

# **12<sup>th</sup> Congress of the International Association of Labour Inspection Geneva, 9-10 June 2008**

## **Session 1: Decent Work – Challenges for Labour Inspection**

### **1.1. “Modernising and reinvigorating labour inspection: a new ILO strategy”**

***Mr. Malcolm Gifford***

***Occupational safety and health specialist, International Programme on Safety and Health at Work and the Environment (SafeWork), ILO, Geneva***

With the many changes in the world of work seen in recent years, effective labour inspection is more vital than ever if decent working conditions are to be achieved and maintained in reality. Many labour inspectorates have risen to meet the challenges they face, modernising their organisations and approaches and increasing their effectiveness and efficiency. However, other inspectorates, especially those in developing countries, still lack the resources to bring about such changes.

Thus, in November 2006, the ILO agreed to develop a strategy for modernising and reinvigorating labour inspection, and such was included in the ILO's 2008-09 work programme. This strategy provides a framework for ILO action to help strengthen labour inspectorates, recognising their broad remit and thus the need for better cross-sector cooperation within the ILO itself. In particular, the ILO will provide technical assistance for tripartite labour inspection audits and for the formulation and implementation of national action plans for labour inspection. Specific targets and indicators have been agreed. The ILO will also promote ratification of key ILO Conventions, especially the Promotional Framework for OSH Convention (No.187) and the Labour Inspection Conventions (Nos. 81 and 129), and also encourage adoption of modern practices that focus on prevention. The informal economy will also be given particular attention.

The ILO will continue to produce information and training materials, building on the Integrated Labour Inspection Training System and other documentation, and expanding its web-based portal. The results of international projects, notably the ILO/VW/GTZ supply chain project, will be evaluated and lessons learned for the future.

International collaboration, especially with IALI, will continue to have a high priority for the ILO, to encourage further the exchange of good practice and to enhance the professionalism and impact of labour inspectorates globally.

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## **1.2. Decent work – challenges for labour inspection. Prevention in the framework of labour protection – a tool for shaping work safety culture**

***Mrs Bożena Borys-Szopa***

***Chief Labour Inspector of Poland***

In a current economic situation – with a growing number of small employers, flexible service and production structures adapted to the changing needs of the market and the accompanying massive fluctuation of employees, labour inspectorates have to face challenges which require development of new tools in order to achieve the basic objective of their functioning: effective protection of labour.

Broadly understood prevention in the framework of labour protection means development of a safety culture in the crave for achievement of "decent work" standards not only through supervisory activities, but also through various forms of social communication and improved involvement of employers, employees and social partners in the safety and labour protection issues. In the last few years Polish Labour Inspectorate has been enhancing the preventive aspect of its policy, treating this form of activity as a process: consistent and long-term effort based on the analysis of available data, planning and followed by an evaluation which allows to include its results into further planning processes. The argument for inclusion of prevention into the mainstream of labour inspectorate's activity is the possibility to influence a broader scope of entities than by way of traditional supervision of working conditions, but most of all to achieve sustainable improvement of working conditions in workplaces where values related to work culture have been internalized. The conviction about the necessity to secure appropriate working conditions for employees on the one hand and the need for employees to participate in development of OSH standards including psychosocial aspects on the other, are the functional basis of an unwritten ethical code in labour relations.

The actions undertaken by National Labour Inspectorate either support its inspection activity in sectors marked by the highest intensity of risks and their consequences (accidents at work and occupational diseases) or constitute individual initiatives implemented in the form of special programmes or campaigns addressed to employers who are concerned with ensuring safe working conditions and adequate health protection of workers. It must be remembered that only through synchronized inspection and prevention activities can the effect of synergy be achieved.

An important addressee of NLI's preventive activity are young people – willing to take actions which are difficult or not fully comprehensible for their parents – a new generation of employees and employers which will heighten the standard of work culture on the labour market.

The presentation will contain essential information about implementation of selected communication campaigns and programmes of prevention which all have a common denominator - craving for development of work relations which support the notion of decent work.

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### **1.3. Assessing the Effectiveness of Labour Inspection in Switzerland**

***Dr Margaret Graf***

***Head of Section, Work and Health, State Secretariat of Economic Affairs,  
Switzerland***

In Switzerland labour inspection is the responsibility of the 26 cantons (states). The Federal Government has the responsibility of coordinating and overseeing their activities. In 2004, a trial process for overseeing the activities of the labour inspectorates was introduced. One goal was to measure the effectiveness of the system and another was to establish benchmarks to encourage continual improvement. The process requires the collection and analysis of statistics from a variety of sources. As resources are limited it was a requirement that no new data would be collected.

