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Effective Enforcement of integrated Labour Inspection Policy

Outline of a presentation by

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Effective enforcement aims at ensuring the highest achievable level of duty-holder compliance with the body of national labour protection legislation, regulations and standards.
Enforcement, to be effective, must focus foremost on prevention. It must therefore have an advisory and a supervisory component. It is not limited to “social policeman” (hands on) or “advice only” (hands off) action, but balances both in a considered, targeted, result-oriented way.
Advisory measures include structured advocacy, information, awareness raising, promotion, guidance, research, partnerships, social dialogue at all levels, education and training, and other methods of intervention.
Supervisory measures include policy making, regulatory activities, standard setting, compliance monitoring, improvement and prohibition notices, and forceful reaction to non-compliance, including sanctions. These must not be applied routinely but strategically, usually as a last resort.
Inspectors should have a large amount of discretion in choosing the most appropriate means of intervention, but this discretion must be carefully managed to ensure consistent policy implementation throughout the service.
Enforcement action can address all functional areas of Labour Inspection as defined in Art. 3 of ILO C. No. 81: OS&H; Industrial Relations; General Conditions of Work; (illegal) Employment; unfair Labour Practices; Complaints or Disputes; Accident Investigations; etc.
Integrated Labour Inspection Policy must not only focus on prevention of non-compliance, but encourage duty-holder cooperation and stimulate sustainable improvements in working conditions and the working environment.
Such a Policy should meet the five “Cs” criteria:
Clear (user-friendly language)
Considered (with the social partners)
Comprehensive (covering all sectors)
Coherent (no contradictions), and
Consistent (with regulations & practice)
It should have a vision, a mission statement, lay down the guiding principles, define strategic objectives, set priorities, deal with High-risk Sectors, SMEs, Vulnerable Groups, and the Informal Economy, lay down transparent procedures and be clear about sanctions.
An integrated approach to policy implementation means that on the occasion of an inspection visit one (generalist) inspector, suitably qualified, will usually deal with all routine, basic, non-complex labour protection issues (the large majority). This is called a “one-stop-shop” or “multi-skilled service”: One inspector – one enterprise.
Such a system is backed up by a body of specialists to whom the more complex cases are referred by the generalists. Generalists are inspectors who know something about everything. Specialists are experts who know everything about something.
To be effective, such a system requires minimum staff resources, IT and mobility.

ILO has advocated as minimum targets:

- 1 inspector: 10,000 workpeople (IMECs)
- 1 inspector: 15,000 (transition economies)
- 1 inspector: 20,000 (developing countries)
- 1 inspector: 30,000 workpeople (LLDCs)

The ratio of generalists to specialists would as a rule (average) be about 80 to 20.
Effective enforcement is best organised in close cooperation with the social partners at all levels: National, regional, sectoral and enterprise-level. Such structured cooperation with the duty holders - and other stakeholders - is considered essential in high-performance systems. It ensures priority focus, transparency, accountability, acceptance and client ownership.
High-performance inspection systems increasingly opt for a sector-focused approach, (e.g.: D, DK, NL), targeting high-risk activities, new hazards, and protection of vulnerable groups.
Voluntary compliance programmes, self-regulatory or non-statutory internal control schemes, and similar “self-inspection” regimes can complement (but cannot substitute for) effective, statutory compliance enforcement.
Such concepts may motivate duty-holders to go beyond minimum legal standards, but they must be closely monitored and backed up by a strong, independent, competent external inspection service, as well as strong and committed social partner “watchdogs”.
For more information, please consult: Now available in eight languages
Thank you for your attention!

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