

The global challenges of labour inspection

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Editorial

“The labour inspection system has the potential to play an even greater role than it has hitherto, in ensuring the protection of both men and women workers in all sectors and at all levels; in ensuring compliance at national level with national labour laws; and, ultimately, in assisting and strengthening the international supervisory system.” That is the conclusion of a general survey on labour inspection which will be submitted to the International Labour Conference in June 2006. Certainly, labour inspection is a vital link in the promotion of decent work for all. At a time of globalization and increased competition, rapid technological change and new production methods, protecting workers remains a vital task. It is also a difficult task – and sometimes a shamefully dangerous one.

Addressing an international meeting on labour inspection held in Luxembourg last year, a workers’ representative on the Governing Body of the International Labour Office summed up the preconditions for worker protection and respect for decent work as follows: good labour legislation which respects international standards; strong, independent, representative trade unions which enjoy the basic rights to organize and negotiate; and effective labour inspection, provided with the means needed and conducted by inspectors who are trained, suitably qualified and free of any undue outside influence.

Unfortunately these days, as the general survey shows, labour inspection is neglected by many governments and flouted by unscrupulous employers, even when it is not sacrificed outright on the altar of privatization. Sometimes this gets to the point where even those whom labour inspection is supposed to protect begin to doubt its effectiveness. But we should not forget the great progress that labour inspection has made since it was first introduced by law in Britain in 1802. Nor should we overlook the existence of proposals for better inspection. They come mainly from the inspectors themselves, from trade unionists and from experts in the International Labour Office. In this issue of Labour Education, they air their views. All of them have the same concern at heart – defending and protecting workers’ right to decent employment.

Central to this action is the ILO Labour Inspection Convention, 1947 (No. 81), which they all regard as the best instrument for achieving these aims.

“We are protected by ILO Convention No. 81, which guarantees our independence,” a French labour inspector pointed out recently. “We have the responsibility of alerting governments in office to the way in which wage-earners are treated. During inspections, we act to penalize employers where appropriate, according to the seriousness of the offences committed.” It is worth highlighting this explicit reference to an international standard, seen as a bulwark against injustice by those active in the field in an industrialized country. For a bulwark it surely is.

Like its twin sister for the agricultural sector Convention No. 129 (adopted in 1969), Convention No. 81 is recognized as a priority Convention. It has been ratified by 135 countries – one of the highest rates for any international labour standard. Nonetheless, the Committee of Experts which prepared the general survey for the 2006 conference rightly insists on the need to campaign for further ratifications of these two Conventions – with priority going to Convention No. 129, which covers a particularly dangerous sector and has so far garnered only 43 ratifications.

The size of the task facing labour inspectors is plain for all to see. Each year, more than 2,2 million workers (almost 6,000 a day) die as a result of work-related accidents or diseases. Work kills more people than war. The occupational deaths include 22,000 children per year who should not have been working in the first place. They should have been at school.

Convention No. 81 assigns three basic missions to labour inspectors: ensuring that labour legislation is applied, advising employers and workers on the most effective means of achieving that aim and drawing the authorities' attention to abuses or shortcomings not currently covered by the law. "Conditions of work and the protection of workers while engaged in their work" are the fields to be covered by labour inspection, the Convention says. So while safety and health and the fight against forced labour or child labour are crucial issues for inspectors, they are also concerned with other matters ranging from working time to pay, maternity protection, weekly rest times, leave, equality and diversity in the workplace. And, of course, inspectorates need to be knowledgeable about freedom of association, collective bargaining rights and trade union rights in general, including the protection of trade unionists against abuse and discrimination. That too is no small matter. The annual report of the International Confederation of Free Trade Unions notes that 145 people were murdered around the world in 2004 because of their trade union activities, while in many countries, trade unionists continue to suffer imprisonment, dismissal and discrimination, and a whole battery of legislation is deployed to deprive millions of workers of their freedom of association and their collective bargaining rights.

In such circumstances, it is by no means easy to get the legislation enforced. In her article, Isabelle Hoferlin of the World Confederation of Labour describes the obstacles encountered by labour inspectors in performing their duties. As she points out, they "do not always find it easy" to get into the export processing zones, which are well known for their poor working conditions. In January 2004, three inspectors and a labour ministry driver were murdered in Brazil, on the orders of a big landowner, while they were inspecting an agricultural enterprise. A few months later, in September 2004, a French farmer killed two labour inspectors in cold blood. The climate of violence and insecurity surrounding labour inspections in a growing number of countries has, for instance, led to the creation of a working party on inspection incidents and violence against labour inspectors in Europe. A proposal to strengthen common inspection principles at the European level has been tabled. It draws on Convention No. 81, which already provides for such measures. The Convention's Article 18 stipulates that "adequate penalties ... for obstructing labour inspectors in the performance of their duties shall be provided for by national laws or regulations and effectively enforced".

Governments get the labour inspectorates they provide for. Where good governance is absent or is trampled underfoot, labour inspectorates cannot reasonably be expected to guarantee their own independence and integrity. If a government assigns low status to labour inspection, if the inspectorate is understaffed and undertrained and the inspectors' own employment conditions are deplorable, then they will not be in a position to carry out their tasks properly. And they will easily fall prey to corruption. In which case, workers and their trade unions will tend not to trust the inspectorate, as Bjørn Erikson points out in our interview. He is the Senior Occupational Safety and Health Adviser to the Norwegian Confederation of Trade Unions (LO). "Where the labour inspections are strong and have competence and resources," he says, "and where this is also the case for the social partners, there is in general trust in the labour inspection in the sense that they are not seen as being in the employers' pocket." The ILO Committee of Experts agrees, recommending governments and the international institutions to recognize "the vital contribution to development and social cohesion made by an efficient labour inspection service" and to reflect this priority in the resources allocated to labour inspection.

But labour inspection can also be weakened if it is assigned tasks beyond its mandate, as defined in the ILO instruments. In some countries, for example, government orders may mean that an inspectorate spends more time keeping tabs on the unions than protecting the workers. In other countries, labour inspectors are given the task of seeking out illegal migrant workers. On this point, the Committee of Experts issued a reminder that "the primary duty of labour inspectors is to protect workers and not to enforce immigration law".

Trade unionists, labour inspectors and experts also warn against the trend towards relying on company self-regulation of working conditions and believing that corporate social responsibility is a substitute for action by the State and by public labour inspection services. There is now talk of "deregulation" and "privatization". Can firms really be left to draw up for themselves the rules that they intend to abide by and then, to cap it all, be entrusted with monitoring their own compliance with their own rules? It is obvious where that would lead. So, while dysfunctions may crop up here and there which need to be remedied, we must be on our guard against any move to throw out the baby with the bathwater.

The great strength of labour inspection lies in those thousands of sworn public servants, those inspectors who daily prove their commitment to decent work and their determination to get labour standards respected. To do so, they take up all sorts of challenges and overcome all sorts of obstacles, while the risks to their own safety grow. They are the "blue helmets" of social justice in the workplace. For the trade union movement, they are major, vital allies.

In this issue of *Labour Education*, labour inspectors and ILO experts suggest possible paths towards more efficient labour inspection. How can changes in the world of work be taken into account? How can the new challenges be taken up? How can energies be channelled into achieving maximum impact?

Avoiding compartmentalization of the various inspection services, preventing the dissipation of resources, ensuring that information circulates better and faster, improving coordination between the different

ministries responsible for labour inspection, making better use of social dialogue to improve the legislation and its implementation – these are just some of the suggestions feeding into the concept of an “integrated labour inspection system”, as described by ILO expert Gerd Albracht.

Labour inspection is not just a technical “tool”. It is a force for reform and a powerful means of initiating change. By demanding that it be properly resourced and that it adapt to a constantly changing world, trade unions will strengthen their own ability to defend workers’ interests. But there is one condition. Labour inspection must remain true to its initial mandate – enforcing labour standards, protecting workers and constantly improving labour law.

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Globalization, workplace and health

A preventative approach for better health and the reduction of accidents and diseases in the workplace must be linked to labour inspection services. These services have a pivotal role in giving advice, providing information, and promoting compliance with labour standards in the workplace. As globalization unfolds, strengthening labour and health inspection is now more crucial than ever for ensuring a high standard in labour protection and health promotion, thus contributing to the promotion of decent work for all and to overall economic stability.

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During the last decade, world trade has been growing at a rapid pace, about 8.6 per cent per year (Woodward, 2001). This has benefited numerous people, but has also shown disadvantage to many others, especially concerning health and safety in the workplace. As industrialized countries have shown massive growth, the less developed countries have fallen even further behind as the difference in Gross Domestic Product (GDP) per capita between the 20 richest and the 20 poorest countries grew from 18 times to 37 times higher from 1960 to 1995.

* A presentation to the broader topic was given by Gerd Albracht at the 6th Global Conference on Health Promotion, Bangkok, Thailand, 8-11 August 2005. The author wishes to express his thanks to Jan Weismüller, International Consultant, and Joshua A. Seidman-Zager, Cornell University, for their help and comments in preparing this paper.

Emerging challenges of globalization

Globalization has had a profound impact on the promotion of human rights, health, and safety throughout the world in both positive and negative ways. One effect is that much of the manufacturing sector has moved to less developed nations, which often use technology that is considered dangerous or obsolete in their production processes. Even as globalization has led to an increase in low-paid and low-skill jobs in unindustrialized nations, almost one-third of the eligible labour force remains unemployed or underemployed today. As corporations have begun to transcend national boundaries, the historic institutions such as collective bargaining and state regulatory commissions that have traditionally maintained secure and humane working conditions have begun to deteriorate.

In recent years, industry has shifted to developing countries that often have comparatively lower standards in Occupational Safety and Health (OSH) and Work

Health Promotion (WHP). Globalization has contributed to the alarmingly high rate of workplace casualties that exists today. About 2.2 million work-related deaths are reported on an annual basis, and the costs of accidents at work reach 4 per cent of the global GDP. In light of this, it is essential that worldwide health and safety standards be brought up to code as quickly as possible.

This article draws from the Report of the World Commission on the Social Dimension of Globalization, which examines the process of globalization through the eyes of ordinary people, drawing on extensive consultations with a broad range of actors in different parts of the world, and some of the best available expertise on the many complex issues involved (ILO, 2004a).

Effects of globalization on the workplace

Globalization affects all facets of the working world, giving rise to new forms of work and expanding other existing working models. This phenomenon is at least partially to blame for a certain lurking menace to workers' health. For example, in the United States, the average number of hours worked in a year has been climbing recently. The workers in the United States now work some of the longest hours out of any workers in the world (1945.3 hours per worker in 1994). A number of surveys conducted between 1977 and 1996 show remarkable upsurge in the amount of work placed on workers in increasingly shorter amounts of time (Landsbergis, 2003). The increased pressure and related stress exposure lead to the development and spread of work-related ailments. This phenomenon is far from new, but has been shifting from primarily physical maladies to more psychosocial afflictions. This presents a clear and serious problem, because this sort of ailment has been shown to be more serious than usual. According to the National Institute for Occupational Safety and Health in the United States, this has become a huge problem all around the world. One of many examples are precisely the United

States, where "affected workers experience a much greater work loss than those with all nonfatal injuries or illnesses – 25 days away from work compared with 6 in 2001". Additionally, downsizing has been shown to cause effects on the health and safety of workers. Fatal accidents increased in this study after companies downsized their workforce in the construction and manufacturing sector. Good mental health is important for both individuals and for society. At the individual level, good mental health enables people to realize their intellectual and emotional potential and to find and fulfill their roles in social, school and working life. At the society level, it is a resource for social cohesion, better social and economic welfare and facilitates the transition into a knowledge society. Poor mental health is a common phenomenon: a significant share of citizens in the European Union (EU) – studies suggest up to 27 per cent – experience a mental health problem. Mental health problems, a leading cause of disability, can drastically reduce the quality of life of the affected and their families. The most common mental disorders in the EU are anxiety and depression. In Europe, depression is present in 4.5 per cent of the general population every year. By the year 2020, depression is expected to be the second most common cause of disability in the developed world.

Mental health problems are a challenge not only for the health sector, but for society as well. Beyond the implications they hold for affected citizens and their families, mental health problems impose significant costs on society and its economic, educational, social, criminal and justice systems. Mental disorders are one of the top three causes of absenteeism from work, and are a leading cause of early retirement. It has been estimated that the economic costs of mental health problems result in the loss of up to 3-4 per cent of the EU's GDP, mainly through a decrease in productivity. It is important to remember that workers' health is just as fundamental in today's demanding and competitive business environment as it always has been. A close watch must be kept

on the increasing demands on employees in order to avoid causing work-related health problems.

Globalization has caused the transfer of low-skilled manufacturing and processing jobs to less developed countries. This is one of the major factors that has led to the formation of numerous Export Processing Zones (EPZ), a phenomenon that has developed largely in the face of globalization. Curbs on trade union freedom, restrictions on the right to strike, an absence of collective bargaining – these are still all too often the rule rather than the exception in EPZ. A report prepared for the ILO Governing Body in 2003 looked at the situation in the zones. While employers point out that many of the problems cited for EPZs also arise elsewhere, and that conditions in firms within the zones are often better than those outside, the report nonetheless emphasized that working conditions and worker health and safety remained a major concern in the zones of some countries.

The EPZ represents a special case of the effects of globalization on the workplace and health. It has been linked to the frequent incidence of high stress levels among workers, and exposed them to hazardous labour conditions. The workers in these zones often develop health problems, such as cardiovascular, reproductive, and psychosocial disorders, from these atrocious conditions. Additionally, workers in EPZs are often housed in incredibly unsanitary conditions, in which sexually transmitted infections such as HIV/AIDS are prevalent. The ILO recently introduced a handbook for labour and factory inspectors to deal with the issue of HIV/AIDS in their work. HIV/AIDS has a profound impact on the workplace as it can hinder production, raise costs, and create many other problems. On this issue, the ILO has published another handbook, which aims to establish effective communication between workers and employers in the hopes of preventing the spread of the illness, and dealing with the consequences of its presence. The ILO Code of Practice on HIV/AIDS provides a framework for

action resting on the three pillars of prevention, care and rights (ILO, 2001).

Another facet of globalization is the rapid growth in the number of migrant workers. For example, the number of Mexican migrants to the United States has been on the rise recently. In 1970, 3 per cent of Mexico's total labour force resided in the United States and, by 2000, this number had reached 16 per cent. Less developed nations have had a large presence of these workers for quite some time, and globalization has only served to increase this trend. Migrant workers may be found in various industries, chiefly in construction, agriculture, and manufacturing. They are often exposed to poor working conditions, and may be further disadvantaged by a limited knowledge of the language and laws in their host country. The ILO report on migrant workers describes safety and health issues as a major concern as these workers may be involved in hazardous and risky jobs. Language barriers, exposure to new technology, family disruption, poor access to health care, and stress and violence are the specific problems faced by migrant workers, leading to higher vulnerability to safety and health risks at the workplace (ILO, 2004b). For example, in Southern Africa there have been a multitude of unreported cases of serious respiratory disorders among miners that were most likely developed on the job.

As globalization continues to grow, the sort of economic and trade policies that are developed tend to encourage certain trends. As production spreads throughout the world, trade barriers are beginning to fall, and manufacturing centres are starting to spring up in many less developed nations, often leading to lower health and safety standards in the workplace. This is partially caused by the labour surplus that nearly always exists in less developed nations and by the related growth in the uncovered labour market. As many workers cannot find traditional employment, they are forced into the unenviable position of taking jobs that are wrought with hazard due to the lack of enforcement of labour laws (Portes, 1994).

Safety and health as a basic human right: Legal framework

One of the fundamental tenets of new economic reality is the desire for the lowest possible costs of production. The cost of capital is generally lower in places where worker health is a secondary issue, and OSH rules are often overlooked. According to some, the rise in globalization and the spread of capital to unindustrialized nations will lead to a “race to the bottom” in labour standards (Singh/Zammit, 2004).

There is much support in the international community for the formation of worldwide versions of national regulatory agencies that will establish minimum standards of workplace safety and health, and national inspectorates to monitor and enforce them. This support rallies around the focal point of the ILO’s core labour standards, one of the furthest reaching international accords working towards securing decent working conditions as a basic human right. These core standards include freedom of association and collective bargaining, freedom from forced labour and discrimination, and the abolition of child labour. The ILO tripartite declaration of principles concerning multinational enterprises and social policy requires common standards across all branches of multinational enterprises. The code of practice on safety, health, and working conditions in the transfer of technology to developing nations requires technology-exporting states to inform importing states about hazardous chemicals or technologies.

There are several international Conventions on migration and migrant workers. For example, in 2004, the International Labour Conference proposed the elaboration of an “ILO Multilateral Framework on Labour Migration” containing non-binding principles and guidelines for a rights-based approach to labour migration. Equal treatment between migrant workers and nationals and respect for the basic human rights of all migrant workers, as enshrined in ILO Conventions Nos. 97 and 143, are central to this approach. The ILO framework encourages the use of labour inspection to apply

national standards to migrant workers. While government has the responsibility to adopt standards, labour inspectors play an essential part in promoting compliance with them, including for migrant workers. The inspectors monitor conditions of work, and present a forum in which the workers may seek help. The inspectors also fill a crucial gap in the field, as migrant workers are often regulated poorly by the national government.

Holistic approaches for OSH and WHP

Globalization requires increasingly integrated and holistic approaches, taking into account the changes in the world of work and the advent of new risks and opportunities merging the traditional technical and medical with the social, psychological, economical and legal areas. To protect and enhance the health of people in the workplace in the worldwide economy, practical strategies have to be worked out to make decent work become reality. A mainstay of the mutual efforts is based upon the understanding that a preventive safety and health culture at the workplace has to be developed so as to promote a sustainable decrease of occupational accidents and diseases.

To achieve the goals of the core labour standards, we must utilize a three-pillar strategy. The three key aspects of this strategy are national and international organizations such as the ILO and the WHO, corporations, and public-private partnerships. The tripartite decision-making process within the national and international organizations has three constituents – government, employer, and worker representatives – and serves to give counsel with regard to global policy. Labour inspection plays an important role within these organizations, acting as the enforcers of the guidelines set in place by them. Much of the responsibility for promoting a health in the workplace lies with the companies themselves. The promotion of a healthy workplace must be pursued from within the company as well.

Networks and institutions

To realize effective WHP and OSH, we must promote the core labour standards on a broad scale. The first mainstay of the three-pillar strategy is the use of national and international networks and institutions. National and international organizations have the power to develop and promote policy throughout the world, shaping the workplace into a healthy environment in the face of globalization. The ILO as a tripartite decision-making body is a perfect example of this idea. The ILO has an excellent record in developing and promoting international policy regarding labour standards. For example, 134 countries have ratified the ILO Labour Inspection Convention, 1947 (No. 81), which calls for labour inspectors to play a preventive role in the workplace in terms of health and safety. It also calls for workers and employers to cooperate to improve health and safety in the workplace. This Convention was put into effect with great success in Luxembourg in 2002. An ILO Tripartite Audit was performed, and the Luxembourg government used the recommendations given to reorganize its labour inspectorate. This illustrates the profound impact that the ILO and other policy-making organizations has on health and safety in the workplace. This also emphasizes the need for the widespread implementation of integrated labour inspection systems on a national and international level. As a holistic approach, it provides coordination and direction to the efforts of various parties to improve conditions in the workplace.

Another good example is the Ottawa Charter, drafted in 1986. This charter outlines the key developments that must be taken to promote health and establishes that health is a major concern, and must be kept in mind when considering development initiatives in any field. The charter, which serves also as a basis for the European Union process of enlargement, looks to implement changes and programmes with regard to cultural and economic differences, and to promote total support for healthcare initiatives on a local, national

and international level. It also supports the idea that health should be an integral part of every major development, including the workplace. The charter reads, "Changing patterns of life, work and leisure have a significant impact on health. The way society organizes work should help create a healthy society". This clearly implies that the health and safety of workers should not take a backseat to the drive for higher profits in the rapidly growing global economy. While this programme has done much to further the development of European Health Promotion, a study by Ziglio, Hagard, and Griffiths (2000) found that the programme could be taken even further. The major hitch in the current system is that it does not have sufficient muscle to tackle any significant problems. The authors call for the implementation of programmes that are ingrained in both the administrative and commercial sectors of nation rather than isolated or ignored. All of this ties in to the overall idea that health must be kept in the line of sight of policy-makers, corporations, and the international community in the face of constant development.

International framework agreements

Corporations, as the physical site of the workplace, hold an extraordinary amount of influence over worker health and safety. Corporate social responsibility (CSR) has grown in importance in recent years, receiving much attention from the academic world (Zimmer/Rühl, 2005), even if this notion remains to be clarified. Corporations have begun to undertake simultaneous operations in economic growth, environmental protection, and social equity in business planning and decision making in order to appeal to the interests of all of their stakeholders.

In the 1970s, international organizations, including the ILO and the United Nations, made an effort to introduce international codes of conduct but were ultimately not successful. Fortunately, the interest in the social dimension of business

had increased again during the course of the 1990s. These days, social responsibility initiatives are primarily the result of actions by consumer groups and other non-governmental organizations, as well as by Global Union Federations, known as GUFs and covering trade unions in the various sectors of industry and services. Indeed, international labour standards, including those concerning safety and health at the workplace, are cited more frequently within international framework agreements (IFA) between multinationals and GUFs than in any other initiatives on corporate social responsibility, according to an information note on corporate social responsibility discussed by the ILO Governing Body in 2003.

Even if the framework agreements are not, strictly speaking, part of the corporate social responsibility concept, they are often mentioned in this context. Another interesting aspect of the framework agreements, the note emphasized, is their follow-up procedures for verification, dialogue and, if necessary, complaints. Between 1999 and 2006, some 40 framework agreements have been signed. Apart from the eight core Conventions of the ILO, the framework agreements also often cite Convention No. 135 on protection and facilities to be afforded to workers' representatives in the enterprise. In addition, the company party to an IFA should often agree to offer decent wages and working conditions as well as to provide a safe and healthy working environment. Furthermore, there is a general agreement that suppliers must be persuaded to comply and, finally, the IFA includes trade unions in the implementation. On the other hand, the codes of conduct adopted by multinational enterprises rarely make reference to the core international labour standards. In fact, the ILO note said, some of them "even contain language that could be interpreted as undermining international labour standards". The OECD Guidelines for Multinational Enterprises and the ILO Declaration on Multinational Enterprises and Social Policy also remain important mechanisms in the context of corporate

social responsibility, including in the field of safety and health.

Public-private partnerships

Effective promotion of worldwide health and safety standards in the face of globalization requires the permeation of information on an international level. This must be accomplished on an intermediary level between government and corporate interests. For this, we must look to public-private partnerships (PPP), which have undertaken many successful campaigns in the past to overcome dangers present in the workplace. There are many dangers inherent in work that could be reduced or eliminated with the promotion of a prevention culture through education.

The ILO and WHO participate in a number of PPPs. These coalitions transcend national boundaries and bring together at least two parties, a corporation (or industry association) and an intergovernmental organization. The proliferation of PPPs has expanded greatly in recent years, and is rapidly reconfiguring the landscape of international safety and health. Several factors have caused this trend. There are generic factors, such as market failure in special research product development and a lack of high safety standards. These partnerships demonstrate exciting new possibilities for tackling problems that formerly seemed intractable, including research and development on drugs and vaccines for diseases that disproportionately affect the poor. PPPs have been able to promote sustainable practices by showing that these goals are achievable along with financial gain. Industry incentives for the development of safer and healthier products are being generated and, with an improved image, the commercial sector may be able to attract new investors and establish new markets.

The ILO started a successful PPP in 2004 in cooperation with Volkswagen AG and Gesellschaft für technische Zusammenarbeit (GTZ: German Technical Cooperation Agency). The German Federal

Ministry for Economic Cooperation and Development sponsored the project out of their poverty-reduction programme. All relevant steps were discussed and decided in a tripartite steering committee. They agreed upon a Declaration on Social Rights and Industrial Relationships including the affirmation to assure the principles of core labour standards within the company and throughout their supply chain. The overall objective of the project is to establish and implement a national SafeWork action programme in three countries, based on ILO standards, focusing on occupational health and safety and the pilot implementation of a prevention culture at enterprise level in each partner country.

By establishing a health and safety prevention culture, the economic losses caused by accidents, incidents, early retirement, or sickness benefits could be significantly decreased. These unspent budgetary funds could then be invested to increase the enterprises performances and create new jobs, allowing the poor to be able to escape the vicious cycle of poverty in the long run. Numerous studies have shown that health promotion saves money on medical costs in the long run (Kreis 2004). Policy makers, labour inspectors as well as health and safety experts, all play an important role in the prevention process and the initiation of a shift from short-term profits towards long-term investments in safety and health.

Establishing and implementing a culture based on health and safety prevention at the national level requires the active participation of the labour inspectorates. Labour inspectors are the only state enforcement agents that have access to all of the enterprises necessary to transmit health and safety messages in an effective manner. Therefore, it is crucial to increase the labour inspectorates' capacities in terms of organizational structure, frequency and quality of inspections, knowledge on its advisory role, competency, etc., in a sustainable approach. This shall be achieved through a range of proposed activities, such as policy analysis and policy reform, the development of

training modules, the training of national labour inspection trainers, the setting up of a competency network, and the development of international guidelines on supply chain management.

