cascaded their learning with colleagues

- ▶ Every Friday in the final year of the project in the Port-au-Prince Labour Inspection Office, the task force labour inspectors met with colleagues to pass on the newly acquired knowledge and inspection techniques.
- ▶ Training by task force members rolled out in other regions.
- ▶ After the project ended, the task force of labour inspectors continued training peers, using the newly acquired materials, tools and techniques.



Key results

- ▶ 856 hours of training were provided to task force members to broaden their knowledge and boost their confidence to carry out more effective labour inspections.
- ▶ The task force members trained 183 labour inspectors and Ministry managers. Training was extended to staff of the National Office for Old-Age Insurance and the Office for Work, Health and Maternity Insurance.
- ▶ Five training modules were developed by the task force members and submitted to the Ministry's General Directorate for institutionalizing.
- ▶ In 2017, the task force labour inspectors regularly provided advisory services to employers to promote compliance with the labour law and carried out 29 inspection visits, compared with virtually none when the project started in 2013. Some 269 violations were reported during the 174 inspection visits between July 2016 and December 2017, with 62 per cent of the offences resulting in procedural action.

Interviews with various parties found that participation in the task force had a strong motivational effect on its members, creating not only a sense of solidarity among them but also a feeling of ownership and responsibility for doing their jobs professionally. One of the task force labour inspectors said, "Thanks to the project, the service is able to carry out inspection visits in due form, in terms of both fundamental rights at work and occupational safety and health".

Based on collected inspection data, it was apparent that the quality of work performed by the labour inspectors in the apparel sector had improved, especially in addressing occupational safety and health issues. Ministry officials that were interviewed noted a significant improvement in the quality of the inspectors' work and indicated that the training had brought about important and positive changes.

Strong evidence, triangulated across different types of officials and employers, indicates that inspections conducted by the task force in the apparel sector are now taken more seriously by employers compared to inspections conducted prior to creation of the task force.



Challenges and solutions

Commitment from the higher management of the Ministry of labour and Social Affairs was needed to ensure longer-term results of interventions. Unfortunately, endemic political instability and frequent government changes did not allow for the desired degree of ownership by the Ministry, despite the implementation of mitigation strategies, such as engaging with middle management.

The sustainability strategy of adding a training of trainers to traditional capacity-building activities had the positive outcome of creating a group of trained individuals with the knowledge and know-how to train their peers. This strategy alone, however, is not sufficient to allow adequate replication – the trained individuals also need appropriate institutional support.



Why it is a good practice?

Despite the country's limited resources, the task force approach was able to create a professionalized core of labour inspectors who embraced responsibility for passing on their training and knowledge to their colleagues. In 2018, following the second study tour to Guadeloupe and after the project had closed, the task force finalized new training modules on occupational safety and health and freedom of association, and developed a national training plan for labour inspectors.

While the comprehensive training on international standards instilled greater appreciation of what is expected in terms of workplace compliance, the shadow mentoring added valuable observations on how Better Work Enterprise Advisors operate. This shadowing exercise continued after project closure.

The study tours to Guadeloupe allowed the Haitian labour inspectors to learn from a well-developed labour inspection system and fostered collaboration and knowledge sharing within the French-speaking Caribbean region that has endured since the closing of the project.

As labour inspectors increased their knowledge on factory practices, it boosted their confidence to seek workplace compliance, which further led to employers taking labour inspection more seriously.

After the project ended and based on their learning, the task force labour inspectors also developed and implemented an inspection plan for 2018 and 2019 that specified priority sectors and topics as well as specific objectives to be achieved regarding the number of visits and companies to be inspected. The plan also detailed an implementation strategy and the required resources for inspection visits.

The task force approach to strengthen the capacities of the labour inspectorate was replicated in another ILO project – *Safety + Health for All Flagship Programme* – in Madagascar¹⁹ (with funding from the Vision Zero Fund). The approach was found to be well suited to countries with insufficient resources and limited capacities dedicated to labour inspection. The project in Madagascar further refined the good practice, notably by ensuring political commitment of the Government at the highest level, by developing a training strategy for the task force jointly with the Labour Division of the Ministry of Labour and by adopting a similar approach with the social partners at an early stage of the process to facilitate dialogue among the tripartite constituents.