The sources of data and problems with them will be described along with the experience after four years of using this system. Data is collected from national surveys on labour and health, accident insurance statistics, professional organisations and from the labour inspectorate reports, particularly the ILO report. The sources were chosen to cover input indicators e.g. numbers of inspectors, output indicators e.g. number of inspections, and effect measures

This system uses similar principles to measures of the effectiveness of other public health measures and attempts to find measures at each level of change. The experiences of other international organisations and countries were used as much as possible.

The results to date indicate that measuring effectiveness is possible but requires long-term planning and the cooperation of many stakeholders. There is still diverse opinion about whether effectiveness can really be measured, as many factors affect the health of the population and the statistics. On the other hand there have been unexpected positive benefits of introducing the method; in particular the labour inspectorates can use the data to promote support for their activities.

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#### **1.4. Norwegian policy and measures to ensure decent work for migrant workers and avoid social dumping**

***Mr. Ørnulf Halmrast***

***Director Labour Inspection Oslo***

Since 2004 Norway has received an increasing number of migrant and posted workers from the new EU member states in Eastern and Central Europe. The total number is now estimated to 120 000 workers – the majority from Poland. The Norwegian Policy is positive towards migrant workers as a contribution to the Norwegian labour market. The policy is to avoid social dumping and maintain the Norwegian level of working conditions also for from abroad. The Norwegian Labour Inspection Authority (LI) is given a key role to follow up this policy.

LI is running special inspection programmes in the construction sector and in the agricultural sector because of large numbers of migrant workers in these sectors.

The inspections are focused on working contracts, payment, working hours, accommodation and safety. The main goal for the inspection programmes is to ensure that the migrant and posted workers have decent working conditions and to counteract illegal work and criminality. The inspections are followed up with dissemination of information to the workers. A polish telephone service was opened one year ago, and together with other governmental agencies a Service-centre for foreign workers has been established in Oslo.

During the last year we have experienced a decrease in the number of enterprises who do not comply with the regulations. The conditions for migrant workers employed in Norwegian enterprises are now generally better.. The challenge now is to expand the strategy to new sectors where numbers of migrant workers are rapidly increasing.

Cooperation between governmental agencies and the social partners is a cornerstone in the Norwegian policy to avoid social dumping. International co-operation is another key factor.

#### **1.5. Labour Inspection in Tunisia: a model in change**

***Mr. Sahli Chaker,***

***Chief Inspector, Directeur regional des Affaires Sociales de la Solidarité,  
Tunisia***

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## **1.6. Illegal work: new challenges in Switzerland**

***Mr. Michel Gisler***

***Director general, Office cantonal de l'inspection et des relations du travail  
(OCIRT), Geneva***

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## **Session 2: Decent Work: Regional and National Experiences**

### **2.1. Spanish strategy of labour inspection in the matter of protection of the fundamental rights of the working immigrants**

***Mr. Carlos Manuel Moyano Jurado***

***President of the Spanish Syndicate of Labour Inspectors***

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### **2.2. Labour inspection activities against forced labour**

***Mrs. Beate Andrees***

***Anti-Trafficking Programme Officer, ILO***

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### **2.3. The German "Länder-Scoreboard" - a model for measuring labour inspection effectiveness in federal states**

***Mr. Heinz-Bernd Hochgreve***

***NRW Institute of Health and Work, Duesseldorf, Germany***

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## **2.4. Decent work and the healthy organisation – Developing inspection tools**

***Dr David Snowball***  
***Regional Director, Yorkshire and the North East,***  
***Health and Safety Executive, UK***

Labour inspectors face challenges in assessing whether or not organisations are effectively managing psychosocial risks to employees.

In many employment sectors, evidence suggests that work related stress needs to be better addressed. Inspectors need to develop new techniques in order to intervene effectively.

This presentation will describe an approach currently being followed in the UK and offer some insights on the lessons learned

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## **Session 3: Decent Work and Social Dialogue**

### **3.1. Introduction: Decent work and social dialogue**

***Mr. Gerd Albracht***  
***International Consultant, Annecy, France***

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### **3.2. Social dialogue and job management as central elements of decent work**

***Mr. Omrane Kamel***  
***Director general of the inspectorate of labour and conciliation, Tunisia***

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### **3.3. Social dialogue and job management as central elements of decent work**

***Mrs. Maria Luz Vega Ruiz***  
***Senior specialist on labour administration, industrial relations***  
***and social dialogue, ILO***

El dialogo social es un instrumento básico para la OIT e implica todo tipo de información, consulta y negociación entre los representantes de los trabajadores, empleadores y gobiernos en temas de interés común y política económica y social.

