

Syria labour inspection audit
Joint outcome on labour inspection

LAB/ADMIN

**Labour Administration
and Inspection Programme**

Social Dialogue Sector

International Labour Office – Geneva

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List of abbreviations

ILO:	International Labour Organization
GDP:	Gross Domestic Product
SME:	Small and Medium-sized Enterprises
SPs:	Syrian Pounds
MOSAL:	Ministry of Social Affairs and Labour
CEACR:	Committee of Experts on the Application of Conventions and Recommendations
GOSI:	General Organization for Social Insurance
GFSF:	General Federation for Syrian Farmers
GFSTU:	General Federation for Syrian Trade Unions
FCI:	Federation of Chambers of Industry
OSH:	Occupational Safety and Health
LI:	Labour Inspection
CDL:	Central Directorate of Labour
HSC:	Higher Secondary Certificate
DOL:	Department of labour
DAR:	Directorate of Agricultural Relations
DOSH:	Directorate of Occupational Safety and Health
DWCP:	Decent Work Country Program
TC:	Technical Cooperation
ITCILO:	International Training Center of the ILO

Forward

This audit of the labour inspection system in the Syrian Arab Republic, which comes under the inter-regional technical cooperation project “Enhancing labour Inspection Effectiveness”, implemented by the International Labour Organization and financed by the Norwegian Government, was carried out in September 2009 at the request of the Ministry of Social Affairs and Labour, which is responsible for labour inspection in the country. The purpose of this audit was to establish a joint action plan, with the government, for modernizing, and strengthening the capacities of the labour inspection system in Syria within the framework of the ILO conventions on labour inspection.

Working on this audit included visiting the main concerned governmental institutions, the workers’ and employers’ organizations and the regional labour inspectorates in addition to interviewing a number of labour and Occupational Safety and Health inspectors and directors and revising the main related legislations.

This audit report represents a snap shot of the existing labour inspection system in Syria, highlights some strengths and weaknesses and provides recommendations, related to matters such as the structure and function, human resources development, occupational safety and health and coordination and cooperation among the different concerned agencies, which are, if considered, expected to enhance the effectiveness of labour inspection system as one of the main tools for protecting labour and human rights and ensuring decent working conditions in the country.

I would like to express extreme thanks to the esteemed officials of the Ministry of Social Affairs and labour of the Syrian Arab Republic for their assistance and cooperation which facilitated the completion of this audit. I also thank the social partners, and the General Organization for Social Insurance for enriching this audit with the information provided by them.

I would also like to thank my colleagues Maria-Luz Vega, of the LAB/ADMIN, Geneva and Khawla Mattar, of the Regional Office for Arab States, Beirut, for their guidance and technical contribution, without which this work would not have been completed. Thanks are also extended to the ILO team in LAB/ADMIN, Geneva, and the ILO International Training Center, Turin.

I. Main economic, social and political elements

1. Country Context

The Syrian Arab Republic is a lower middle-income country with an estimated GDP per capita of US\$ 2,767 and a population exceeding 20 million, growing at about 2.58 percent per annum. It is located in Southwest Asia, bordering Lebanon and the Mediterranean Sea to the west, Israel to the southwest, Jordan to the south, Iraq to the east, and Turkey to the north. This country has been in conflict with Israel since the later captured the Golan Heights from Syria in 1967, which leads to the use up of a large part of the country's income for military equipment. This matter directly affected the country's economy which is based on agriculture, oil, industry, and tourism. Main exports are crude oil, refined products, raw cotton, clothing, fruits, and grains. Main imports are raw materials essential for industry, vehicles, agricultural equipment, and heavy machinery. The government has recently, as part of its new economic policy, adopted several measures to increase employment opportunities and improve the functioning of the labour market, including loosening labour market regulations to promote the development and growth of SMEs and encouraging firms in the informal sector to join the formal economy.