19 Details on this ILO Flagship Programme are available at: <https://www.ilo.org/global/topics/safety-and-health-at-work/programmes-projects/safety-health-for-all/lang-en/index.htm>.

Colombia

Good Practice 8

Training, tools and mentoring reinforces inspectors' confidence to target employment abuses



A labour inspector tests inspection tools in a coffee farm in Quindío.



What needed changing?

In 2011, a trade promotion agreement with the United States was about to take effect in Colombia. But there were preconditions – the country needed to improve its record on protecting internationally recognized labour rights by building on many recommendations from the ILO. An Action Plan Related to Labour Rights, adopted jointly by both governments, called for a doubling of labour inspectors, from 450 to 900, and a strengthening of their skills in relation to priority issues. Particular emphasis was put on two practices that undermined freedom of association and collective bargaining: the use of ambiguous and disguised employment relationships to weaken potential bargaining units, and the use of non-collectively bargained benefits packages to discourage union affiliation. At that time, the Ministry of Labour was still developing procedures for preparing all labour inspectors on the recent overhaul of administrative procedures. There was much change in motion.



What did the project do?

Through the *USDOL-funded Promoting Compliance with International Labour Standards in Colombia* project,²⁰ the ILO worked with the Ministry of Labour in Colombia to strengthen the labour inspectorate.

1. Developed and conducted a training programme to strengthen the labour inspectorate in four areas, complete with incentives

- Training covered four modules: i) administrative labour procedures; ii) ambiguous and disguised employment relationships; iii) conduct prejudicial to the right of freedom of association; and iv) competencies of the Division of Inspection, Monitoring, Control and Regional Management.
- Participants received a diploma upon successful completion of the programme, which required attending all four training modules and completion of an essay examination.
- The individual diplomas incentivized participants to return for each module. An award for the regional office with the highest average score and a countrywide competition among regional offices for trophies for the top performers inspired teamwork within each regional office and more active participation.

2. Developed eight inspection tools to promote the standardization of labour investigation and sanction procedures on priority issues

- Inspection tools developed were: i) Practical labour inspection guide on the calibration of sanctions; ii) Practical labour inspection guide on administrative labour procedures; iii) Checklist to identify core business activities; iv) Production process map methodology; v) Checklist to identify ambiguous and disguised employment relationships; vi) Contracting map methodology; vii) Checklist to identify conduct prejudicial to the right of freedom of association; and viii) Impact time line methodology.

²⁰ Further details on the project are available at: <https://www.dol.gov/agencies/ilab/promoting-compliance-international-labor-standards>.



3. Included emblematic cases of non-compliance to improve the application of labour law to real cases

- ▶ Workshops on emblematic cases enabled inspectors to practice with the new inspection tools on actual complaints.
- ▶ The special modules grouped inspectors by economic sector and tailored the content to their work.
- ▶ The practicum gave them a head start in their investigations, many of which later resulted in sanctions.

One inspector commented, “one thing is to learn about all of these topics in the classroom, and another thing to apply the information to your work in the real world. The project staff has been patient in answering my questions and reassuring me as I apply what I have learned to real labour inspection cases”.

4. Launched a virtual classroom that replicates the in-person module content

- ▶ A virtual classroom enabled easy repetition of the training and continuous education by the inspectors, as well as the training of new hires, especially given the high turnover rate.



Key results

- ▶ A total of 1,173 Ministry of Labour regional directors, area coordinators, labour inspectors, professionals and administrative assistants were trained between 2013 and 2020.
- ▶ A random sample of 135 cases from before and after the training programme demonstrated improvement towards guaranteeing due process per the new administrative procedures. Only 58 per cent of cases followed established administrative procedures before the project, while afterward it jumped to 70 per cent.
- ▶ The practicums (evaluated as the most effective component) provided the opportunity to apply new knowledge and tools to real cases on priority issues. This led the Ministry of Labour to sanction four companies, with 19 others identified for investigation.

Labour inspectors who participated in the training programme agreed that the training and inspection tools facilitated assessment of issues related to freedom of association, ambiguous and disguised employment relationships and collective pacts (benefits packages offered to workers which are used sometimes as disincentives against unionization) and this improved the quality of reporting.

One inspector observed, “These are somewhat intangible or subtle labour violations, so I never felt confident enough to impose sanctions. Now, for the first time, I have sanctioned employers for promoting collective pacts and for illegally subcontracting workers.”