Conclusion

What must be established and agreed upon are fair rules for international trade, investment, finance, and the movement of people, which take differing needs and capabilities into account. This requires an intensified dialogue process at all levels, bringing the key actors together to work out methods for handling major global issues and putting them into practice. Fair globalization also calls for more emphasis on a national level, for improved governance, an integrated economic and social agenda, and policy coherence among global institutions. After all, globalization is an important issue for every worker. Along these lines, national policy-makers should use the available resources of corporations, national and international networks and institutions, and the combination of the two in the form of PPPs to strengthen the capacities of every company, institution and, most importantly, the well-being of each and every worker. These measures have been identified as useful tools to promote and secure employees' health, workplace security, and investment in a preventative culture. A preventive approach for better health and the reduction of accidents and diseases in the workplace must be linked to labour inspection services. These services have a pivotal role in giving advice, providing information, and promoting compliance with core labour standards in the workplace. Labour inspectors are the controlling authority for OSH and many work-related activities. The effects of globalization have changed the role of labour inspectors who now perform the roles of facilitation, advising and networking. Strengthening labour and health inspection is crucial for ensuring a high standard in labour protection and health promotion, thus contributing to overall economic stability.

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Shared interests: Unions and labour inspection

What attitude should workers and their unions take to labour inspection? We asked somebody who has seen the issue from all sides. Bjørn Erikson, Senior Occupational Safety and Health Adviser to the Norwegian Confederation of Trade Unions (LO), has been a trade union industrial hygienist for most of the past 25 years. But he has also worked as a labour inspector, a teacher, a research chemist, a seafarer, a fisher and the Environmental Director of the Norwegian Railways. And to fill in time between all of those, he did "other odd jobs for short spells". He also brings an international perspective to the question. For some years, he chaired the Global Unions¹ Occupational Health, Safety and Environment Working Party.

Bjørn Erikson

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Interviewed by Ian Graham

Labour Education: The ILO advocates an Integrated Labour Inspection System (ILIS). What does that expression mean to you, and what are the advantages of an ILIS for workers and their trade unions?

Bjørn Erikson: The problem with the term ILIS is that it is currently understood in various different ways. It can imply that the "integration" is between different geographical levels of the labour inspection system (central and regional) or between different specialized branches of the inspectorate, so that organizational, psychosocial and industrial hygiene issues are all taken into account during inspections and throughout the process. Or else it can mean integration between different parts of the government – the Ministry of Labour, Ministry of Social Affairs, Ministry of Health, Ministry of Education, Ministry of Justice etc.

I understand the term in this last sense. On that basis, I think the advantage of ILIS is that it makes it possible to see the connection between different aspects of the world of work. It also makes it easier for the authorities to take action, since it es-

tablishes formal cooperation between the various ministries involved.

So, from a trade union perspective, it makes for less bureaucracy when you need to find the solution to a problem – for instance, how to include occupational safety and health (OSH) in the curriculum for vocational training, or how to improve the health care system so as to discover and treat occupational diseases in a better and more efficient way.

The main possible disadvantage is that responsibility and focus might be diluted. This could, amongst other things, lead to making the workplace the arena for each and every "good cause", such as more physical exercise, healthier food and so on, so that the focus on OSH as such is lost.

Unfortunately, ILIS as a concept seems to have been created through a top-down process.

So how can tripartism help to strengthen ILIS?

Tripartism is certainly vital for promoting ILIS, too. Through the tripartite mechanism, three things can be achieved. First,

it creates ownership amongst the participants, which is a prerequisite for the follow-up and the conversion of ideas into concrete activities and measures. Second, it gives all three parties an opportunity to contribute to the process, so as to have the best result possible. Last but not least, it creates an understanding of why certain issues or aspects have to be left out, since there is no agreement on them, while nevertheless there is a common understanding of the main goal and how to reach it.

In your international contacts, have you noticed differences in trade union attitudes to labour inspection in various parts of the world? If so, what are the main differences?

It's hard to assess how the attitude of trade unions to labour inspectors differs around the world. In general, I have the feeling that the expectations and attitudes are different mostly depending on whether there is a competent and efficient labour inspection system or not. If the labour inspection authorities are understaffed and weak, the trade unions will tend to trust them less. In those cases, organized labour sometimes tries to establish an alternative trade union inspection or surveillance system. This might cause problems – for the authorities as well as enterprises and trade unions. Where the labour inspections are strong and have competence and resources, and where this is also the case for the social partners, there is in general trust in the labour inspection, in the sense that they are not seen as being in the employers' pocket. On the other hand, where the labour inspection system is strong, unions will often feel that inspections are not frequent enough. In that case, they will push for the number of inspections to increase. Strong labour inspections are also expected to be more active in improving workplace legislation and standards.

What should be trade unions' relationship with labour inspectors? A close one? Arm's length?

The attitude should be one of cooperation when working together to improve legisla-

tion, work out strategies and so on, but of course there might be differences of opinion and different priorities. On the other hand, it is important that there is mutual respect for the different roles and tasks of trade unions and labour inspectors. We, as trade unions, have a duty to defend the workers' interests, raise standards in the workplace, improve legislation, improve compensation for occupational accidents and diseases and defend all our gains against attacks by the employers. So rather than keeping labour inspectorates at arm's length, we should try to keep them in the palm of our hand!

Should labour inspection have a role in promoting appropriate legislation? If so, how should that role be structured?

Of course the labour inspection has a role in promoting appropriate legislation. Their role should be to analyse the situation, point to the consequences of present legislation and practices and their weaknesses and suggest what improvements are needed.

Can labour inspection in the industrialized countries be improved? If so, how?

Almost everything can be improved, and labour inspections in industrialized countries are no exception. The best way to do this is to raise the issue with the social partners and have a thorough discussion based on facts and views from the three parties so as to have cooperation and achieve synergies.

But synergies are built on shared interests. Workers and their unions have an obvious interest in an effective inspectorate. But what about the employers? How do you convince them of the need for stronger labour inspection?

It's true that shared interest is an excellent base for reaching agreement. There are some philanthropists amongst the employers too, but not enough to form a basis for action! I don't believe in changing human nature so that we all become philanthropists, but rather in creating the

conditions that make it advantageous to do the right thing. In case of need, there must be a big stick ready to hand.

Business is – with good reason – concerned about unfair competition. If that unfair competition is caused by irresponsible enterprises neglecting to take OSH seriously and not making the necessary investments in OSH, it hurts those employers who do take it seriously. So that should form a good basis for cooperation. This requires a strong and efficient labour inspectorate that follows up on the OSH regulations and ensures that they're implemented. The big stick is the fast and forceful intervention of the labour inspectorate whenever OSH standards are breached.

I would like to emphasize that, in the long run, investment in creating a good working environment and applying OSH regulations is a must for a company that wants any kind of a future in the industrialized countries. First, because it has been shown that a good working environment pays off in the long run for many companies, and it also helps to build confidence and trust amongst customers and investors, as well as to increase productivity. Secondly, it might also be needed in order to attract qualified workers. So if a company doesn't take the job of creating a good working environment seriously, and doesn't comply with OSH regulations, it's going to be a short-lived player.

The countries with the worst workplace conditions are often those with the fewest resources to put into labour inspection. They also have specific problems such as child labour and the informal sector. How can the international community help to improve labour inspection in such countries, and what should be the trade unions' role?

Resources are indeed limited, including at the global level. So it's important to use those resources where the impact will be most noticeable. To achieve this, there needs to be a commitment and willingness from the government to give priority to building and/or strengthening the system and its infrastructure. There should then

be a process involving also the social partners, so that their capacity and competence are also built up. The role of trade unions should be to take part in the process, but also to engage actively in the political processes and put pressure on the politicians, so as to ensure that they follow up the process. There are also other ways of helping these countries, and trade unions in industrialized countries could, for example, support and assist trade unions in developing countries and pass on information about how they have solved problems in their own country. However, in general the resources to do this are lacking.

So where should the extra resources come from? The industrialized country unions? Official development assistance?

The money should come above all from official development assistance, and it should be distributed mainly through international democratic bodies like the ILO. Regrettably, there is an increasing tendency to have more bilateral agreements in financing such projects. This makes it more difficult to give help where it is needed most, and it becomes impossible to make long-term plans for more holistic solutions. There is also a danger that the money may come with strings attached, in terms of how it can be spent, or that it's not used in a fair way, involving both the social partners and the labour inspectorates or governments. Finally, there are lot of examples of rich industrialized countries that have used such contributions to gain political influence in other countries. Modern imperialism uses money – not weapons.

The responsibility of trade unions in industrialized countries should be to press governments and relevant international bodies to make the necessary funding available. They should also contribute time and human resources to such projects, especially by assisting and sharing experience with trade unions in the receiving countries.

The tasks assigned to labour inspectors, and the relative importance given to those tasks,

Public-private inspections?

Ian Graham

"Government's role is to ensure basic standards are being enforced, but not necessarily to enforce them themselves." That notion is "now commonly accepted in the developed world, but not necessarily in developing countries."

So, at least, said the flyer for a conference held in June 2005 to "explore" alternatives to publicly run inspections. Brought together in Washington by the World Bank's International Finance Corporation (IFC), the explorers did not set out with a blank map. Even the advance publicity took a robust line: "Some inspections are not needed, impose an unnecessary regulatory burden on firms, and should be abolished. Others are vital, and if properly done, government-run inspections on firms' compliance with labour, fire, worker safety, environmental, and other standards promote accountability and transparency. But too often, especially in the developing world, they impose serious burdens on business."

The IFC's Foreign Investment Advisory Service feels qualified to give an opinion on this, as it has already "successfully advised many governments on inspection reform, focusing on removing unnecessary inspections and on streamlining inspection systems". While government will wish to conduct its own inspections in some cases ("e.g. where there are national security issues or other public goods issues"), in many others, "public-private collaboration presents opportunities for achieving better and more comprehensive enforcement". Such collaboration is an "apparently more effective solution than privatized inspections, because (1) transparency in these public-private collaborations leads to greater credibility and market signalling and (2) shared governance structures lead to greater credibility and greater government acceptance".

In short, the question is where public inspection ends and Corporate Social Responsibility (CSR) begins. Your views on that will depend on what you think of CSR. To date, unions' experience of that fashionable concept has been mixed.¹ And of course, even if the Bank admits that outright privatization of inspections is a bad idea, it does not necessarily follow that public-private inspections are a good one.

That said, a case can be made, and the IFC brought together a sufficiently wide range of views to ensure that the debate was a real one. Participants included unions and the ILO, as well as companies and NGOs. Some of the inputs can be read on a special web page.² They include the main conference background report, which the IFC commissioned from the perhaps not wholly neutral consultants Jacobs & Associates ("Regulatory reform is our core business"). This paper's enthusiasm for "alternative inspection approaches" caused some raised eyebrows before and after the conference. But the online version, the fruit of several drafts, carries a World Bank disclaimer: "Responsibility for the facts and conclusions lies wholly with Jacobs & Associates Inc."

vary from country to country. Do you have any views on the proper order of priorities for labour inspection? For example, should occupational health and safety be the main concern?

I regard OSH as the first priority for labour inspectors in all countries. That means that they should ensure proper OSH legislation and implementation as well as information and guidance to the social partners about OSH issues.

A major trade union concern these days is to fight against a global "race to the bottom" in terms of pay and conditions. Does labour inspection have a part to play in that?

The global "race to the bottom" is a serious threat to the safety and health of workers in industrialized countries as well as in developing countries. It also hinders, and might even prevent, a much-needed raising of OSH standards in developing countries. The trade union goal is that globalization should not ruin the standards in industrialized countries or prevent further OSH improvements there, but should raise the standards in developing countries to the same level as in industrialized countries. The role of the labour inspectors should be both to continue to base their work on the high standards that prevailed before "the race

“Assurance” (the monitoring of implementation) was one conference theme. Among the examples highlighted under that heading was an ILO collaborative initiative in the Cambodian garment industry.

Another hot topic was employer “self-evaluation”, with government speakers from the Philippines and the US self-evaluating their own particular schemes. In the US corner was Cathy Oliver, Director of the Office of Partnerships and Recognition at the Occupational Safety and Health Administration (OSHA). She reviewed OSHA’s voluntary compliance programmes. Among these are the Voluntary Protection Programs (VPP), for which her slide show proudly claims 1,302 workplaces covered (as of June 20, 2005); over half a million employees covered; in 2002, injury rates 54% below the participants’ industry averages, with 5,876 lost workday cases avoided; lower costs and higher profitability.

It sounds impressive – but a report by the official US audit office GAO in 2004 was very cautious. It noted that OSHA’s voluntary compliance programmes had reduced injuries and illnesses and yielded other benefits “according to participants, OSHA officials, and occupational safety and health specialists”, but “much of the information on programme success was anecdotal, and OSHA’s own evaluation of programme activities and impact has been limited to date. OSHA currently does not collect complete, comparable data that would enable a full evaluation of the effectiveness of its voluntary compliance programmes.”³

None of which has stopped the VPP from becoming an export item. Under “VPP International Activity”, Oliver listed Canada, China, both parts of Ireland, Mexico and ... the Netherlands. That the VPP missionaries should have gone Dutch is not as surprising as it might have been just a few years ago. In October 2005, the Dutch employment minister announced that he would be restricting the country’s workplace regulations to the EU minimum wherever possible.⁴ He also wanted a “redistribution of responsibilities between the authorities, the employers and the employees”. And he knows who should get what: “Employees must not treat safety lightly, and they bear a high degree of responsibility of their own and employers should draw their attention to that. I intend to structure the relevant legal provisions in such a way as to make clearer the responsibilities of employers, such as giving instructions and supervising compliance with them, and of the employees, such as abiding by the employer’s instructions.”

So workplace safety is up to the workers, and workplace accidents are down to the workers? We could get back to that stage all too quickly if regulations are cut and inspections are privatized in whole or part. Trade unions and the ILO are firmly opposed to that route.

¹ For detailed coverage of this issue, see *Labour Education* 2003/1, No. 130 – Corporate social responsibility: Myth or reality? ² www.ifc.org/ifcext/economics.nsf/Content/CSR-ConferencePublicSectorInspections ³ www.gao.gov/new.items/d04378.pdf ⁴ Letter from H.A.L. van Hoof, Secretary of State for Social Affairs and Employment, to the Chair of the Second Chamber of the States-General (Dutch Parliament), 4 Oct. 2005. http://docs.szw.nl/pdf/34/2005/34_2005_3_8063.pdf

to the bottom”, and to point out clearly any possible negative effect on OSH that might occur because of that race.

But in some countries, labour inspectors are increasingly subject to violence – up to and including murder. What can be done to counter that trend?

Ending this deplorable violence against labour inspectors is first and foremost a responsibility of governments. As trade unions, we must protest against such violence and put pressure on our governments and politicians so as to secure the health and safety of the labour inspectors.

In addition we should contribute to a better understanding at all levels, especially at the enterprise level, of the need to respect the work and role of labour inspectors.

Are the ILO standards on labour inspection adequate? What, from a trade union point of view, could be done to strengthen their content and their application?

Of course the ILO standards could also be improved, but the main problem around the world is not so much insufficient ILO standards as the lack of resources available at the national level for the labour inspectors.

There have been suggestions that labour inspection could be privatized or subcontracted. What do you think of that idea?

I don't think anything of it at all! To privatize or subcontract labour inspection would be a terrible mistake, in fact a disaster. Workers and trade unions need strong, independent and competent labour inspection systems staffed by public employees, with a public service ethic, who can be trusted to have no private interests in the outcome of inspections. Effective labour inspections cannot be conducted under a system that is dependent on inspection fees. The inspectors' work should be based

on publicly agreed terms and priorities, taking into account where their attention is most needed in order to protect workers' safety and health – nothing else!

Note

¹ Increasingly, the name "Global Unions" is being used for the major institutions of the international trade union movement. Global Unions comprises: the International Confederation of Free Trade Unions (ICFTU), which represents most national trade union centres; the ten Global Union Federations (GUFs), the international representatives of unions organizing in specific industry sectors or occupational groups; and the Trade Union Advisory Committee (TUAC) to the OECD.

Labour inspection and the informal economy

This article aims to provide a practical account of the labour inspectorate role within the informal economy. It starts by examining the concept of labour inspection and the standards that the inspectorates have to monitor. It then explains the notion of the informal economy, describing the various situations in which informal enterprises and workers find themselves and how these relate to labour standards. Next, it looks at how labour inspectorates fulfil their roles in various informal labour situations. Finally, there is an analysis of the problems that the informal economy poses for labour inspection, and an observation of the trends.

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As an institution, labour inspection has the mission of monitoring compliance with labour standards. Labour inspection operates as a part of labour administration. Its role is usually identified with specific services within labour ministries, and is personified by labour inspectors. Labour inspection activity is exercised within workplaces, by which is meant those economic units in which there are labour relations – in other words, where a natural or a legal person employs others.

Labour inspection and labour standards

Labour standards are a broad and complex field, usually embodied in a number of different legal texts of varying content. The monitoring of these norms may be assigned to one single administrative body, or shared across various sections of a labour ministry, or even in some cases, distributed across several specialized ministries and public agencies. Thus, this paper looks at labour standards as a very broad whole and analyses labour inspection as a func-

tion and an administrative system, rather than simply as an administrative body.

The diversity and coverage of labour standards makes it difficult to apprehend their full scope but, viewed broadly, they cover work relationships, pay, working conditions, occupational safety and health, industrial relations, social security, employment and vocational training. Bearing in mind that each country organizes its public administration in its own way, it is also sometimes difficult to gain an exact picture of what labour inspection is, which bodies are part of it, what its precise functions are, what its sphere of action is, how far its purview extends and what its powers are.

Enterprises and workers in the informal economy

The term “informal economy” is widely used, but in some countries it was adopted very recently and not all use it in quite the same sense. Its connotations and nuances may also vary from one language to another. Ask what the informal sector is, and who the informal workers are, and

you will frequently receive answers that describe either particular situations or muddled amalgams of various situations that are often ill-defined and have few characteristics in common.

In 2002, the International Labour Conference noted that although there is “no universally accurate or accepted description or definition” of the term informal economy, it may be taken to refer to “all economic activities by workers and economic units that are – in law or in practice – not covered, or insufficiently covered, by formal arrangements. Their activities are not included in the law, which means that they are operating outside the formal reach of the law; or they are not covered in practice, which means that – although they are operating within the formal reach of the law, the law is not applied or not enforced...” (Conclusions concerning decent work and the informal economy, paragraph 3).

This concept of the informal economy covers two completely different situations:

- In the first case, the informality is due to the lack of a formal reference point: there is no applicable labour standard, and thus there are no obligations to be fulfilled, nor any rights to be respected or demanded.
- In the second case, the informality is due to non-conformity with a legal reference point: applicable labour standards do exist, but are completely or partially flouted. Obligations are not met and rights are not recognized.

Although the consequences for workers in each of these cases may seem to be the same, their origins are different. In the first case, when there is no standard applicable to a certain situation, the cause is the lack of legal provisions covering that situation or of a specific legal exclusion. In such situations, it is entirely appropriate to speak of “informality”.

The cause of the second situation – non-compliance – may be ignorance, as the content or even the existence of standards may not be known. But it may also be a

deliberate decision to not comply with the standards in order to avoid costs. In this regard, the 2002 International Labour Conference recognized that the law itself “discourages compliance because it is inappropriate, burdensome, or imposes excessive costs”. In these situations, many countries use the term “illegality”.

There are also situations not sufficiently taken into account by formal systems. For instance, there are cases where working conditions are regulated but social security is not. This situation is usually due to the poor development of social security institutions, and is generally linked to the presumption, or the reality, that those subject to the system, or who are supposed to be protected by it, are unable to pay contributions. Here too, the term “informality” may be properly applied, as indeed it may to the converse situation in which a group of enterprises or workers is included in a compulsory social security system but excluded from the regulation of working conditions.

Not all the formalities with which enterprises are required to comply have to do with labour law, and not all the rights demanded by informal economy workers concern labour rights or elements of social protection. If the requirements are imposed by law, and compliance with them is the essence of formality, then informality may appear to be a negative phenomenon – a matter of not being or not doing. Achieving a working concept of “labour informality”, so that it could serve as a reference point for action by a national labour administration, entails looking at a country’s labour standards as a whole and identifying precisely which types of enterprise and worker fall within their scope and which do not. Even though illegality is the opposite of legality, and formality may be synonymous with legality, illegality cannot always be equated with informality.

There are many national variations in this distinction between informality and illegality. Linguistic nuances are important, as they often point to different perceptions of similar phenomena

by different societies. For instance, it is usually said in developing countries that labour legislation is “not applied” in the informal sector, whereas in the developed countries, it is more commonly said to be “not complied with”. In contexts where the majority of the population live within traditional frameworks and the social rules do not correspond to the legal rules, of which they may simply be unaware, informal productive activities or units are not usually termed “illegal”. But in more developed countries, activities that are regarded, in juridical terms, as illegal as they do not comply with certain legal requirements or they violate some standards, may be popularly called “informal”. The terms applied to the informal economy are not always the same, but in Europe, when work or employment is concerned, terms such as “black economy”, “hidden employment”, “clandestine labour” and “undeclared labour” come up. The term most used to describe the labour impact, at least officially in European Union documents, is “undeclared labour”.

One of the main characteristics of informal activities in the developed countries is that they are hidden or clandestine. The most prominent effect of this cover-up is that workers are not registered for social security, and contributions are not paid. These situations sometimes go unnoticed when those affected remain invisible, as in the case of enterprises where most workers are declared but a few are undeclared, or camouflaged as self-employed, or as employees of another enterprise.

Labour inspection and labour informality

Activities in which the law is not applied or not complied with in practice

Setting aside the issue of undeclared labour and bearing in mind the different degrees of compliance with standards in each country, non-compliance with labour standards and with social security is fre-

quently found in domestic work, home work, rural work, and in micro- and small-scale enterprises.

Domestic work (employees in the home). The sector of domestic work (employees in the home) is recognized as problematic worldwide and one in which women undoubtedly make up the majority of the workforce. Only a few countries are without any regulatory framework whatsoever and in fact, many have special labour regulations and social security schemes for domestic workers. These special labour regulations involve many exceptions to the general legislation, as regards pay (the option of counting board and lodging as part of the wage), daily working hours and rest periods (compulsory attendance times, standby, restrictions on leaving the premises, calculation of night work, etc.) and termination of employment (broad definition of “just cause” and lower indemnity entitlements). The applicable social security provisions are usually based on reduced contributions and lower coverage.

The labour inspectorate conducts only limited checks in this sector. As employment within a family is not regarded as an entrepreneurial activity, business registration is not required for the hiring of domestic workers. Taxation is difficult as the inspection services do not generally have the legal right to enter private homes in order to make checks.

Homeworking. In most countries, home work is covered by regulations similar to those for any other labour relationship, except as regards working times and breaks, as the employer has no means of controlling these. As far as pay is concerned, piece rates are very common, and in some cases the wage received may be below the legal minimum. General social security schemes are usually also applicable to home workers.

Labour inspectorates find it difficult to check on home work, which in many cases is hidden and not declared by the employers, sometimes in collusion with the workers, in order to avoid paying contributions and taxes, or to disguise fraudulent contracts

or subcontracts. In many cases, only one employee is declared even when the latter's entire family, including children, work in the home. As inspectors may not have the authority to enter workplaces located within private homes, the task of supervision is therefore very difficult, unless there is access to the payrolls or bookkeeping records of the firms that contracted the home workers.

Rural labour. General or special standards are difficult to apply to rural labour, attributable to three general factors. First, in many countries rural people may be generally unaware of the existence or the content of applicable standards. One reason for this is that in many parts of the world rural populations have higher illiteracy rates and speak languages other than the official one in which legal standards are couched. Also, they tend to hold ancestral customs in higher esteem than legislation.

Second, as agricultural work is mostly performed by seasonal and temporary workers, the complicated and expensive documentation procedure may be a deterrent to their registration (the end of which, it must be remembered, is the deduction of taxes and social security contributions from their wages). Also they may not particularly want to contribute to social security if it cannot provide them with local, accessible health care services.

Finally, the State itself does not usually have at its disposal a labour administration capable of informing, assisting and inspecting agricultural enterprises which, as a sector, is a frequent user of child labour. Thus labour standards are not enforced, occupational safety and health regulations are not known and the failure to declare workers goes undetected.

Micro- and small-scale enterprises. In every country, micro and small-scale enterprises have the highest rates of non-compliance with labour regulations, according to information from the labour inspection authorities. Non-compliance begins with the failure to declare a new business, to obtain the necessary permits, to provide the requisite employment documentation,

and to declare workers for social security purposes. This non-compliance with the initial registration procedures leads to substantive non-compliance: workers' rights such as the minimum wage are not recognized, safety regulations are not respected, and social security contributions are not paid. The first challenge encountered by labour inspectors is to detect the existence of these enterprises, identify their heads, and track them down. The next difficulty is in establishing and proving the nature of employment contracts or labour relations. Checks must then be conducted on working conditions and employer compliance with requirements such as the minimum wage. When one single inspection service is charged with supervising labour standards as a whole and is provided with the necessary means, this job is simplified. It is nonetheless a big task and one that largely depends on the cooperation of local authorities and on people prepared to denounce irregularities. When separate inspection services are involved, the task becomes more difficult and complicated, since different actors have to be coordinated and mobilized to apply different standards and procedures, in line with work assignments whose priorities may not always coincide.

Activities of persons or enterprises that are not regulated by labour law

There are work situations that are generally outside the scope of labour laws in almost all countries, such as self-employment, or work within the family. Nonetheless, in the majority of countries, self-employed workers are required to declare their status to the appropriate agencies. In the developed countries, they are also compulsorily covered by the social security system. The obligation to declare and to pay contributions devolves upon the self-employed workers themselves, and they may be required to respect safety regulations in their own work. People working for their own families are generally regarded as self-employed, and when the self-employed are unregulated,

the family workers associated with them will also be unregulated.