The labour force in Syrian is estimated to be more than 5,000,000, which is less than half of the working age population. The labour force participation rate is estimated to be 49.3 per cent (78.2 per cent for males and 19.7 per cent for females). About 55 per cent of the employed populations are wage earners, followed by self-employed (about 25 per cent of the employed population) and about 19 per cent of the total labour force are in the agricultural sector, which contributes to about 33 per cent of the GDP. The studies indicate that child labour is growing in Syria and estimate it to be about 6.6 per cent for children 6-17 years old.

The number of migrant workers in Syria has been sharply increasing during the last few years, following the adoption of the law for the employment of migrant domestic workers in 2006, which allowed Syrians to employ foreign domestic workers. The MOSAL's figures show that there are around 17000 licensed foreign domestic workers, but the Trade Unions in a relevant meeting spoke about more than 100,000 domestic workers in the country.

2. Working hours and wages

The working hours for the private sectors in Syria are from 08:00 am to 04:00 pm, 6 days a week, with Fridays off, but in practice, most of the enterprises in the private sector work much beyond that, mainly due to poverty and to make savings on the production cost. The civil servants, including labour inspectors, work 7 hours a day, from 08:00 am to 03:00 pm, from Sunday to Thursday, but daily overtime work is allowed for two hours for civil servants where such work is needed and for up to 4 hours for the labour inspectors, for which they are compensated as mentioned below, under the "Salaries and allowances".

The general minimum wage in Syria, as stipulated in a related Ministerial Decree, is 6010 SPs (about 134 US\$) per month, but each professions has a separate minimum wage for each of its categories and specialties. The wages of civil servants have witnesses repeated increments along with the changes recently introduced into the country's economy.

II. Legislative framework for the labor inspection

The Syrian constitution, in its article 36, stipulates: “Work is a right, as well as a duty, to every citizen, that the state shall provide for all citizens. Every citizen has the right to remuneration in accordance with the type and output of his work and this shall be protected by the state. The state shall determine working hours, ensure the social security for workers and organize their right to rest, leave, compensation and allowances”.

The Labour Law No. 91 of 1959 and its amendments, the Agricultural Relations Law No. 56 of 2004 and the Social Insurance Law No. 92 of 1959, are the main sources of labour inspection legislation in the Syrian Arab Republic.

1. Labour inspection

Labour inspection in Syria is regulated by the Labour Law No. 91 of 1959 and its amendments, which applies to all workers except the following categories, which are excluded from the application of its provisions:

- Domestic workers.
- The business owner’s family members.
- Agricultural workers, as they are covered by the Agricultural Relations Law.

This Labour Law consists of its main articles and a large number of decrees, and regulations, many of which have been cancelled or amended. The most important part of this law concerning labour inspection is the Ministerial Decree No. 465 of 4/7/1965 “Regulations on Labour Inspection”, which stipulates the authorities and obligations of the labour inspectors as follows:

Article 2: labour inspectors shall have the judicial authority while conducting labour inspection in accordance with their superiors’ instructions and the penalties they issue against violators of this law shall be referred to the concerned courts.

Article 3: The labour inspectors, and their superiors, shall take the following oath at the time of their recruitment, prior to assuming their inspection responsibilities, before the Minister or the person who represents him/her: “I swear by the God to perform my tasks honestly and sincerely, and not to disclose any secrets, of any profession or industrial invention, of what I come to know by virtue of my work, even after the termination of my service”

Article 4: The labour inspectors shall carry badges, with their photos on them, to Show their identities. Those badges shall carry the signature of the Minister or the person who represents him/her and the official seal. The inspectors shall produce their badges while performing their tasks.

Chapter two of this regulation stipulates the duties of the labour inspectors in doing their best to ensure the enforcement of the provision of the law, abiding by their superiors’ instructions, maintaining confidentiality concerning labour complaints, supplying technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions and cooperating with the employers, workers and their organizations to ensure the implementation of the provisions of the law.