Challenges and solutions

The Project management was concerned that the labour inspectorate would not be fully involved in the training programme. As a response, individual diplomas certifying completion of each module incentivized the vast majority of participants to return for all four modules.

Initially created for the new hires and inspectors who were unable to attend one or more of the in-person modules, the virtual classroom was later extended to anyone wanting to repeat the course. There are now 45 modules of the virtual classroom, and all are hosted on the internal training page of the Ministry of Labour's intranet, accessible to all inspectors and other MOL officials.



Why it is a good practice?

The emblematic case workshops provided participants with the opportunity to apply the knowledge and tools learned during the training to real cases. This also helped enrich their confidence through the mentoring provided by technical experts. Overall, the training instilled confidence in the inspectors to tackle complicated issues, such as freedom of association violations.

To build a solid culture of compliance across the labour inspection system, the project invited all labour inspectorate personnel to the labour training programme to promote widespread application of content and tools. Regional directors, area coordinators, labour inspectors and technical specialists participated in modules I through IV and administrative assistants participated in module IV. Each of the four training modules was replicated in eight regions of the country to ensure participation of all 35 regional offices and 114 local inspection offices.

To facilitate the replication and reinforcement of the training in the regional offices, each regional director received an electronic copy of the training programme, which includes all the training materials. An online follow-up survey found that 86 per cent of participants used the materials and 80 per cent taught the tools to a peer, demonstrating sustained use of the practical inspection tools and several of them are active and are part of the Inspector's Manual.

Philippines

Good Practice 9

Tailored training for labour inspectorate staff makes them fit for purpose



ILO Country Director's intervention at the executive course on managing the inspectorate for strategic labour laws compliance.



What needed changing?

Following an earlier ILO labour inspection assessment, the Government of the Philippines added 372 additional labour inspection positions. While a welcome investment in the national capacity of the labour inspection system, union leaders continued to criticize both the quality of inspections and the procedures adopted by inspectors.

It was apparent in many cases that labour inspectors did not have in-depth knowledge of the laws, especially sector-specific standards. Moreover, even though their job entailed responsibility for preparing, conducting and following up on inspections, labour inspectors were mostly conducting mediation and conciliation activities.

Additionally, inspection findings often were inadequate to survive a challenge in court due to a lack of substantiating evidence. Indeed, after an inspection visit, labour inspectors would simply note violations in a bulleted format, without citing the evidence.



What did the project do?

With funding from USDOL, the ILO partnered with the Philippines Department of Labour and Employment (DOLE) to improve labour inspectors' understanding of the inspectorate's enforcement powers, application of labour regulations and basic inspection techniques.

1. Appraised the challenges and needs of the inspectorate to customize a training programme

- Various inquiries were undertaken to collect the necessary information. These included a training needs analysis conducted among inspectors, focus group discussions with inspection managers, a review of inspection data, an audit of appealed labour court cases and a review of jurisprudence.
- The appraisal revealed that inspectors (including senior inspectors) had limited knowledge of the labour laws and inspection techniques.

2. Hired a former government official well versed in labour activities to head up the training programme design together with a working group in DOLE

- The former official had extensive experience in labour inspection allowing for the development and implementation of a suitable training programme, alongside a senior regional director who was familiar with the operational aspects of labour inspection.
- DOLE's Bureau of Working Conditions established a core group of technical staff, including inspectors and labour lawyers, to assist with the drafting process for a training programme in an environment in which the legal framework was evolving, and new regulations expected.
- The core group supported the roll-out of the training activities (facilitated group work, reviewed participants' assignments, etc.).



3. Introduced an executive course for regional DOLE directors

- ▶ An executive course for all regional directors was created to ensure that they can support labour inspectors in their work.
- ▶ The executive course included a refresher on the application of laws on critical issues and violations, a review of relevant and more recent jurisprudence and discussions on the uniform application of inspection procedures. It also covered strategic compliance planning based on inspection data and labour market information as well as inter-regional case conferencing.

4. Consolidated, packaged and handed over the training programme to DOLE

- ▶ The step-by-step training programme materials including training session guides, frequently asked questions, all the presentations used during the training roll-out, and sample case studies, were handed over to DOLE.