In some developing countries, casual work is unregulated, as are micro- or small-scale enterprises employing less than a certain number of workers. The ceiling ranges from five to ten employees, and up to 20 in a few cases. The situation of casual workers is complex, as part of their work may occupy an "informal" space in the middle of more formal employment relationships. In some cases, casual work may be of such duration that it becomes equivalent to a temporary or seasonal job. In both cases, the casuals may be working alongside formal workers on permanent contracts within the same enterprise. The permanent workers will have full entitlements, while the casuals will have only their pay and, at best, some coverage against occupational accidents.

In the case of micro- or small-scale enterprises with a fixed maximum number of workers, the law itself exempts the employer from legal obligations. This situation exists primarily in Asian and East African countries. Three common variants may be found: first, micro- and small-scale enterprises that are not covered by any applicable labour regulation; second, those in which standards on labour conditions are applied, sometimes limited to pay and daily hours, without the application of occupational safety standards and social security requirements; and third, those from which only social security standards are excluded.

When there are no legal obligations that can be made of a responsible liable person or employer, labour inspection has hardly any field of action open to it. For example, a labour inspector will not be able to inspect the micro- and small-scale enterprises that are exempt from the application of labour standards and will have no means of requiring that certain safety measures be taken within a production process or that workers be given a payslip. Nor will an inspector be able to oblige the firm to register workers for social security. Any grievances from workers in exempted enterprises or employment relationships can be lodged

only through the procedures laid down by civil or criminal law.

In the case of purely informal working relations, the labour administration will generally refrain from taking any initiatives. At best, it may engage in information work aimed at preventing workplace risks or promoting voluntary social protection schemes.

Labour inspection problems posed by the informal economy, and the trends observed

The first problem identified concerns the labour inspectors' knowledge of the standards and their application to different types of enterprises and workers. Inspectors need to have a thorough knowledge of the labour standards they are charged with monitoring, and with which employment relationships are supposed to comply. Nowadays, labour inspectors deal with many different kinds of enterprises, within complex production systems which make extensive use of subcontracting and labour intermediaries and cover a wide range of contract types. The solution is to be found first in the rigorous selection and training of inspectors and second, in administrative resources dedicated to handling information about enterprises, which means the creation and maintenance of registers or databases and sharing them with other units of the public administration.

The second problem concerns the decisions to intervene in cases where standards are not complied with: in places, sectors and enterprises for which sufficient evidence of non-compliance exists or from which denunciations of non-compliance have been received. In some countries, the appropriate decisions have not been taken and the laxness of the administration has contributed to the growth of informality. The solution depends on decisions taken by the government at the highest level, with the support of the social partners. It should consist of guiding the inspection system by providing clear instructions to the inspectors. The instructions should

set criteria for deciding where to focus inspections, depending on the resources available, and should establish priorities which include paying attention to reports denouncing non-registration of enterprises and non-declaration of workers. As most of the irregularities occur in micro- and small-scale enterprises, inspectorate activities in many countries tend to focus primarily on such firms, in sectors with high rates of staff turnover and temporary employment, such as construction, hotels, and textiles and garments, as well as all types of transport and shops. In many cases, it is necessary to combine pre-programmed visits with visits to respond to complaints in order to cover as much ground as possible.

The third problem centres on difficulties encountered during the inspection visits themselves. These may include pinpointing the location of clandestine enterprises, tracing the head of the firm, identifying non-declared workers, finding ways of verifying the number of hours actually worked, calculating wages and social security contributions due, and proving possible social security fraud (which happens in certain instances, sometimes only through collusion between the employers and the workers). In many cases, only some of an enterprise's workers have been declared. In some cases, when the non-declared workers work for contractors or subcontractors, the labour inspectors must establish the chain of responsibility. Inspectors may also find foreign workers who do not have work permits, and children whose ages have to be checked. If the inspectors can refer to lists of workers in each firm, drawn from social security databases, the difficult task of proving irregularities becomes more straightforward.

A fourth, rather controversial, problem is how to regularize the situations of non-compliance that have been found and indemnify those whose interests have been prejudiced. Non-compliance must be dissuaded, but without putting the workers' jobs and the enterprises' survival at risk. The non-declaration of workers by some firms, and the concomitant avoidance of

costs, results in unfair competition for other firms. It also causes immediate economic prejudice to non-declared workers (e.g. wages below the minimum set by law, etc.) and jeopardizes their future social security benefits (due to the non-payment of contributions).

Faced with the dilemma between issuing a warning and applying sanctions, several countries have opted to submit the offending firms to procedures entailing the immediate payment of the wages and contributions owed, in addition to punitive measures. The sanctions applied are, in many cases, proportional to the number of workers affected and the size of the enterprise.

In some countries, awareness of the scale or growth of illegal work in the informal economy has led to the creation of administrative structures, inter-administration coordination systems, programmes or initiatives aimed at combating the various forms of illegal work. In France, for example, an inter-ministerial team was set up in 1997 to combat illegal work. It brings together various bodies in a committee which has a national commission, departmental commissions, and working groups. Similarly, a plan was established in Italy within the Ministry of Labour to bring unregularized labour out into the open. In Argentina, where there have been a number of successive programmes to regularize unregistered labour, 29 per cent of workers were found to be unregistered in the more than 90,000 enterprises inspected in 2005. In the United States, the federal labour administration and the different States have for many years run programmes and campaigns against exploitative firms, with the aim of ensuring respect for standards on working conditions such as those on minimum wages and the employment of minors. Some sectors, such as textiles and garments, conduct special monitoring campaigns, in view of the high number of immigrants who are in an irregular situation and prevalent disregard for the standards on working conditions they are facing. As these workplaces are part of complex

subcontracting chains, ways have been sought of resolving the problem by assigning accountability to the main contractors and to the distributors of the product. In a number of European countries, where a significant proportion of undeclared labour is performed by undocumented immigrants, regularization campaigns have been held, during which employers were encouraged to declare employment relationships, without risk of sanctions. In Spain, for example, more than half a million foreign workers were enrolled in the social security system during 2005, during such a campaign.

A different problem concerns the means to be used in order to promote decent working conditions for workers in firms that are

exempted from the application of labour standards, as well as for workers whose employment is unlikely to be regularized, and for the self-employed. In these cases, the labour inspectorate does not have a mandate to act, as its field of activity is limited to workplaces that are, by law, subject to labour standards. However, there is scope for purely promotional activities which can be carried out by other advisory labour administration services, and the labour inspectorate does not necessarily have to be involved. The inspectors should focus on those enterprises for which they are competent and on the standards that they are charged with monitoring, and thus increase the effectiveness and efficiency of labour inspection services.

Hard times for labour inspection

Worldwide, labour inspection is under increasing pressure. The challenge is not so much to ratify the relevant ILO Conventions as to ensure that they are really implemented in practice.

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On 10 May 1944 in Philadelphia, the International Labour Conference declared that “labour is not a commodity” and that “poverty anywhere constitutes a danger to prosperity everywhere”. Leading on from that, the ILO Labour Inspection Convention, (No. 81) was adopted three years later, followed at the end of the 1960s by the Labour Inspection (Agriculture) Convention, 1969 (No. 129).

More than half a century has gone by since the adoption of Convention No. 81. A new General Survey on this topic is planned for discussion at the International Labour Conference 2006.¹ The WCL welcomes this, in view of the enormous challenges currently facing labour inspection.

Governments rarely forward annual labour inspection reports to the ILO. So this article is not based on such documents. It draws mainly on input gathered by the WCL from affiliated trade union organizations, whether through direct contact or in the course of training seminars, surveys, field missions or campaigns on labour standards. Also included is information derived from various publications.

Inspections at a time of cut-backs

In its study on “labour market reform”, the WCL emphasized that labour ministries are often the Cinderellas of government.² They tend to lack the human, material and

infrastructural resources needed. Budget restrictions, which are significantly more severe in the debtor nations due to the structural adjustment policies imposed on them, have a clear impact on the functioning of these ministries. Cut-backs are more common in ministries dealing with social policy, including employment.

This is confirmed by the most recent report of the ILO’s experts on the application of Conventions and Recommendations (2005).³ Most of its comments highlight these problems. What emerges is that austerity measures have run strongly counter to the need for modern inspection services, equipped with the infrastructure and resources that they require if they are to do a high-quality job. Dilapidated premises, equipped with obsolete technologies – when they are equipped at all, a shortage of vehicles for the inspectors, problems with claiming back expenses after inspections on the ground, poor pay, a lack of systematic, computerized data collection on work accidents and other topics – these are just some of the problems cited in most countries. None of this favours risk prevention.

Some governments even note, in the report or in their contacts with workers’ organizations, that the financial problems are such that fewer than ten vehicles are at the inspectors’ disposal, in order to cover the whole of their national territory. Many workers interviewed in various sectors state that they have never witnessed an in-

spection of their workplace or, if they have, that they have rarely been consulted.⁴

Moreover, due to the lack of resources, the number and the frequency of inspections are on the decrease worldwide, while work accidents – including fatal accidents and those causing permanent incapacity – and other problems of all kinds are continually increasing.⁵ In almost every country of the world, the number of labour inspectors is clearly inadequate and their average age is around 60. Once they reach retirement age, they are not replaced. The new recruitment promised by ministers rarely materializes. These services are wasting away.

Designed to be part of development policy, Poverty Reduction Strategy Papers (PRSPs) ought to recognize the central role of decent work and, consequently, the vital need for labour inspection. And yet, how many PRSPs make any mention of it? Indebted countries, including the Heavily Indebted Poor Countries (HIPC), suffer economic constraints that seriously prejudice the application of the principles and rights enshrined in Conventions No. 81 and No. 129.

Training – inspectors need it too

The ILO-EU conference on labour inspection (Luxembourg, 9-11 March 2005) concluded that “globalization presses for economic and social reforms, but reforms can only be successful with strong, competent and independent labour inspection with adequate resources.”

Globalization does indeed pose many challenges for labour : the race to be competitive, market pressures, intensive work rates, adjusting supply to demand, new technologies and substances, subcontracting and the emergence of new types of working relations. All of these factors spell new realities, but it takes considerable expertise to spot them.

On agriculture, for example, discussions in recent years have strongly emphasized the risks to human health from the use of pesticides. Investigative missions

have found that checks and monitoring of these risks are often nonexistent. When checks do take place, the inspectorates do not have the time to investigate in depth. There are too few inspectors, and they are not adequately equipped and trained to measure these risks and establish a scientific link between the health problems raised by the workers and the hazards posed by the use of these products. And even when a link is demonstrated, inspectors are often put under strong pressure to keep quiet. Workers’ complaints are still largely ignored and the use of the products continues under the same conditions. The result, all too often even now, is death or serious illness.

And when it comes to preventing and combating HIV/AIDS, how many labour inspectors are really trained to monitor safety and health risks in hospitals or other workplaces?

Gender issues are another case in point. Although massive numbers of women have entered the labour market in recent years, inspectorates have rarely been prepared for this phenomenon. Often, they are still all-male and little consideration is given to the risks specifically affecting women.

Training, particularly lifelong training, is held in high regard these days, but it must be promoted in such an important field as labour inspection, and a gender perspective must be included.

The tasks facing labour inspectors are becoming more and more complicated, and so are working conditions. In fact, only multidisciplinary teams of experts, trained to identify these complex realities, would really be capable of meeting this challenge. But that is a long way from the current state of affairs. Most inspection teams have few human resources at their disposal, even in the industrialized countries, where trade unions often point out that there are not enough labour inspectors. So it is all the more difficult to meet the need for strong pluri-disciplinary teams, made up of experts who regularly receive the kind of training that would enable them to gauge the new realities in the world of work.

Ethics under pressure

Being an inspector is no easy task, particularly amidst the present clamour for supple, flexible, non-mandatory instruments and practices. Taking their cue from “soft law”, some people would like to see non-constraining inspections that do not imply any concrete commitments from those concerned, focusing on negotiation or a simple notification of problems rather than checks and enforcement.

These trends run counter to labour inspectors’ professional ethics, which emphasize impartiality as well as the duty both to inspect and to apply sanctions when required. Certainly, those are the criteria that workers’ organizations want labour inspections to meet.

In practice, we all too often receive complaints that competence and impartiality are not the main criteria for selecting inspectorate staff.

While carrying out their duties, inspectors also encounter major obstacles. They do not always find it easy to get into export processing zones. Paradoxically, experts monitoring the application of codes of conduct often seem to face fewer hurdles.

Strict respect for professional ethics can also lead to problems. The inspectors who show the most zeal in this regard are more likely to experience harassment, up to and including threatened or actual arbitrary dismissal. All of which demonstrates the importance of organizing inspectors in trade unions.

Another problem is the sanctions provided for by law when a workplace fails to come up to standard. These are often so derisory that they undermine the work of the inspectors. Often, they are not inflation-proofed, and they are in no way dissuasive. So unscrupulous employers can get away with ignoring workers’ rights. And in places where impunity reigns, these employers can easily avoid paying even the mildest of fines.

At the same time, it should be mentioned that inspectors may also face pressures in the opposite direction. Some countries have brought in a “zero toler-

ance” approach to corruption, so as to protect professional ethics within the inspectorates.

But as the labour inspector’s profession is vital to any State built on the rule of law, inspectors are clearly entitled to a degree of protection. In Brazil, for example, in 1992, following representations from the Latin American Workers’ Centre (CLAT), labour inspection services were strengthened by the setting up of the National Commission for the Eradication of Forced Labour (CONATRAE). These initiatives were warmly welcomed, and they did lead to progress in the struggle against forced labour. But there is still a long way to go. In January 2004, three inspectors and a labour ministry driver were assassinated in Brazil, while they were checking an agricultural workplace. This shows the importance of combating impunity and protecting inspectors when they are on duty.

The missing link – Unwaged labour

All over the world, unwaged labour makes up a growing proportion of the working population. The great challenge for labour inspection is to probe and reveal the places where decent work does not prevail, in whichever social twilight zones they may be – whether in some forms of waged labour or in more atypical working relationships.

This means going out on a limb. The informal economy involves complex working relations which often sit uneasily with ILO Conventions. That is why inspectorates and, therefore, policy-makers must now take steps to ensure coverage of what has often been a missing link. That probably also goes for small and medium-scale enterprises and subcontractors.⁶ This is all the more difficult because the working conditions, including work schedules (nights, public holidays, weekends), complicate the task of running checks.

It is also becoming more and more difficult to keep tabs on working relations

within subcontracting, which is moving into the informal sector. So employers who have recourse to subcontracting are able to skirt around regulations and sanctions.

Labour inspection is essential to the achievement of the Decent Work Agenda, both in monitoring occupational health and safety and in following up on working conditions as a whole, whether in the formal sector or in the informal economy, particularly in workplaces that lack structured consultation.

Privatized inspections making inroads

The 1990s saw a strong upsurge in various types of private checks on labour inspection. In April 2004, the WCL highlighted the vital questions underlying these new procedures:⁷

- “Does monitoring result in an improvement in the working conditions in the enterprise? Does it help in strengthening the internal position of independent trade unions? Does it contribute to social dialogue? To collective bargaining agreements? Is it renewed frequently enough to ensure constant vigilance? Do the auditors enter into contact with the labour inspectors of the country concerned? Are their strategic actions sustainable? So many questions often remain unanswered.
- “Meanwhile, who has the legitimacy to monitor, determine the procedures of control and to issue certificates to companies?

“Currently, there is no rule in the area of auditing of multinational companies having adopted or not codes of conduct at the social level. Nothing was codified on this subject. Each enterprise institute or NGO does so according to the reference criterion that they have established. The value of this varies greatly.” Only a few initiatives involving multiple stakeholders have enabled the development of a reference framework embodying various indicators.

“There are other questions on various aspects relating to the content of these controls:

- The lack of reference to labour standards in the codes of conduct and in the basic indicators used by audit companies casts serious doubts on the credibility of their evaluation. Besides there is no uniformity in criteria enabling all ILO fundamental Conventions as basic principles to be at least considered. Neither is transparency often present.
- Is the methodology used reliable? Is it transparent? Does it truly respond to the interests of workers? Has the voice of the latter as well as their trade union organizations been duly heard and translated in the approach and in the results?

“It is of public notoriety that the auditing practised by the large firms generally tends to favour the administration and gives a distorted image of the company. It lays aside the serious and important problems concerning health and safety, freedom of association, collective bargaining, and discrimination. Very often, it does not even see – or does not want to see – that companies violate the regulations on wages, that the time clock cards have been falsified, etc. The auditors collect information from the company managers and rarely from the workers. And if they interview the latter, it is very often under bad conditions: they do so in the presence of their hierarchical superiors and at the workplace, which influences the responses given. For fear of losing their job, the workers say what the managers want to hear or else, fearing reprisals, they even refuse to talk. At times they have even been asked to keep silent about their working conditions.”

Reports of that kind rarely reflect what is really going on, day by day, in a workplace. So they can have serious consequences for the workers.

Local inspectors facing globalized labour relations

Trade union organizations, and a growing number of NGOs, are calling these practices into question. This is first and foremost because, paradoxically, we are witnessing the advance of these forms of private inspection just when the public services are being weakened. Private forms of inspection end up by substituting for the public services. Moreover, the balance sheets drawn up by private audits are not convincing. Today, there are more and more insistent calls for independent monitoring bodies to check the effective implementation of codes of conduct or, even better, for the monitoring of labour conditions to become, truly and as a matter of priority, the responsibility of the national labour inspection systems.

However, this wish must be viewed against the background of the factors that promoted the rise of private monitoring practices. One such element is the absence of any globalization of labour inspection in an age when production systems have been internationalized. Today, particularly in Europe, consideration is being given to integrating inspection services at the regional level. But progress on this is also needed within, and between, the other regions of the world.

Inspectors boost ILO Conventions

Convention No. 81 has been declared a priority because of its vital role in securing respect for other ILO Conventions, particularly the core labour standards.

Even if this Convention has garnered a large number of ratifications (134), we have found that, in practice, its application remains problematic. And yet the link between this Convention and the implementation of the others is plain to see.

In particular, there is a clear link with the core Conventions, including the fight against forced labour, child labour, discrimination, abuses of trade union rights and impediments to collective bargaining.

In fact, ILO experts have emphasized this on a number of occasions in their comments on the core Conventions. And the results achieved by strengthening inspections in certain fields and certain countries are encouraging and speak for themselves.

In conclusion

In short, global problems require global responses, although these must be anchored in the realities of local life and work. But that alone will not be enough. Must we wait for more disasters to happen before we act?

The subject of labour inspection requires deep consideration now, and the discussion to be held within the framework of the general survey of the Committee on the Application of Standards (June 2006) should give further impetus to the debate. But more is needed.

Although it is a pillar of decent work, labour inspection is now being demoted, marginalized and played down in the majority of countries. Essential though it is to achieving the Millennium Goals by 2015, labour inspection has been sidelined. Reducing malnutrition by 2015 implies the existence of efficient health services operated by staff working in decent conditions. Ensuring that children get an education means that teachers should be working in those selfsame decent conditions. The same arguments can be applied to all the Millennium Goals, one by one. And the debate goes beyond a basic needs approach. Conventions No. 81 and No. 129 are essential to securing more and more decent living and working conditions and ensuring that progress improves our daily existence, wherever we live and work.

Whether the workers' choices and priorities are applied is a question of political willpower. And progress in this field will depend on consultations with workers' organizations. The facts are there, and so are the Conventions. On labour inspection issues, the main task is not to achieve formal ratification, although that is certainly

necessary. Nor, with a few exceptions, is there a real problem of discordance between legislation and the Conventions on labour inspection. The vast gap between the workers' needs and the means available shows that the big challenge is to achieve concrete implementation in practice.

Notes

¹ ILO: *Labour Inspection*, General Survey of the ILO Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1B), International Labour Conference, 95th Session, Geneva, June 2006.

² World Confederation of Labour. *Labour Market Reform*. Brussels, Nov. 2003.

³ ILO. Report of the Committee of Experts on the Application of Conventions and Recommendations. International Labour Conference, 93th Session, 2005. Geneva. 2005.

⁴ "Staffing of the technical and medical inspectorates is decreasing year by year ... Moreover, a quarter of this reduced staff is over 60 years of age." In: (Belgian) Confederation of Christian Trade Unions (CSC), *Inspection: la Belgique, pays en développement !* 2004. *L'info*. No. 18, 7 May 2004, and No. 45, 12 Nov. 2004.

⁵ Worldwide, one death every 15 seconds is attributed to work accidents. The lack of checks inevitably leads to employer negligence.

⁶ Hilbert, Gilbert. *Meeting des experts en forresterie*. Carrefour Agri. *Bulletin de la Fédération de l'agriculture CFTC*, 2^e trimestre 2005. No. 140, p. 14-15.

⁷ World Confederation of Labour. *Corporate social responsibility and codes of conduct – New stakes or old debate?* Brussels, April 2004.

Labour inspection in Africa – promoting worker rights

Understaffed and under-resourced, Africa's labour inspectorates are also often too compartmentalized. An integrated, holistic system is needed, under one central authority in each country. And social dialogue about labour inspection is a must.

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The globalization of the world economy is changing the way individuals work, the hazards workers face and the intervention strategies needed for worker protection as well as creating a deficit in the quest for decent work. Although globalization is viewed differently depending upon one's country, culture, workplace and employment status, ensuring that it is beneficial to workers depends upon how well countries, organizations and persons responsible for labour and employment inspections, workplace safety and health, and indeed general working conditions, achieve a balance between often competing interests. Labour rights, including the prevention of occupational safety and health hazards, can best be achieved in this global arena through partnerships between governments, industry and labour unions, among others.

Millions of workers die from occupational injuries and diseases every year. Others suffer from poor working conditions that are not in conformity with the ILO Declaration on Fundamental Principles and Rights at Work and the core labour standards. The suffering in terms of human life is enormous, while the economic costs place a considerable burden on the competitiveness of enterprises and

the general productivity of labour in many ways. It is estimated that the annual losses resulting from work days lost, interruption of production, training and retraining, medical expenses and so on, amount to over 4 per cent of the gross national product of all the countries in the world.

The ILO, with its tripartite constituency, is developing Conventions and Recommendations aimed at the implementation of a global policy. In its Decent Work programme, the ILO entrusts labour inspection with new roles and responsibilities. The idea is to ensure adequate health and safety for workers by improving employment and working conditions and guaranteeing decent labour relations by setting up an Integrated Labour Inspection System. This includes the integration of different fields of inspection, the integration of enforcement and advisory action and the integration of inspection activities based on the principle "of one workplace/one inspector", thus ensuring a stable relationship between the inspector, the workplace and the workers. In other words, a one-stop shop that takes a holistic approach to all aspects of labour inspection.

In many of the developing countries and especially in Africa, some employers fail to comply with national labour standards

(as enshrined in national labour law and practice) pertaining to social dialogue/labour relations, employment and occupational safety and health standards. This is particularly true of the non-organized sectors. For example, non-compliance with statutory minimum wages, social security contributions (where these exist), overtime compensation, affirmative action for vulnerable groups, trade union representation rights, laws against sexual harassment and other provisions militates against labour and enterprise productivity. This has a negative impact on economic growth and development. The HIV/AIDS pandemic, high rates of unemployment and poverty exacerbate the problem and complicate intervention strategies.

Challenges facing labour inspection in Africa

Labour inspectorates in Africa, as elsewhere, are faced with various political, economic, social, cultural, administrative and technological challenges. These vary from country to country and are heavily dependent on socio-economic realities on the ground. The problems have been further compounded by globalization and structural transformation as well as the restructuring of the public sector, which has led not only to the reduction of labour inspectors in terms of numbers, but also a declining budget without a corresponding decrease in the responsibilities of inspectors.

In most African countries, labour inspectorates are limited in scope and coverage (covering less than 10 per cent of labour force). They are splintered, compartmentalized and often non-complementary. Often, they are governed by a fragmented policy and legislative framework. More often than not, inspections carried out under such circumstances are haphazard and uncoordinated and have a “social policing element” which produces adversarial outcomes. At times, this results in contradictory advice and unnecessary competition. In such cases,

stakeholders may lose confidence in the labour inspection service.

In Uganda, apart from being dual,¹ labour inspection is decentralized to the local authority level while factory inspection² is centralized, so creating disharmony and hampering effective coordination. This “contravenes” ILO Convention No. 81 on Labour Inspection (1949) to a certain extent, but that issue is outside the scope of this article.

Dual inspection systems, without complementarity, do not advance the interests of clients (workers and employers), but rather promote bureaucracy and cause confusion. However, in the case of Ethiopia, Kenya, Lesotho, Nigeria, the United Republic of Tanzania and Uganda and as well as others in the region, there are ongoing labour law reviews (currently at different stages, depending on the country), which are expected to address some of the issues relating to labour inspection, among other matters.

In Sudan, the central government has devolved all inspection services to the regional or state governments, and no central responsibility is retained within the Ministry of Labour. This is also the case in Ethiopia to a certain extent, though circumstances are different. When the central government devolves authority for inspection services to the regional or federal states without taking responsibility for coordination and harmonization, the inspectorates tend to be weakened. Maintaining parallel labour inspection structures leads to inefficient use of scarce human resources, sub-optimal use of facilities (buildings, office equipment, transportation), and inefficient allocation of limited and scarce financial resources. This deficiency therefore undermines the capacity of labour inspectorates to promote the ILO Global Occupational Safety and Health Strategy and the Decent Work Agenda, as well as other national, sub-regional and regional initiatives. It also confuses the workers, as well as employers and enterprises who do not understand the fragmented system of labour inspection.

In most African countries, public service reforms have reduced the number of labour inspectors by 20-40 per cent in the last decade through retrenchments, freezes on the recruitment of new inspectors and non-replacement of vacancies arising from natural attrition (death or retirement). For example, as a result of the public sector reforms, the number of general inspectors in Kenya was reduced by 30 per cent, from 175 to 124, while the occupational safety and health inspectors were reduced by about 15 per cent.

