

# ILO Curriculum on Building Modern and Effective Labour Inspection Systems

Module

3

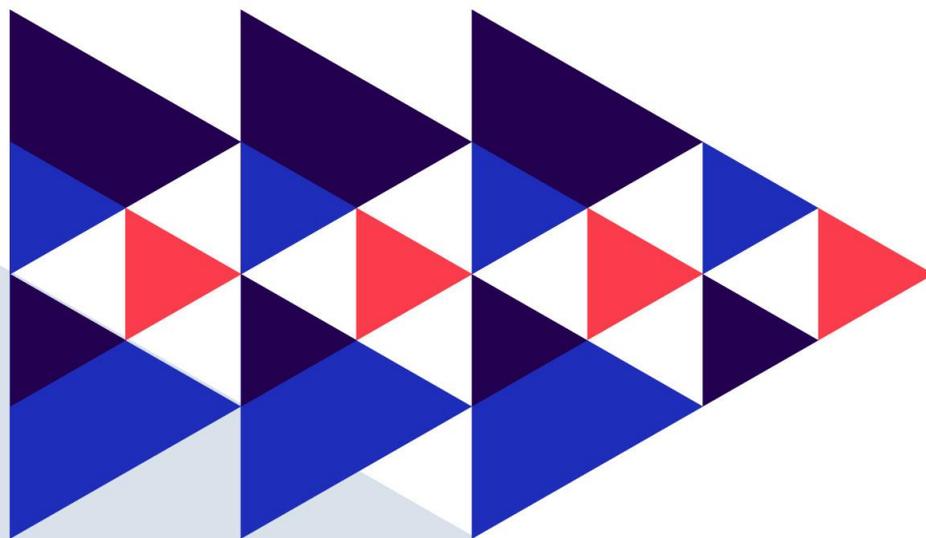
- ▶ Policy and planning of labour inspection



ILO Curriculum on Building Modern and  
Effective Labour Inspection Systems

► Module 3

# Policy and planning of labour inspection





### ► What this module is about

This module addresses three important topics: labour inspection policy and the issues that should be included in it, strategic action planning, monitoring and control, and evaluation of the performance and impact of the labour inspectorate.

---



### ► Objectives

The aim of this module is to introduce trainees to the process of drafting a labour inspection policy, and the planning, monitoring, control and evaluation of the activities of the labour inspectorate. By the end of the module, trainees will be able to:

- describe the need for the adoption of a labour inspection policy, as well as its purpose and contents;
  - examine the main aspects of defining the approach to inspection, and discuss their advantages and disadvantages;
  - describe the importance of the process, as well as the main considerations for good planning of labour inspection;
  - explain the role of monitoring, control and evaluation of labour inspection in improving its future performance, as well as its reporting process.
-

## ▶ Table of contents

---

▶ <b>1. Developing policy for labour inspection</b>	<b>1</b>
1.1 The wider policy context	2
1.2 Some principles for effective inspection	2
1.3 Drafting and adopting the policy	4
▶ <b>2. Defining the approach</b>	<b>4</b>
2.1 Issues to be addressed	4
2.2 Policy formats	5
2.3 Powers and methods of inspection	6
2.4 Enforcement measures	7
2.4.1 <i>Injunction powers</i>	7
2.4.2 <i>Sanctions</i>	7
2.5 Information and advice	8
▶ 2.6 Proactive and reactive inspection	8
2.6.1 <i>Proactive (preventive) inspection</i>	8
2.6.2 <i>Reactive inspection — accidents, diseases and complaints</i>	9
2.7 Frequency of inspection	9
2.8 Priorities for inspection	11
2.8.1 <i>Proactive inspection programmes</i>	12
2.8.2 <i>Reactive inspection — investigations</i>	13
2.9 Discretion in inspection	13
2.10 Consistency in inspection	15
▶ <b>3. Operational planning</b>	<b>18</b>
3.1 The importance of planning	18
3.2 Strategic planning	19



3.3	Action planning	19
3.4	Inspection programmes	20
3.5	Individual work plans	21
<b>▶</b>	<b>4. Monitoring, evaluation and reporting</b>	<b>22</b>
<hr/>		
4.1	Monitoring and control of activities	22
4.2	Evaluation	23
4.3	Reporting of labour inspection activities	24
<b>▶</b>	<b>Summary</b>	<b>27</b>
<b>▶</b>	<b>Bibliography and additional reading</b>	<b>31</b>
<hr/>		

## ▶ 1. Developing policy for labour inspection

---

Since the early part of the nineteenth century, labour inspectors have been visiting workplaces across the world, and one might expect that the purpose of their visits was clear and obvious. This has not always been the case and even now a confused picture emerges from some countries.

In general terms, the way in which a labour inspectorate operates should be defined by its policy. A common definition of “policy” is that it is a specific, deliberate course of action adopted by a government or public body (such as a labour inspectorate) to help fulfil its mandate. Any policy must be anchored in, and derive its authority from, formal legal powers and obligations and is thus an important instrument for decision-making.

Importantly, a labour inspection policy provides greater openness and transparency about the way in which the organization and its inspectors undertake their functions, and provides some assurance (to employers, workers, and the public) that, as public servants, inspectors are being held accountable for their work. Though inspectors will always be able to exercise a certain amount of discretion, it is becoming increasingly important in the modern world of work that they are seen to be working within broad policy frameworks, to ensure consistency of approach, fairness and equity as far as possible.

At a practical level, a labour inspection policy gives direction in specific areas, providing answers to questions such as:

- ▶ What resources should be devoted to front-line inspection as compared to administrative support and management functions?
- ▶ What should be the balance between information, advice and enforcement?
- ▶ What criteria do inspectors use to help them decide how and when to initiate formal enforcement measures, whether a prosecution or the imposition of sanctions?
- ▶ How do inspectors select enterprises for either proactive (preventive) or reactive (investigatory) visits?
- ▶ What issues should labour inspectors focus on during their visits? Are they expected to focus on certain priority topics only, or should they try to cover everything within their mandate?
- ▶ What level of discretion should be allowed to inspectors and how can this be monitored? How can inspectorates ensure consistency, fairness, transparency, and accountability in their work?
- ▶ What assurances do stakeholders have that inspectors will work to high standards of integrity and ethical behaviour?

The government, its inspectorate and staff, employers, workers and the wider public all need clear policy guidelines in such matters, to set the broad direction of the inspectorate, help with decision-making and provide the basis for operational plans at both central and field levels.

## 1.1 The wider policy context

Labour inspectorates do not operate alone, and they need to take account of wider issues in developing a national inspection policy. In particular, they are part of the broader labour administration system, which is accountable to their governments, so they need to be aware of wider government priorities and policies, especially on labour matters. They also need to consult and cooperate with their social partners and other stakeholders in developing national policy, as with other issues of national importance. Thus, the development of labour inspection policy is influenced by several factors, in particular:

- ▶ National legislation on social protection issues, which in turn is influenced by several international labour standards. These include ILO Conventions and Recommendations specifically on labour inspection<sup>1</sup> and also those on related matters such as labour administration, child labour and occupational safety and health.<sup>2</sup> These standards have broad provisions relating to the functions of labour inspection services, resources, reporting on activities, etc., and give broad direction when developing national social protection legislation and inspection policy.
- ▶ Broader national policy on employment, social-protection, socio-economic and other issues. Labour inspectorates operate within the wider mandates of their own governments and must take into account wider political concerns.