Key results

- ▶ A total of 608 labour inspectors were trained on the applicable labour laws and evidence-gathering during inspections. This included writing inspection reports, conducting accident investigations and inspection of working and living conditions in fishing, agriculture and construction.
- ▶ Using mostly their own budget, the Department's regional offices (for Metro Manila, Luzon, Visayas and Mindanao) trained 361 labour inspectors and other actors involved in case management (e.g., hearing officers and lawyers). This demonstrated strong ownership of training delivery and helped to ensure uniformity of understanding among inspectors and related officials.
- ▶ Responses from the Department's regional directors, who participated in a project survey for the final evaluation, rated improvements in their labour inspectors' knowledge and skills after the project ended at a 4 out of 5. In addition, 122 of the 144 labour inspectors who responded to the satisfaction survey said the training was useful to their work.

Teresita Cucueco, Director of DOLE's Bureau of Working Conditions reported that "we are improving the system. We are also enhancing training on safety and health at work. We are bringing in the experts, and the ILO is at the forefront. We want to have one truly competent labour inspectorate system that will provide updated information."



Challenges and solutions

The project worked with officials to strengthen the focus on quality, evidence-based inspections. Discussion of jurisprudence and recent court decisions on labour standards cases arising from inspections were integrated into the training to generate appreciation for the long-term value of evidence-based inspections. The subsequent commitment from the DOLE inspectorate to the training programme was ultimately cited as one of the project's successes.



Why it is a good practice?

The extensive preparatory research revealed the scope and nature of the inspectorate's knowledge and skills weaknesses. The participatory design process under the direction of a former inspectorate official led to an appropriate and acceptable response to address the identified weaknesses.

Taking a competency and task-based approach to the training programme, along with combining the understanding of labour laws with more operational considerations on their application in various sectors and situations, was critical to ensure that the training led to an actual change in knowledge and inspector practices.

To sustain the training initiated by the project, the Department's regional offices also conducted learning sessions every month, continued the harmonization workshops between labour inspectors, hearing officers and lawyers and shared best practices from inspectors.

The training conducted is now included in the labour inspectorate curriculum and continues to be delivered with local resources, underscoring its relevance and sustainability.

The regional director of Metro Manila cited the training as crucial for enabling the creation of a technical working group for labour case evaluation. The group now reviews inspection reports and classifies them according to a case categorization system set up through the project and based on a review of inspection data and audit of cases.

The convening power of social dialogue for compliance

Social partners have a key role in the development of a culture of workplace compliance. As outlined by the International Labour Conference in 2008, “Social dialogue and tripartism are the most appropriate methods for making labour law and institutions effective, including in respect of the recognition of the employment relationship, the promotion of good industrial relations and the building of effective labour inspection systems.”²¹

²¹ Extract from the [Declaration on Social Justice for a Fair Globalization](#), adopted by the International Labour Conference in 2008.

3.

In the featured projects, the ILO aimed to expand employers' and workers' cognizance of how workplace compliance is necessary to ensure decent working conditions, and how it can lead to greater productivity. They promoted trade union support for labour inspection and dispute resolution by filing claims, representing workers, and collaborating with the inspectorate in investigations. The project also promoted the engagement of employers' organizations providing training to enterprises about their legal responsibilities and effective workplace compliance policies. The good practices demonstrate the core role of social partners to contribute to the rule of law, and how social dialogue mechanisms can assist in addressing regulatory deficits.

Colombia

Good Practice 10

Orienting workers on labour inspection tools encourages their participation in formalizing their world of work





What needed changing?

In Colombia, decades of violence wiped out a generation of dedicated trade union leaders, activists and members and led to a chilling effect on unionization, which was around 4.6 per cent in the private sector as of April 2016 according to ILO estimates. During that time, the use of schemes to disguise employment relationships increased considerably, further impacting unionization. The use of ambiguous and disguised employment relationships is a practice that can be misused and abused to avoid the unionizing of workers or to weaken collective bargaining units.

José Guarín was one of 225 workers at a palm oil company who had been subjected to years of illegal employment practices. The palm cutter, reported that “since 2006, when I started working, my contract was in a cooperative [with] other outsourcing modalities, where I never had the opportunity to join a union. I never had the opportunity to discuss my work benefits. I could not discuss labour guarantees. There was no possibility that I could organize myself in a way that I could exercise the defence of rights”.



What did the project do?