On the other hand, due to casualization and informalization of the labour market (the informal economy accounts for more than 70 per cent of the labour force in most African countries), the responsibilities of inspectors have increased in order to meet the new demands of a changing working environment. HIV/AIDS, child labour and the need to respond to new vulnerable working groups and new risks – especially for those in the urban and rural informal economy, agriculture, construction, mining, Export Processing Zones (EPZs), the service and security industries and supply chains, to mention just a few – require a holistic approach. However, the problems faced by labour inspectorates should be seen as challenges, and the challenges should be seen as opportunities to set goals for productivity and performance improvement. The ultimate goal should be value-added oriented inspectorates. There is, therefore, an urgent need to re-organize labour inspection into one integrated, well-coordinated system under one central authority,³ so as to ensure that uniform inspection policies and procedures apply for each country. The need for social dialogue with workers' and employers' organizations and other relevant agencies, for example mining inspectorates among others, is undeniable.

Managing change and performance improvement in labour inspection

It has been argued by some that, in more cases than not, the problems facing labour inspection services in Africa are mainly managerial, although other factors also pose some challenges. Some observers estimate that managerial issues account for 70-80 per cent of all the inspectorates' problems. Therefore, a focus on labour inspectorates' management systems through a holistic change process is imperative.

Often, the resources (capital and human) that have been allocated for inspection, however meagre they may be, seem not to be effectively utilized for the core business of labour inspection. In certain instances, some of the resources are spent on administrative instead of operational services. One of the immediate options for improving the productivity and competitiveness of labour inspectorates is resource mobilization and utilization, as well as the effective organization and management of labour inspection systems through skills, knowledge and attitude management, reinforced by training and investment in research and development.

This may be followed by integration initiatives, which may as well go hand in hand with the other change processes. As a consequence, the labour inspectorate will have to deal with issues such as technical safety, occupational hygiene, work organization and the control of compliance with other labour legislation and labour relations in a more integrated way, demanding new skills and competences. In this case, new inspection strategies should be developed and implemented in an interfaced manner. Integrated inspection systems should be able to promote preventive policies through a culture of sharing expertise, providing expert advice and targeting efforts where they are most needed. A preventive culture requires total involvement of workers and their organizations, and of employers and their organizations, in order for it to succeed.

A number of countries in Africa, especially South Africa and Lesotho, have

moved in that direction. In such cases, a routine labour inspection visit to a workplace would include the following compliance checklist, among other things. It could be verified by one single inspector, provided of course that the inspector concerned was equipped with the necessary skills, knowledge and attitude change through training and retraining, as well as the prerequisite tool kit.

Compliance checklist

- Protection of incomes, e.g. minimum wages (where applicable)
- Hours of work and overtime
- Holidays and rest periods – annual, sick, compassionate; maternity/paternity “leave(s)”
- Work injury compensation, including social security contributions, insurance issues and accident/illness records
- Work permits, and child labour
- Safety committees/welfare/workers committees – safety officer in place
- Welfare facilities including sanitary provisions
- Personal protective equipment and clothing (PPE/C)
- Emergency preparedness and first-aid facilities – first-aid kit
- HIV/AIDS interventions and workplace practices
- Wages and salaries records
- General housekeeping
- Compliance with collective bargaining agreements (where applicable)
- Bipartite labour relations, including recruitment and affirmative action initiatives – for instance, implementation of gender requirements in the holistic sense.⁴

Compliance with labour rights and standards, as indicated, is the core business of

labour inspection, through an efficient and effective enforcement system. Trade unions therefore have a responsibility to demand and lobby for the development and promotion of responsive systems that can protect workers’ rights as well as enshrining a preventive safety and health culture.

The above, among others, may be included in a holistic and “one-stop shop” inspection list, so as to add value as well as optimize available resources. Where an inspector is unable to deal with an issue due to its complicated nature (for example, issues relating to occupational medicine or highly sensitive labour relations), these have to be referred to the specialists (often based at headquarters) for the necessary advice and corresponding action.

The planning of inspection services must take account of the prevailing circumstances in each country. Granted, in more cases than not, ever-shrinking resources, public service reforms which also have an impact on inspectorates, and the lack of the necessary institutions, legal framework, policy etc. affect the way inspectorates perform. However, each country has to decide which option works best, in terms of promoting labour rights.

It is therefore necessary for labour inspectorates in the region to re-invent, indeed re-engineer themselves, in the wake of the new challenges, so as to add value and meet the new demands of an ever-changing working environment. In fact, it makes economic and social sense to do so.⁵ Inspectorates need to manage the new challenges effectively and efficiently by optimizing resources through change management that improves their performance and competitiveness and meets client needs.

In most cases, performance-related management systems are not yet in place, resulting in recourse to traditional bureaucratic structures and vertical, hierarchical management styles. Under the circumstances, it is in the interest of countries to weigh the available options to get out of this bureaucratic quagmire, but each case should be treated on its own merit. How-

ever, countries may wish to address the options and suggestions that add value in terms of compliance with labour rights, as well as general obligations of workers and employers at the bipartite level, but taking the local variables and circumstances into account.

First, and as a medium- to short-term option, there should be a move towards integration of services, creating a one-stop shop or one-service shop as has been the case in South Africa, Eritrea⁶ and to some extent in other African countries including Lesotho, which is moving in that direction. Secondly, and as an immediate option, inspectorates should invest in effective and efficient performance improvement strategies, in order to succeed. Thirdly, a continuous change management toolkit with a holistic monitoring and evaluation roadmap and score sheet should be in place to inform the system on a need-to-know basis. As mentioned, this requires investment in research and development. However, these interventions should be accompanied by a shift to preventive approaches (preventive health and safety culture, for example) so as to promote ownership and win-win outcomes, which are holistic, open and pluralistic. These must involve social dialogue structures, frameworks and processes, including tripartite, but mainly bipartite institutions at the shopfloor level.

Good practice

There are good practices that we can learn from. Here, we will draw lessons from two labour inspection practices – one in South Africa (fully integrated services), the other in Kenya (not integrated, but one arm of the inspectorate was re-engineered through change management process in 1992-94). These will form the main basis of this section.

In South Africa, a one-stop service is operated and managerial decisions are made at the provincial and local levels, where inspectors offer integrated services without being expected to be specialists but are knowledgeable on all general

working conditions and occupational safety and health issues. After the integration of services, and especially in the years 2002-04, the labour inspectorate outputs/outcomes rose by 100 per cent using the same number of resources (capital and human), due to the successful management of change. This was achieved through consolidating a preventive culture, advocacy, and cooperation with the social partners and stakeholders who are responsible for monitoring compliance with national and international labour standards.

The Kenya Tripartite Labour Inspection Project (KTLIP), based on the ILO Labour Inspection Convention, 1947 (No. 81), addressed general conditions of work, labour relations and dispute resolution,⁷ employment services and basic occupational safety, health, hygiene and welfare issues. It increased the labour inspectorate outputs/outcomes by more than 500 per cent during the time of the project (1991-93) and after the project (1994-2002). However, it was limited in approach since it only addressed some basic OSH elements, e.g. sanitary conditions, personal protective equipment and first-aid facilities. Substantive occupational safety and health issues were covered by the then factory inspectors under a separate inspectorate. This department, which is currently referred to as the Directorate of Occupational Health and Safety Services (DOHSS), was to be part of the second phase of the project, which did not materialize due to funding constraints.

Strategies that were used in the Kenyan case included the following. First, the fact that there was tripartite ownership through the involvement and participation of the social partners (government, workers and employers) from project inception to “completion” created cooperation and synergy. Secondly, the acceptance and participation of top management at the national level in the change process created another level of ownership and synergy. Thirdly, the participation of provincial/regional and district heads created a trickle-down effect that promoted outreach at the local level. Finally, the participation of the inspectors

themselves in driving this change process – by identifying the challenges and suggesting the way forward in debates, consultation meetings, seminars, conferences, exchanges of ideas and information, and most of all by developing labour inspection indicators – created the catalyst for action.

The change process was therefore based on a “top-down and bottom-up” approach at all levels of management and others. In terms of actual implementation, planning and coordination of inspection services vis-à-vis other activities of the inspectorate were reinforced, as well as the integration of transport (cars, motorcycles), finances and human resources into the planning process. A toolkit on management development initiatives, training of personnel, computerization of information (inspection and others), setting of agreed targets and indicators, quality and quantity assurance, staff meetings, coaching and mentoring, continuous appraisals, reports and reporting systems (a holistic reporting and inspection format) and monitoring and evaluation standards were integrated into the inspection system.

Conclusion

It is evident that inspectorates all over the world and especially in Africa are faced with a myriad of challenges that are both internal and external. While integration of services is not necessarily the only prescription or panacea to deal with obtaining challenges, the way the change process is managed and owned determines to what extent the initiatives are effective. The organization and management of inspection services requires being effective and efficient and this can only occur if a cost-benefit analysis of change management is carried out. We can learn a few lessons from countries that have effected change successfully. Here, our examples from South Africa and Kenya illustrate that good practices in integration and management can be used to transform “moribund services” into high-performance systems through re-engineering. However, every

country should use the most cost-effective options and interventions depending on its circumstances.

Changes in working life call for an integrated approach, merging the traditional technical and medical approaches with the social, psychological, economic and legal spheres. Globalization increases the need for creative and holistic approaches, taking account of changes in the world of work and new risks. The traditional relations between the government and social partners in industry and services have to be adapted to this new environment. In the same way, the role and the activities of the labour inspectorate will have to be reshaped. It is important to address, in a holistic way, all aspects of working conditions as well as of safety and health and well-being at work. The focus should be on the creation of synergies between all parties involved, as well as on the exchange of information and experiences on good practice.

Finally, there is a need to provide a platform for the exchange of experiences between heads of occupational safety and health, labour and social partners concerning the role of the inspection services. Such forums should aim to build a framework for effective, relevant and enlightened policies to drive forward an action plan for an Integrated Labour Inspection System, as well as discussing issues relating to labour inspection and development.

During these forums, examples of good practice in the development of an integrated labour inspection system at national and company level should be highlighted. The objective is to raise African and worldwide consciousness of the social dimension, which should be placed on an equal footing with economic, financial and environmental concerns within a holistic approach.

One question that needs immediate consideration is how we can effectively and efficiently manage inspection services, and optimize what we have on the ground in a more cost-effective and value-added way.

It is time for global thinking and local action.

Notes

¹ Separate inspectorates for general working conditions and for occupational health and safety.

² In some countries, occupational health and safety specialists are still referred to as “factory inspectors” in the labour laws.

³ See ILO Convention No. 81 on Labour Inspection (1949).

⁴ Inclusive gender initiatives that cover workers in terms of their vulnerability in the labour market.

⁵ A cost-benefit analysis on investment in Inspection Services indicates that it makes good business to invest in effective and efficient labour inspectorates.

⁶ Eritrea decided to go for integration on its own and with its own resources.

⁷ Strikes were reduced by about 30 per cent during this period of intensified inspection visits.

Labour inspection – the Brazilian experience

Brazil has set itself the challenge of achieving an integrated labour inspection, the aim being to build a culture of prevention in the country. This article analyzes the role and activities of labour inspection in Brazil, giving a brief view of its historical evolution and legal framework, including proposed ILO instruments, occupational safety and health, forced labour, social dialogue, labour protection and some specific issues such as child labour.

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Labour inspection in Brazil started at the end of the nineteenth century in the factories of Rio de Janeiro. It was in the early twentieth century, in 1919, that the National Department of Labour was created, and was attached to the Agriculture, Industry and Trade Ministry. Inspections were limited to Rio, which was the federal capital at that time. The National System of Labour Inspection started in 1931 with the creation of the Ministry of labour, Industry and Trade. In the following year, 1932, regional offices were put into operation and in 1934 the occupational safety and health (OSH) inspections began. It was in 1944 that a career structure for labour inspectors was established (Mannrich, 1991).

Brazil ratified the ILO Labour Inspection Convention, 1947 (No. 81) in 1989. Today, about 90 ILO Conventions have been ratified by Brazil. Its labour inspection regulations (RIT) were created in 1965. In 1978, regulation 3214/78 established occupational safety and health standards. In 2002, inspectors' career structures were integrated into those of the state services and they were given the new title of "labour inspector auditor" (AFT). Table 1 shows the present legal basis.

In 2005, the country had about 3,000 labour inspectors (AFTs), recruited by public

competition, with a university degree as a qualification requirement. AFTs are subject to the federal employment regulations and have a dual hierarchy: on the technical side, they report to their central management, while on administrative matters, they report to the local office where they are placed and perform their tasks. They check compliance with the Federal Labour Laws, and with complementary laws on hiring, the length of the working day, rest periods, etc. They also verify that collective agreements and accords are being respected. They implement policies against unemployment, discrimination, moral harassment, child labour, etc. In performing their jobs, they have to follow certain procedures: visit the plant, issue a notification (presentation of documents), make a return visit, issue another notification to fix OSH aspects, apply sanctions if necessary (fines), order a work stoppage in case of grave and imminent danger to workers' life or health, and make a report.

Legislative framework

Labour relations in Brazil are evolving within a complex system, and each of the many different institutions involved has

Table 1. Current main legal basis

Federal Constitution – art. 21, XXIV – 05/10/1988
ILO Labour Inspection Convention, 1947 (No. 81) – Decree No. 95.461, 11 Dec. 1987
“Act” No. 5.452, 1 May 1943 – “Labour Laws Consolidation” – CLT
Regulation 3214/78 and updates – “OSH Regulations” – NRs (31 at present)
ILO Convention, 1976 (No. 144) – “Tripartism” – Decree No. 2.518, 13 March 1998
Law No. 10.593, 6 Dec. 2002 – Structure of Labour Inspector Auditor (AFT) career
Decree No. 4.552, 27 Dec. 2002 – Labour Inspectorate Regulation
Law No. 10.910, 15 July 2004 – Restructuring of Labour Inspector Auditor (AFT) career
Inter Ministry Regulation No. 800, 3 May 2005 – “OSH National Policy – Minute”

its attributions defined by law. Their main feature is State intervention in the solution of conflicts between capital and labour.

In the realm of individual relations, the most important characteristic is the existence of a very detailed and strict law, which is paternalistic in character. The Ministry of Labour and Employment (MTE) is the federal body in charge of supervising labour rights and ensuring that they are respected.

When it comes to collective relations, the main pillars are union organization and collective negotiations, seen as the means through which general working conditions are determined, including wages.

Thus, as far as occupational health and safety is concerned, the MTE policy can be placed in the context of four moments in the history of labour legislation:

- the promulgation of the Federal Labour Laws (CLT) in 1943
- the formulation of the rules which instituted the Regulating Standards of Occupational Safety and Health
- the establishment, in April 1996, of the methodology for making or revising regulations in the area of OSH, with social participation involving the creation of a Tripartite Permanent Committee (CTPP) under the aegis of the Ministry of Labour and Employment, with government, worker and employer representation based on the tripartite model supported by the ILO;

- the beginning, in 2004, of discussions on the interministerial development of a National OSH Policy, involving the different spheres of the Labour, Health and Social Security Ministries.

Safety and health at work is regarded as a collective right and is embodied in a dynamic regulation: the Standards (NRs), which are to be updated by the Labour Ministry in accordance with changes in the world of work.

The way the Ministry of Labour occupational safety and health inspections were launched in the 1980s reinforced the mechanisms for agreements and collective negotiations via the tripartite process. Created in the late 1990s, the National Permanent Committee on Work Conditions and Environment in the Construction Industry (CPN) and the Tripartite Permanent Committee (CTPP) for consultation, diagnosis, technical proposals, validation and revision of standards, aimed also at a continuous improvement in working conditions.

An initial scenario of spot inspections, non-systematic attention to individual cases and random reports resulted in an extremely low level of problem-solving, but new methods of action have gradually been created since then.

These transformations in the methods of action arose from voluntary initiatives, by colleagues who tried to involve social and union movements in the resolution of

labour and environmental conflict, which affected workers as groups and/or communities (Bonciani et al., 1996).

Such initiatives were of core importance in signalling to the labour inspectors the possibility of different, more efficient ways of working.

Dialogue with labour

This process of change, however, demanded other transformations, so as to involve everyone. This meant that inspection methods had to be aimed at securing not only respect for the law, but also social transformations.

These transformations in working relations and conditions created a need for dialogue with those most directly concerned – the workers.

This was translated into joint work with the unions, not just in their role of following up on or calling for spot inspections, but mostly as partners in the making and prioritizing of the policies to be executed. In other words, each inspection conducted in a group is not an end in itself, but is rather an action within the context of the production sector, including the production chain of which it is part, and of general objectives which can, for instance, be a collective agreement or the creation of a new partnership with other institutions (universities, NGOs, etc).

Institutional change, however, does not occur rapidly or universally, and neither do changes of attitude or identity. Inspection in the area of worker health and safety has undergone transformations, initially centred on individuals and later on working groups, and currently we have organized programmes characterized by planning based on local realities, on the active participation of all involved and on dialogue with society.

The earliest rural standard and technical note (code of practice) concerning protective measures on machinery, on the improvement of working conditions in the metal mechanics sector, and the recent study group on safety protection of the

agricultural machinery represent a milestone in the world of work and an example of the potential of a democratic approach to the issues related to OSH.

They also show the need for even stronger action from the State, not only to safeguard workers' basic rights, but also to strengthen workers' organization, so opening up opportunities for negotiations with the employers.

The Brazilian pluriannual plan (PPA) for 2004–07 has four major aims:

- ensuring the achievement of standards, regulations and Conventions concerning labour protection
- eliminating forced labour in the country (the term “slave labour” has been adopted by the Brazilian Government to refer to forced labour)
- eliminating child labour
- promoting OSH.

Results

Some results of labour inspectorate action in these fields are shown below.

Enforcement of formal employment relations. In 2004, 708,957 workers were placed in the formal economy as waged employees (24 per cent in agriculture and cattle farming and 21 per cent in industry).

Combating forced labour. The achievements of the Special Mobile Inspection Group in 2004 are reflected in the fact that 2,776 forced labourers were freed. They received compensation totalling R\$4,600,000 (about US\$1,700,000), as well as unemployment insurance and other contributions. The challenge is to conceive and implement effective strategies for prevention and rehabilitation. A start has been made with legislation ensuring payment of the Government share of unemployment insurance contributions to workers rescued from forced labour.

The ILO project in Brazil aims to combat abusive recruitment practices leading to forced labour (“slave labour”), in particular in agriculture and cattle farming in remote areas, where it is mainly concentrated. Also,

it is assisting the National Commission to Eradicate Slave Labour (CONATRAE) and other social partners by:

- creating a database on slave labour for the Ministry of Labour and Employment (MTE)
- launching national and regional campaigns against forced labour
- implementing a National Plan to Eradicate Slave Labour (measures for the prosecution of offenders, prevention and the rehabilitation of victims)
- building partnerships (between the Federal and Labour Prosecutors' Offices, the Ministry of Labour and Employment, Federal Police, trade unions and NGOs, among others)
- strengthening the Special Mobile Inspection Group
- running pilot programmes for rehabilitation, through income-generation activities, capacity building and legal assistance (ILO, 2005).

An agreement was signed between major steel companies and their workers' union, under which these companies commit themselves not to buy charcoal from any enterprise that has subjected its workers to slave labour conditions.

Eliminating child labour. In 2004, the labour inspectorate found 4,040 children or teenagers under 16 years of age at work. As a result of the inspections, an immediate recommendation was made to the Ministry of Social Development to include the families of these children in various social income programmes, so that they can keep their children away from work and allow them to attend school. In the same period the labour inspectorate also promoted the hiring of 25,215 apprentices aged 14-18. According to Lima (2001), labour inspection has an essential role in eliminating child labour and promoting adolescent work protection, while seeking to give them equal opportunities for education and development. Labour inspectors have traditionally been key partners in eliminating child labour (ILO, 2005).

Inspectorate action on OSH. The labour inspection analysed 1,666 fatal or serious work accidents, remedied 750,703 illegal situations in 136,881 establishments and ordered work to be halted in 1,107 cases.

National and regional OSH tripartite committees specific to the construction sector have achieved good results in the last 10 years, effectively improving the worksites. Other successful activities by tripartite national and regional committees concern benzene, ergonomics, mining, maritime, agriculture, etc. Recently, a standard (NR 32) for the health care sector has been formulated and approved on the basis of the ILO tripartite approach.

Action on safety and health takes place in accordance with the priorities defined by the various social partners. It is intended to promote the integration of inspection and a regulatory framework. This means breaking yet another paradigm by involving society in the planning and aiming at changes both in working conditions and in attitudes.

Given this aim, the formulation and implementation of policies and actions must be governed by transversal and intersectoral approaches. Within this perspective, health and safety actions require multiprofessional and interdisciplinary action, so as to allow for the complexity of production-consumption-environment relations.

The strategies and directives are to broaden the range of action, harmonize standards and articulate preventive, protective and compensatory action (giving priority to a preventive approach), while building an "Integrated Information System on Worker Safety and Health".

A win-win culture of decent work

In this way, it is hoped that labour inspection in Brazil can gradually contribute to the creation of a culture of job generation in which working conditions are decent and everybody wins: the employers by integrating health and safety issues into production and regarding them as an investment that adds value to their product

and makes the industry more competitive, and the workers by gaining greater job satisfaction and better health.

The current challenges for labour inspection are redefining the State's role, changing the conflictual approach to the resolution of conflicts at work, integrating different economic sectors, and working with government and trade union representatives. To meet these challenges, discussion is needed on how to improve working conditions (corrective and preventive measures) and on alternative control mechanisms. Inconsistencies between planning and action, and between development and economic policies on the one hand and social policies on the other, can be addressed through institutional directives and responsibilities, financing, management and follow-up, and through social checks, with sectors of the executive directly involved. Small and medium-sized enterprises (SMEs) should adopt a special approach. As pointed out by von Richthofen (2002), it is important to be aware of SME needs, to review regulations and develop complementary regulatory approaches, build strategic partnerships, and focus training on sectoral or local practice so as to achieve feasible, low-cost solutions. According to the same author, there is a tendency for small enterprises to proliferate and a corresponding need to overcome the effects of subcontracting, which leads to poor general working conditions. All of this calls for an integrated OSH management system. Enterprise management policy should regard OSH as adding value and stimulating employment generation and maintenance within the enterprise culture, while promoting social responsibility and social control.

Another challenge to labour inspectorates is the definition in practical terms of their own identity: specialized or non-specialized; generalists or specialists? Both generalists and specialists are desirable within multidisciplinary teams. They have complementary skills and different perspectives on the work situation, making it possible to intervene in favour of change.

Albracht (2004) proposes ten steps for strengthening labour inspection:

1. structure and organization
2. resource allocation
3. training
4. setting priorities
5. integrating inspections
6. publicizing best practice
7. providing tools for management systems and labour inspectors
8. working in partnership
9. networking
10. other steps towards a culture of prevention.

To sum up, the labour inspectorate in Brazil has been undergoing continuous transformation based on planning, social dialogue and local realities, within a democratic process involving the social actors.

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Providing a safe workplace – the Singapore experience

Singapore's culture of tripartism and partnership has built strong occupational safety and health. Now, the country is poised for further improvements.

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All workers deserve a safe workplace and have a right to return home from work safe and healthy. “Decent work” must mean “safe work”. Maintaining acceptable occupational safety and health (OSH) standards should be seen as an integral part of a country’s development. Indeed, adequate worker protection is essential for individuals to lead dignified and productive lives, and for society to achieve sustainable economic growth. The principles of prevention and protection embodied in international labour standards provide a sound basis for national policies and programmes. Thanks to the efforts of ILO SafeWork, substantial guidance is now available at the national and international levels to strengthen labour inspection. This important ongoing work by the ILO will be particularly helpful to countries as they grapple with the many challenges they face in an increasingly globalized world.

Addressing common challenges

In 2004, the Singapore economy grew by a robust 8.4 per cent, riding on the strong global economy, particularly in Asia. This

helped to reduce the unemployment rate from a high of 4 per cent in 2003, to 3.4 per cent in 2004 and 3.3 per cent in September 2005. However, intense competition from increasing globalization has meant that, in order to survive, our businesses are being forced up the value chain. For low-wage workers who are at risk of structural unemployment, this is especially relevant. Singapore’s response is to upgrade the skills of our workers to help them remain employable in the face of the changing needs of our industries. This will also enable our workers to earn more through increased productivity and contribute to higher value-added jobs.

Like many countries, Singapore faces challenges posed by an ageing population. Hence, the Government is actively studying how the effective retirement age of older workers can be extended. A key strategy involves redesigning jobs to expand the job value and worth so that lower-skilled and older workers could be more productive and earn a higher wage. Our unions, under the National Trades Union Congress, are spearheading this effort. To enhance the employability of older workers, we are also considering how to design appropriate remuneration schemes

pegged to the output of the job rather than to the seniority of the worker.

At the other end of the spectrum, our children and young people generally remain in schools or vocational institutes till at least the age of 16 years, and child labour does not exist in Singapore. In ratifying Convention 138 on Minimum Age in 2005, Singapore further demonstrated her commitment to the values and principles that the ILO upholds.

Providing a safe workplace

The many challenges we now face in the ever-changing world of work call for increased determination to raise occupational safety and health standards. Singapore has made good progress over the years. This has been possible because of two factors – strong political leadership, as well as effective partnership with the unions and employers under a well-established tripartite framework, in addressing both economic and labour issues, including workplace safety and health. The accident frequency rate has fallen over the years from 6.5 per million work-hours in 1981 to 2.2 in 2004. Similarly the occupational disease incidence stands at 2.0 per 10,000 employed persons in 2004 compared to 4.7 in 1981.