## 1.2 Some principles for effective inspection

Certain basic principles should underpin the work of labour inspectors as professional public servants, and it is important that a labour inspection policy both recognizes and supports them. In the box below, there is a short description of the Best Practice Principles for regulatory enforcement and inspections, as described by the OECD<sup>3</sup> in the box below.

---

<sup>1</sup> In particular, the Labour Inspection Convention, 1947 (No. 81) and the Labour Inspection (Agriculture) Convention 1969 (No. 129).

<sup>2</sup> For example, the Labour Administration Convention (No. 150), the Worst Forms of Child Labour Convention (No. 182), and the Promotional Framework for OSH Convention (No. 187).

<sup>3</sup> OECD (2014), Regulatory Enforcement and Inspections, OECD Best Practice Principles for Regulatory Policy.

### **OECD: Draft international best practice principles: Improving regulatory enforcement and inspections**

- 1. Evidence-based enforcement.** Regulatory enforcement and inspections should be evidence-based and measurement-based: deciding what to inspect and how should be grounded on data and evidence, and results should be evaluated regularly.
- 2. Selectivity.** Promoting compliance and enforcing rules should be left to market forces, private sector, and civil society actions wherever possible: inspections and enforcement cannot be everywhere and address everything, and there are many other ways to achieve regulatory objectives.
- 3. Risk focus and proportionality.** Enforcement needs to be risk-based and proportionate: the frequency of inspections and the resources employed should be proportional to the level of risk and enforcement actions should be aiming at reducing the actual risk posed by infractions.
- 4. Responsive regulation.** Enforcement should be based on “responsive regulation” principles: inspection enforcement actions should be modulated depending on the profile and behaviour of specific businesses.
- 5. Long term vision.** Governments should adopt policies and institutional mechanisms on regulatory enforcement and inspections with clear objectives and a long-term roadmap.
- 6. Co-ordination and consolidation.** Inspection functions should be co-ordinated and, where needed, consolidated: less duplication and overlaps will ensure better use of public resources, minimise burden on regulated subjects, and maximise effectiveness.
- 7. Transparent governance.** Governance structures and human resources policies for regulatory enforcement should support transparency, professionalism, and results oriented management. Execution of regulatory enforcement should be independent from political influence, and compliance promotion efforts should be rewarded.
- 8. Information integration.** Information and communication technologies should be used to maximise risk-focus, co-ordination, and information-sharing – as well as optimal use of resources.
- 9. Clear and fair process.** Governments should ensure clarity of rules and process for enforcement and inspections: coherent legislation to organise inspections and enforcement needs to be adopted and published, and clearly articulate rights and obligations of officials and of businesses.
- 10. Compliance promotion.** Transparency and compliance should be promoted using appropriate instruments such as guidance, toolkits and checklists.
- 11. Professionalism.** Inspectors should be trained and managed to ensure professionalism, integrity, consistency, and transparency: this requires substantial training focusing not only on technical but also on generic inspection skills, and official guidelines for inspectors to help ensure consistency and fairness.

## 1.3 Drafting and adopting the policy

The competent bodies within the system of labour administration shall, as appropriate, be responsible for, or contribute to, the preparation, administration, coordination, monitoring and review of the national labour inspection policy, and be the instrument within the ambit of public administration, and following tripartite consultation with social partners, for the preparation and implementation of laws and regulations giving effect thereto.

The central objective of a labour inspection policy will therefore be to clearly define the organization's mandate, bearing in mind the wider context of national labour policies and priorities, the need for accountability, professionalism and so on.

Once adopted, it should be given the strongest political support, and be widely **disseminated** among all duty-holders and other key stakeholders. All existing and newly recruited labour inspectors should of course familiarize themselves with the policy and any revision of it, through training and/or briefing, as appropriate.

## ▶ 2. Defining the approach

---

A national policy should provide clear direction and guidance to the organization's mandate and priorities on fundamental issues regarding principles, governance and management, structure and organization, functions, and legal powers.

Although the general principles of labour inspection remain the same the world over, it is not possible to be prescriptive about what individual national inspection policies should contain. As mentioned earlier, labour inspection policy will reflect the wider labour policy context and priorities and, because these will vary significantly from one country to another, there will be marked differences in inspection policies too

### 2.1 Issues to be addressed

Labour inspection policies should include at least, according to the ILO Guidelines on General principles of Labour Inspection, the following:

- ▶ difference between principal and additional duties.
- ▶ provisions to ensure that labour inspectors primarily use their working time to the actual visiting of establishments as a key component of their work.
- ▶ definition of criteria for the frequency of visits.

- ▶ procedures applicable to special visits for investigation of particular complaints (that should as far as possible be promptly investigated), large establishments, SMEs, and establishments with an unsatisfactory management of safety and health.
- ▶ procedures for revisiting establishments, when necessary, to ascertain whether irregularities have been remedied.
- ▶ need of individual inspection reports and general annual reports.
- ▶ integrity measures to prevent and protect against corruption, abusive behaviours and violation of statutory duties by inspectors, including mechanisms for employers and workers to bring complaints against inspectors and to have them properly and impartially investigated; and
- ▶ procedures, after consultations with the most representative workers' and employers' organizations, for securing the full cooperation of employers and workers and their organizations in promoting a high standard regarding conditions affecting the safety and health of workers and the application of legal provisions enforceable by labour inspectors.

But the overall range of issues that can be addressed in inspection policies is larger and often include other relevant aspects, as follows:

- ▶ Current national inspection priorities and targets
- ▶ Powers and methods of inspection
  - Selection criteria for both proactive and reactive inspection visits
  - The balance between information, advice, and enforcement at inspection visits (e.g., whether the inspectorate will focus almost wholly on enforcement, leaving employers to obtain information and advice from other sources)
  - When and under what circumstances inspectors are likely to take formal enforcement action
- ▶ How the inspection process and other interventions are monitored and evaluated to ensure maximum effectiveness and efficiency
- ▶ Measures to ensure inspection consistency, fairness, transparency and accountability

## 2.2 Policy formats

National inspection policy may be presented in different formats, as mentioned earlier. The more politically sensitive policy issues may be addressed in policy statements, which are publicized and made available through the usual channels (e.g., on the inspectorate's website). This is often the case with issues of enforcement, which have always been sensitive and about which inspectorates need to be seen to act fairly and consistently.

The less sensitive issues, which are just as important, may then be addressed through internal instructions, orders or other means. They may also be made available to the public if wider

government policy so dictates. Governments are increasingly adopting a policy of greater openness, so an inspectorate's internal instructions and other documentation may be open to the public (on request) anyway.

Several examples could be quoted of statements on important national policy issues. For instance, Pakistan adopted a national labour inspection policy in 2006 that expresses the Government's commitment to inspection and law enforcement, setting roles, goals and strategic objectives, as well as the guiding principles, approaches and means of action.<sup>4</sup>

The United Kingdom<sup>5</sup> and Australia (Fair Work Ombudsman)<sup>6</sup> have also developed policy documents specifically covering their approaches to enforcement.

### 2.3 Powers and methods of inspection

The overall task of labour inspection is sometimes described as *to promote compliance with the law*. For this purpose, labour inspectorates should use a range of actions and methods, including measures to ensure proportionate response to violations in law and in practice, to bring to the notice of the competent authority defects or abuses not specifically covered by existing legislation, to provide advice and information, to use unannounced visits, and to effectively coordinate with employers and workers and their representatives to secure compliance.