With USDOL funding, the ILO carried out a series of interventions through the *Promoting Compliance with International Labor Standards in Colombia* project²² to strengthen the capacity of government, employers’ and workers’ organizations and social dialogue institutions to promote compliance with international labour standards, particularly those related to freedom of association and collective bargaining.



1. Expanded awareness among workers on the illegal use of ambiguous and disguised employment relationships and the illegal use of non-collectively bargained benefits packages

- A Training Programme to Promote Demand for Labour Rights was developed to familiarize workers with the practical inspection tools designed for labour inspectors to help them develop well-founded and documented complaints for submission to the Ministry of Labour.
- The training helped inculcate demand for labour rights and reduce unsubstantiated complaints submitted to the Ministry of Labour.

2. Extended this approach to students and labour lawyers

- The Industrial University of Santander launched a seven-module certificate course in 2016 which targeted students, labour lawyers and workers to be trained as trainers in eight sectors (public, electric, palm, ports, flowers, sugar, mines and oil) with the aim to further replicate the course through peer training.

3. Provided technical assistance to workers and workers’ organizations on the filing of complaints and the negotiation of labour formalization agreements with employers

- A Programme to Promote Employment Formalization, was provided using the practical tools developed for labour inspectors, workers and employers in five priority sectors (palm oil, ports, sugar, mines and flowers). This helped to raise awareness about the precarious nature and illegality of ambiguous and disguised employment relationships and promoted the use of employment formalization agreements²³ to correct it.

22 Further details on the project are available at: <https://www.dol.gov/agencies/ilab/promoting-compliance-international-labor-standards>.

23 Colombia passed a law in 2010 to tackle ambiguous and disguised employment relationship practices, with fines that could exceed US\$1 million. To promote voluntary application of that law, the Government passed another law in 2013 that created the employment formalization agreements, which allow employers to mitigate imposed sanctions or avoid the imposition of sanctions if they voluntarily directly hire workers found to be in an ambiguous and disguised employment relationship.



Key results

- ▶ A total of 1,151 workers throughout the country were trained through the Programme to Promote Demand for Labour Rights.
- ▶ As much as 97 per cent of participants in the University of Santander course reported using the tools, and 89 per cent reported replicating the tools with workers from their sectors.
- ▶ Through these two training programmes (the Programme to Promote Employment Formalization and Programme to Promote Demand for Labour Rights), 153 complaints were presented to the Ministry of Labour on the use of ambiguous and disguised employment relationships (106) and on the illegal use of non-collectively bargained benefits packages (47). This led to penalties in 11 cases for the use of benefit plans or collective agreements not collectively negotiated as a way to discourage the exercise and/or union membership and penalties in four cases for the use of ambiguous and disguised employment relationships. It also resulted in the preparation and implementation of eight intervention plans for the promotion of direct hiring of workers.
- ▶ Subsequently, the project conducted special training modules with labour inspectors designated to investigate the complaints and with trade union members and workers on effective follow-up. With these two initiatives, the project saw notable movement on case work. This also resulted in a change in strategy on the part of the Ministry of Labour to levy harsher sanctions for violations for the illegal use of non-collectively bargained benefits packages (collective pacts).
- ▶ The Programme to Promote Employment Formalization trained 3,113 workers and employers in five sectors (palm oil, ports, mines, sugar and flowers), with the following results:
 - ▶ In the palm sector, between the initial formalization agreement (signed in November 2014) and the most recent one (signed in February 2018), over 2,200 workers entered into a direct employment relationship with their true employer. Between 2012 and 2019 there was said to be a 600 per cent increase in union affiliation across the palm oil sector, where the rate of unionization now stands at 12 per cent as compared to 3 per cent across the private sector.
 - ▶ In the port sector, the first tripartite social dialogue with unions, employers and the Ministry of Labour on the issue of formalization was conducted. Port employers noted that the issue of ambiguous and disguised employment relationships had strained labour relations for more than 20 years and that the programme was the first-ever opportunity to develop a tripartite approach.
 - ▶ In the mining sector, the first national plan was developed to unify the five most representative unions in the sector to promote the direct hiring of workers.
- ▶ Each of the eight sectors (public, electric, palm oil, ports, flowers, sugar, mines and oil) developed and implemented strategic intervention plans to promote formalization.