The powers and authorities of the labour inspectors are defined in chapter 3 of this regulation as follows:

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1. Entry to workplaces for inspection at any hour of the day or night without previous notice.
 2. Interrogating, alone or in the presence of witnesses, the employer, the staff or the employees on any matters concerning the application of the legal provisions.
 3. Auditing documents, registries and files, related to work, taking copies of them and enquiring the employers when required.
 4. Taking any of the following measures against the violators of the law:
 - i. Providing technical information and advice, and not to proceed farther if employers were cooperative and responsive.
 - ii. Verbal warning and taking the employer's signed commitment to remove the violation within a specified period of time agreed on with the inspector.
 - iii. Written warning, to be officially sent through the directorate of labour.
 - iv. Issuing penalties on the violations an inspector may find.

The employers and their representatives are required by law, as stipulated in article 11 of this regulation to facilitate the inspectors' tasks and provide them with true and correct information as necessary. Similarly, the administrative authorities are required, by article 12, to "assist labour inspectors effectively while performing their duties".

2. Labour inspection in agriculture

The labour inspection in the agricultural sector is regulated by the Agricultural Relations Law No. 56 of 2004. Article 140 of this law stipulates that the agricultural labour inspectors shall have the status of judicial police wherever the enforcement of the provisions of this law is concerned and articles 124 to 139 specify the powers, authorities and obligations of the inspectors as follows:

Article 124 stipulates: The agricultural labour inspection departments within the MOSAL shall have the following authorities concerning labour inspection in agriculture:

1. Monitoring the implementation of the provisions of law, and in particular working hours, wages, medical care, leaves, child labour, women's work and individual and collective work contracts.
2. Monitoring technical measures and precautions, as per the relevant regulations, concerning work on agricultural equipment and machinery.
3. Monitoring the health conditions of the farmers' and workers' dormitories which are provided by the employers.
4. Participation in the studies and researches related to agricultural work, workers and employers and their working conditions.
5. Providing the employers and workers in the agricultural sector with the information, advocacy and guidance required for compliance with this law.
6. Investigation of serious occupational injuries and diseases and working on ensuring the protection of workers against work related hazards.
7. Submitting to the competent authority proposals and suggestions for promoting the labour inspection system in agriculture.

Article 127 of this law authorizes the labour inspectors to instruct the removal of any existing violations within a specified period of time, especially when such violations endanger the workers' health and safety. The same article authorizes the department of inspection, after obtaining the approval of the governor, to ask for immediate suspension of work in case the health and safety of workers are threatened by an eminent risk. The employer may appeal to the competent court against such a procedure.

Article 131 authorizes the agricultural labour inspectors to interrogate the employer, the staff or the farmers on any matters concerning the application of the legal provisions, to require the production of any books, registers or other documents kept by the employers for organizing their relations with the agricultural workers and farmers and to take or remove for purposes of analysis samples of crops or materials and substances used or handled, subject to the employer or his representative being immediately notified of any samples or substances taken or removed for such purpose.

Article 132 requires the employers, agricultural workers and farmers, and their representatives, to facilitate the tasks of the labour inspectors and to provide them with true and correct information, and article 134 require the administrative authorities to provide the inspectors with the assistance and support as needed for accomplishing their tasks.

Article 136 stipulates that the agricultural labour inspectors shall take the oath, before the competent judicial authority, prior to assuming their responsibilities, to perform their duties honestly and sincerely and not to disclose any professional secrets of what come to their knowledge by virtue of their official work.

Article 137 stipulates the obligations of the inspectors as follows:

1. Not to have any personal direct or indirect interests or benefits in, or from, the enterprise being inspected by them.
2. Not disclose any professional secrets they may come to know through their official work, even after the end of their service.
3. Not to disclose the source of any complaint related the violation of the law and not to indicate that an inspection visit is based on a complaint.

This law prohibits the employment, and entry into workplaces, of juveniles who did not complete 15 years of age. Those who completed 15 years may be employed, after their guardians consent is obtained, in light work or as shepherds. Their employment at night or in hazardous jobs is prohibited.

According to this law, in case of non-work related death, the dependants of a deceased Syrian or Arab worker will be entitled to his end of service indemnity, but in case of non-Arab foreign workers, the entitlement of dependants to such indemnity is subject to equivalent treatment of Syrians in the worker's country.