From the OSH perspective, it has been helpful that Singapore is steadily transiting to a knowledge economy, with relatively safer and less polluting industries. Employment in manufacturing has declined relative to other sectors, such as business and financial services, and more of our workforce are now engaged in managerial, professional and technical jobs.

Need for vigilance

At the same time, we are seeing new technologies and complex processes used in manufacturing activities, as well as increasingly sophisticated construction methods, both in tunnelling and in building high-rise structures. In the face of

such increasingly complex and dynamic work environments, there is a need for greater vigilance. For Singapore industry, three serious accidents in 2004 served as a wake-up call and as stark reminders of the potential for loss of lives, disruption to business and opportunity costs when a major accident occurs.

In growth sectors, such as the chemical, pharmaceutical, biotechnology and logistics industries, processes are becoming more complicated, with safety and health issues that may not be fully understood, such as biohazards and risks from nanomaterials. This means that safety systems, procedures and competencies at all levels must be kept updated so that risks associated with technological developments are identified and proactively managed.

Industry ownership for workplace safety and health is therefore critical. Employers have domain knowledge of the industry and its associated hazards, and are in the best position to determine the appropriate solutions for hazard control. Increasingly, providing a safe workplace will require a systems approach centred on people that places the focus beyond machines and processes.

Framework for self-regulation

Legislation is necessary to ensure minimum standards of protection, as well as to provide transparency and a level playing field for businesses. Singapore's regulatory framework aims to promote self-regulation by industries. This self-regulatory regime includes key features, from OSH management systems to safety audits. The onus is on employers to ensure that they have in place and maintain systems to address safety and health issues at the workplace.

Close working relationships

The administration of OSH is an important role of the Ministry of Manpower.¹ This agency also oversees functions in the related areas of work injury compen-

sation, labour relations and welfare, employment promotion and foreign labour management. Close working relationships established over the years between the Ministry and the employers', workers' and professional organizations, as well as other government agencies, have contributed to the success of OSH programmes and strategies at the national level.² Such collaboration ranges from research, standards development and enforcement to surveillance and hazard control; and from training of key personnel and industry development to recognition and incentive schemes.

To encourage greater industry ownership, the Ministry of Manpower has, over the years, established Advisory Committees for three specific sectors – shipbuilding and repairing, construction and metalworking. Self-help efforts have resulted in significant improvements in safety and health practices in these sectors. A fourth Advisory Committee for the health care industry was set up in early 2005.

OSH training and recognition schemes

Underpinning the self-regulatory framework is a core strategy that places great emphasis on OSH training, promotion and recognition of effort. Requirements for training are enshrined in the law, and cover key personnel at all levels – OSH professionals, management, supervisors and workers, including guest workers. Through various promotional activities, recognition schemes and tax incentives, employers are encouraged to achieve standards that are higher than those required by law.

The business case

Increasingly, companies appreciate that having good safety and health systems, practices and track record is a competitive advantage. The reality is that providing a safe workplace has become an imperative

for companies wishing to compete globally. Singapore's marine industry is an outstanding example of this. Once thought destined to be a sunset industry, Singapore's marine sector generated a turnover of over S\$5 billion in 2004, employing some 37,000 workers. It has the largest ship repair centre in the world and its rig-building yards are counted among the best in their class. This successful industry transformation has been the result of intensive R&D efforts focusing on automation, as well as enhancing workforce safety and productivity.

Learning from the world

Participation in the areas of research, advisory services and training has provided Singapore with many opportunities for learning and sharing, regionally and internationally, and these will be increased. Training programmes conducted for our labour inspection counterparts from fellow member countries of the Association of South-East Asian Nations (ASEAN), as well as the ASEAN-OSHNET Project have helped to facilitate information exchange and sharing of experience. In contributing to the activities of both the ILO-CIS National Centres' and the WHO Collaborating Centres' networks, Singapore is pleased to be a part of the global effort to achieve safety and health for all.

We have also leveraged on the Internet as a useful vehicle for OSH promotion and information sharing. The Ministry's web site provides information resources on training programmes and materials, legislation and policies. A popular feature is the OSH Alert system – a free subscription service that helps update companies and OSH professionals on upcoming events, as well as share learning points from case studies. In addition, the Ministry's online OSH case studies database linked through the WHO Global Web Portal provides good practice models of successful workplace hazards control.

Succeeding through partnership

While Singapore's small size poses challenges in terms of resource constraints, our compactness provides opportunities for effective collaboration. Over the years, we have established a culture of tripartism and partnership that has served us well, both in the area of labour relations and on occupational safety and health.

A good example is the Workplace Health Promotion (or WHP) Programme. This major collaborative effort represents an integrated approach to workplace health promotion, and has the strong involvement of unions, employers and government. The objective is to improve the health status of working adults by encouraging organizations to implement effective workplace health promotion programmes, addressing key areas from OSH to health practices and work-life balance.

Programme strategies include government funding support, recognition of achievements through various national awards – the Annual Safety Performance Award, Occupational Health Best Practices Award, Family Friendly Employer Award and Singapore HEALTH Award, as well as linking workplace health to organizational excellence. A concrete endorsement of the latter principle is the incorporation of “employee health and satisfaction” as one of the criteria in the business excellence framework for the prestigious Singapore Quality Award. Some of these awards have been presented by the President and the Prime Minister, signalling to employers and to the nation the importance of workplace health promotion and making our workplaces not just safe, but healthy as well.

Coordinated by the Health Ministry's Health Promotion Board, the WHP Programme has so far met its original target of at least 50 per cent of the private sector workforce benefiting from effective workplace health promotion programmes by 2005. Currently, almost all public sector organizations have implemented such programmes. There have also been some positive effects on the health of Singaporeans, with improving trends seen over

the period from 1998 to 2004 in terms of proportion of working adults exercising regularly, as well as declines in prevalence of smoking, diabetes, high cholesterol and high blood pressure.³

New framework for sustainable improvements

Singapore's transformation over the past 40 years, from an economy heavily dependent on entrepot trade to one with a significant manufacturing base and strong services sectors, has been accompanied by credible improvements in workplace safety and health. However, in order to raise OSH standards to the next level of achievement and ensure further sustainable improvements, more fundamental changes are required. There is a need to move beyond just prescriptive engineering controls and implementation of safety management systems, to address issues at a more systemic level that must be underpinned by stronger industry ownership and a safety culture.

We have therefore embarked on a fundamental review of the OSH regulatory framework. Setting ourselves a target of halving occupational fatalities, currently at 4.9 per 100,000 workers, within 10 years, we seek to become one of the safest places in the world to work in. These new initiatives for OSH are in line with the ILO's Promotional Framework for Occupational Health and Safety, tabled at the 93rd Session of the International Labour Conference in June 2005.⁴ The key emphases in the new framework for OSH in Singapore are:

- First, the focus will be on risk prevention and management, as well as addressing systemic issues. Stakeholders who create risks will be held accountable for managing and reducing these risks. Occupiers, employers, suppliers, manufacturers, designers and persons at work will have the responsibility to identify potential risks and take appropriate actions to mitigate risks at source.
- Second, all stakeholders will be brought on board for greater ownership of safety

standards and outcomes. The prescriptive nature of the current Factories Act creates a mindset for management and employees simply to follow the “letter of the law” and not address safety aspects outside prescribed legislation. Given the pace of technological change and variable work processes in different industries, legislation will inevitably lag behind safety risks. To promote greater industry ownership, a performance-based approach will be adopted under the new framework, augmented by prescriptive guidance for hazardous sectors and activities. To complement this, our enforcement stance will shift towards even greater industry partnership and compliance assistance.

- Third, workplaces with poor safety management will be stimulated to improve through rigorous auditing and tougher sanctions. Currently, safety lapses resulting in mishaps are severely punished, but the penalties for offences in the absence of mishaps are comparatively lower. This encourages the industry to tolerate sub-optimal safety practices until accidents occur. The Ministry will impose greater financial disincentives and penalties on workplaces with unsafe systems, before any accident has occurred. This will create the right environment in which all businesses find it more cost-effective to improve their safety management systems.

These principles will be institutionalized through new legislation that will be enacted in early 2006. The new Workplace Safety and Health Act, when passed, will form the legislative backbone of the OSH framework, allocating responsibility to stakeholders and setting out remedial measures (through remedial orders and stop-work orders) and penalties for non-compliance. To augment the Act, a number of Regulations will be passed. Two key subsidiary pieces of legislation central to the new framework and impacting all stakeholders – the Workplace Safety and Health (Risk Management) Regulations and Workplace Safety and Health (In-

cident Reporting) Regulations – will be introduced together with the Workplace Safety and Health Act in 2006.

A Workplace Safety and Health Advisory Committee (WSHAC) has been appointed that will facilitate and promote industry self-regulation, enabling industry to develop safer ways to achieve business goals. Spearheaded by industry leaders, the Committee will advise the Ministry of Manpower in the areas of:

- Setting OSH standards and regulations
- Promoting OSH awareness and engaging the industry to raise the level of OSH in Singapore
- Training key stakeholders to raise competency and capabilities in OSH.
- The Committee’s work will have four strategic key thrusts:
 - Promoting a business case for high OSH standards, and reviewing the current system to better recognize industry best practices in workplace safety and health
 - Engaging businesses to secure their participation and buy-in for the new OSH framework
 - Raising the level of OSH competency in industry by developing an OSH competency framework as well as new training programmes for all levels of industry
 - Working in partnership with the Manpower Ministry to set higher OSH standards for industry.

In order to develop sector-specific measures to raise OSH standards, the WSHAC has formed four industry sectoral sub-committees that will drive these strategic thrusts in the key industry sectors of healthcare, construction, metalworking, and shipbuilding and ship-repairing, the last three being industries with higher workplace accident rates.

Enhanced labour inspection

To implement the new OSH framework, we need to build and expand capabilities both within the Ministry and also in industry. For a start, the Ministry's OSH Division has been restructured from 1 August 2005.

The restructured Division will implement the framework, including new legislation, policies and programmes, adopting a proactive and systemic approach in accident prevention and involving all stakeholders in risk prevention and mitigation. It will also work closely with industry to enhance accident prevention and safety management capabilities, as well as develop a stronger safety culture. The Division will focus on the prevention of risks at source, set outcome goals for employers and help companies improve their safety management systems.

The Division's six new departments and their roles are:

OSH Inspectorate. The department focuses on reducing risks from safety and health hazards in workplaces through targeted programmed inspections, investigating accidents, taking enforcement action, and providing advice and guidance to industry.

OSH Specialist Department. The department provides specialist support and guidance in OSH – from occupational hygiene, safety and medicine to risk management and safety management systems – working in collaboration with partners through programmes and activities in the areas of OSH standards, research and best practices.

OSH Industry Capability Building. The department aims to create a vibrant and safe workforce through the promotion

of OSH best practices and setting competency standards for OSH personnel.

OSH Information Centre. The department provides information to support strategic planning and policies, as well as for dissemination to industry, and facilitates information sharing and international collaboration in OSH.

OSH Policy & Legislation Department. The department focuses on developing and reviewing policies and legislation on fundamental and strategic OSH issues.

OSH Corporate Services Department. The department assists injured workers and dependants of deceased workers to receive fair and expeditious worker's compensation for work-related injuries or deaths. It also processes the registration of factories and pressure vessels and other equipment, as well as the licensing of competent persons. It provides corporate support services to the rest of the division.

Providing a safe workplace is a journey of perseverance and vigilance. For Singapore, we have embarked on a new phase in the journey, aimed at achieving an even higher level of workplace safety and health. It is a journey we must take, for our people are our most precious and only resource.

Notes

¹ See the web site of the Ministry's occupational safety and health division at www.mom.gov.sg/oshd

² For more details, see the *Asian-Pacific Newsletter on Occupational Health and Safety*, vol. 12, no. 2, July 2005, <http://www.ttl.fi/NR/rdonlyres/DA6FB191-18C2-4ADE-BF25-62C63E593758/0/aasian.pdf>

³ Singapore National Health Survey 2004, www.singstat.gov.sg/ssn/feat/sep2005/pg19-20.pdf

⁴ www.ilo.org/public/english/protection/safe-work/promo_ppt_e.pdf

Labour inspection policies, practices and experiences in Australia

Effective labour inspection has always been a key factor in successfully managing significant shifts in work patterns and organization. Our major challenge now is to ensure that the development of modernized labour protection legislation and inspection practices can keep pace with the changed characteristics of work around the world in the twenty-first century.

Michele Patterson

President

International Association of Labour Inspection

Executive Director

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South Australia

Why do labour inspectors need to be innovative? For several years now, labour inspectors from around the world, through their international Association (IALI), have discussed the challenges facing labour inspection with a focus on the labour inspector's role in occupational health and safety. Now, with the development of the global economy, labour inspectors have the opportunity to consider their wider contribution to today's global workforce.

History tells us that the world of work is always changing and change generates both positive and negative impacts on the world of work. Today, we are able to identify clearly the characteristics of work in our times and we can see common global trends in work practices and conditions.

To remain relevant in this one-world environment, it is vital that the role of labour inspection is repositioned in two ways:

- first, from the perception of the limited role of 'enforcer' to the more significant role of 'influencer' – encompassing the full range of services to industry; and
- second, from the limitations of being identified as only relevant to the 'workforce' when labour inspection, in fact,

reflects the whole community's standards and expectations of the day.

In short, effective labour inspection is essential to improving the standards of living in any country. Whether economies are classed as developed or emerging, the value of effective labour inspection is that it forces recognition of the relationship between work and standards of living and can therefore contribute significantly to the achievement of any nation's goals.

Labour inspectors must be able to demonstrate that their key contribution in any country is to assist in improving those standards of living – a healthy, safe, fair and harmonious work environment will deliver not only reduced injuries and deaths but also reduced costs, more productive workers and the right environment for business to thrive.

The Australian approach to labour inspection

Australia is a federation. This means that under the Australian Constitution, some laws are administered by the federal (or national) government, and others are

administered by state or territory governments. Australia has six states and two territories. Occupational health and safety legislation is administered by the state and territory governments and by the federal government in relation to federal government employees. This means that each state and territory has an OHS inspectorate and the federal government has one OHS inspectorate for its employees. Also at the federal level, there is a tripartite Australian Safety and Compensation Council (ASCC) – this replaces the previous National OHS Commission (NOHSC). The ASCC has responsibility to coordinate national initiatives in OHS and worker’s compensation issues. It consists of representatives from peak groups of unions and employers and a representative from each state, territory and the federal government.

The Australian National OHS Strategy

Since 2002, the work of OHS labour inspectorates across Australia has been organized within a 10-year strategic framework called the National OHS Strategy (the Strategy). This Strategy was developed and agreed by all members of the former NOHSC (now the ASCC). As well as the peak groups of unions and employers, the Minister responsible for the OHS authority in each of the state, territory and federal governments has endorsed the Strategy and committed their jurisdiction to achieving the Strategy targets and goals.

National vision and targets 2002-2012

The Strategy begins with a national vision as follows:

Work-related death, injury and disease are not inevitable but can be prevented. The national vision reflects this and provides the ultimate goal of the National OHS Strategy.¹

All OHS labour inspectorates in Australia organize their work towards achieving this vision.

The Strategy includes national targets to reduce workplace deaths and injuries. These targets are:

- to sustain a significant, continual reduction in the incidence of work-related fatalities with a reduction of at least 20 per cent by 30 June 2012 (with a reduction of 10 per cent achieved by 30 June 2007); and
- to reduce the incidence of workplace injury by at least 40 per cent by 30 June 2012 (with a reduction of 20 per cent achieved by 30 June 2007).
- In Australia, progress towards these targets is measured by the number of worker's compensation claims received by the worker's compensation authorities (WorkCovers) in each state and territory.

Areas requiring national action

Most importantly for OHS labour inspectorates, the strategy identifies the areas requiring national action. These areas are OHS data, OHS research, national standards, strategic enforcement, incentives, compliance support, practical guidance, OHS awareness and OHS skills.

Together, these areas requiring national action provide a framework for an integrated approach to labour inspection. Each activity that OHS labour inspectorates carry out is based on one or more of these action areas. Across Australia, the Heads of the OHS Authorities (labour inspectorates) meet regularly to progress these national initiatives.

National prevention principles

The Strategy embraces the adoption of systematic approaches for prevention by government and industry and is based on the following principles:

- A comprehensive and systematic approach to OHS risk management as part of day-to-day business operations.

- Responsibility to eliminate or control risk rests at the source, be that with the designer, manufacturer or supplier, or in the workplace.
- Prevention requires the cooperation and commitment of all workplace parties to involvement in consultation on workplace health and safety, accepting responsibility for identifying OHS issues and initiating prevention action.
- Prevention also requires workplace parties to be appropriately skilled in OHS so that they can participate effectively in consultation and in identifying and implementing improvements.
- Governments, in their capacity as major employers, policy-makers, regulators and procurers, have considerable influence over the achievement of better OHS outcomes in Australia.
- Effective national action requires major national stakeholders, including all governments, to be committed to co-ordinated, consistent and cooperative approaches to OHS improvement.
- Evaluation of prevention initiatives and the sharing of solutions and evidence of what works among OHS stakeholders.

Agreement to these national prevention principles by all the governments in Australia and the major stakeholder groups of unions and employers, means that the OHS labour inspectorates are able to develop all of their strategic actions around these principles.

Priority industries

In recognizing that it would be impossible to achieve all of these objectives across industry at once, for the first few years of the Strategy, all work is focused on several nationally identified priority industries. For 2002-2005, these industries were:

- construction
- transport

- manufacturing
- health and community services.

The major integrated prevention activities of each OHS labour inspectorate are focused on these industry sectors. During 2006, agriculture will become a further priority industry sector.

National priorities

The Strategy has 5 national priorities. For OHS labour inspectorates, these priorities form the basis of the objectives we aim to achieve in all of our prevention activities. These priorities are outlined below:

Priority 1 – Reduce high incidence/severity risks. This national priority involves the better use of OHS data, research and learning to improve the approaches to targeting high-risk sectors. The current focus for OHS labour inspection prevention activities is on the nationally agreed high-risk industry sectors (i.e. the four national priority industries identified above).

National compliance campaigns are a major tool used by the OHS labour inspectors in cooperation with industry, to achieve improvements in these sectors. A compliance campaign involves each of the elements of education, assistance, compliance actions (e.g. serving improvement notices) and enforcement (e.g. serving prohibition notices or prosecuting the company or individual). These elements form a continuum of activity known as the 'Compliance Spectrum'.

Typically, each campaign begins with meetings with the industry employer associations and unions to advise them of the proposed campaign and gain their support in promoting it to their members. Information and education seminars may be run to advise the industry sector more broadly. An audit tool is developed specifically for each campaign to ensure all inspectors focus on the same issues and take consistent action to address problems across the nation.

Inspectors carry out site audits to identify problems and deliver educational

material about the legislative requirements directly to people in the workplace. The inspectors provide assistance in resolving any problems and explain the requirements of the OHS law. Improvement notices allowing time to comply may be served. Several months later, the inspectors visit the workplaces again and if serious non-compliance is found, prosecution action may be commenced. Throughout this process, if immediate risks are identified, a prohibition notice may be served requiring that the activity ceases and the problem is fixed immediately.

Each of these campaigns is thoroughly evaluated and a public report is developed on the extent of non-compliance in the industry and the effectiveness of the campaign in addressing this. Feedback is given to the industry stakeholders and areas for improvement identified.

Other activities under this national priority include working on a number of legislative initiatives that aim to reduce high incident/severity risks, including development of a national standard and relevant codes for the construction industry.

Priority 2 – Develop the capacity of business operators and workers to manage OHS effectively. In Australia OHS labour inspectors face a major challenge to help people in the workplace understand that systematically managing safety is not too complex, difficult or costly for the average business to grasp and implement. This is a particular challenge for small business.

Today, health and safety law is not about carrying out a list of complex regulatory requirements on a particular day. Rather, it is about systematically thinking through the problem – sitting down with employees, consulting with them on the hazards and risks they face in their daily work and then systematically managing those risks on an ongoing basis. In Australia, where this approach is understood and implemented, it achieves remarkable results.

It is crucial that all workplaces are equipped with the knowledge, skills and attitudes necessary to enable them to con-

tribute to their organization's OHS. For this reason, under the Strategy we have developed a National Skills Action Plan which aims to ensure that OHS is taught to children at school and included as a major part of all further education courses as well as professional courses for managers, engineers, architects and others. OHS labour inspectors participate in the development of training materials, publications and computer-based information and assessment tools under this priority area.

Priority 3 – Prevent occupational disease more effectively. An example of how the National Strategy can be implemented to prevent occupational disease at a national level is the ban on chrysotile asbestos throughout Australia. This nationally agreed ban came into operation from 31 December 2003. An information campaign included guidance for specific industry sectors to help them comply with the ban and led to the development of a national compliance strategy to assist OHS labour inspectors in implementing the ban across Australia.

Priority 4 – Eliminate hazards at the design stage. This national priority aims to build awareness of the responsibility of designers of plant and work practices to eliminate hazards or control risks at their source (that is, before they are used in the workplace).

The only way that we can ensure, in both the short and long term, that health and safety improvements will be sustained is for each emerging hazard to be addressed before people become ill or injured, and that traditionally high-risk work, such as construction, is appropriately controlled during the design process. Under the Strategy there is a National Design Action Plan which involves the inspectorate in a range of activities to help raise awareness and educate people about the importance of design in workplace health and safety.

Priority 5 – Strengthen the capacity of government to influence OHS outcomes. This priority involves all governments in Australia in making two major commitments – first to improve their own OHS performance; and second, to ensure that

the government – in all its roles in providing and buying services and administering legislation – uses this strength to ensure good OHS outcomes.

Safe, fair and productive working life

In South Australia, for example, our approach to labour inspection is based on the premise that if a workplace is to be healthy and safe, it must also be fair and have harmonious labour relations. In some areas, inspection of health and safety conditions can be aligned with inspection of general working conditions so that the outcome is a better working life for everyone in the workplace.

There is significant scope to improve the various labour inspection functions, by creating an integrated and holistic approach. Combining and coordinating labour inspection strategies so that they become a useful tool to achieve decent work requires us to be innovative.

In South Australia, labour inspectors deal with occupational health and safety, industrial relations and public safety. Together, the inspectors are skilled across OHS (including specialist areas such as occupational hygiene, chemical, mechanical and electrical engineering), industrial relations and working conditions, and public safety areas (such as amusement devices, lifts, fireworks, explosives and dangerous goods).

Inspectors are grouped together in industry teams and a country team. Each team has a group of inspectors with a range of skills across these areas. They are supported by Chief Advisors in industrial relations, OHS and each of the major hazard areas.

The inspectors work from a foundation premise that Healthy and Safe, plus Fair and Harmonious, equals a Productive Working Life. Our inspection strategy is built around this premise and it involves five concepts.

Concept 1 – Safe, fair, productive working lives. Under the first concept,

inspectors now focus on working life – rather than the workplace. This means that we recognize that it is the people in the workplace who we are there to assist – and although sometimes that assistance may be through improving the physical workplace, this will only be effective if the people in the workplace understand how and why the conditions need to be improved.

Any improvements need to be ongoing and form part of a systemized approach. For health and safety, this means the systematic management of hazards through consultation with the workforce. For working conditions, it means ensuring all base entitlements are in place, such as minimum pay rates, appropriate conditions of employment or leave entitlements.

Concept 2 – Holistic labour inspection. The second concept is that holistic labour inspection involves health and safety, working conditions and industrial relations, and other specialist areas. When a problem occurs in the workplace, the symptom of the problem may be dissatisfaction, absenteeism or an injury. Looking behind the problem, however, may indicate that any of these outcome symptoms may be caused by bad health and safety, poor working conditions or people not receiving their work entitlements. So labour inspectors need to be able to deal with all of these areas to find the right solution.

Concept 3 – Integrated labour inspection. Under this concept, integrated labour inspection involves using the whole compliance spectrum: information, assistance, compliance and enforcement.

Labour inspectors must be able to match their intervention appropriately to the type of problem – sometimes information and assistance is appropriate and, at other times, compliance or enforcement methods are necessary to solve the problem.

On another level, all our labour inspection interventions are built around the need to be proactive – to try to ensure systems are in place to prevent problems from arising. In this context, advice and assistance are always used first in any intervention campaign, with compliance

and enforcement used to follow up if people have not taken the initiative to correct deficiencies.

Concept 4 – Innovative strategies for labour inspection interventions.

The fourth concept is that benefits can be achieved by using one type of labour inspection to lay the foundation for workforce cooperation with another. For example, consultation processes under OHS legislation are often very effective; and good consultation processes can produce harmonious conditions in the workforce, which then provide the basis for productive negotiations on working conditions more generally.

Concept 5 – The labour inspector as influencer. The fifth concept recognizes that to make a difference, labour inspectors need to influence three levels of working life:

- the workplace;
- the stakeholders – that is, tripartite consultation with groups consisting of employer and employee organizations and government; and
- state, national and international forums.

OHS and industrial relations

How does holistic labour inspection work? Until recently, the systematic management of health and safety was addressed by the labour inspectorate as a priority on its own. But more and more, we are seeing the lines between health and safety and general working or employment conditions become blurred. In many cases, we can directly attribute an injury outcome to an unsatisfactory working condition. This development is evidenced in our emerging OHS priorities. Some examples of these ‘cross-over’ issues are:

- excessive working hours which can result in fatigue;
- patterns of work (e.g. shift work, timing of breaks) which can result in musculoskeletal strain;

- industrial disputes which can result in bullying, harassment or discrimination; and
- unfair working conditions which can result in stress.