José Guarín, the palm cutter, explained that “for me, formalization is where I have the possibility that the dreams that I have had for years begin to come true. Today, I can start working on a life project.” He and other workers like him won direct contracts with the palm oil company as a result of the tripartite agreement. He is also president of a union for outsourced workers. “Today, I can already say that I can join a union and through the union defend the rights of each one of the workers. Having a direct contract with job stability, things change.”



Challenges and solutions

If the increase in labour demands from workers and the increase in the number of complaints is not met with a commensurate institutional response, the credibility of these efforts can be undermined by the increased dissatisfaction of workers' expectations. It can further create gaps in the possibilities of dialogue and tripartite agreement. To avoid potential negative effects, the activities should always be coupled with efforts to strengthen the labour inspectorate.



Why it is a good practice?

The success of the employment formalization programme led the Ministry of Labour to recognize the methodology as an emerging workplace compliance strategy to address the use of ambiguous and disguised employment relationships in all sectors.

The project helped change workers' and employers' attitudes towards formalization and helped reduce the number of unfounded complaints submitted to the Ministry of Labour.

The project continued the initiative with a Mobile Course to Promote Employment Formalization in partnership with the trade union confederations, the American Center for International Trade Union Solidarity and the Labour Assistance Centers, administered by the National Union School.

In addition, the Programme to Promote Formalization, was replicated in Colombia through another USDOL project, *SafeYouth@Work*,²⁴ especially the certificate course. This project focused on occupational safety and health and its link to promote labour formalization. This prompted the *Federación Nacional de Cultivadores de Palma de Aceite* (palm sector federation - Fedepalma) to consider the need for training and establishing a better understanding of labour formalization. Fedepalma considered this as a starting point to improve productivity, strengthen labour relations and meet international standards, such as those established in the recent interpretation of the Roundtable on Sustainable Palm Oil (RSPO), tasked with the main standard for sustainable palm oil production.

²⁴ Further details on this project are available at: http://www.oit.org/global/topics/safety-and-health-at-work/programmes-projects/WCMS_516592/lang--en/index.htm.

Philippines

Good Practice 11

Workers and employers embrace a greater role in promoting compliance through social dialogue



Workers packing bananas.



What needed changing?

The Philippines' workplace compliance system was designed to provide opportunity for workers' engagement with the inspection process, thus making inspections more transparent. According to national inspection rules, representatives of workers and employers in an enterprise must participate in pre-inspection conferences conducted by inspectors, who are expected to explain the inspection process, the inspector's independence and scope of authority, and the documents to be reviewed. The procedures provide the criteria for selecting workers' representatives to ensure legitimacy and independence. Once the inspection report is available, labour inspectors are expected to share findings with both parties.

Despite these institutional conditions for a meaningful involvement of social partners in the promotion of compliance, social dialogue processes rarely functioned in practice. Trade union participation was limited during actual inspections and functioned mostly at the national level or were concentrated only in the manufacturing and services sectors. Few social partners implemented programmes orienting their members on how the labour inspection process works and how workers can make use of the process to address violations in the workplace.

For its part, the Employers' Confederation of the Philippines (ECOP) was mostly active at the national level. Its members largely comprised multinational and big local companies, which constituted only a small percentage of all private businesses in the country. This limited ECOP capacity to engage in regional and industry tripartite councils to discuss a range of issues, including compliance. The ECOP also did not systematically assist members on workplace compliance.



What did the project do?

The ILO, with USDOL funding, worked with the Philippines Department of Labor and Employment (DOLE) to foster tripartite discussions on compliance issues through the *Building the Capacity of the Philippines Labor Inspectorate* project.²⁵ The project partners included several trade unions and the ECOP.²⁶

1. Trained union personnel to manage their organization's and partner unions' work on workplace compliance

- Hundreds of national, sectoral, regional and local representatives of workers' organizations boosted their capacity to engage in social dialogue with employers through a training programme on how to promote compliance before, during and after inspections.
- The training involved all levels of trade union structure to foster diversity and inclusivity: youth committee members, women's committee members, organizers, educators and paralegals. As focal persons, they learned how to oversee their organization's workplace compliance campaigns and programmes.
- Follow-up capacity-building activities were organized for partner unions, with conscious efforts to ensure equal representation of women and youth from the national, regional, sectoral and local levels, including shop stewards.
- Materials developed covered the inspection process, including workers' roles in the process. Technical topics were also covered, such as regulations on the employment relationship, illegal contracting and subcontracting, general labour standards, and occupational safety and health standards.
- Regular meetings were organized between all partner unions to consult on strategies, share information and good practices and ultimately to establish a practice or routine of talking together.