El dialogo es un instrumento de gobernanta y de paz social y es necesario para el desarrollo de cualquier institución con eficacia. Este es el caso de la administración del trabajo y en su seno el de una de sus instituciones básicas, la inspección laboral.

Los convenios 150 y los relativos a inspección 81 y 129 recalcan de forma clara el rol de los actores sociales en el desarrollo de sus actividades, con específicas menciones en sus artículos al respecto

Su interacción es fundamental para alcanzar los objetivos de la organización, los métodos son variados y van desde los comités de empresa o de seguridad y salud, hasta relaciones informales. Son ellos los que facilitan la gobernanta

La colaboración aparece a nivel de la propia legislación nacional, que le dota de relevancia al acogerla en un texto normativo

No cabe pues hablar de trabajo decente sin un dialogo social pleno, y este no será efectivo sino se cuenta con una administración de trabajo que desempeñe sus funciones en su marco. En materia de inspección existen órganos de carácter consultivo nacional, comisiones de expertos permanentes que cumplen el rol institucional de facilitar el dialogo social en torno a los temas y que son eficaces

La colaboración eficaz con los interlocutores sociales es indispensable.

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## **Session 4: IALI – Active in Regions**

### **4.1. Regional Co-operation through Peer Reviews – European Experiences**

***Dr Bernhard Brueckner***

***Deputy Director Department of OSH, Hessian Ministry for Social Affairs,  
Germany***

The traditional function and tasks of labour inspection – based on international, e.g. ILO C 81, and national legislation is to supervise and enforce labour law and OSH legislation. Depending on national and/or regional background these tasks are assigned to different inspectorates who apply (more or less) independently specialised inspection strategies.

The development of modern social and economic environment which can be described in terms of: globalisation, migration, informal economy, precarious work, small and micro enterprises, high levels of occupational accidents and diseases, new technologies and emerging risks (like psycho-social stress and strain) put high pressure on labour inspectorates and inspectors to develop and enhance their inspection performance, qualification, inspection strategies and inspection management.

Reacting on these challenges international organisations, state communities and national labour inspectorates elaborated new policies following integrated and systemic approaches in labour inspection. The main objective of modern inspection activities is to oversee the compliance with labour and OHS legislation, the implementation of risk assessment routines in enterprises and the quality of their performance, the integration of health and safety in business processes and management systems.

Strategies and management of modern labour inspectorates have to develop their organisation and internal processes, and to apply quality management models for high performance.

Besides the ILO concept of tripartite auditing EU member states developed the model of peer reviews to facilitate the adaptation processes in European labour inspectorates and to assist labour inspectorates in new and old member states to update their strategies, methods and organisation.

Based on strict professionalism the objective of such reviews is the strengthening of labour inspection in respect of integration of inspection activities, co-operation and communication with stakeholders, inspection strategies adapted to local economic and social environment, performance improvement and human resource development.

The principle of “colleagues as auditors” provides professional experience and best practice examples focussing on the main aspects of inspection: planning and monitoring, qualification and training, competence and independence, legal powers, methods and guidance, internal procedures and quality management.

A programme “learning from friends” could make use of IALI’s international and inter-cultural competence in labour inspection. Such audits voluntarily applied and carried out by IALI experts disseminating best practices and common approaches would be a easy-to-get asset for any labour inspectorate.

IALI offering peer-reviews as a regular service for IALI members could increase its importance and influence on international and regional level, and increase its reputation as “the first address” in labour inspection.

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## **4.2. OSH Reform and Its Impact on Enforcement – The Singapore Experience**

***Ho Siong Hin***  
***Commissioner for Workplace Safety and Health,***  
***Ministry of Manpower, Singapore***

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## **4.3. Networks of Labour Inspections: Experiences and challenges**

***Paulo Morgado de Carvalho***  
***General-Labour Inspector (Authority for Working Conditions), Portugal***

Decent Work is a worldwide recognisable concept, since ILO defined it during the 87<sup>th</sup> International Conference (1999) putting together fundamental vectors dealing with the protection of rights at work, namely the universal right to social protection, health and safety and social dialogue. It constitutes also a defiant challenge to labour inspectorates.