Further, many of the workplace arrangements that determine the way work is organized and carried out, directly impact on health and safety. For example:

- industrial incentives may reward dangerous work;
- requirements for industrial qualifications may not include OHS training;
- contract arrangements may exclude OHS as a consideration; and
- chains of contract may allow parties to avoid both OHS and industrial relations responsibilities.

Challenges for integrated labour inspection

For labour inspection, South Australia’s three most significant challenges are the same for OHS and industrial relations:

- securing basic rights through legislation;
- adding value and facilitating industry and workplace initiatives; and
- professionalizing the modern inspectorate and measuring the quality and impact of inspector activities.

Conclusion

Australia, through its National OHS Strategy, has provided a framework within which the work of OHS labour inspectors can be organized to maximize impact on shared national targets and objectives. In South Australia, this approach forms the basis of a holistic and integrated labour inspection system aimed at ensuring safe, fair productive working lives.

In many countries, labour inspectors have assisted industry to make significant

improvements towards reducing the toll of injuries and deaths at work, through systematically managing their approach to occupational health and safety. Often, these improvements are accompanied by a corresponding improvement in working and employment conditions. So, if we look behind the strategies we have used in the OHS area, we may just find the key to improving work conditions more generally.

There are three key OHS strategies that, applied appropriately and innovatively to the broader issues of work and employment conditions, will help to make the difference. These key strategies are:

- managing issues through tripartite structures;
- consultation with the workforce as a key to success; and
- systematically managing risk.

Learning from effective labour inspection strategies, such as those applied in the OHS area, will help the modern labour inspectorate meet the challenges of the twenty-first century. In particular, in a global world of work it is vital to recognize

the importance of repositioning the role of labour inspection everywhere. Labour inspectors, through innovative and enlightened strategies of service delivery, need to be recognized as ‘influencers’ of acceptable standards of working conditions rather than just ‘enforcers’ of the law. And as working conditions form the core of each nation’s standard of living, the labour inspector’s job, in essence, reflects the whole community’s standards and expectations of the day.

In sum, through innovative intervention strategies, labour inspection can maximize its impact not just in Australia, but also on the global workforce. Improved occupational health and safety and fair working conditions together deliver reductions in deaths, injuries, diseases, disputes and costs to business – as well as maintaining human dignity, generating more productive workers and producing the right environment for business to thrive.

Note

¹ National OHS Strategy 2002-2012, National OHS Commission, Commonwealth of Australia 2002, p. 3.

Occupational health and safety inspection in Western Europe: Policies, practices and experiences

Alliances need to be established between inspectorates and other organizations able to make a contribution to a national plan for improvement, which now increasingly includes numerical targets. Inspectorates are now being expected to be able to demonstrate what they are achieving and to evaluate and benchmark their performance and effectiveness against guidelines and their counterparts in other countries.

Adrian F. Ellis

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International Association
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2002-2005

The history of occupational safety and health (OSH) inspection in Western Europe now covers over 200 years. It began in Britain in 1802 when its parliament passed an Act aimed at preserving “the health and morals of apprentices” in factories. This was overseen by voluntary committees and was largely ineffective as a consequence – but it was a start and nearly 30 years later the process was formalized with the appointment of the first inspectors considered to be “persons of high standing”. Other countries in Europe followed – for example, France, with its first labour protection Act in 1841 and its first inspectorate some 30 years later. Specialist inspectors started to be recruited and the ambition to secure, in particular, safer workplaces was underway.

Improvements were secured and the year by year reduction in fatal accidents particularly during the latter part of the twentieth century was impressive. In Britain, for example, the fatal injury rates for employees per 100,000 workers fell from 3.6 (1971) to 0.8 (1994) with a similar picture to be seen elsewhere in Western Europe, assisted in no small degree by a major reduction in the number of employ-

ees working in heavy (and more hazardous) industry. Improvements since then in many developed countries have been less encouraging with a “plateau” appearing in the fatal accident statistics – with little net year by year change. This article describes some of the initiatives that are underway in response to this plateau, and to dramatic changes to the world of work within which inspectors are enforcing health and safety legislation.

The changing world of work

Since the 1970s the industrial structure of large parts of Western Europe has changed beyond all recognition. The reduction in jobs in manufacturing and heavy industry has been accompanied by a rise in jobs in the service sector. At the same time, the number of small firms has grown dramatically, indeed in some countries doubled, so that typically, 90 per cent or so of enterprises might employ less than five staff. In the European Union, small and medium-sized enterprises (SMEs) employ some 75 million people and record 82 per cent of all occupational injuries and 90 per cent of

fatal accidents. In Britain, over 70 per cent of enterprises have no employees. How inspectors can make an impact with this large number of small enterprises has been a general challenge to OSH policy-makers and managers. Some of their responses are described later. One related outcome of these changes in industrial structure has been to make responsibilities for managing risks more complex. Where inspectors once visited large workplaces with everyone on site coming under the responsibility of the works management, they now will likely experience a multiplicity of contractors and subcontractors and self-employed for non-core activities, and with technical and design inputs arriving electronically from specialist sources which may be from another country. A regulatory challenge indeed!

Political dimension

At the same time as these structural industrial changes have been taking place, the general public have been increasingly active in being seen not to be prepared to tolerate accidents as “inevitable” by, in parallel, seeking redress in the civil courts and expecting more from governments. Inspectorates in a number of countries, faced inevitably with finite budgets, have been challenged by their political masters to justify both existing financial baselines and to demonstrate what inspectors actually contribute towards reducing occupational accidents and ill health.

Globalization

A significant component of the changing world of work influencing inspectorates in Western Europe as elsewhere has been the increasing globalization of manufacture and service provision (ILO, 2002a). Major blocks of work are moved around the world in the search for optimal cost-effectiveness, with enterprises seemingly flourishing one day and closed the next. OSH inspectorates have learnt to share

experiences faced with accelerating technology and to “level the playing field” to avoid global businesses moving work to another country with the primary aim of saving money on health and safety through inadequate provision.

The work of the ILO in seeking to secure decent work in a global economy is addressing these issues with some notable successes. Elsewhere the International Association of Labour Inspection (IALI) with close to 100 countries as members worldwide, including all of Western Europe, exists to support labour inspectorates, who may be faced with new technology challenges, to achieve acceptable standards of health and safety and working conditions worldwide. Within the European Union, the Senior Labour Inspectors Committee (SLIC) with senior labour inspectorate/health and safety representation from all member States, exists to improve cooperation between member States and the European Commission and to encourage the effective and consistent application of European legislation in the member States. Iceland, Lichtenstein and Norway attend as observers.

One of its key activities has been in defining common principles for labour inspection in the field of occupational health and safety, completed in 2004 and taking full account of The ILO Labour Inspection Convention, 1947 (No. 81). These core principles address the Council and Commission view that “the effective enforcement of Community law is a precondition for improving the quality of the working environment”. They include sections on the need for effective planning and monitoring of annual plans, inspectors’ competencies and independence, inspectors’ powers, guidance and internal communications.

In parallel, a questionnaire has been drawn up to allow all member States to be evaluated by a team of SLIC members, in line with these common principles.

Before the 2004 enlargement of the European Union, all ten accession countries, which were already observers at SLIC, had been evaluated in the same way by SLIC evaluation teams to assist their preparation for full membership and to provide

SLIC support in their labour inspection initiatives.

Elsewhere the ILO were invited to undertake an audit of the labour inspection system of the Grand Duchy of Luxembourg (ILO, 2002b). The audit team headed by Michel Gisler, Vice President of the International Association of Labour Inspection, recommended a complete revision of their organization to reflect the changing world of work and the increasing demands on inspectors in health and safety and other areas of labour inspection.

The response by the Luxembourg authorities has been very positive, leading to the development of an action plan for an Integrated Labour Inspectorate System. A tripartite consultative committee has been set up to define future national priorities.

National OSH programmes

As we have seen, progress in reducing occupational accidents and fatalities has slowed in many developed countries including in Europe. The major gains in safety have now been achieved not least by new technology, automation and computer controls. It was clear to a number of Western European policy-makers that if they were to stand any chance of securing further significant improvements, a wider holistic approach was needed, identifying priority areas for attention and encouraging all those other organizations able to contribute to these priorities, to move forward with a common agenda for the next few years.

In 2004, the British Health and Safety Commission published a strategy for workplace health and safety to 2010 and beyond (HSE, 2004). This recognized the changing world of work, that Health and Safety Executive (HSE) resources, including its inspectors, were spread too thinly over large parts of the workplace landscape and needed to be targeted in priority areas where they could have most impact, and that the traditional inspector interventions may be less effective when dealing with health than when dealing with safety. A key element in the strategy was a recog-

nition that long-term improvements could only be obtained by winning the hearts and minds of those involved with workplaces, rather than grudging acceptance.

The strategy was published following consultation with employers, trade unions and other interested parties in an exercise involving over 2,500 people. Having analysed where were the biggest sector and hazard contributors to the occupational accident and ill-health statistics, the strategy confirmed that HSE, including its inspectors, would concentrate on a suite of targeted programmes including agriculture; construction and health services; falls from a height; workplace transport; musculo-skeletal disorders and work-related stress. Targets were included in the strategy – by 2010 to cut deaths and major injuries by 10 per cent; reduce the rate of work-related ill-health by 20 per cent; and to cut working days lost due to health and safety failure by 30 per cent.

At lower levels, sectors and individual enterprises were encouraged to set their own targets in discussion with inspectors. Some good progress has been made. For example, in the quarrying sector, accidents have been reduced by 46 per cent since 2000 in line with targets.

Elsewhere targets are increasingly being promulgated worldwide to focus the attention of all national inputs, including inspections on securing safer and healthier workplaces. Denmark, for example currently has targets to reduce serious accidents by 15 per cent, heavy lifting risks by 15 per cent, monotonous work risks by 10 per cent and exposure to certain psychosocial risks by 5 per cent. In Finland, the aim is to reduce the frequency of accidents and occupational diseases by 40 per cent by 2010.

Efficiency and effectiveness

We have seen that major changes have taken place in Western Europe in recent years in the health and safety enforcement organizations. Tight resources, increased public expectation, increasing workloads

and some fundamental questioning of principles and ways of working that have been traditionally followed by labour inspectorates for many decades, have led to a number of initiatives being undertaken within inspectorates under the general headings of increasing efficiency and maximizing impact of their work in raising health and safety standards and reducing occupational accident and ill-health statistics.

Nordic scoreboard

In all countries, health and safety promotion, inspection and investigation have evolved in line with national traditions and culture and priorities. Countries of Western Europe were no different in that respect and to some degree this remains even within the framework of European Union membership legislation and strategies. Changes take place usually in a piecemeal way annually, and whilst the work of organizations such as the SLIC and the European Agency for Safety and Health at Work in Bilbao allow a greater insight into the working methods, priorities and achievements of other national health and safety inspectorates, it is now recognized that systematic benchmarking with other countries can deliver significant benefits in both efficiency and effectiveness.

This is likely to have been in the minds of the directors general from the national labour inspection authorities in the Nordic Countries when, in 2002, they agreed to start work on an international scoreboard on national policies concerning health and safety at work (EASHW, 2004). It was not intended that the scoreboard would cover all health and safety activities, but that it should be linked to the 2002 European Commission initiative "Adapting to change in work and society: a new Community strategy on health and safety at work 2002-2006". It could therefore be revised to reflect changing national priorities consistent with the strategy.

The initial membership of Denmark, Finland, Iceland, Norway and Sweden

was enlarged in 2004 when Ireland, the Netherlands and the United Kingdom accepted an invitation to join the pilot project – now covering eight countries.

The latest scoreboard, produced in 2005, the first from the enlarged group, shows the similarities and differences between the participating countries in their work to implement the European strategy. The scoreboard focuses on eight strategic objectives.

- harmonization of statistics
- setting up of measurable targets
- reduction of occupational accidents
- reduction of musculo-skeletal disorders
- combating work-related stress
- reduction in exposure from chemical agents
- productivity and economy
- preventive potential – the potential a country has for developing and maintaining an improved environment.

Similarities can be seen in all or most countries – a decreasing ten-year trend of occupational accidents including fatal accidents in the sectors with the highest accident incidence rates (construction, mining and quarrying and manufacturing); priority areas for the strategy (construction, manufacturing, agriculture); and priority areas in lifting heavy loads (construction, health services, manufacturing). Elsewhere there are some noticeable differences, for example, the ten-year trend of work related upper limb disorders (increasing in 3 countries, decreasing in 3 countries).

The Preventive Potential is assessed under four headings – labour inspection, building partnership, developing measures at enterprise level, and the capacity for anticipating emerging risks – and is an attempt to illustrate how different approaches at high level contribute to an overall culture of prevention.

For each heading, responses to a number of questions are scored and represented on

the axes of a 360 degree diagram allowing policy and priority differences between countries to be easily identified for subsequent analysis.

The occupational health agenda

One of the biggest changes to the day-to-day work of health and safety inspectors in recent years in a number of countries has been in giving more prominence to occupational health. Traditionally, inspectors spent most of their time on safety issues, machine guarding, preventing falls, making power-presses and workplace transport safer, preventing explosions, etc. Most had an engineering solution. There were exceptions, of course, perhaps more notably with asbestos, but that was the general picture – important work yielding major reductions in accidents, and where the benefits could quickly be seen.

Ill health was viewed as being related to toxic substances, and recent years have seen an exponential growth in chemicals, together with sophisticated analytical equipment to detect their presence. The reality, however, is that the biggest contributors to work-related ill health are stress and musculoskeletal disorders. Between 1990 and 2002, the number of people in Europe reported as suffering from work-related stress more than doubled. Scandinavian countries have been at the forefront in tackling this as an occupational health issue and have been sharing their experiences with other national inspectorates. Gradually, guidance is being published advising managers how to carry out risk assessments of their workplaces (HSE, 2005). This guidance, or voluntary standards, cover six key aspects of work that, if properly managed, can help to reduce work-related stress. These 'stress factors' include areas such as whether employees are able to cope with the demands of their job whether employees receive adequate information and support in their work. Inspectors are beginning to be more confident in probing these issues during their inspections but different professional

skills are required for this in comparison to handling a machine-guarding issue.

In parallel with a growing range of occupational ill-health prevention initiatives has been a recognition that we will not always be successful in preventing cases of stress and musculo-skeletal disorders. More is being done by inspectors and regulatory specialists to help those affected in such cases to recover and return to work.

In Finland, a national action programme (VETO) on extending working life, well-being at work and rehabilitation is addressing the need to have a healthy and at-work workforce. The four-year programme aims to promote the attractiveness of work and working life, with the high-level objectives of:

- extending working life by 2-3 years by 2010
- reducing absences due to illness by 15 per cent, in addition to the overall 40 per cent reduction target in the frequency of accidents and occupational diseases at work.

Innovation

The drive across Europe for greater efficiency and impact in OSH inspection as part of trying to reduce the accident and occupational ill-health statistical "plateau" has encouraged operational policy-makers to attempt different initiatives to see if they make a health and safety difference. Some, involving concentrating on a few key priorities rather than attempting to spread inspector resources over the full range of workplaces, have already been described.

In Britain as elsewhere, agriculture contributes one of the highest accident rates of any sector with some 50 workers killed each year or around 10 deaths for every 100,000 workers.

The industry includes a large number of small farms often with only family as workers, representing a challenge to inspectors in communicating with "small" farmers and in visiting their workplaces. In recent years the Health and Safety Exec-

utive have organized a rolling programme of Safety Awareness Days in partnership with the social partners, agricultural trainers and the insurance industry to inform farmers of ways to eliminate or mitigate the threats that their workplaces bring to their health and safety. Small farmers are invited to half-day events as an alternative to an inspection (providing there has not been an accident) and attend in large numbers. Qualified industry trainers present practical demonstrations on, for example, falls from height, all-terrain vehicles, manual handling. Post-event independent evaluation has shown that most of those attending undertake safety improvements on their farm as a result of the event.

Elsewhere, in Northern Ireland, their inspectorate has undertaken a series of “focused inspection campaigns” since 2000 directed at falls from height in the construction industry. The press, television and radio services have been involved with advanced warning going to the industry – all aimed at securing better standards. Over the period of these campaigns, the percentage of sites requiring enforcement action because of non-compliance with acceptable standards more than halved.

A common issue amongst inspectorates is the balance of time inspectors utilize in giving advice as compared with undertaking inspections and investigations.

In the Netherlands, their inspectorate has restructured in recent years to reflect a new approach to the provision of health and safety information. Under the revised arrangements, the labour inspectorate issues information on legislation and common problems mainly via its web site and, to a lesser extent, in information notes. Employers are required to have independent access to information through mandatory membership of an occupational safety and health service. Where companies require more detailed advice, the labour inspectorate refers them to this service, so freeing up more of their time for inspection and investigation.

Conclusions

Major changes in the world of work have required health and safety inspectorates in Western Europe as elsewhere to respond in order to remain relevant to those in the workplace, to the public, to other stakeholders and to ministers. These inspectorates need now to be much more flexible, able to direct resources speedily to emerging new challenges, and need to be clear about their priorities in making most impact on health and safety performance in the workplace with the resources that are available.

Alliances need to be established between inspectorates and other organizations able to make a contribution to a national plan for improvement, which now increasingly includes numerical targets.

Inspectorates are now being expected to be able to demonstrate what they are achieving and to evaluate and benchmark their performance and effectiveness against guidelines and their counterparts in other countries.

Perhaps, most encouragingly, the first decade of the new millennium is turning out to be a time for innovation in regulatory health and safety fieldwork, in trying out new ideas which are then evaluated – rejecting the unsuccessful and taking forward those that work, all the time learning from the successes of others. It is indeed an interesting and exciting time to be a health and safety inspector!

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Labour inspection in Russia and the CIS

The countries of the former Soviet Union inherited a complex labour inspection system. In some cases, it evolved during the transition. In others, it collapsed. Today, labour inspectors in the region face restrictions and bureaucracy. And unions' safety role is in a state of flux. Adoption of the ILO Guidelines on occupational safety and health management systems promises change for the better.

Wiking Husberg
ILO Moscow

The disintegration of the Soviet Union led to the breakdown of the overall occupational safety and health (OSH) administration, at both the national and the enterprise level, to the transfer of labour inspection from the trade unions to government, to the termination of the social protection functions of enterprises, including occupational accident and disease compensation and later to a legal reassignment of OSH responsibilities to the employer, while the ministerial-industrial chain of OSH responsibility was terminated.

After the cut-back of all “non-productive” services, such as safety departments, safety engineers, etc., in the hunt for quick profits in the early 1990s, working conditions in the CIS countries, including Russia, have been a major concern. More than 8,500 fatal accidents per year are reported in the CIS countries. The life expectancy of, especially, the male population has fallen drastically in the last ten years. In Russia, it is now less than 60 years. The under-reporting of accidents is huge, especially among small and medium-size enterprises and in the informal sector.

The three major OSH challenges in the CIS countries, especially in the new States, stem from this background. They are:

- re-creation and upgrading of the national, regional and enterprise-level OSH system, including legislation, implementation, information and

training, inspection and monitoring; as well as OSH management systems at enterprise level in the nine new independent States in the SRO for the Eastern Europe and Central Asian region

- re-establishment of accident compensation systems with a preventive and advisory approach
- awareness raising and increasing knowledge to upgrade the understanding of good working conditions and the link between high safety and productivity.

Now working conditions have been placed higher on the political agenda, although conflicting trends can be seen: Kazakhstan has adopted a new OSH law; it has reviewed the national OSH system and has developed a national programme to improve working conditions. Georgia, at the other extreme, has limited the access of the labour inspection to enterprises. A court decision is needed before the labour inspector can get access to the workplace. Furthermore, the number of inspectors will be cut in 2006 from over 40 inspectors to a total of five inspectors.

Basic principles of modernization

The basic principles for the modernization of the OSH system, including labour inspection, in the CIS countries are:

- The approach of the labour inspection and the OSH specialists should be based on prevention, that is, the priority shall be the elimination of hazards and prevention of risks, rather than on compensation in cash or kind for health impairment due to working in poor conditions.
- Control and enforcement of OSH legislation is the sole task of government inspectors.
- Effective implementation of practical improvements in working conditions at enterprises can only be achieved through worker-employer cooperation, that is, through social dialogue in safety committees.
- The labour inspectors need primarily to take an advisory approach in communicating with the social partners at the enterprises, while maintaining the necessary powers of sanction as a secondary back-up option.

Russian terminology and institutions

Russian terminology on OSH and labour inspection does not have precise English equivalents, and the responsibilities for inspections are divided up in a particular way. Safe working conditions and accident prevention are the sphere of the State Labour Inspectorate, which also inspects employment conditions. Occupational health and the prevention of occupational diseases are handled by the Sanitary Inspectorate. Machine safety is the task of the Mining Inspectorate (technical inspectorate).

However, the terminology in the Russian Federation is changing, due to reorganization.

The social (community) inspector is a survival from Soviet times, when the un-

Merger in Russia

Two Russian ministries were merged into the Ministry of Health and Social Development in 2004. In the ensuing reorganization, the Federal Labour and Employment Service was created, of which the Russian labour inspectorate is part.

The Russian inspectorate is divided into safety and health inspection and legal inspection (conditions of employment). The staff has been reduced by one-third, and now consists of about 3,500 inspectors. It has a federal structure, with the central headquarters providing detailed guidance to the inspectors in the regions. The numbers of inspectors in each region depends on the number of workplaces to be inspected.

The national management of the inspectorate, and the work methods and approach of the inspectors, are under review. It is intended to modernize the inspectorate, in consultation with the ILO. The inspectorate will focus on information and promotion, motivation of the employers to understand the economic benefits of safe working conditions and an advisory approach. Simultaneously, some regions of Russia are planning to promote the introduction of the ILO OSH management system in major and medium enterprises. These two developments are mutually supportive.

ions were responsible for safety inspections. In some CIS countries, the social inspector became the precursor of elected workers' safety and health representative, as defined in the Occupational Safety and Health Convention, 1981 (No. 155). In others the social inspector system has been abolished.

The Kazakhstan example: OSH-related inspection services

State labour inspectorate. The State labour inspectorate in Kazakhstan looks both at labour relations issues (conditions of employment/legal inspection) and at occupational safety and health (labour protection).

In 1993, the newly independent Kazakhstan created a vertical structure for the state inspectorate. Since 2001, regional

offices of the Ministry of Labour and Social Protection were created in order to enforce the legislation on labour and labour protection. In Kazakhstan, the labour inspection units in the regions are a part of the territorial bodies called the Departments of the Ministry of Labour and Social Protection. Each of the 14 regions has a regional inspectorate, as do the cities of Almaty and Astana.

In July 2001, the Republic of Kazakhstan ratified the Labour Inspection Convention, 1947 (No. 81) and the Labour Inspection (Agriculture) Convention, 1969 (No. 129).

Sanitary inspectorate (*SanEpidNadzor*). The State sanitary and epidemiological service, under the Ministry of Health, performs sanitary inspections of enterprises. The service is concerned with the population's health "from birth to death", including working life.

The service has 16 regional inspectorates and over 230 sanitary-epidemiological centres in the communities and cities. Additionally, big enterprises can have sanitary departments and sanitary doctors. The sanitary inspectorate focuses more on small and medium enterprises. The sanitary service drafts regulations on public health, occupational health, ecological issues, chemical threshold limit values (TLVs), etc., which are also utilized by the labour inspection.

The sanitary norms on occupational health relate to advance review of industrial facilities, informing new employers, provision of personal protection equipment, inspection of sanitary facilities, initial and regular medical examinations, etc. Advance inspection of building sites includes their location and design as well as compliance with sanitary and welfare requirements.

The objective of the sanitary inspection is the improvement of labour conditions at working premises and the implementation of preventive medical measures to reduce the number of occupational diseases. Identification of the latter is a particular problem.

The inspectorate's duty is to perform medical examinations (surveillance) in

ILO Audit

The ILO conducted a labour inspection audit of the Kazakh inspectorate in December 2004. The audit report was discussed at a tripartite seminar in Taraz in October 2004, with Chief Labour Inspectors from Central Asia participating to share knowledge.

The ILO's recommendations in the report were approved not only by the Ministry, but also by the Prime Minister. The Premier pointed out that Kazakhstan has to have independent government inspectors, and its inspectorate needs to have the resources and rights defined in ILO Convention No. 81. Equally, the national OSH system, including social partnership and dialogue in the form of safety committees, needs to be reshaped. Workers' safety representatives should be part of the social dialogue.

order to identify the symptoms of occupational diseases. The workers should then be sent to hospital for diagnosis and treatment. However, this is possible only with the agreement of the employer.

The restrictions on all government inspectors' access to workplaces in Kazakhstan and several other CIS countries prevents the sanitary inspection from carrying out its tasks.

Technical (mining) inspection (*GosGorTechNadzor*). State supervision of technical safety in industry and mining is conducted by inspectors from the Emergency Situations Agency. The Kazakh agency is under the Ministry of Emergency Situations and has 450 inspectors in the 14 regions, in addition to Astana and Almaty.

The inspectorate focuses on "industrial safety", which in the Russian terminology and Kazakh context means technical safety (technical installations and technological processes) and a selection of enterprises in hazardous industries, such as:

- Lifting appliances (registration and annual testing)
- Oil operations at sea
- High-risk industries, such as mining, gas, metalworking, chemicals, explosives and nuclear energy

- fire protection and boiler inspection (these are included in Kazakhstan, but fire inspection in particular is a separate entity in other CIS countries).
- if the recommendations are ignored, they can be forwarded to the government inspector, who has the right to apply sanctions

The agency's duties include drafting of regulations, supervision of technical installations or enterprises and investigation of occupational accidents caused by equipment or technological processes. Joint ("complex") inspections are carried out with the labour and sanitary inspectorates and the trade union social inspectors. Investigations of the technical causes of occupational accidents occupy a substantial time of the agency's resources.