25 Further details on this project are available at: http://www.oit.org/manila/projects/WCMS_379086/lang--en/index.htm.

26 The Employers' Confederation is the main national organization of businesses in the country that has a particular focus on employment, industrial relations, labour and related social issues.



2. Trained employers' representatives on workplace compliance

- ▶ Training targeted 30 members of ECOP's national secretariat who handle their Helpdesk programme. This platform allows all business owners nationwide to seek advice from trained staff on labour standards, human resource management or industrial relations, via telephone, email or social media), and from their regional chapters.
- ▶ The training focused on the inspection process and technical topics covering the employment relationship, illegal contracting and subcontracting, minimum general labour standards and occupational safety and health standards.
- ▶ The project covered the costs of the training activities, but the organizations also had to mobilize their own resources to reach out to their members.



Key results

- ▶ More than 30 workers' representatives were trained as focal persons; 83 per cent remained active in workplace compliance campaigns in their respective unions, whether by organizing, education or membership assistance.
- ▶ A total of 109 ECOP members showed improved knowledge on workplace compliance based on post-project training test scores.
- ▶ Four ECOP regional chapters launched labour laws compliance programmes.

ECOP members from the Helpdesk and regional chapters said the project improved their engagement with the Government and with workers' organizations on workplace compliance, such as compliance audits, internal capacity-building and setting up of enterprise structures and policies, particularly on occupational safety and health.

The project's work with ECOP broadened to include a one-day senior executive orientation and a two- to three-day course for human resource managers that combined industrial relations and human resources. With the new capacity-building programme supported by the project, the coverage at the regional level expanded.



Challenges and solutions

One of the challenges in carrying out this work is that trade unions are fragmented in the Philippines. Consequently, the project had to invest significant time to reach out to them individually and to foster inter-union work.

ECOP's limited resources and internal capacity in regional chapters were major constraints when rolling out project activities in the regions. In response, ECOP strengthened its coordination with other sector- or industry-based employers' organization affiliates, such as the Philippine Exporters Association and the Philippine Chamber of Commerce and Industry, which cater mostly to micro-, small and medium-sized enterprises.



Why it is a good practice?

The partner workers' and employers' organizations considerably improved their capacity to deliver services to their members and non-members, particularly on workplace compliance. They innovated with different strategies, such as maximizing social dialogue mechanisms in the workplace, the use of technology for information dissemination, targeting vulnerable workers or parts of the supply chain and establishing new alliances.

By working with many unions, the project maximized its reach to more vulnerable workers, such as young workers, those in the rural and agriculture sectors and agency workers, who are more vulnerable to violation of their rights.

All the partner trade unions implemented programmes and campaigns to promote workplace compliance through their respective trade union monitoring networks. The unions also reported that they had leveraged social dialogue at the workplace level to ensure the correction of violations and to sustain compliance beyond inspection visits. This took place in a range of industries from manufacturing, services, financial services and telecommunications to health, hotels, restaurants and even agriculture.

The regular meetings between all partner unions strengthened inter-union work, such as the establishment of a Labour Inspection Committee under the Nagkaisa (United) Labor Coalition, focused on workplace compliance issues.

The ECOP expanded its programmes on workplace compliance for enterprises, even for micro-, small and medium-sized enterprises. Workplace compliance was used to strengthen membership outreach and services. It also assisted members with business risk and supply chain management, corporate social responsibility, and as a strategy to access new markets.

In addition to the additional service benefits to its members, ECOP became more open to engaging with the Department of Labour and Employment's regional offices on compliance issues. It also developed partnerships with workers' organizations in selected enterprises. These efforts sharpened ECOP's approach to compliance as a continuing area of work and member support.

What we learned about building up compliance

Capacity was a common denominator in the 11 practices featured in this compendium. By strengthening, enriching and modernizing the capacities of the labour inspectorates and social partners, the five country projects featured in this compendium improved workplace compliance levels. The projects combined a diversity of policy approaches to overcome information deficits, address the underlying motives for non-compliance and reverse weak enforcement due to inadequate inspection practices. In each country, these projects which targeted only a slice of workplaces, left a legacy upon which to build stronger compliance, ensure safer workplaces, and establish formalization and trade union membership in all sectors. A collaborative approach was encouraged among regulating authorities, which tended to work on their own previously. This in turn instilled a sense of solidarity to work together in the interest of workers' well-being and employers' compliance.