Globalisation brought to distinct geographical spheres the same problems, dealing with the delocalisation of companies, posting of workers, immigration and new risks. Non spite of this, Labour Inspections find different approaches to the problems, many of it justified by the specific array of variables that characterize the environment in which they intervene, such as different administrative cultures, different laws and different organizational structures and competences of the labour inspectorates. But there is also a vast amount of experiences that can be shared and benchmarked throughout the world. Values, languages and cultural influences can be facilitators in this building of alliances, as a first step to overcome barriers and spread information on the best practices in promotion and enforcement of fundamental rights at work.

The Portuguese Authority for Working Conditions has a wide and consolidated work of cooperation with other countries, through bilateral and multilateral agreements, in Europe, Africa and South America. The rich repository of experiences that results from this tradition and from the several projects that are being now developed, can contribute to share some positive insights of how can networks of Labour

Inspectorates function, what problems they have to face and possibly, which targets should they focus on, always keeping in mind ILO's common principles as an effective instrument that can help to develop networks as few public organizations can reach, with clear positive impacts on decent work agenda.

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#### **4.4. Regional Alliance of the Labour Inspectorates in Southeast Europe and Ukraine – the Bulgarian Initiative**

***Mr. Galab Donev Executive Director, General Labour Inspectorate Executive Agency, Bulgaria***

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### **Session 5: Labour Inspection Culture – Worldwide Approach and IALI's Challenge**

#### **5.1. The new Draft IALI Global Code of Integrity for Labour Inspection**

***Wolfgang Frhr. von Richthofen  
International Consultant on Labour Inspection/Protection,  
Technical Adviser to IALI***

One of the International Association of Labour Inspection's (IALI) published goals for the years 2005-2008 was the development of a 'Global Code of Ethical and Professional Conduct'. Achieving this goal is seen as key to achieving the broader objective of laying a solid foundation for professionalism and integrity in labour inspection. The draft Code of Integrity is designed to provide a stimulant for each member to discuss and adopt its own code reflecting these common, global principles, suitably adapted to local conditions. It aims to promote professionalism through a set of six values covering: knowledge and competence; honesty and integrity; courtesy and respect; commitment and responsiveness; and consistency between personal and professional behaviour. It addresses both all individual members of a labour inspection, the inspectorate as an organisation, and the government behind the inspection system. The Code document further contains sections on complaints review process; on steps for implementation; and a model for ethical decision-making.

It represents the results of three years' consultations within the IALI Executive Committee and among the members of the Association. A Working Group was originally set up in the President's own organization, SafeWork SA, which produced a first draft, based on discussions at IALI Conferences in Beijing and Toronto. This was circulated to all members for consultation at the beginning of 2008. A revised draft was

submitted to, and discussed by the First IALI Pacific Conference in Adelaide in March of this year. The delegates' comments were incorporated into the final draft which is now before the 12th Congress for its endorsement as an appropriate set of principles to underscore, encourage and promote the highest standards of professionalism in labour inspection worldwide. The Code will then be put before the IALI General Assembly for adoption. Its feasibility has already been tested and first members have informed the EC that they have approved it for national use. Representatives from international Employers' Associations and Confederations of Trade Unions have also endorsed the Code.

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## **5.2. Elements of deontology of the French Labour Inspection**

***Sylvie Siffermann***

***Directrice du travail, de l'emploi et de la formation professionnelle  
d'Indre et Loire***

***Ministère du travail, des relations sociales, de la famille et de la solidarité,  
France***

Parce que l'Inspection du travail se situe dans un environnement complexe et parfois imprévisible, que les sollicitations sont multiples, usagers, citoyens, victimes, organisations professionnelles ou associatives, institutions judiciaires, employeurs et salariés, il est indispensable de redonner du sens, dans la sérénité et non dans l'urgence, aux règles connues et acceptées de tous.

Le Ministère du travail s'est lancé dès février 2004, soit quelques mois avant le meurtre de deux collègues à Saussignac, dans un travail de réflexion collective sur la déontologie dans un souci de protection des agents de l'inspection du travail et pour éclairer de manière structurée leurs rapports au monde du travail. Il s'agit par une pédagogie de proximité de prévenir les positionnements professionnels inadéquats et montrer la diversité des « bons gestes professionnels ». L'objectif est d'outiller les agents de règles et de points de repères leur permettant d'exercer leurs missions dans un cadre plus sécurisé et de diffuser des recommandations de bonnes pratiques professionnelles pour tenir compte des réalités de terrain.