- in the case of an accident, the social (trade union) inspector has to take part in the investigation.

The presently unclear concept and duties of the social inspector in some CIS countries should preferably be converted into those of a workers' safety representative as defined in ILO Convention 155 (especially Art. 19 and 20) and Recommendation 164 (especially Art. 12). The mandatory creation of safety committees in enterprises of a certain size would enhance and streamline the social dialogue in OSH in line with the ILO Conventions and Recommendations, as well as with the Common Principles of the European Union.

Social (community) inspector system

The concept of social (community) inspectors stems from the Soviet system, where the trade unions carried the whole responsibility for enforcing safety legislation. Official safety inspectors with full inspection and sanction powers were employed by the national trade unions. The trade unions in the individual enterprises elected/appointed social inspectors (unpaid voluntary workers) to supplement this coverage.

Some social inspectors see their role as identical to that of government inspectors, but without the power to impose sanctions. Others see themselves as worker-elected safety representatives in the "European" sense (an elected worker representing the workforce in the social dialogue with the employer aimed at the improvement of working conditions).

The tasks and practical duties of a social inspector may be explained as follows:

- the social inspector has free access to workplaces where there is a trade union
- he/she has the right to make recommendations to the management of the enterprise
- he/she can note infringements in the journal of the enterprise

Restrictions on labour inspection

The labour inspection system in the CIS countries has some obstacles preventing effective functioning. These restrictions are in conflict with ILO Convention No. 81, as they violate the workers' right to independent inspection and enforcement of their working conditions.

The situation differs from country to country, although there seems to be a trend towards limiting government inspections in general. Reasons given for these restrictions include "the fight against corruption" or "enterprise development". However, the limitation of workers' right to safe working conditions is unacceptable.

Some countries have placed severe restriction on the free access of State inspection services. For example:

- The various inspection services have to provide a list of planned inspections in advance for government approval.
- Large enterprises can be inspected only once a year by the labour inspectorate.
- Small and medium-sized enterprise can be inspected only once every three

years, and must be informed in writing two weeks in advance of the inspection.

- Court approval is required before every inspection.

Such restrictions contravene the ILO Convention No. 81, which many countries have ratified. The Convention requires that “Labour inspectors provided with proper credentials shall be empowered to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection” (Art. 12).

In some countries, inspectorates are also required to waste a lot of time on non-productive administrative work. Obtaining all the necessary documents and stamps for an inspection demands 2-3 work-days over a period of several weeks, whereas an inspection normally takes half a day. Any necessary follow-up in hazardous work places is impossible due to the restrictions.

The process of obtaining an inspection “permit” in one country was described as follows:

1. An enterprise is selected for an inspection.
2. The inspector has to fill in a form defining the time period of the inspection, including contact and financial information on the enterprise, which may take days to find.
3. The Regional Chief Labour Inspector has to approve and stamp the form.
4. The form is taken to the Prosecutor’s office, where it is stamped. This stamp grants access to the enterprise for one inspection only, during the short time period specified.
5. Small and medium-sized enterprises additionally need to be informed two weeks in advance in writing; the signed receipt for this information needs to be produced for the prosecutor.
6. The inspection report, specifying the requirements made of the enterprise and the amount of any fines, has to be sent back to the Prosecutor’s office.

Case: Georgia

The access of labour and technical inspectors to workplaces has been severely restricted in Georgia ever since 2002. The inspectors must, according to a government decision, seek court approval before performing a normal inspection of working conditions. Inspectors can visit a workplace after an accident has occurred and been reported to them, but they then have to report to the court after the inspection.

This has led to a drastic fall in the number of inspections. Simultaneously, numerous severe accidents and even deaths at work are occurring, such as the collapse of the biggest tower crane used at the construction site of the cathedral in Georgia in 2002, killing two workers.

The new government, installed after the revolution, has made the situation even worse. Cuts in the labour inspection budget mean that the number of inspectors in Georgia may decrease from over 40 to only five in 2006.

Other inefficiencies also hamper efforts to ensure safe workplaces. For example:

- The focus on administrative fines to “stimulate” employers to eliminate violations is not effective (payment of compensation and fines is cheaper for the employer than technical improvement).
- The above, combined with the restricted number of visits to each enterprise, means that the labour inspectorate carries out one inspection in isolation, issues some orders, hands out some administrative fines, which seldom increase the motivation of the employer, and then leaves the enterprise alone over the following years.
- The under-reporting of accidents, and the administrative and legal obstacles to defining and compensating occupational accidents and diseases, create a feeling that the scope of the OSH problem is smaller than in reality.
- Compensation for poor working conditions is a disincentive to improvement.

New ILO methodology

The new ILO methodology, approved at the International Labour Conference 2005, for a systematic approach to improvement of OSH systems is particularly important for the newly independent states of the former Soviet Union, which are rebuilding their national OSH systems.

The ILO methodology starts with a situational analysis, a national OSH profile, to establish the baseline agreed with the three constituents. In a national learning process, this profile is used to develop a national OSH programme, defining priorities, national resources and realistic needs for donor funding. The effective functioning of labour inspections is a crucial part of the programme, which will function as a blueprint for future technical collaboration.

The learning process includes a translation programme, the creation of a national OSH information and training centre, linked up with the international ILO/CIS network and capacity-building for national professionals. General awareness raising to start creating a preventive safety culture and health at workplaces,

effectively utilizing the World Day for Safety and Health at Work (28 April), is an essential component.¹

Some countries in the region have gone through this process; their experience will be used as examples. The overall objective of the project is to create a preventive safety and health culture at workplaces and improve working conditions through a systematic national approach.

ILO-OSH 2005, the guidelines for a management system, is applicable at both national and enterprise level. The enterprise application is not a new one for the CIS countries, which used a corresponding standard for enterprise management systems.

Major enterprises that have contacts with multinationals have created enterprise OSH management systems. In such cases, the general manager, the safety specialists, the training department and the workers' safety representative in the workshop are all committed to good OSH standards. These enterprises see international certification of their OSH management system as crucial for their business.

This case example shows that the ILO Guidelines on occupational safety and

Case: Good practice – OSH management system in a major heavy-industry enterprise

In a case study, the preventive approach included training of all staff in safe work methods, medical surveillance and care facilities, internal planning and supervision of safe working conditions, organized safety meetings and general assemblies. Special attention was paid to high-risk work and the internal accident investigation system.

The review of safe working conditions was performed within a multi-level system: daily checks by a worker and a supervisor before the shift starts, weekly inspection by a departmental head, monthly inspection by production engineers, bi-monthly inspection by the general plant OSH committee (management, OSH department and inspection services).

The enterprises' OSH plan is based on an active preventive approach; focusing on elimination of hazards and harmful working conditions and rehabilitation of working facilities, specific attention is paid to improving women's working conditions, as well as production culture and good housekeeping.

The preventive and systematic approach to OSH management has been successful. The level of fatalities in the heavy engineering enterprise studied decreased from around ten fatal accidents a year in the mid-1990s to 1-2 fatalities in the early 2000s.

The enterprise is in practice applying the ILO guidelines on occupational safety and health management systems with very successful results. The visited workshop confirmed that the workers' safety representative is involved in the daily OSH work and has an active and preventive approach to improved working conditions, in contrast to the "policing approach" of some social inspectors, which more or less duplicates the work of state labour inspectors.

Case: Armenia

Reforms in Armenia have resulted in rapid economic growth. However, this has not been balanced with an adequate social protection policy for labour rights and working conditions. Furthermore, supervisory mechanisms were non-existent, leaving the workforce very vulnerable (particularly in view of high unemployment).

The Armenian Parliament approved a new Labour Code, which is expected substantially to improve labour and OSH legislation. However, the country had not had a functioning labour inspectorate since the breakdown of the Soviet Union.

The Ministry of Labour has defined as one of the highest priorities of technical cooperation the creation and development of a labour inspectorate to monitor employment and working conditions. In parallel with this process, Armenia is in the process of ratifying 21 ILO Conventions, including the Workmen's Compensation (Accidents) Convention, 1925 (No. 17) and the Labour Inspection Convention, 1947 (No. 81).

The Ministry and the social partners have identified labour inspection as one of the first priorities for cooperation with the ILO over the next few years. However, the employers' organization has been concerned about the creation of a labour inspectorate, fearing that it may only increase the number of inspection systems. It was therefore important for the ministry and the labour inspectorate to include social partnership in the overall system, to provide information and training and to take an advisory approach. These are all crucial elements of the national labour protection system, and they accord with the main ILO principles.

In 2005, Armenia created the first labour inspectorate that the country has seen for 12 years. It consists of a central office and regional offices, totalling about 140 inspectors (a central unit, ten regions and the capital). The new Labour Code includes a chapter on OSH, but no related regulations. Employers will have a grace period of two years to implement the requirements. This period should be used effectively to consolidate the inspectorate, to improve the competence of its staff and to improve its capacity to provide information, advice and training.

health management systems, including a preventive approach and workers' participation, can be and are applied in the CIS countries to support labour inspections.

The current review of management standards in Russia and Kazakhstan, aiming at full harmonization with ILO-OSH 2001, is strongly supporting this process.

Changing trends

Decent, safe work is moving higher up the political agenda in the CIS countries. The growing number of countries and organizations observing World Day for Safety and Health at Work on 28 April is an indication of this. Another encouraging example directly related to labour inspection is the developments in Armenia.

The process of modernizing labour inspection is long and painstaking. However, the network of experienced and dedicated labour inspectors combined with the political support of ministers of labour is leading to improvements in the region. Modernization of the labour inspectorate is going on, for example, in Armenia, Kazakhstan, Russia and Uzbekistan. The support of the international OSH community is needed.

Note

¹ In 2003, the ILO began to observe World Day for Safety and Health at Work stressing the prevention of illness and accidents at work and underlining its traditional strengths of tripartism and social dialogue. 28 April is also a day the world's trade union movement has long associated with commemorating victims of occupational accidents and disease.

Integrated labour inspection systems: The strategy of the ILO

With the rise in globalization and the growth of the world economy, the need for a comprehensive strategy for the implementation of the Integrated Labour Inspection System (ILIS) is apparent. The implementation of this concept requires closely collaborating with employers and trade unions.

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Labour inspection, one of the fundamental instruments geared towards ensuring decent work, is today faced with a whole host of challenges. Basic changes in the world of work have caused labour market fragmentation, deregulation, and privatization. With the rise in globalization and the growth of the world economy, the need for a comprehensive strategy for the implementation of the Integrated Labour Inspection System (ILIS) is apparent. There are a great number of problems that have arisen in recent years: the HIV/AIDS crisis, rise in psychosocial maladies, poor treatment of migrant workers, use of child labour and forced labour, and many others. These problems can be lessened with the enhanced coordination and support that would be provided by an ILIS.

The role of integrated labour inspection systems

An integrated labour inspection approach is a “holistic coherent while flexible concept that contains elements, such as: administrative integration, procedural integration and technical integration (multidisciplinarity)”. It also aims at centring the existing resources, providing better services and increasing the presence of inspectors at the workplace. The implementation of this concept requires closely collaborating with employers and trade unions. Most activities of enforcement and legal requirement control are related to the shop-floor collaboration itself, as the management system at the enterprise and the enterprise collaborative safety and health committees or safety representatives take care of the everyday action.

The main focus of the ILIS is the integration of administrative, procedural and technical elements into a holistic, coherent and flexible formation. This is accomplished on four levels: the operational level, the sectoral strategic level, the member States strategic level, and the global policy level. This design provides a

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large range of possibilities in dealing with the continuously emerging workplace and labour-related issues. The idea of ILIS is to raise worldwide and European awareness of the social dimension of the workplace. Social considerations must be given the same status as economic, financial and environmental concerns in a holistic approach. The implementation of core labour standards and the laws and regulations that give them effect at national level can be significantly enhanced if the capacities and quality of national labour inspectorates are strengthened. Labour inspectors and their social partners have a crucial role to play because they are the only ones with the authority to access and impose changes directly in the workplace.

The European Union (EU) and the ILO are, as strategic partners, committed to developing a coherent and integrated approach to resolving the social problems that have arisen in the face of globalization. Both promote the notion of “fair globalization” that goes hand in hand with the promotion of social values, decent work, enforcement of labour standards, and the further democratization of societies. The concept of fair globalization establishes a structure for international trade, investment, finance, and the movement of people while promoting equality among the parties involved. In addition, fair globalization looks to develop an integrated economic and social agenda as well as policy coherence among global institutions.

Looking back to the concept of the ILIS, we can see that its goals are aligned with the notion of fair globalization. ILIS provides direction for the ideas that fair globalization presents. Increased coordination among labour inspectorates, governments, international organizations, and the social partners as well as the integration of social and economic concerns will provide a tremendous boon to the move towards fair globalization.

The first step towards our eventual goal is to promote tripartitism and social dialogue. The tripartite structure provides the strongest design for effecting international change. Composed of workers, employers

and the government, the structure provides the widest possible knowledge base and range of influence. Worker representatives are able to provide important insight and technological assistance through this structure. Only with the cooperation of these parties at both the national and international levels can we hope to implement real and lasting change. With the promotion of tripartitism and social dialogue, the implementation of effective and widespread ILIS will become a reality.

The four levels of ILIS implementation

The implementation of the ILIS system is carried out over four levels.

Global policy level. On the broadest scale, ILIS must be implemented on the global level through the ILO, UN, EU, and other regional structures and member States. This is accomplished by developing Conventions, treaties, protocols, recommendations, and social directives. These in turn form the ILIS Framework Convention and Standards for the ILO and the member States. On this level, ILIS looks to promote social peace, a culture of well-being among workers, and the right to decent work.

Member States strategic level. On a narrower scale, the member States must promote synergy among the key components of the labour system within the framework of a holistic approach. The major actors in ILIS in member States are the ministries, employers, unions, shareholders, and social alliances. These groups must work together to promote national tripartite committee to assess OSH and working conditions. They should be linked up to international and regional networks that are designed to promote safety and health in the workplace, such as the International Association of Labour Inspection (IALI), the African regional labour administration centres (ARLAC in Harare and its French-speaking counterpart, CRADAT, in Yaounde), the International Network of Labour Training Institutions (RIIFT),

the Asian regional programme for safety and health (ASIA OSH) and the European Agency for Safety and Health at Work, based in Bilbao.

Sectoral strategic level. The next stage is still more focused, looking to implement ILIS on the sectoral strategic level. It is in this area that the ILO Conventions are brought into focus. The Labour Inspection Convention, 1947 (No. 81) and the Labour Inspection (Agriculture) Convention, 1969 (No. 129) are put into practice in local jurisdictions by competent authorities.

Operational level. Finally, the coordination of practical measures must be taken into the field. It is on this level that all of the work done on the upper levels comes into play. These tasks are carried out by labour inspectors, accredited control organizations, businesses and administrations, enterprise OSH services, worker representatives, and others. Labour inspection plays its most important role on this level, working to strengthen and support existing labour laws. At the operational level the presence of inspectors in enterprises can be increased by integrating the inspectorate; e.g. general inspectors' visits, backed by specialist advice. The concept of "one inspector(ate) – one enterprise" avoids several inspectors visiting the same enterprise, one after the other, often unaware of another colleague's activities, and can be considered as an efficient and effective method, if backed by training.

The Labour and Social Security Inspectorate of Spain, for instance, can be considered an integrative or generalist body, dealing with not just health and safety at work but all aspects of labour relations, including employment and social security.¹

Maritime inspections provide a good example of an integrated inspection system within a particular sector. Besides the specific maritime requirements, inspectors ensure compliance and enforcement across all fields of labour legislation, e.g. minimum age requirements for seafarers; conditions of employment; accommodation and food; health protection and medical care; welfare and social security protection.²

Legislative background

The two ILO Conventions that are most integral to the vision of ILIS are the ILO priority Conventions: the Labour Inspection Convention, 1947 (No. 81) and the Labour Inspection (Agriculture) Convention, 1969 (No. 129). These Conventions set out general principles and provide the universal framework for status, structure and function of labour inspection. The goal of Convention No. 81 is the establishment of a labour inspection system in industry and commerce that is capable of enforcing labour laws and closing holes that exist in the current legal framework. Convention No. 129 looks to realize similar goals in the agricultural sector. This system is designed with the purpose of enforcing laws and investigating complaints through labour inspection. It also provides technical support to employers, workers and organizations. National law and practice shows that the functions entrusted to labour inspection are generally those envisaged by the instruments, securing the enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work. This practical relevance of labour inspection in both developing and developed countries can and should be further developed, especially in view of the ILO's Decent Work Agenda and the fact that labour inspection at the workplace can identify problems which require action at the national, legislative level.

There are some important legal aspects of ILIS. One is enforcement of national legislation on occupational safety and health (OSH) and social protection issues, and the other is to monitor core labour standards, which clearly goes beyond simply monitoring OSH standards.

Maintaining good OSH conditions at the enterprise level needs relevant and appropriate national legislation based on ILO standards to underpin them and a proper enforcement mechanism to ensure the protection of workers at the workplace.

New challenges for labour inspection

The range of challenges presented by the rise in globalization is astounding. Widespread poverty, increasingly lax OSH standards, the HIV/AIDS crisis, the continued use of child and forced labour, the mistreatment of migrant workers, and the problems associated with informal economies are all challenges that ILIS can help to reduce.

The clear need for an improvement in worldwide OSH standards is illustrated by the 5,000 deaths that occur every day due to work-related accidents and diseases (Takala, 2005). The Global OSH strategy of the ILO, established in 2003 at the International Labour Conference, looks to promote workplace safety through prevention and tripartite cooperation. ILIS plays a key role in this plan. The increased communication and support that is provided by ILIS creates synergy among the tripartite elements of the workplace.

Labour inspectorates can provide a helping hand to employers in ensuring that their workplace is compliant with safety rules and regulations. They can also inform workers of the hazards that may be present in the workplace. In addition, they can provide the government arm of the tripartite structure with guidance in setting effective labour policy that promotes health and safety at the workplace. To aid in this process, a ten-step plan has been created with the idea to guide inspectorates in policy formation by addressing the most common and important issues. These steps are outlined in detail in *Ten Steps for Strengthening Labour Inspection* (Albracht, 2005).

An important function of ILIS is to monitor core labour standards. This goes beyond simply monitoring OSH standards. Since they are located at the very inception of the value chain, labour inspectors are able to act as catalysts for sustainable development. Some specific areas that deserve attention are the use of forced labour, migrant workers, child labour and the effects of the informal economy on workers' lives.

To achieve the goals of the core labour standards, we must utilize a three-pillar strategy. The three key aspects of this strategy are national and international organizations such as the ILO and WHO, corporations, and public-private partnerships.

The tripartite decision-making has three constituents: government, employer, and worker representatives, and serves to give counsel with regard to global policy. Much of the responsibility for promoting health in the workplace lies on the companies themselves. The promotion of a healthy workplace must be pursued from within the company as well. Public-private partnerships, a joint venture between a corporation and an international organization, take this strategy a step further, bringing the communicative capabilities of business into a union with tripartite interests. ILIS serves to facilitate a steady flow of information between the three pillars, keeping all parties informed of new developments in international policy and current labour statistics and trends.

The use of forced labour is still present in society. The elimination of this prevalent phenomenon is one of the chief goals of ILIS in promoting decent work and fair globalization. The major role that ILIS plays in this process is the enforcement of existing labour laws against forced labour. Inspectors should be involved, as forced labour, and particularly trafficking that leads to forced labour, is both a criminal act under the ILO Forced Labour Convention, 1930 (No. 29) and a labour market issue. Increased workplace surveillance will lead to a decrease in the use of forced labour. For example, in Brazil, the number of labour inspectors in areas where forced labour is prevalent was increased. In 2003, over 4,900 workers were freed after the introduction of 150 new labour inspectors and about 630 administrative proceedings regarding the use of forced labour.

Another important issue is the treatment of migrant workers. Foreign-born immigrant and migrant workers commonly represent 10 per cent of national workforces in many Western industrial-

ized countries, and increasingly across Africa, Asia and the Americas. They often work in markets that are largely unregulated. Migrant workers are often exposed to poor working conditions because of their status as migrants as well as a lack of knowledge of the rules and regulations in their host country. Labour inspectors can perform several important functions as advocates for migrant workers. They can promote an understanding of the local rules and regulations that extend to the jobs performed by the migrants as they are being recruited. This will help migrants understand the conditions that they will be submitting themselves to before they start working. In addition, they can identify fundamental drawbacks at their roots, and work to ensure social justice. Inspection of workplaces where migrants are present or predominant may promote equality of treatment, discourages exploitation of foreign workers, and reduce incentives to hire irregular workers who accept substandard conditions because of their vulnerable situation.

Labour inspectors and ILIS have a crucial role to play in the elimination of child labour. Part of the Elimination of the Worst Forms of Child Labour Convention, 1999 (No. 182) is aimed at helping labour inspectors fulfil their vital role in this process. Labour inspectors must work to enforce the laws against child labour, but they also serve to advise various parties on this issue. ILIS serves to unite the ministries of education, social services, and health with employers, workers, teachers, and the community at large to work towards the common goal of ending child labour throughout the world.

The informal economy accounts for about half of the workers in the world and includes workers that are self-employed, work in a family-run business, and those who work in informal enterprises. There is a growing divide between a formal global economy and the expansion of an informal local economy in most societies. Social protection and employment issues are interwoven due to the manifold related risks. Low capital supply, the use of primi-

tive tools and production equipment, and poor working conditions cause critical deficiencies in this sector: low safety awareness, common occupational illnesses and serious hazards. The implementation of ILIS would allow increased regulation and education of the parties involved in the informal economy. The promotion of decent work in the informal sector could be carried out through educational initiatives to increase awareness of health and safety issues, as well as casualties at work. However, labour inspectors should be sufficiently trained with easy-to-use training manuals to play an educating role of control and supervision in the informal economy. Labour inspection can thus build bridges between the informal economy and decent working conditions, via its instruments and its ability to monitor compliance to labour standards in the formal sector.

Another issue that has a major impact on the workplace as well as the rest of the world is the HIV/AIDS crisis, where labour inspection is an indispensable part of national strategies. The consequences of HIV/AIDS include absence from work, loss of skilled and experienced workers, reduced productivity, negative impact on economic growth, social protection systems and health services under pressure and, among other factors, discrimination in employment and stigma at the workplace. Since part of the role of labour inspectors is to advise and assist governments, businesses and workers, it is also imperative that they help inform them about the impact of HIV/AIDS on the workplace, the risks related to the illness that can be easily avoided, and the role that these parties can play in stemming the larger HIV/AIDS crisis.

The flexibility of ILIS is impressive in that it is able to deal with such a wide variety of challenges. The promotion of ILIS throughout the world will lead to a higher standard for workers' rights and health and safety in the workplace.

The role of ILIS in the twenty-first century

A key question for international labour inspection development, however, deals with how ILIS can be used in the future as a necessary part of developing a decent, humane, and functional world of work. Effective enforcement of existing labour laws is a prerequisite for improved working conditions. In order to promote fair globalization effectively, decent work, and the core labour standards, we must strengthen the capacities of ILIS. Labour inspection must be promoted as a helpful device rather than a hinderance. Jukka Takala, Director of the ILO SafeWork Programme, said:

The attitudes towards labour inspection in many parts of the world are influenced by ultra-liberal business values. Labour inspectors are often considered a nuisance to business operations. The fact of the matter is that inspectors are following up on legal requirements: laws, rules and regulations established by higher level authorities. In addition, inspectors provide valuable advice to enterprises enhancing better management and consequently productivity.

This statement illustrates that labour inspection is not a mere technical tool, but a vector for reform in the enterprises and at the same time a powerful political instrument for initiating change and taking innovations straight into the heart of business.

The holistic approach of ILIS serves to create a natural flow of information throughout work-related institutions around the world. The ILO, the UN, and other international organizations develop broad-based policy. With these policies, the member States work to integrate labour inspection functions into their infrastructure with the help of a tripartite structure. Labour inspectors have the duty to ensure compliance with the policies developed on the national level. They must also deal with emergencies, act competently and provide valuable advice to the social partners, and remain impartial during the course

of their duties. In turn, labour inspectors must be given, with the support of local and national governments, free access to all workplaces, the right to investigate, access to all information sources at the workplace, and the ability to apply sanctions where necessary.

A prominent example for strengthening labour inspection at the national level is the French plan de modernisation et de développement de l'inspection du travail introduced by Labour Minister Gérard Larcher on 9 March 2006. The French labour inspectors have felt insecure since two of their colleagues were murdered in 2004 and consequently, the ILO demanded to establish far-reaching preventative measures. France's new concept aims at strengthening labour inspection in implementing its objectives of improving quality, training and organisation. Of notable significance is the intended recruitment of personnel with 700 new posts between 2007 and 2010, including inspectors, controllers, engineers and health professionals. Currently, 1400 functionaries are employed within the French labour inspection system.

A coherent national labour policy, successful social dialogue structures and processes with strong, independent workers' and employers' organizations, have the combined potential to support or strengthen labour inspection. Labour inspection systems have the clear mandate to enforce the law, but can also help identify laws that do not work in practice. As labour inspectors obtain direct feedback from workers and employers on their needs, they can identify legal lacunae and hence contribute to the shaping of a well-functioning labour market.

In an increasingly global economy, it is more crucial than ever that we work to implement an effective ILIS. In the fast-paced modern world, social needs are often placed behind economic needs. ILIS looks to elevate the importance of these needs in society at large. It is important to remember that economic success hinges on a healthy and productive workforce. The loss in GDP resulting from the cost

of death and illness in the workforce is 20 times greater than all official development assistance to developing nations. The total amount of these costs adds up to 4 per cent of the world's GDP. This shows that the development of ILIS and increasing OSH standards in the workplace are not helpful in simply a humane manner, but they also can contribute towards improved economic performance. Every worker has the right to a safe and healthy workplace, and labour inspection can help to make this a reality for all.