The authority of labour inspectors must be clearly defined by law and avoid ambiguity. This is important to guide inspectors on their action and to ensure that all those that are covered or can contribute to the effectiveness of labour legislation understand the role of the labour inspectorate and utilize it effectively. When compatible with national law and administrative regulations, labour inspectors should be vested with the condition of public authority or high public officials.

Depending on their legal mandate and powers, inspectors should be entitled by law to have means to carry out their duties, including:

- ▶ supervisory powers: right of free entry to establishments liable to inspection and right of unrestricted inspection.
- ▶ powers of injunction: enabling the inspectors to order the necessary measures to be taken (or to cause such orders to be issued) to remedy defects observed during an inspection; and
- ▶ sanctioning powers: to take legal proceedings and to impose penalties, that is, legal actions against employers not complying with the law.

---

<sup>4</sup> Labour Inspection Policy, Ministry of Labour, Manpower and Overseas Pakistanis, 2006.

<sup>5</sup> <https://www.hse.gov.uk/enforce/enforcepolicy.htm>

<sup>6</sup> [Compliance and Enforcement Policy \(fairwork.gov.au\)](https://www.fairwork.gov.au)

## 2.4 Enforcement measures

Optimal results in terms of compliance can best be achieved by combining broad compliance promotion efforts, including provision of information and technical advice, with well-targeted controls, and the appropriate use of deterrent sanctions and injunctions.

Labour law enforcement, that is, compelling compliance with rules and regulations, is one of the primary responsibilities of labour inspectors. An inspection service lacking the necessary powers to enjoin undertakings to take the measures called for to remedy defects observed during an inspection visit would not be very effective.

### 2.4.1 Injunction powers

Labour inspectors should have powers to issue two kinds of notices without bringing a prosecution or going to a judicial or arbitral authority:

- a) Improvement notices, consisting of the power to order measures within a prescribed time limit. Labour inspectors must be empowered to make or to cause orders to be made requiring such alterations to the installation or plant, to be carried out within a specified time-limit, as may be necessary to secure compliance with the legal provisions relating to the workers' safety and health. The notice should be given, or at least confirmed, in writing. The time-limit is generally left to the discretion of the inspectors who in setting it will take account of the seriousness of the situation and of the importance of the work to be carried out.
- b) Prohibition notices, consisting of the power to order measures with immediate executory force. Inspectors must be able to order measures with immediate executory force in the event of imminent danger to the life or health of workers. Further to the issuing of and labour inspectors should conduct follow-up inspection actions to check compliance with such notices and to ascertain whether or not the breach of the legislation has been remedied.

### 2.4.2 Sanctions

According to Article 18 of Convention 81, "adequate penalties for violations of the legal provisions enforceable by labour inspectors and for obstructing labour inspectors in the performance of their duties shall be provided for by national laws or regulations and effectively enforced."

Sanctions are essential to enforcement. They can take the form of a verbal or written warning, administrative orders, administratively imposed monetary fines, ancillary sanctions such as removal of licences, increased regulatory burden and prosecution (normally as a last resort). In general, most countries use fines and administrative proceedings as penalties in labour inspection. In addition to penalising organisations that have failed to comply with the law, sanctions have an important preventative function to the extent that the risk of being penalised encourages employers to comply with their obligations under the law.

To be credible, penalties should be commensurate to the gravity and nature of the offence, potential risk, or the damage caused. If penalties consist in fines, their amount should be regularly updated considering inflation, with a view to avoiding the erosion of their dissuasiveness over time.

For the system of labour inspection to be consistent with its objectives, it is essential for the penalties imposed to be effectively enforced. In case of fines, they should be effectively collected.

## 2.5 Information and advice

Labour inspectorates can encourage compliance by providing information and advice to employers and workers about their respective rights and obligations and help them to avoid or eliminate the risk of accidents and diseases, labour disputes, conflicts etc. Inspectors need to be sufficiently well trained (and up-to-date) in matters on which they give advice. As a result of their visits, labour inspectors build up a wealth of practical experience of how to comply with the law in a cost-effective manner, and of best practice. They are therefore well placed to share such experience with others, especially on matters relating to the same industrial sector. They thus help to extend compliance with the law through their advice. Inspectors' advice is often welcomed by enterprises, and especially by SMEs<sup>7</sup> because of their limited resources.

In many countries, enterprises' need for advice on certain issues (such as occupational safety and health) has been widely recognized, and public and private services have been set up to provide them with the necessary support.<sup>8</sup> These services have generally been very helpful, but the take-up is not always as great as it should be, especially if the services are only commercially available and thus have to be paid for by employers.

## 2.6 Proactive and reactive inspection

### 2.6.1 Proactive (preventive) inspection

Inspection of this kind entails visits which are part of an annual planned programme. The national inspection policy will determine whether there are specific priorities for proactive inspection visits, whether inspectors are expected to address all issues within their mandate, or whether they are free to exercise discretion as to which topics they cover at any given visit.

Special visits, raids or blitzes — undertaken as part of a national programme or campaign on a particular issue (illegal employment, child labour, etc.) — are also instances of proactive inspection.

Follow-up inspection visits are also proactive, and are undertaken to determine the extent to which an enterprise has responded to the outcomes of an earlier visit. It may be part of national

---

<sup>7</sup> Small and medium-sized enterprises.

<sup>8</sup> See the [Occupational Health Services Convention, 1985 \(No. 161\)](#).

inspection policy that formal enforcement action should be considered if no remedial action has been taken by an enterprise by the time of a follow-up visit.

### 2.6.2 Reactive inspection — accidents, diseases and complaints

Inspection visits of this kind are usually paid to investigate a workplace accident or disease, or a complaint.

The balance of time to be spent on proactive and reactive inspection should be addressed centrally.

## 2.7 Frequency of inspection

Conventions No. 81 and No. 129 both stipulate that workplaces “should be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions”.<sup>9</sup> Some decades ago, it was expected that, on average, routine (proactive) visits would be paid annually, but this is an unrealistic target for most inspectorates nowadays, even if they were able to achieve such an average then. Conversely, inspection can hardly be effective if proactive visits take place only once every 10 years or more.

There are different approaches to determining how frequently inspections should be carried out.

One approach is purely cyclical. Resources are deployed to undertake inspection of all premises every few years. But this approach, though having the appearance of equity, treats all premises as the same, regardless of size or risk. In fact, enterprises are manifestly diverse as regards safety and health conditions and risks on non-compliance and therefore this system may be regarded as mechanistic and flawed.

A different approach, adopted by some inspectorates, is to attempt to draw up a programme of work based on risk assessment: the greater the risk of non-compliance according to pre-established indicators the more frequent the inspection. Resources are thus applied by the inspectorate to those places where the potential for labour law violations is the greatest.

Although this approach has merits, there are considerable problems associated with it.

First, there are difficulties in accurately and objectively assessing risks, in particular where the inspectorates have a broad mandate.

Second, it considerably extends the intervals between inspections of premises where hazards and risks are considered to be low. Long periods may therefore elapse during which the workforce has to forgo the sense of security and assurance that inspection can provide. Furthermore, the system tends to presume that once assessed, the risk of compliance does not radically change.

---

<sup>9</sup> Article 16 of Convention No. 81 and Article 21 of Convention No. 129.

Other approaches include inspections based on facility injury rates that are higher than the national average for a particular industry, or inspections that immediately follow a fatal injury or major catastrophe.

