Mr. Chairman,

Distinguished delegates,
Ladies and gentlemen.

First of all let me congratulate you with your Congress and thank you for the opportunity to address you.

I was asked to speak on the topic “Promoting better working conditions”, and it should have taken place under the session called “Challenges facing labour inspection in the 21st century.

Before I start to look at the challenges. We do live in a “changing world”, not only globally, but the picture is also changing internally in many countries. It isn’t only the workplace that is changing, but also structures in society, priorities as well as the structure and role of the labour inspectorate.

The world of work was earlier characterised by a great degree of stability, and often with major industrial workplaces that had existed for years with a stable workforce and a well functioning trade union. Major workplaces often had strong and well organized trade unions. They could influence on the development and keep up the pressure internally in the enterprise for improvements.

As for micro-, small- and medium sized enterprises (MSMEs), the situation was very different. Some of them had the worst working conditions; lacked knowledge for how to improve health and safety as well as resources to do it - both human and financial. The workers were often not unionized, and the internal pressure for improvement lacked. The most important tools for the labour inspectorate were information, especially information addressing branch problems often proved to be useful. It was easy to grasp, not hidden in general terms, but concrete and of direct relevance. In addition it was not hidden in huge volumes, but contained in a few pages that were easy to read.

Let me then turn back to the general situation. The main tools for improving working conditions were, and are, laws and directives, and the labour inspection had a key role in inspecting workplaces and to control that regulations were implemented – often called verifications. Information and assistance to employers and workers were important - to clarify legal requirements, sometimes to assist in implementing regulation and to resolve disputes between the social partners at the workplace level.

This way of working gave the labour inspectors a direct knowledge of what was going on at workplaces and the problems occurring when implementing, or not implementing, standards. Another important effect was that it gave the labour inspectorate a visibility in connection with concrete problems of concern to employers and/or workers, and it contributed to create respect for the labour inspectors. They were not only “paper tigers”, they knew what was going on at the workplace and they contributed to solve problems and disputes.

A lot has changed over the last decade or so! Key words are globalization, reorganization within enterprises, outsourcing as well as fusion processes between enterprises and fission processes in an enterprise. In many countries there has been a reduction of the industrial sector together with an increase in the service sector, migrant workers are becoming a greater
part of the workforce, the informal sector is changing, and as women are entering the labourorce gender issues are becoming more important.

Enterprises are organized in more complex ways with non-transparent owner structures. Owners might be based in other countries, the structure might be a holding company with sub-sub-sub daughter enterprises (to use the language many of you have being using this last days), and all of the daughter enterprises with different owners (shareholders). It might be extremely difficult to find out who’s responsible for what, especially if there is a question of placing a legal requirement, the responsibility of an accident or a compensation claim. You might need to be an expert lawyer in international affairs to sort out things. So it is very time- and resource consuming to find out of the structure and where the responsibility is – if at all possible. And what are the chances of having those resources in a labour inspectorate? Please raise your hand if you have those resources in your country.

Owners are becoming greedier with a greater focus on profit than in the past, and the management has great pressure from the owners to obtain profits, while the owners are less willing to invest in health and safety. This might reduces both the focus of the management on health and safety, and their possibility to invest in health and safety.

The issue of having a clear picture of who is responsible is important so as not to undermine national regulations and justice. There might be a need for improved international cooperation to explore and clarify responsibilities between and in enterprises, a labour “interpool” so as to say. In addition a national cooperation between ministries of labour, justice, foreign affairs and trade might be needed to look at what could be done to clarify and strengthen national laws and regulation in this respect. They might even see a need for changing or have new international, if I may say, Conventions to solve the problem. It is a long and difficult way to go taking into consideration how difficult it is even to have two ministries to cooperate – not to mention four. Nevertheless it is a road that might be worth exploring.

A rather grim part of the picture is that health and safety has moved down on the political agenda in most countries since it was focused upon and had priority in the 70’s and 80’s. It is not only the politicians who give it lower priority now compared with then. It is the case also in other parts of society and sometimes even in the trade unions. I will come back to this later. The lower priority combined with demands in many countries to reduce public sector has led to a decrease in resources also for labour inspectorates. At the same time work life has become more brutal and complex. New areas has become a matter of concern – like psychosocial issues, new ways of organizing work, consumers and NGOs focus on chemicals with a “spill over effect” in the work place, new technology like ICT and the problems following with them and the use of them. And at the same time all the old problems exists – such as indoor climate, noise, ergonomic problems, night shift work etc. even if the exposure might be lower than 10 - 20 years ago.

So the problem is how to achieve improvements in a working environment that is becoming more complex with new emerging problems and at the same time continue to combat old problems; and this has to be done with less resources in the labour inspectorate. That is a huge problem, so it is called a challenge.

There might seem to be a tendency in some countries to move working environment issues higher on the political agenda. An understanding in the labour inspectorates that criticism
from workers and trade unions that the labour inspectorate does not do enough, should be used as arguments for more resources. But then it is imperative that the labour inspectorates admit that lack of resources is hindering their work so that the problem is not swept under the carpet. Criticism should be regarded as help to improve the situation not just as unfair attacks from workers and trade unions.

In some countries the cost of occupational accidents, work related diseases and poor working environment for enterprises and society has been used to promote better health and safety. I have to underline that the major part of the costs are carried by those workers who ruin their health and economy or loose their lives. By making the costs visible it has been a move in the right direction, especially if there at the same time is a use of “a stick” by starting a discussion on whether the companies should pay a greater part of the price. Usually most of the direct costs are paid by society through health care and social protection or insurance. However a combination of “the carrot and stick” policy is often better since it does not polarize the positions between governments and the social partners, and so it is easier to find a common ground for cooperation. And cooperation is a key word for the long term work to promote health and safety.