These projects incorporated novel practices, such as mentoring inspectors and young trade union leaders; non-traditional approaches like strategic compliance training and training judges on international labour standards; reaching out to include an array of actors for pooling resources for improved compliance; introducing the first-ever fire safety course; the Bench-Bar forum to promote analysis of case law; and capitalizing on shadow mentoring. All of these practices contributed to expanding partnerships among actors having an active role in promoting compliance.

There were echoes of strategies used time and again in other countries (with good reason) that were urgently needed in these five countries: collaboration between institutions and agencies; developing a core group of trainers in environments with few resources for training; course certificates as an incentive for training attendance; executive courses for regional managers to help them more strategically manage labour standards-enforcement activities; and online courses for refresher learning or for reaching inspectors in remote areas.

While these projects were evaluated as having an impact, each of them ended with considerably more work to be done. Compliance requires changing mindsets, and that is never an overnight process. Some of these projects stemmed from required conditions in trade agreements, underscoring the power of outside pressure. But many projects were also driven by domestic pressure to promote decent work.

When compliance is perceived as more than just labour inspection, then a strong labour administration, combined with socially responsible enterprises and sound industrial relations, can effectively contribute to sustainable development.

Through the application of the strategic compliance intervention model, the ILO will continue to promote proactive, targeted and tailored interventions by engaging labour inspectors, other government officials, sectoral actors and the social partners. Enriched with these good practices, the ILO will continue using its policy and technical tools on labour inspection and labour law compliance to brainstorm, draft and implement plans for achieving compliance outcomes by using each actor's resources and strengths to maximize the impact of interventions.

► Further reading

Improved Compliance with Labour Laws in Georgia

“Improved Compliance with Labour Laws in Georgia”, ILO project webpage, available at: www.ilo.org/labadmin/projects/WCMS_537483/lang--en/index.htm.

“Improved Compliance with Labor Laws in Georgia”, US Department of Labor project webpage, available at: <https://www.dol.gov/agencies/ilab/improved-compliance-labor-laws-georgia>.

“Georgian Trade Unions Strengthen Their Education System”, available at: www.ilo.org/moscow/news/WCMS_326929/lang--en/index.htm.

Georgian version of the training manual, available at: https://www.ilo.org/wcmsp5/groups/public/--ed_dialogue/--lab_admin/documents/publication/wcms_627047.pdf.

“Training Judges and Lawyers on How to Use International Labour Standards in Resolving Disputes”, video, available at: <https://youtu.be/W0Yb2q-norE>.

Building the Capacity of the Philippines Labour Inspectorate

“Building the Capacity of the Philippines Labour Inspectorate”, ILO project webpage, available at: www.ilo.org/manila/projects/WCMS_379086/lang--en/index.htm.

“Building the Capacity of the Philippines Labour Inspectorate”, US Department of Labor project webpage, available at: <https://www.dol.gov/agencies/ilab/building-capacity-philippines-labor-inspectorate>

“Building the Capacity of the Philippines Labour Inspectorate: Final Project Fact Sheet”, available at: www.ilo.org/manila/publications/WCMS_522328/lang--en/index.htm.

“Capacity-Building Workshop on Strategic Compliance in Luzon”, available at: www.ilo.org/manila/eventsandmeetings/WCMS_617256/lang--en/index.htm.

“Capacity-Building Workshop on Strategic Compliance in Visayas Region”, available at: www.ilo.org/manila/eventsandmeetings/WCMS_617258/lang--en/index.htm.

“ECOP helpdesk”, available at: <https://ecop.org.ph/help-desk/>.

“First Cluster on Labour Laws Compliance System-Management Information System (LLCS-MIS) Enhancements”, available at: www.ilo.org/manila/eventsandmeetings/WCMS_584465/lang--en/index.htm.

“First National Summit on Labour Laws Compliance Systems (LLCS)”, available at: www.ilo.org/manila/eventsandmeetings/WCMS_416429/lang--en/index.htm.

“ILO Supports DOLE Review of Labour Inspection Tools”, available at: www.ilo.org/manila/eventsandmeetings/WCMS_571303/lang--en/index.htm.

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