There are no short or easy answers to the problem of determining the most appropriate frequency of inspection. However, it would seem that inspection services in many countries are significantly under-resourced, with the result that the real protection afforded to the workforce is being progressively eroded. The ability to reach a satisfactory compromise on this is a matter partly of resources and partly of good management. The main considerations are as follows:

1. **Careful planning and selection of priorities for inspection.** Annual plans should include the time to be spent on most if not all types of inspection discussed above, but especially for routine/proactive visits, which can easily be marginalized in favour of reactive work. Within the work allocation for proactive visits, some sectors may be judged more worthy of attention than others (because of higher accident rates or complaints received) and some enterprises may receive more visits than others because of their poor performance or attitudes.
2. **Some form of work recording** is necessary, so that managers can check that plans are being adhered to. If not, there may well be good reasons, for example a complex investigation or lengthy legal proceedings.
3. Inspectorates are accountable to their governments and to society as a whole, and **wider political concerns** may make it necessary to change priorities, even in the course of the year. For example, public concerns about .., undeclared work, child labour, or a safety and health issue such as asbestos, may make it necessary to modify work plans.
4. Efficiencies can be achieved by **integrating different national inspection services with a mandate on labour issues**, thus avoiding duplication of effort. This is a longer-term approach and is considered in more detail elsewhere, but as a policy matter it has a direct effect on how often inspection visits can be paid. Several countries have recently integrated their labour inspectorates on the principle of "One enterprise: One inspector", enlarging inspectors' mandates to include a wide range of social protection issues and increasing the frequency of enterprise visits.
5. **Private organizations** can undertake certain types of inspection work, *to supplement but not replace routine inspection*. For example, accredited private companies carry out thorough routine examinations of pressure vessels or of lifting equipment, rather than labour inspectors. Private advice and information services (e.g. for safety and health) may also be feasible, as mentioned above. Where the inspectorate needs to have in-house expertise of some kind, this may be provided by specialist inspectors who are able to carry out certain inspection visits instead of more general inspectors.
6. Much has been achieved in the past by inspectorates engaging so-called "**intermediaries**", for instance educational and training institutions, work agencies, banks or insurance services. Such organizations have their own in-roads into enterprises and can have a significant influence on their working conditions, for example in reaching SMEs and

enterprises that are not registered with the inspectorate. Visits by intermediaries do not replace the need for regular inspection visits, but they can be a valuable addition to them.

7. **Inspectors should spend as much of their time on site visits as possible**, rather than on office work (discussing cases, answering calls, reporting or collating information, maintaining correspondence, or involved in administrative red tape). Unfortunately, with increasing pressure on them to give an account of their activities, as well as the increasing complexity of modern patterns of employment, there is a strong tendency for inspectors to spend more and more time in offices. Investigations can also take up much more time than in the past. This is an issue that needs careful monitoring by managers.

## 2.8 Priorities for inspection

Very few — if any — labour inspectorates have enough inspectors to visit workplaces annually. Priorities have to be identified and choices made, and it is important that these are seen to be fair, logical and justifiable. It goes without saying that inspectorates should generally direct their efforts at the most serious infringements of the law or where there are the greatest risks of infringements taking place.

Consequently, rating systems have been devised, taking into account a variety of factors concerning individual enterprises (e.g., inherent hazards of processes, compliance records, management attitude towards compliance, time elapsed since last visit, etc.), as well as political priorities and public concerns (e.g., with major chemical sites). Rating systems of this kind set reasonable criteria for judging which enterprises to select for proactive inspection.

In the area of workplace health and safety, industry-level injury rates are often used for this purpose.

Concerning the informal economy, and more precisely undeclared work issues, (but also compliance with other labour standards), a methodology based on a risk assessment approach is being used by an increased number of inspectorates for the selection of targets to be inspected.

The risk assessment system is a methodology that identifies the threat that a company or an employee may be involved in undeclared work or other labour law violations. It is essential to have access to several databases such as finance and taxes, social security, employment, property registration, commercial registration, automobile registration, criminal registration, different police authorities, as well as information from banking institutions, factoring institutions, financial institutions and insurance companies when duly justified. The more elements that can be obtained, the better the risk assessment and the more effective the inspection action will be.

Once a sufficient collection of information is obtained, a set of selected predictive indicators is applied to produce tangible results for choosing sectors, companies, and regions to be inspected. The application of the predictive indicators can be done either digitally (defining an analytical model, buttressed on an algorithm), or manually, selecting and valuing which indicators are most significant in each country and region, depending on this choice of different cultural, social and economic contexts.)

The risk assessment can then be done, either by a holistic and comprehensive computer system, or by analyzing various indicators.

### 2.8.1 *Proactive inspection programmes*

National inspection programmes will typically state how much time — as a percentage — should be spent on proactive inspection. As a matter of policy, this will be influenced by several factors, some of which are mentioned above.

To decide which enterprises are to be included in a programme, various criteria can be used. For example:

- ▶ **Size of enterprise.** Larger enterprises potentially affect more working lives and therefore may be given priority over smaller enterprises. However, other factors also need to be considered, as explained below.
- ▶ **Likely compliance.** Even if an enterprise has no adverse compliance record, if there is a serious risk or hazard on site, this may increase the likelihood of non-compliance and thus the probability of inspection. So construction sites (if within the inspection mandate) will tend to be visited more frequently than, say, small garages.
- ▶ **History of compliance.** Individual enterprises with records of poor compliance are given higher ratings, and are therefore likely to be inspected more often, especially if the employers are also uncooperative. The different combinations of ability and willingness to comply with conditions should also be taken in account in differentiating between target groups.
- ▶ **Management of working conditions.** Enterprises with poor management of safety and health and other workplace issues are likely to be inspected more often than those with good management systems.
- ▶ **Specific risks.** Enterprises subject to significant risks (asbestos, noise, falls from heights, etc.) or using dangerous technologies (forklifts, boilers, etc.) could be targeted for inspection visits.
- ▶ **New enterprises.** Many inspectors will prioritize new enterprises, discussing factory layouts, ventilation, lighting, etc. with them, so as to ensure optimal working conditions from the outset.
- ▶ **Time elapsed** since the last routine inspection is also an important factor.
- ▶ **National or local programmes.** Enterprises that fall within the ambit of national or local programmes are automatically included in inspection plans. This may also mean that inspectors focus on particular issues during their routine inspections.

### 2.8.2 Reactive inspection — investigations

How much time will be spent annually on reactive work — investigating accidents and complaints — obviously cannot be forecast with great precision, but estimates can be based on previous years' experience and other factors.

It may also be impossible for labour inspectors to investigate all complaints and accidents reported to them, so some form of selection process is needed, based on certain parameters. Selection criteria should therefore be established as a matter of policy. Inspection policy should identify in a transparent manner what types of complaints and incidents are likely to be selected for investigation, and needs to be consistent with the resources available for this work. In drawing up a policy, the following factors are likely to be relevant:

- ▶ The severity and scale of potential or actual harm;
- ▶ The seriousness of any potential breach of the law;
- ▶ Knowledge of a duty-holder's past records of compliance;
- ▶ National enforcement priorities;
- ▶ The practicality of achieving results;
- ▶ The wider relevance of the incident, including serious public concern.

## 2.9 Discretion in inspection

Apart from the most straightforward and simplest of dealings with enterprises, inspectors exercise discretion and judgment in almost all aspects of their work. For example, during inspection visits, they exercise discretion as to what and whom they see, which topics to deal with, whom to interview, what questions to ask, which activities to examine and so on. They also exercise discretion as to whether and how to act, which calls for sound judgment about the extent of any non-compliance and the ability of the enterprise to apply corrective action, the value of possible sanctions and so on.