Let us not forget that it is at the workplace changes have to take place, so the employers, employers’ organizations, workers and trade unions are key players to make a change for the better. If things are to change, some conditions must be fulfilled; and here the labour inspectorate has a crucial role to play.

Laws and regulations must be reasonable and understandable and implementation should be possible. Some of the recent changes in the labour inspectorates’ policy are not helpful in this respect, f.ex the change in regulation from concrete standards to “functional requirements”. This gives “flexibility” as asked for by many employers and their organizations. On the other hand these functional requirements are unclear as for what standard is required, and leaves everybody uncertain – also labour inspectors. This makes it difficult both to implement and control functional requirements unless there is additional information about what standard should be. This might be in the form of “soft law”, or to use ILO language - recommendations.

Of course workers are interested in a good working environment, but they are also interested in other things – like a job. As I said earlier I would come back to the issue of globalisation. Globalisation, changes in enterprise structures and internal reorganisation processes is a threat to many peoples’ job. Many workers are seriously worried about if they have work tomorrow. Who are to blame those for not demanding better working environment if they see this as a threat to their jobs. We have seen too many workers left unemployed when greedy owners move production to countries and areas (EPZ) where the working conditions are terrible, and this just to maximise profits. This is not leading to descent jobs – neither in industrialized- nor in developing countries!

A way forward here that is not totally new, but that might be used to a greater extend, is to have cooperation between the labour inspectorate with employers’ branch organizations and trade unions to make action plans with concrete goals and time limits within sectors or branches. This has to be done with proper consultations internally for both the social partners where due concern is taken to health and safety standards on one hand, and on the other to the concerns of those that might be affected. One of the challenges here is that it would require resources in the labour inspectorates, and that in a time where in many countries they are
trimmed, slimmed or whatever it is called. The same is also the case for many organizations for the social partners. If an agreement is reached, there is a need for the labour inspectors to follow this up at the workplace level to ensure that the action plan is followed up.

In some countries the labour inspectorate has to some extent changed from controlling the workplaces to control that employers have a systematic OSH management system, sometimes called internal control system. Of course there is a need for systematic OSH management systems, but it is no secret that sometimes there is a huge gap between what is required in the system and the actual situation at the workplaces. The lack of actual control at the workplaces is very serious since it both undermines health and safety and the respect for the system. I have seen reactions from labour inspectors when there was such a gap, but only because there was violations of the regulations for the standards of the workplace. What about a reaction also because there was a gap between the system and the actual situation? That might help to ensure that the system is not only a “paper tiger”.

A tool that could be used much more effectively is Occupational Health Services (OHS), and it is hard to understand why labour inspectorates and governments have not been arguing more and stronger for OHS for all workplaces. I would like to underline that the main purpose of OHS should be to do preventative work at the workplace and contribute to working environment improvements, not be a place for private consultations for workers with sour throats or checking cholesterol levels. This would bring expertise in occupational health and safety into the enterprises combined with knowledge of the actual workplace which could really push health and safety forward. OHS should be a flexible instrument with some basic knowledge and skills, but with the opportunity to be staffed in a way so as best to serve their clients – enterprises and the workers there. To avoid that those OHS that work seriously are undermined by cheap non-serious OHS, there is a need to set standards as for staffing, requirements for updating etc. Accreditation might be a solution here, but then under the surveillance of f.ex. the labour inspectorate and the social partners. The best thing with OHS is that the introduction would only require small resources from the labour inspectorate. There are so many examples of the cost effectiveness of OHS for enterprises so there should be easy to justify the costs for the enterprises. It is actually money saved.

In most countries there is a system of safety reps and working environment committees, but they are often not used as effective as they could be because of lack of duties, authority and resources. The resources should be provided by the enterprise, so that should not be a great concern for the labour inspectorate. If only those safety reps and representatives in working environment committees were given the needed authority and resources, they could make a major change. Of course they will for some issues need expert help, preferably from OHS; but also from other expert bodies and agencies like the labour inspectorate, research institutions and the organizations of the social partners. Health and safety reps together with working environment committees are tools for improvements which power is grossly underestimated. So if you want something to happen without using too many resources in the labour inspectorate, here is the tool – thousands of eager and committed men and women who are just waiting for a chance to improve health and safety at their own workplace.

Let me end by admitting that I know there are lots of difficult areas I have not touched upon. Just to mention a few: Migrant workers and the informal economy – not to mention the combination of them. We see in several countries that migrant workers are offered payment and working conditions fare below what is accepted by “native” workers. Migrant workers are sometimes unable to understand the language used at the workplace. This is a serious
threat to health and safety since they don’t understand safety instructions and language
misunderstandings lead to dangerous situations.

There should be a much greater focus on this problem. Migrant workers need to have on a
language they understand, amongst other things, safety information and rights; and one must
ensure that communication can take place between those working together so as to avoid
dangerous situations. I don’t see an easy way of solving these problems, especially in the
informal economy where workers often are not unionized. To have rowing safety reps, both
according to sectors and language would at least be a starting point to improve the situation.
One of the fine things with introducing rowing safety reps, is that it would be to add new
resources in the field of OSH. So let us try it.

Thank you for your attention.