Notes

¹ In Spain, employment and social security-related matters include: working hours, rest periods, employment contracts, workers' representative rights, employment of minors, strikes and lookouts; clandestine or illegal employment, migration and employment of foreign nationals and social security contributions.

² ILO: Proposed consolidated maritime labour Convention, Report I(1B), International Labour Conference, 94th (Maritime) session 2006, Geneva, 2005.

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The ten steps for strengthening labour inspection

The ten steps for strengthening labour inspection give guidance on how to structure and develop a well-functioning labour inspectorate. These steps provide policy-makers and labour inspectors with a comprehensive overview of labour inspection practice, policy questions, training and inspection activities.

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The last few decades have brought rapid and dramatic change to the world's social and economic environment. As the global economy continues to thrive, the social element of the workplace is often forgotten. Labour inspection presents a cogent and comprehensive solution to this problem. As a holistic approach, labour inspection covers a broad range of topics, extending its classical functions to education and prevention. The span of its reach allows it to promote synergy among its functions, making it one of the best possible strategies for addressing the various challenges relating to safety, health and other issues at the workplace.

Labour inspection is an historic institution that dates back to 1833. While its effectiveness has improved over the years, there is room for further progress. As of now, labour inspection encompasses many workplace issues, such as hours of work, wages, safety, child labour, and labour disputes. While this coverage is broad, not all areas have effective labour inspection coverage.

The ideal goal for strengthening the response to social concerns in the workplace is the promotion of the eight core labour standards, the Occupational Safety and Health (OSH) Standards, the Decent Work Agenda by raising awareness of OSH issues, and by helping countries design legislation and initiate programmes that promote a safe and healthy workplace.

An efficient and effective labour inspectorate should be well funded, well staffed, and well organized. An integrated inspection system is the best way to conduct inspections, using resources in the most efficient way possible. Individual inspectors are given all of the resources they need in this system, thus reducing the need for redundant inspections.

The ten steps for strengthening labour inspection give guidance on how to structure and develop a well-functioning labour inspectorate. These steps provide policy-makers and labour inspectors with a comprehensive overview of labour inspection practice, policy questions, training and inspection activities.

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Ten steps for strengthening labour inspection

1. Creation of an appropriate structure and organization: Reshaping national labour policy, labour inspection policy and human resource policy, internal policy and enforcement policy to come into parity with ILO core labour standards and the differing circumstances of the individual member State.
2. Better utilization of resources: Ensuring, in case of resource shortages, that the ratio inspector per workpeople accurately matches the finance allocation.
3. Introducing effective training: Developing a clear, specific, nation-tailored concept for effective training that leads to a prevention-oriented integration of specialized and general inspectors.
4. An active role for labour inspectors: Creating a three-fold role for the labour inspector: supervisor, advisor and enforcement agent, with an overall mission of guidance.
5. Integrating inspections: Trimming down specialist and general inspectorates' roles to allow for a "one inspector for one enterprise" mentality.
6. Publicizing inspection best practices: Creating an inspection plan for frequency of inspections and prevention strategies.
7. Ensuring tools for management systems and labour inspectors: Centralizing tools such as firm chemical data sheets, active research and on-the-job training of important policy and current events issues.
8. Task-related issues: Fostering the important roles of social dialogue among other sectorial approaches.
9. Stressing networking: Providing inspectorates with knowledge, training, financial support and expertise through a steady-flowing exchange of information with other organizations, like IALI or CIS.

10. Other issues: Taking steps to curb corruption and other challenges that currently hinder the field.

The first step in the process is the creation of an appropriate structure and organization. This involves synchronizing the policies for national labour standards, labour inspection, human resources, internal affairs, and enforcement with the ILO core labour standards and the differing work environments in the countries in question. A solid structure is essential to the proper functioning of the Integrated Labour Inspection System (ILIS). Once the national structure is brought into line with the vision of labour inspection outlined by these guiding principles, focus can be laid on improving the actual practice of labour inspection (ILO/IALI/Republic of Bulgaria, 2003).

Resources are crucial to the success of labour inspection. As with any programme, it is necessary to provide labour inspectorates with an appropriate amount of resources. In addition, these resources must be utilized in an efficient manner. If there are resource shortages, the ratio of inspectors to workers must match the budgetary constraints of the system. That is to say, effective inspection can only occur if the budget is not stretched too thin to train and deploy labour inspectors properly.

This leads to the next point of improvement, the use of effective training methods. These must be clear, specific, and nationally tailored concepts for training that lead to prevention-oriented integration of specialized and general inspectors.

Labour inspectors must take on an active role at the workplace. According to the Labour Inspection Convention, 1947 (No. 81), labour inspectors shall ensure compliance with legal provisions. These can be achieved by assuming three types of duties; supervisor, advisor, and enforcement agent, with an overall mission of guidance. Proper training is vital to the process of strengthening labour inspection since labour inspectors have such an important part in the promotion of workplace safety and prevention. Not only do they enforce labour laws in the workplace, but

they also work to improve safety through non-punitive means. Labour inspectorates are frequently the only state authority with direct access to enforce labour laws in the workplace. The role of labour inspectors is unique because they can deal with a variety of tasks in a broad scope while mainstreaming decent work activities into all of their functions, programmes and activities.

The integration of labour inspection functions increases efficiency by improving the flow of information between inspectors and various related parties. Inspectors with general skills should carry out labour inspections, and regionally or nationally located specialists should perform specialized functions.

A key element of efficient operation of ILIS is the centralization of useful data and tools, such as research, on-the-job training or chemical data sheets. The ability to obtain applicable and up-to-date data, as an essential component of effective labour inspection, hinges on its easy accessibility. This provides a useful tool for labour inspection and management systems. Without this capability, labour inspection will never be as effective as possible.

In addition to the promotion of the flow of information on an intra-organizational basis, it should also be promoted on an inter-organizational level. Labour inspectorates should be provided with knowledge, training, financial support and expertise through a steady flowing exchange of information with other organizations and ILO departments, such as the International Association of Labour Inspection (IALI), the International Programme on the Elimination of Child Labour (IPEC), the International Occupational Safety and Health Information Centre (CIS), and SafeWork. In addition, labour inspectorates can team up with organizations on the national level, such as employer and worker organizations, insurance agencies, and emergency services. The formation of networks on this basis allows labour inspectors to access the best resources and information available. It also allows all stakeholders to play a part in the labour inspection process.

Labour inspection is a complex task, and must be treated accordingly. Rather than fulfilling the rigid role that comes to mind when one thinks of inspections, it is a flexible and versatile function. Every enterprise has a different set of needs and workplace conditions, thus there are a different set of best practices for each one. An inspection plan, tailored to the individual enterprises, branches and sectors, guiding the way to prevention strategies and the appropriate frequency of inspections.

Labour inspectors can deal with heterogeneous issues at the workplace. This step broadens the view of OSH to cover labour administration, social dialogue, HIV/AIDS, construction, mining, agriculture or the informal sector. This wide range of labour inspection tasks should be considered in their training and formation programmes, keeping in mind that OSH is at the very heart of labour inspection and one of its primary duties.

Finally, steps must be taken to deal with the issues such as transparency and anti-corruption that currently influence the work of labour inspectors. In order for labour inspection to work properly, the inspectors must be able to work without fear of violent reprisal. In addition, due to the important nature of their work, they must be able to carry out their duties without being tempted by bribes. Sir C. P. Srivastava, Former Secretary-General of the International Maritime Organization said (Srivastava, 2001):

Bribery presents moral and political challenges and, in addition, extracts a heavy economic cost, hindering the development of trade and investment by raising transaction costs and distorting the operation of free markets. It is especially damaging to developing countries since it diverts needed assistance and increases the costs of that assistance.

In addition, violent actions are carried out against labour inspectors from time to time. For example, in France, two labour inspectors were shot dead by a farmer as they were trying to inspect his farm in Dordogne. This example shows that governments and their social partners must

strengthen their resolve to make labour inspection a stronger institution. In a general survey on inspection-related incidents and acts of violence perpetrated against labour inspectors in Europe, 23 out of the 25 participating countries replied that there have been acts of violence against inspectors (European Union, 2005).

Active steps

One of the objectives of SafeWork is to promote the ratification of occupational safety and health Conventions, which provide the legal basis for the OSH system in ILO member States. This process is a vital step on the path towards a stronger labour inspection system. In 2002, the ILO performed an audit on the labour inspectorate in Luxembourg at their own request. This audit proved to be a great success. Luxembourg followed the advice given, and reorganized their labour inspectorate to conform to the standards set in ILO Conventions No. 81, 129, 155 and others.

Following this audit, the government was able to reorganize their labour inspectorate to conform to a “management by results” approach. This happened with the help of the social partners of Luxembourg, so that it could move towards the ratification of 21 ILO Conventions on occupational health and safety. The Minister of Labour and Employment of Luxembourg, François Biltgen, said that “the audit has provided a solid basis for the restructuring process of the labour inspectorate, and the ILO can also provide very valuable input to EU member states.”¹ This highlights the use of Convention No. 81 as a tool for development and improvement of national labour inspection systems. This Convention makes technical cooperation in the field of occupational safety and health a reality (ILO, 2005a).

Audits are planned to streamline the process of a nation’s labour inspection system. This process is intended to be a systemic and functional analysis process of the organization and management of a labour inspectorate and its key partners (for example of a ministry of labour, so-

cial partners, insurance associations, local partners, etc.) and is considered as a coherent unit with a specific mandate.

The assessment process should enable an analysis of labour inspection systems by setting realistic goals, and helping the target nation meet them in an efficient and effective manner. This is accomplished by evaluating the inspection system, and highlighting the areas in which it could be improved. The assessment covers social and labour protection policies, past labour inspection efforts, and the objectives, principles and structure of the labour inspection system and others.

By enabling self-improvement, systems audits help promote progress in a sustainable fashion. The assessment process is primarily a decision-making aid, guided by either ILO officials or experts with ILO support in a tripartite manner.

The development of a comprehensive labour inspection web portal is a necessary step to strengthening labour inspection. This web site will help increase the availability of information and the flow of information throughout the labour inspection system. The target group are labour inspectors, ILO constituents, officials from international organizations, individual workers, interest groups, and any others who may be interested.

The idea behind this web site is to promote labour inspection and all of its heterogeneous fields of practice on a global scale. The portal provides hands-on solutions to the everyday problems that labour inspectors face, as well as a comprehensive outline of the overall ILO strategy on labour inspection. The overall goal is the provision of a focal point for labour inspection for the target audience. It will offer all crucial information relating to the topic of labour inspection, effectively bringing together the content relevant to the main labour inspection sources offered by international organizations and interest groups such as the Senior Labour Inspection Committee of Europe (SLIC) and the IALI.

The Integrated Labour Inspection Training System (ILITS) is designed by

ILO/Safework to provide a comprehensive, module-based training set for labour inspectors and other government officials responsible for the monitoring and improving conditions in the workplace. The modules would include policy development, teacher training, social skills, work organization, specific sectors, social dialogue, and special training modules. This method underscores the holistic approach that is intrinsic to the Integrated Labour Inspection System on the whole, utilizing a synergistic paradigm to promote an enhanced knowledge of the intricacies of the system among labour inspectors. Such a system is indispensable to the success of any labour inspection programme as it promotes the training of inspectors with the skills that they need to carry out their duties with the utmost competency. The training system will also allow inspectors to keep their skills up to date as developments in research and the workplace occur (ILO, 2005b).

The Scoreboard, developed by the Nordic Council of Ministers and Labour Inspectors, presents a new strategic approach to the prevention of accidents at work. In the long run it aims at implementing the European OSH Strategy at a national level. The system is operated on the basis of voluntary participation. In order to get an overview of each country's national performance compared to international standards, the participants present reports based on a questionnaire. This is used as the basis for a comparative analysis used to assess the conditions in each country. The Scoreboard is a tool for monitoring constant and gradual improvements, representing the beginning of change on a national level (ILO/IALI, 2003). The idea is to allow an easy comparison of improving or declining standards in the countries involved. This strategy has been somewhat successful in parts of Europe, and could be useful elsewhere as well. The Governing Council of the African Regional Labour Administration Centre recently indicated its attempts to introduce a modified version of the scoreboard in English-speaking African countries (ARLAC, 2005).

Conclusion

Labour inspection is one of the most important institutions related to the field of human rights and workplace health and safety. In light of this, the provision of adequate resources to every labour inspectorate is crucial to the promotion of the core labour standards, decent work, and OSH in the twenty-first century. Labour inspection provides a comprehensive solution to a wide variety of the problems that have arisen in response to globalization. The need to strengthen inspection systems has become apparent in recent years, and efforts such as the Scoreboard, the Ten Steps, ILO Audit Activities as well many other progressive steps are necessary to succeed in the field of labour inspection. In today's dynamic world, strategies that strengthen labour inspection as an actor in the battle for decent work must be promoted – and deserve our common support.

Note

¹ ILO Conference on “Integrated Labour Inspection Systems” in Luxembourg, 2005.

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The International Association of Labour Inspection

Cooperation among labour inspectors around the world is necessary to promote the most effective forms of labour inspection. IALI, as an internationally active and well established forum for labour inspection is one of the main pillars of the information exchange platform. IALI is also working on a global code of ethics for labour inspectors that will be implemented over the next three years.

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Officials should think in terms of a safe and healthy working life rather than simply safety and health in the workplace – a more holistic approach that includes working conditions, industrial relations and labour market issues. Labour inspectors should continue to be creative in their approaches and look out for new ideas in national and international networks, such as the International Association of Labour Inspection.

Michele Patterson, President of the International Association of Labour Inspection

The world has been changing at a rapid pace over the last few decades. Globalization, changes in world politics, and other key events have shaped the economic and political climate into a dynamic entity. The workplace, inextricably linked to these factors, has grown and changed in tandem. Workplace safety and health is at the forefront of the important issues that must be dealt with as soon as possible. There are 270 million accidents in the workplace every year, and the frequency of psychosocial maladies is on the rise as well. In order to properly implement the core labour standards developed by the ILO, labour inspection must be strengthened and promoted. One of the most important organizations in the field of labour inspection is IALI.

IALI was founded in 1972 by representatives from France, Germany, Italy, Luxembourg, Senegal and Switzerland with the overall aim of promoting professionalism amongst labour inspectorates. It has an underlying philosophy that dignity and humane work conditions are an essential part of a just society and that labour inspection has a vital part to play in achieving them. Membership is open to any labour inspectorates within the meaning of the Labour Inspection Convention, 1947 (No. 81), associations of labour inspectorates and ministries of labour. Since 1972, the Association has grown from being a fairly small European-based association to a truly global one of 105 member organizations from almost 90 countries around the world (IALI, 2005). In promoting professional approaches, IALI transcends social, religious and political boundaries, and its neutral position is essential to the success of its aim.

Objectives

The International Association of Labour Inspection has several major goals. The organization looks to encourage a steady flow of information between the member states through conferences and a regular

newsletter. This allows them to share effective techniques and best practices quickly and efficiently. This dynamic environment helps speed up improvements in member countries, aiding them in the drive to become more effective and efficient. The organization therefore addresses a wide range of topics relevant to labour inspectorates, from occupational safety and health to illegal employment and from migrant workers and HIV/AIDS to forced labour and child labour.

The latest research and information on matters affecting the workplace, OSH, labour laws, and labour inspection is spread to IALI constituents through various mediums such as the internet, reports, and publications. This, in conjunction with a cooperative environment is highly effective in promoting effective labour inspection strategies. IALI also works to encourage professional attitudes and work environments among its members (IALI, 1999).

Structure

IALI is composed of three main bodies – the General Assembly, the Executive Committee, and the Secretariat that oversees the organization of annual conferences. It is at the General Assembly that IALI members meet formally together to discuss IALI's business, to agree its budget and business plans for the next three years, and to elect a new Executive Committee. The Executive Committee is made up of nine members, elected by the General Assembly, and the Committee itself elects its own office-holders – President, Secretary-General and Treasurer. The Executive Committee is responsible for organizing and managing IALI's activities for the next three years, aided by the Secretariat.

The ILO is IALI's most important partner, collaborating on labour inspection initiatives through the Development of Inspection Systems group based within the ILO's In-Focus Programme for Safety and Health at Work and the Environment, 'SafeWork'. The ILO has formally rec-

ognized IALI as a Non-Governmental Consultative Organization, which entitles IALI to observe at the International Labour Conference and to be consulted and to advise the ILO on relevant topics.

Challenges in a changing world

IALI, as the main international body of labour inspectors, focuses on the principal challenges that have been emerging over the last few decades in the context of globalization. IALI is committed to addressing the latest developments that have an effect on the lives of global citizens through everyday work.

Human rights, health, and safety throughout the world have been strongly affected by globalization in both positive and negative ways. The secondary sector has begun to relocate to developing nations, causing the use of more dangerous methods in the workplace. Trade unions and state-sponsored agencies, customarily used to keep corporations in check, have started to face increasing difficulties to do so as companies have grown past national boundaries. A combination of these factors has led to an alarmingly high rate of work-related fatalities. These have reached a level of about 2.2 million per year, costing about 4 per cent of the global gross domestic product (ILO/SafeWork, 2005a).

Globalization has a profound impact on the world of work. It has caused the growth of new forms of work, and has impacted worker health in a serious way. Increased stress in the workplace causes the development and spread of work-related health problems. It is crucial to remember that the health of workers is just as important to the current competitive business environment as it has been in the past.

Such issues as child labour, forced labour, the informal economy, sexually transmitted diseases and others have also developed alongside globalization. These challenges are some of the most pressing issues at hand. The ILO has taken steps to curtail each of these through a variety of methods.

Two of the most important methods are labour inspection, and the handbooks developed for labour inspectors. This is an extremely helpful tool for labour inspectors that might have questions on how to deal with this increasingly important problem. Beyond the humane tragedy it causes, HIV/AIDS also leads to many problems in the workplace including: production barriers, sunk costs, and many others. Effective communication would also help to prevent the spread of the illness, helping people deal with the problem successfully. IALI tries to help labour inspectors hone their efforts in the fight against child labour across all sectors of the market. Targeted labour inspection can help deal with forced labour as well. A special inspection initiative undertaken in Brazil was successful in reducing forced labour by a substantial degree (ILO/SaveWork, 2005b).

IALI, as the international network for labour inspectors can help spread information, such as effective techniques for labour inspection, among the population of labour inspectors around the world. The ILO has collaborated with IALI to produce handbooks for labour inspectors on some of the above topics, information that IALI is able to promulgate among its members. For example, ILO Development of Labour Inspection Systems unit, the ILO InFocus programme on Safety and Health at Work and the InFocus Programme on Child Labour produced a law and practice report on Hazardous Child Labour together with IALI in 2005. The law and practice report is intended for governments and employers' and workers' associations in their task of developing a national list of hazardous child labour, as required by Article 4 of ILO Convention No. 182, concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child labour, 1999. Specifically, this report has been prepared as a background for a proposed ILO Tripartite Meeting of Experts on Hazardous Child Labour (IALI/ILO, 2005).

Strategy and solutions

Due to the emerging challenges that stem from globalization, it is important to focus on innovative solution-oriented instruments. For this reason, IALI is making a tremendous effort to keep up to date with the latest research in the field of integrated labour inspection systems, benchmark projects in occupational safety and health, as well as management methods for a rapidly changing work environment.

With the overarching goal of improving health and safety standards in the workplace through labour inspection, IALI has several key philosophies. A successful labour inspection system is vital to the improvement of OSH standards and workplace conditions. Almost all mishaps could be averted if rules were set in place and enforced and employers took measures to create a safe and healthy working environment. IALI constantly works to aid its member associations and institutions by using labour inspection to help solve problems, steering influential parties towards the goal of improved OSH standards and conditions in the workplace, and encouraging cooperation and social dialogue between different countries and organizations. Effective implementation of these strategies is necessary throughout the world in order to prevent the problems that have been solved in one country from moving to another.

IALI addresses the emerging global challenges with a scientific approach, in which member states meet on a tri-annual basis to discuss the latest developments and innovations in the field labour inspection. The organization held a number of conferences on a variety of topics in the past and will follow this tradition in the future.

International experts in the field of labour inspection frequently meet on the occasion of contributing the latest developments and experience to the international network of labour inspectors. Best practices and occupational safety and health management models were presented at the recently held 11th IALI Congress at the

International Labour Office in Geneva in 2005. The overall theme was “Safe, Healthy and Decent Work: The role of labour inspection”. This conference was divided into eight sessions covering the following six sub-themes:¹

- Challenges facing labour inspection in the twenty-first century,
- Improving inspectors’ status, powers and safety,
- Innovative intervention strategies in industrial relations, employment inspection and social standards protection,
- National programmes for occupational safety and health and the role of labour inspectorates,
- The implementation of occupational safety and health programmes: challenges, strategies and experiences,
- Occupational safety and health programmes and strategies for specific sectors and risks.

Assane Diop, Executive Director responsible for the Social Protection Sector of the ILO, highlighted the importance of IALI for the ILO. He stressed that IALI helps to be in contact and in tune with the developments in the field, helps to contact expertise, and find cooperation for the many programmes of the ILO.

IALI members around the world constantly develop new trends and insights in thinking and approaching OSH issues. These are important for the development of the ILO promotional framework on occupational safety and health. The ILO hopes that these will be implemented into a Convention and followed by recommendations.

For the first time in IALI history, a Chinese delegate, Shi Yanping, was elected to the executive committee. Ms. Yanping, the director of international coordination at the state administration of work safety in China gave an impressive speech on implementing the national occupational safety and health programme in China. The fast development of the Chinese economy re-

quires continuous restructuring of safety and health policies as well as the entire organization. As a result of these changes, the institution has been upgraded to the national ministerial level. One of the main tasks of the organization is to provide guidance to provincial and local safety supervisors and assist them in the development of effective supervision strategies.

China has begun to open up to the possibility of cooperation on the technical level in an international framework. Officials are working with German experts on firefighting and gas control techniques in mines in order to increase the safety standards in these areas. Australia, Poland and the United States are partners for technical cooperation in introducing a model of a mine with state-of-the-art technology integrated within.

Gerd Albracht, Coordinator, Development of Labour Inspection Systems in the ILO, stressed in his presentation that labour inspectors must take on three roles in the workplace. They act as supervisors, advisors, and enforcement agents, with an overall mission of guidance and also prevention. In light of intensified globalization inspectors are facing new challenges, which calls for a strengthening of labour inspectorates to support their new roles and activities adequately.

IALI provides an international platform for the exchange of technical information and the creation of collaborations between member States. The mutual exchange of best practices and success stories leads to a win-win situation among participating members.

Paul Weber, newly elected Secretary-General of IALI gave a speech on developing integrated labour inspection systems. He described the Luxembourg approach, detailing how to integrate its labour inspection systems more effectively. This idea is based on a tripartite committee, as well as a tripartite body for mediation.

Michele Patterson, President of IALI, gave examples of how working conditions in Australia and Asia had been improved through a mix of interventions. Nowadays, the whole supply chain of clothing

production is controlled by an ethical code of conduct that goes beyond the voluntary agreements between supply chain partners. In this holistic and creative approach, labour inspectorates are given a clear and effective role. As a result of this agreement, companies improved not only working conditions and injury rates, but also fostered an increase in revenues and productivity as well.

In addition, IALI was contributed to the recent conference on “Fair Globalization – Safe Workplace Policies, Strategies and Practices for Sustainable Development”, organized by the ILO’s SafeWork/CIS Department. Over 200 participants from more than 50 countries discussed strategies for reaching the goal of decent work for all through consolidated commitments at all levels and stronger labour inspection services worldwide. Representatives from governments, workers and employers organizations and international organizations underlined the necessity of new strategies and practices to achieve the common goal of a fair globalization and safe workplaces for all. All parties involved stated that the opportunities of globalization must extend to everyone, and that progress in social protection matters such as occupational health and safety is necessary for economic growth.

Outlook

IALI introduced a three-year development plan for the organization. Some of the topics included in this plan are collaborative measures, the drive to increase membership levels, the facilitation of communication, other conference activities, increasing regional cooperation, and other measures to examine important issues. In addition to productive partnerships with the ILO and WHO, IALI has undertaken successful partnerships with the EU, Association of South-East Asian Nations (ASEAN), the African Union, the African Regional Labour Administration Centre (ARLAC) in Harare, the Centre Régional Africain d’Administration du Travail (CRADAT)

in Yaounde and other organizations. Conferences could also be organized with the help of IALI’s partner organizations. The communicative capabilities of IALI could be improved through the development of the web site to target new areas of the world such as Asia and Latin America. This could be accomplished by publishing versions in a variety of languages in addition to those currently used. IALI is also working on a global code of ethics for labour inspectors that will be implemented over the next three years.

Conclusion

Cooperation among labour inspectors around the world is necessary to promote the most effective forms of labour inspection. IALI, as an internationally active and well established forum for labour inspection is one of the main pillars of the information exchange. It provides experience and expertise from long-standing knowledge bases as well as the most up-to-date sources. IALI, in close cooperation with the ILO, has been able to address many of the problems relevant to workplace in a holistic way. They have achieved this in a variety of ways, creating new partnerships, sharing information through conferences, forums, and handbooks, and reaching out to new areas of the workforce, such as the informal economy. IALI will remain an essential part of the international labour system, helping address the challenges that arise in today’s dynamic world.

Note

¹ A complete selection of all speeches and presentations held at the conference can be found on the ILO SafeWork Website: http://www.ilo.org/public/english/protection/safework/labinsp/iali_conf_05/index.htm.

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