In this wider context, discretion might be defined as exercising judgement within a general framework of guidance and rules: making action fit the circumstances. It is then possible to distinguish three main circumstances in which discretion is needed:

- a) Where there is **no relevant guidance** (meaning any official instruction or standard which directs inspectors' actions). The wide range of activities and processes dealt with by inspectors, and the business cultures in which they operate, means that it is not feasible to lay down rules which cater for every circumstance.
- b) Where guidance exists but **further interpretation is needed**. The modern approach to framing the law in terms of broad, flexible objectives clearly envisages the exercise of some judgement in determining compliance. For example, the Occupational Safety and Health Convention, 1981 (No. 155) requires employers to ensure that certain products and

processes are safe “so far as is reasonably practicable”.<sup>10</sup> Clearly, such a clause needs specific application.

- c) Where **relevant guidance fails properly to address the particular circumstances** found. Though some forms of guidance can deal with specific circumstances, there will always be cases in which some discretion is needed in applying it in practice. It is therefore right that guidance is rarely framed in absolute terms.

More positively, discretion enables inspectors to find practical solutions to particular circumstances in cooperation with employers and workers, often without the need to resort to formal or bureaucratic mechanisms for resolving disagreements. This requires good training, supplemented by experience, and also a strong ethical and accountability framework.

Discretion is exercised within a framework of influences, both internal and external to the inspectorate, which provide the necessary controls:

- ▶ **Internal:** training which is common, thorough and structured; policies, codes, instructions and guidance; continuing professional training and development; day-to-day managerial and professional oversight of adherence to such policies and rules; individual experience; shared experience (the organization’s habits or culture); and the overall operational framework.
- ▶ **External:** the economic and political climate, and the influence of government policy on deregulation; legal precedent and the criminal justice system; knowledge of the state or attitudes of the industry concerned; the transience or permanence of the premises or activity; the circumstances of the organization or individual.

This is a formidable range of influences, which might be seen as leaving inspectors little room for manoeuvre. In practice, their very complexity requires individual inspectors to develop a professional and pragmatic approach to their work, which they exercise through:

- ▶ their personal qualities;
- ▶ their knowledge (of the law, technical standards and the company);
- ▶ their understanding (of the way organizations work, human factors, how to influence people and organizations, and how to generalize from symptoms to causes);
- ▶ their experience (previously successful solutions, how to transfer experiences from one industry to another, and when to share decisions or call for help);
- ▶ their political instinct (identifying sensitive issues, being able to see others’ points of view, how a course of action would appear if “something goes wrong”).

Though these personal and cultural qualities are applied in a wide range of situations, inspection is sufficiently systematic and deals with such frequently recurring problems that practical experience is acquired fairly rapidly. This contributes to consistency on the part of the **individual**, the effect of which can be widened through professional discussion and the practice of team

---

<sup>10</sup> Article 16.

inspections. But to achieve and demonstrate consistency, similar circumstances meet with similar responses by **all** inspectors, remain a significant challenge for those managing inspection.

The problem is that apparently similar circumstances are rarely similar in all the elements which determine an inspector's response to them. Take, for example, decisions on prosecution action, which require many variables to be considered, for instance the alleged offender's record, the seriousness of the breach, and the desirability of making a public point. Overlying these is the inspector's professional judgement as to whether the evidence holds out a realistic prospect of securing a conviction. While training, experience and internal quality control can help to ensure the consistency of these complex judgements, the variety of circumstances cannot be entirely foreseen by centrally developed policy or guidance. Inspectors are professionals who are expected to make discretionary judgments and be accountable for them.

This implies that inspectors should have some choice in the way they achieve their objectives. Most inspectors would accept that some colleagues are able to achieve as much by force of personality as others do through formal enforcement. It would therefore be counterproductive to make inspectors conform to narrowly defined norms. On the other hand, inspectors cannot ignore, for example, public expectation that they will make appropriate use of enforcement sanctions. The only practical way of ensuring that the positive benefits of this are realized, and that variability of action is within acceptable bounds, is through the input of line managers, who are accountable for assessing discretionary judgements against a framework of policies and rules. Discretion cannot be controlled by devising an ever more onerous/detailed set of rules. The paradox is that the more rules there are, the more discretion is required to distinguish just when and where they should be applied.

## 2.10 Consistency in inspection

One of the biggest challenges in labour inspection management is to ensure a consistent approach to labour inspection on the part of all of the inspectors involved. Consistency requires that different inspectors faced with the same breaches in labour legislation under the same circumstances will take the same action. Consistency has to be reconciled with the exercise of discretion on the part of individual inspectors. However, the difficulty in achieving this cannot be overestimated. A lack of consistency may be due to a number of reasons:

- ▶ Differing degrees of experience in inspection;
- ▶ Some inspectors having greater experience of a particular industry being inspected;
- ▶ Different responses on the part of the duty-holder;
- ▶ Variations in individual inspectors' performance ("having an off-day").

Failure to achieve a reasonable level of consistency can undermine the national standing of the inspectorate, as well as the respect with which inspectors are regarded. Factory managers will claim that they are being dealt with more harshly (although never "more leniently"! ) than their competitors. Industries will claim that their factory in the north of the country is getting quite different treatment from the factory with the same manufacturing processing in the south.

The internet and the keen media interest in such matters have made it much easier for issues involving consistency in labour inspection to be studied and for shortcomings to be identified and publicized. So how is consistency achieved?

- ▶ The **professional training** of inspectors is central to achieving a nationally consistent approach to inspection and enforcement. Such training needs to embrace not only technical and legal matters but also the skills that inspectors need during inspections. Training in making sound (and consistent) judgements, for example, is vital, which is why case studies involving group discussion are so helpful. Inspectors learn from one another and so achieve a broadly consistent approach. An inspectorate's training policy is of paramount importance.
- ▶ **Management oversight:** Typically, a field manager will be responsible for a number of inspectors and can undertake checks for consistency across his or her cohort, discussing any inconsistencies at management meetings.
- ▶ **Peer review:** Some labour inspectorates arrange for inspectors and their managers from one team to peer review operational decisions made by another team in another part of the country. Again, differences are discussed and fed into subsequent training programmes.
- ▶ **Written guidelines:** The development of written guidelines can improve the consistency of decisions, in particular those made by less experienced inspectors.

As an example, the UK Health and Safety Executive has devised a tool to assist all inspectors, particularly the less experienced, to achieve enforcement consistency. This is based on the Enforcement Policy Statement.<sup>11</sup> This tool is called *the Enforcement Management Model* and a summary of it is given below. The tool can also be applied for other issues that inspectors deal with, not just safety and health.

---

<sup>11</sup> <https://www.hse.gov.uk/enforce/enforcepolicy.htm>



► Summary: the UK Health and Safety Executive's Enforcement Management Model <sup>12</sup>

The Enforcement Management Model (EMM) is a logical system that helps inspectors to make enforcement decisions in line with the Health and Safety Executive's (HSE's) Enforcement Policy Statement (EPS). The EPS sets out the principles to which inspectors should apply when determining what enforcement action to take in response to breaches of health and safety legislation. Fundamental to this is the principle that enforcement action should be proportional to the health and safety risks and the seriousness of the breach.

The EMM:

- provides inspectors with a framework for making consistent enforcement decisions;
- helps managers monitor the fairness and consistency of inspectors' enforcement decisions in line with HSE's policy; and
- assists less experienced inspectors in making enforcement decisions.