Ma contribution en tant que membre du groupe national de validation « déontologie » est d'expliquer comment ces travaux ont été articulés et quelles actions le Ministère a mis en place pour « protéger » ses agents accompagnés d'un plan de modernisation et de renforcement des effectifs de l'Inspection du Travail en France décidé le 9 mars 2006.

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### **5.3. Common principles of labour inspection – worldwide?**

***Dr Adrian Ellis***  
***Iali technical adviser***

The presentation follows work by the EU Senior Labour Inspectors' Committee (SLIC) to identify the core principles of labour inspection as a basis for evaluating the regulatory system and arrangements in each of the Member States.

The pre-conditions for a good labour inspection system are discussed together with the core principles of competent and independent inspectors having appropriate powers to enforce effective legislation within a planned and monitored operational framework.

The extent to which these principles are appropriate worldwide will be discussed.

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### **5.4. Code of Ethics for Health and Safety Professionals and Labour Inspectors – ICOH's View**

***Professor Jorma Rantanen, MD, PhD***  
***President, International Commission on Occupational Health, ICOH, Helsinki, Finland***

Professional ethics is challenged by the globalization process, as well as all the other aspects of occupational health and safety. We differentiate individual professional ethics, ethics of groups or working communities, ethics of enterprises, ethical principles of countries, and as a new concept, global ethics. In the case of individuals' professional ethics the traditional Hippocratic principles are still valid in occupational health: serving, respecting, protecting dignity and confidentiality, conducting at highest professional standard, guarding professional independence and requiring conditions, which permit serving according to the above principles. Although these principles are implemented in new situations and in new contexts they have sustained for 2500 years.

Most countries have guides for ethics for the medical profession, but as the occupational health teams become more multidisciplinary, there is a need for guiding ethical conduct in other than medical expert groups. Thus ethical codes have also been produced by IOHA for occupational hygienists and IEA for ergonomists. The key principles of ethics in codes of different professions are very similar demonstrating universal nature of such principles. IALI has activated its discussion on ethics as it happened in the Australia Conference on 12-14 March 2008.

Group ethics will bring the micro-social dimension to the ethics discussion. Corporate ethics is often linked with the corporate social responsibility (CSR). There are,

however, several other aspects in corporate ethics in addition to CSR. Global ethics is a new aspect in the discussion of ethics in occupational health. In globalizing world the balance between the universal ethical principles on the one hand and local culturally determined principles on the other is going to be a challenge. More discussion is needed to set such balance.

ICOH *International Code Ethics for Occupational Health Professionals* is a global guideline provided by ICOH for its members working in more than 100 Countries. It has been well received by professionals throughout the world and also by a number of National Associations, Governments and major corporations. ICOH wants to keep ethics in occupational health permanently high on its agenda. We also want continuously to develop ethics guidelines to meet the needs and challenges of the modern globalizing work life. In such development work, collaboration between various professional groups is of utmost importance.

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## **Creating Worldwide Alliances for Labour Inspection: Networking as a Tool for IALI and its Partners Panel discussion**

***Mrs. Fiona Murie  
Director Health and Safety, Building and Wood Workers' International***

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## **Labour Inspection and sustainable globalization - PRO-IALI**

***Mr. Paul WEBER Director Labour and Mines  
Inspectorate, Luxembourg***

All men agree that every individual has the fundamental right of self-preservation of life, security and health, despite all previous convictions or other elsewhere.

Thus, it cannot be justified to cause harm, deliberately or without reason, to another person.

Self-maintenance is a law of nature and, therefore, a true universal notion.

Labour inspectors, with the advice, controls and sanctions, monitor the (non-)

compliance with these basic rights in work relations and conditions, and hence are “ambassadors” of the work itself at the level of a State. Their sound judgements play an important role in maintaining social equilibrium.

At the international level, IALI is the operational side of the verification of compliance of these sovereign rights written down in the international tripartite conventions of ILO in the UN system grouping 192 Nations and the social directives of the EU with 27 Member States.

They even slightly restore the balance of rules for a global economy of the WTO of which Adam Smith said that it is “regulated by the invisible hand of the market”.

The labour inspectorate embodies the essential player in the social dimension of a “sustainable” globalization exposed to the challenge of changing its role, the challenge of adapting their talents and skills in an increasingly complex environment.

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