It can also assist others (e.g. those directly affected) in their understanding of the principles inspectors follow when deciding on a particular course of action.

The Model is publicly available on the HSE's website so that employers, workers and other stakeholders can see how inspectors decide on enforcement action.

---

<sup>12</sup> <https://www.hse.gov.uk/enforce/emm.pdf>.

## ▶ 3. Operational planning

---

### 3.1 The importance of planning

The labour inspection system, as a public service, should orient its actions in such a way that it responds as efficiently as possible to the social demands that are placed upon it at any given time. Moreover, labour inspectorates should consider that usually, the most vulnerable groups of workers do not submit complaints to the labour inspectorate. This implies the need to adopt progressively a more proactive approach that, without leaving complaints unattended, keeps a proper balance between reactive and proactive action.

Labour inspectorates' work must be well planned if policy objectives and obligations are to be met and if best use is to be made of the scarce resources available. Planning has been described as a tool for transforming policy into reality. Planning is the bridge between the present and the future. Planning also ensures that:

- ▶ national and local priorities feature strongly in individual inspectors' work plan;
- ▶ there is a reasonable balance of inspector activity across the full range of regulatory responsibilities;
- ▶ inspection impact is maximized by focusing the greatest effort on those enterprises and topics that are deemed to be most important;
- ▶ resources are used as efficiently as possible.

Planning is a process whereby priorities are decided, in principle, to deal with the most relevant problems in the application of labour legislation. The planning process involves:

- Taking stock of the existing situation
- Establishing a broad vision of the future
- Setting objectives for achieving the vision
- Fixing targets reflecting the results to be achieved
- Setting standards indicating the quality of outputs to be achieved
- Relating objectives and targets to a definite timeframe
- Comparing expected costs and benefits before implementing the plan
- Considering monitoring arrangements when implementing the plan
- Considering the evaluation arrangements at the end of the planning period

Planning entails action strategies to ensure objectives, targets and standards are achieved.

## 3.2 Strategic planning<sup>13</sup>

Strategic planning determines longer-term goals and priorities. It establishes a context for achieving these goals, as well as providing a framework and direction for the more immediate future. A strategic plan may cover a period of several years; recent examples have been for five years or more. It will generally include strategic goals and national targets, priorities, operational strategies and action plans.

Strategic planning is based on an analysis of the current national situation, its political priorities, challenges and available resources. In setting out a broad direction for the future, it may start with a **vision**, which acts as a motivating force in both stimulating and guiding institutional efforts.

Some institutions have also agreed certain broadly defined strategic objectives or **goals**, which seek to narrow the gap between the vision and the current situation. They enable institutions to focus on integrating efforts and actions so as to determine the next steps. These goals are sometimes formulated as concrete, quantitative and measurable objectives, often called targets<sup>14</sup>.

**Priorities** also have to be decided at strategic planning stages, and political factors have to be taken into account. One difficulty with longer-term strategic planning is that political priorities often change with changes of government, so plans have to be adapted accordingly. Nevertheless, national priorities give focus to the more immediate action plans devised by inspection services.

## 3.3 Action planning

National action plans build on strategic plans, defining specific objectives and seeking to implement national policy and priorities by setting out more detailed objectives for the immediate future. Action planning involves deciding who will do what and when. Annual plans may be drawn up and further elaborated upon at local or regional level.

Action plans will outline specific objectives, targets or outcomes, more detailed activities and indicators, timeframes, resources to be deployed and so on. The **objectives** should be specific, measurable, agreed, realistic and time-bound (SMART). The plan should be evidence-based and systematic in its approach, explaining the logic for including the various activities and how they will contribute to achieving agreed outputs and outcomes. Planning of this kind helps management relate their organizational activities to wider national policies and priorities, and confirms that their business approach is sound.

---

<sup>13</sup> In addition to the information provided in this chapter, the ILO has developed a methodological approach to [Strategic Compliance planning for Labour Inspectorates](#) and [A Guide on Labour Inspection Intervention in the Informal Economy - A participatory method](#). Further details of these approaches can be found within Module 11, Tools for the labour inspectorate, of this package

<sup>14</sup> Examples: see Worksafe New Zealand [Statement of Intent 2018/19-2021/22](#) and Health and Safety Authority, Ireland [Programme of Work 2021](#)

The process of elaboration and development of the planning of objectives must be strongly participatory both of the different instances of the inspection system, of the different administrations with competences in the matters subject to planning and in consultation with social partners, through the corresponding consultation procedures.

The more detailed action plans should also specify **responsibilities** for meeting each objectives, as well as the **human and financial resources**, equipment and materials deployed.

### 3.4 Inspection programmes

When drawing up detailed inspection programmes, it is crucial that all concerned be clear about their **responsibilities**, the **performance standards** to be met, the **targets** and **time frames**. Understanding the broader inspection strategy helps here, and all staff should be fully briefed on this.

The importance of both national and local data needs to be emphasized here; field inspectors have an important role to play in feeding sound data back to headquarters. The information obtained from field inspectors will doubtless help to refine future plans and so ensure that inspection is undertaken as effectively and efficiently as possible. The planning process requires a two-way flow of information and decisions:

- ▶ Upstream from labour inspectors and field offices managers to headquarters, providing information on the prevalent problems and priorities at the regional level. On the basis of this information, headquarters designs national plans, which may then be further elaborated on (as mentioned earlier) by regional and local managers.
- ▶ Downstream from headquarters to regional managers and field inspectors, informing them of national priorities and the results expected. On this basis, regional offices (and field inspectors) draw up office plans and take decisions on the activities to be performed (how many visits, to which enterprises and so on). Managers will need to monitor the inspectors in their teams to ensure that plans are properly implemented, and feedback any unresolved difficulties in meeting the plans.

Priorities for inspection were discussed in Section 2. As mentioned there, inspectors cannot visit every workplace every year, and a scale of priorities is needed to ensure that inspectors' visits are paid to workplaces with the poorest standards. The key here is to make the most impact and achieve the biggest improvements with the resources available. The principle is the same whether a national inspectorate has hundreds of inspectors or just a few.

Selection criteria, for both proactive and reactive inspection visits, will then help managers to allocate specific enterprises, accidents and complaints to inspectors within the wider framework of the national or local action plan.

If inspectorates have a wide mandate and cover a range of topics, they may also wish to divide up work plans by topic category, allocating percentages to each topic: so much to health and safety, so much to employment issues, so much to child labour, etc.

### 3.5 Individual work plans

The outcome of the inspectorate's planning work should be an overall annual plan allocating inspectors' time to their various regulatory responsibilities, taking into account the priorities set forth in the national programme. The final step is to divide up the annual programme into individual inspectors' plans so that all know what is expected of them.

Individual work plan should be prepared in consultation with inspectors, superiors and colleagues. These should take account of other duties, public holidays, annual leave and other absences, as well as making provision for unforeseen situations. However, individual inspectors' plans should not be overly prescriptive, allowing some flexibility for unforeseen events and possible political imperatives.

Whether inspectors work on a geographical or a topic basis is a matter for inspectorates to discuss and decide on; there are advantages and disadvantages to both. The topic-based inspection approach can lead to more in-depth understanding of a given subject, which may benefit colleagues involved in peer-group reviews, but is often more costly to implement (increased travel costs, etc.). Inspecting by geographical area, with each inspector having his or her own geographical "patch", enables inspectors to build up good rapport with local enterprises and get to know their areas, new developments and so on, but overall levels of topic expertise among colleagues may be lower.

Finally, the individual work plan is an important tool for monitoring and evaluating inspectors' performance on an ongoing basis. Timely implementation should therefore be carefully checked by field-office.

## ▶ 4. Monitoring, evaluation and reporting

---

The implementation of operational planning has to be monitored and controlled, periodically reviewed and evaluated, and then reported.

### 4.1 Monitoring and control of activities

Monitoring and control are key managerial functions in checking and directing current performance in the implementation of activities. The aim is to ensure that:

- ▶ everything occurs in conformity with the defined planning;
- ▶ organizational and individual performance follows the pace, standards and specifications set out in the planning;
- ▶ the expected outputs are achieved;
- ▶ errors and deviations are identified;
- ▶ corrective action is taken to correct deviations, when and where necessary, and to prevent them from recurring.

Monitoring and control are two connected and consecutive activities. **Monitoring** in this context means observing the situation and being aware of the current state of operations; it has an informative purpose. **Control** consists in using this information to take the appropriate action(s); it has a decision-making purpose.

At the planning stage, it is important to foresee how activities will be monitored and what mechanisms will be adopted to monitor and provide management with feedback on operations. The monitoring system should be designed to:

- ▶ provide elaborated information according to the needs of the management;
- ▶ provide timely information;
- ▶ process only the necessary information;
- ▶ be cost-effective.

In many labour inspectorates, inspectors have to report their activities monthly or weekly. Modern labour inspection systems are increasingly using information technologies that improve monitoring performance.

Control of activities presupposes that certain standards of performance have been previously defined in quantitative (how many inspections should be undertaken?) and qualitative terms (what issues should be inspected and in what depth?). Real performance will be compared with these standards prior to taking decisions on possible corrective actions.

The control function also requires that managers be entitled to take corrective decisions, if and when necessary, and that their level of technical and managerial competence is such that their decisions are appropriate.

## 4.2 Evaluation

Evaluation is a central component in the process of continuous improvement. Through evaluation, it is possible to measure institutional performance and the impact of this performance on the target group. Here are some important concepts related to evaluation:

- ▶ **Effectiveness:** the degree to which objectives are achieved and the effects of intervention on target groups. Effectiveness is a measure of how the working environment has been improved, e.g. fewer complaints, less absenteeism, fewer workers being ill due to bad working conditions.
- ▶ **Efficiency and cost-effectiveness:** the use of allocated resources in relation to the results obtained; the measurement of how well the allocated resources have been used in achieving the results. **Efficiency** is connected to inspection activities, i.e. the number of inspections per input.
- ▶ **Performance evaluation** assesses job performance (generally in terms of such parameters as quality, quantity, costs and time) in the production of results.
- ▶ **Impact evaluation** assesses the changes in the target group that can be attributed to a particular intervention, such as a project, programme or policy.
- ▶ **Sustainability:** the durability of the effects after completion of the intervention.

Evaluation is necessary for several reasons, in particular:

- ▶ The need to **measure progress and success**. Labour inspectorates should evaluate their impact and performance, systematically question the effectiveness of what they do in every department or activity, and review the efficiency with which they do it.
- ▶ The need to **demonstrate the social usefulness of inspection**. Increasingly, labour inspectorates are being asked to justify their performance — in some cases even their whole existence — on an annual basis. Politicians may require this, especially at times of tight resources or when a bid is received for funds for additional inspectors. The public may also be asking the same questions.
- ▶ The **need to focus on impact**. The traditional response was to say that having more inspectors results in more inspections, and improved performance means more inspections per inspector — a classical measure of inspection efficiency. Although these arguments may have carried the day for many decades, this is no longer the case in many countries, especially those which have highly developed regulatory regimes.

Measuring the impact of the activities of labour inspection is unarguably a difficult task, above all because of the heterogeneity of the different labour inspectorates. This heterogeneity extends to

their legal and institutional frameworks, organization, different remits, supervisory and sanctioning powers, resources, etc.

This explains the difficulty of setting out common indicators of efficiency and effectiveness for labour inspection and its impact on the compliance process. The ILO published a Guide on Harmonization of Labour Inspection Statistics<sup>15</sup>. This Guide contains a methodology that provides for the use of common terms and definitions and common procedures for the collection and compilation of labour inspection data.

The use of activity's indicators is essential to improve and monitor the inspectorate's effectiveness and efficiency. Quantitative indicators should be coupled with qualitative ones that try to measure the impact of labour inspection activities on improving labour law compliance.

According to the ILO "Study on the Impact of Labour Inspection actions on the compliance with labour legislation"<sup>16</sup>, indicators used to measure inspection activities might be classified as follows:

- a) **Inspection action indicators** report the actions carried out by an Inspectorate over a period.
- b) **Effectiveness indicators** show the ability of labour inspectorates to achieve the intended results through such actions and may include decisions taken and positive outcomes and achievements.
- c) **Efficiency indicators** show the ability of labour inspectorates to carry out actions that lead to the intended results within the available resources and meeting quality standards
- d) **Impact indicators** are intended to measure the effect of inspection actions on workers or workplaces other than those inspected.

The most develop and trustworthy indicators are those relating to inspection actions or inspection activity. They are the most reliable, objective and subject to comparison among different countries. Without them, there would be impossible to obtain further reliable indicators on effectiveness, efficiency and impact.

### 4.3 Reporting of labour inspection activities

Periodic reports are the basis for measuring results and establishing a number of common criteria, as well as to improve the efficiency of inspection activities.

Convention Nos. 81 and 129 provide useful guidance on the reporting of labour inspection activities.

---

<sup>15</sup> [https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/governance/labadmin-osh/WCMS\\_506961/lang--en/index.htm](https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/governance/labadmin-osh/WCMS_506961/lang--en/index.htm)

<sup>16</sup> [https://www.ilo.org/global/topics/labour-administration-inspection/news/WCMS\\_851193/lang--en/index.htm](https://www.ilo.org/global/topics/labour-administration-inspection/news/WCMS_851193/lang--en/index.htm)



▶ Convention No. 81 - Article 19

1. Labour inspectors or local inspection offices, as the case may be, shall be required to submit to the central inspection authority periodical reports on the results of their inspection activities.
2. These reports shall be drawn up in such manner and deal with such subjects as may from time to time be prescribed by the central authority; they shall be submitted at least as frequently as may be prescribed by that authority and in any case not less frequently than once a year.



▶ Convention No. 81 - Article 20

1. The central inspection authority shall publish an annual general report on the work of the inspection services under its control.
2. Such annual reports shall be published within a reasonable time after the end of the year to which they relate, and in any case within twelve months.

The instruments provide for two types of report on the work of the labour inspectorate:

- ▶ Periodical reports to be submitted by labour inspectors or local inspection offices to the central inspection authority. The individual inspection report should be factual and should contain at least the findings, their relevance in terms of regulatory compliance and the outcome of the inspection visit. The report should be completed as soon as possible after the inspection. The reports drawn up by the inspectors should be considered to establish the facts stated therein in default of proof to the contrary (in countries where it is not incompatible with their system and principles of law).<sup>17</sup>
- ▶ An annual general report published by the central inspection authority on the work of the inspection services under its control<sup>18</sup>.

New information and communication technologies make it possible for labour inspectors in an increasing number of countries to report systematically on each of their activities, as well as preparing consolidated labour inspection reports covering periods defined by the central

---

<sup>17</sup> For more information on individual reports see Point 3.4 of Chapter 3 of the [ILO Guidelines on General Principles of Labour Inspection](#).

<sup>18</sup> Article 21 of the Convention No. 81 and Article 27 of the Convention No. 129.

authority. This makes drafting the annual report and publishing it considerably easier, at least in some countries.

While drafting annual reports is not normally the responsibility of all inspectors, it is impossible for the inspectorate management to provide a meaningful annual report without comprehensive, informative and timely monthly or quarterly reporting from field offices and individual inspectors.

The content of the annual report will depend on various circumstances, but it should cover at least a minimum number of requirements:

### ***Article 21 of the Convention No. 81***

The annual report published by the central inspection authority shall deal with the following and other relevant subjects in so far as they are under the control of the said authority:

- (a) laws and regulations relevant to the work of the inspection service;
- (b) staff of the labour inspection service;
- (c) statistics of workplaces liable to inspection and the number of workers employed therein;
- (d) statistics of inspection visits;
- (e) statistics of violations and penalties imposed;
- (f) statistics of industrial accidents;
- (g) statistics of occupational diseases.

The Annual report is an important management tool. If well compiled, it provides valuable information on the inspectorate's overall activities, level of performance, results and successes, and on key issues of future concern.

The inspectorate's annual report is a key public relations and information instrument in drawing attention to and soliciting support for the cause of labour inspection. A well-presented and timely annual report documents results and successes, but also draws attention to constraints in terms of resources. It is the "business card" of a well-managed labour inspectorate in its relations with other governmental agencies (e.g. the cabinet, prime minister's office, ministry of planning and/or finance, etc.), the wider stakeholder community, and international organizations, institutions and programmes, including donor agencies. As such, it often serves as a basis for negotiating increases in resources within the governmental structure and in external donor support.

## ► Summary

---

The international labour standards relating to labour inspection set out various principles, functions, rights and duties, as well as legal powers, and guide national labour inspectorates on fundamental issues of structure and organization. These issues are in fact common to most ILO Member States. However, there are many issues on which international guidance cannot be prescriptive. Guidance in fact varies from one country to another and depends on such issues as the national labour context, level of development, level of resources and political priorities. The labour inspection policy in a particular country should reflect both the international guidelines and national sources of influence.

Labour inspection policy provides terms of reference for both inspection staff and "users" (employers, workers and the general public) on how the labour inspectorate will carry out its legal functions. It also ensures transparency in the way that an inspectorate conducts its operations and maintains relationships with stakeholders. Internally, the main purpose of labour inspection policy is to give clear direction to the organization's mandate.

Sections 1 and 2 present the principal common characteristics of labour inspection policies and the main issues on which such policies should provide information and guidance. For example: What is the general approach of the labour inspectorate on detecting a violation? What are the priorities in terms of subject matter? What degree of discretion should inspectors exercise? How can the inspectorate ensure consistency, fairness, transparency and accountability in its work? Should the labour inspectorate investigate all serious accidents and complaints?

Planning the labour inspectorate's strategy and activities is also an important exercise, especially for the managerial staff. Strategic planning is a complex exercise that involves an analysis of the national situation and available resources, as well as political decisions based on priorities and the broad vision for the future. Action planning is required to make interventions precise and concrete, defining the specific objectives, targets or outcomes to be achieved, detailed activities, appropriate indicators, time frames, the resources to be deployed and so on. All of these issues are covered in Section 3.

Section 4 addresses issues such as the monitoring and control of progress (how to maintain a balance in seeking to achieve the planned objectives and targets, how to react to emerging and unforeseen issues, etc.). It also covers the need for evaluation of the efficiency, effectiveness and impact of inspection work, as well as institutional reporting. Impact evaluations are the best way of providing information on the extent to which the labour inspection fulfils its mission, and the key factors in ensuring continuous improvement and better decision-making in future planning exercises.



## Exercise 1

<b>TITLE</b>	<i>Inspection planning</i>
<b>AIM</b>	The aim of this exercise is to help participants reflect on the importance of planning and how it might best be undertaken in their own countries.
<b>TASK</b>	<ul style="list-style-type: none"> <li>✓ Each group should elect a spokesperson to report its views.</li> <li>✓ Participants should discuss the meaning of the following two statements and how they relate to the planning processes of their own institutions: <ul style="list-style-type: none"> <li>-<i>The difference between where we are (current status) and where we want to be in the future (strategic planning) and what we do (action planning).</i></li> <li>-<i>In an action planning exercise, activities should be selected according to national inspection policy and priorities, and with due regard to available resources. The plan should be evidence-based and systematic in its approach, explaining the logic for including such activities in the plan and how they will contribute to agreed outputs and outcomes. Such planning helps management relate their organizational activities to wider national policies and priorities and confirms that their business approach is sound.</i></li> </ul> </li> <li>✓ Please take note of the conclusions.</li> </ul>
<b>TIME</b>	The groups have 30 minutes for their deliberations. After that, each spokesperson will have 5 minutes to report back.



## Exercise 2

---

**TITLE** *Targeting enterprises for safety and health inspection*

---

**AIM** The aim of this exercise is to help participants to analyse and understand the reasons for and potential effects of choosing certain criteria for targeting enterprises for inspection visits on occupational safety and health (OSH) issues.

---

**TASK** In your small working group:

- ✓ Elect a spokesperson to report back with your group's views.
- ✓ Consider the reasons for adopting the different criteria (set out in the "Targeting criteria" form) for selecting enterprises for inspection visits on OSH.
- ✓ Select the criterion or criteria (not more than 3) that you will choose for your inspectorate and say why.
- ✓ Please complete the form and take note of the conclusions.

---

**TIME** The groups have 30 minutes for their deliberations. After that, each spokesperson will have 5 minutes to report back.

---

**RESOURCES** Form: "Targeting criteria"

---

► **“Targeting criteria” form**

Criteria	Reasons	Selection
Companies with previous violations		
Companies with a higher number of employees		
Companies with a higher number of accidents and diseases		
Companies within more hazardous sectors of activity		
Companies with higher rates of occupational accidents and diseases		
Companies with the oldest facilities		
New workplaces at the planning stage		
Companies which have been the subject of complaints on OSH issues		
Companies where serious accidents have been reported		
Companies without trade union representation		
Time elapsed since last visit		
Other criteria		

## ► Bibliography and additional reading

---

Ellis, A. (Ed.), 2005. "Health and safety inspection in Western Europe: Policies, practices and experiences" in *The global challenges of labour inspection* (ILO, Geneva).

2022. Guidelines on general principles of labour inspection.

*General Survey of the reports concerning the Labour Inspection Conventions*, Report III (Part 1B) International Labour Conference 95th Session.

Health and Safety Executive, 2015. *Enforcement policy statement* (revised), (United Kingdom). *Enforcement Management Model (EEM)* (review).

IALI International common principles for labour inspection

ILO A Guide on Labour Inspection Intervention in the Informal Economy - A participatory method *Guide for the preparation of national action plans on youth employment* .

ILO Strategic Compliance planning for Labour Inspectorates

*Labour Inspection-A guide to the profession*, (Geneva).

Occupational Health and Safety Agency. *Labour inspectorates' strategic planning on safety and health at work*.

Pires, R. 2008. "Promoting sustainable compliance: Styles of labour inspection and compliance outcomes in Brazil" in *International Labour Review*, Vol. 147.

SLIC, 2006. *Common principles for labour inspection in relation to health and safety in the workplace*