3. Occupational safety and health

Occupational safety and health services come under the General Organization for Social Insurance (GOSI) and is governed by the Social Insurance Law No. (92) of 1959, and its amendments. This law applies to all workers in both, the public and the private sectors, except the following categories:

1. Workers on temporary basis.
2. Dependants of the employer of his own family members.
3. Domestic workers.

But such categories may benefit from this law by a decision of the minister of labour, organizing the situations and conditions of their coverage, after consulting the board of directors of the GOSI.

According to the provisions of article 107 of the Social Insurance Law, The GOSI inspectors shall enjoy judicial authorities wherever the enforcement of this law and the

decrees of its implementation are concerned. They shall have the right to enter workplaces, during regular working hours, for conducting the necessary inspection and auditing records and documents relating to implementing this law. The corporation may send a delegate to investigate work injuries from technical and preventive aspects. The inspectors, their superiors and the delegate shall take the oath before the primary court, prior to assuming their responsibilities, to carry out their jobs honestly and sincerely, and not to disclose any secrets of the profession or of any industrial invention of what came to their knowledge by virtue of their official work, even after the end of their service. The mentioned staff shall carry badges showing their official status.

4. Sanctions and administrative measures

Sanctions in the Syrian Labour Law are so low that they are useless in preventing employers from violating the law. They mostly do not exceed 500 SPs (about 11 US\$ per case) and the maximum is 1000 SPs (22 US\$) as in the Decree No. 24 of 2000 in case of violating the provisions related to the employment of minors. The total or partial suspension of production is possible in case of serious violations, but such measure requires the approval of the governor and is not remembered to have ever been taken. Sanction under the Agricultural Relations law of 2004 are higher than those of the labour law and they range from 500 to 10000 SPs (11 to 220 US\$) and they may be doubled in case of repeated violations, as stipulated in the following articles of the Agricultural Relations law:

Article 154: Those who violate the provisions of parts I, II or IV of Chapter two (Agricultural Work Contract), of the Agricultural Relations Law of 2004, shall be fined amounts ranging from 2000 to 7000 SPs (45 to 155 US\$).

Article 158: A fine ranging from 5000 to 10000 SPs (111 to 222 US\$) shall be imposed on any employer who terminates an agricultural work contract against the provisions of the law.

Article 160: The fines for the violations of this law for which no sanctions are specified shall range from 500 to 1000 SPs (11 to 22 US\$) and shall be doubled if repeated within two years.

A tripartite committee started, several years ago, working on reforming the existing law and a draft new labour law was prepared, but it is still being processed for approval. The draft new law rectifies some of the current law's weaknesses, including intensifying the sanctions, and allowing the recruitment of full time inspectors under such title.

III. The labour inspection system and structure in the MOSAL

The Ministry of Social Affairs and labour is the main authority administrating labour affairs and social matters, including labour inspection, with a vision of optimum involvement of the workforce in the national economic process through adapting the inputs in the labour market to its current and future needs.

The MOSAL is decentralized in its main structure and is represented in each governorate by a regional "Directorate of Social Affairs, which has social, employment and inspection functions. The MOSAL has two central departments concerned with labour inspection, as appears in the organizational chart in Annex I; one of those directorates is concerned with labour inspection in the agricultural sector and the other with labour inspection in all other sectors.

The structure of the labour inspection system is stipulated in article (18) of chapter 4 of the “Regulation on Labour inspection”: “The labour inspection shall consist of a Central Labour Inspection System within the ministry and branch systems in the governorates. The branch system in each governorate shall consist of the staff delegated the authority of inspection, according to their job titles. In the governorates where there is no adequate number of staff, some staff may be instructed to do labour inspection, in addition to their other work, without any additional allowances. Labour inspectors are selected by the regional directors, who shall send their names to the Ministry at the beginning of every year. And they may not be changed without the Ministry’s approval”.

IV. ILO Conventions ratified by Syria

Syria has ratified 51 conventions since it joined the ILO in 1961. Amongst them, the Labour Inspection Convention No. 81, Labour Inspection (Agriculture) Convention No. 129, which had been ratified in 1960 and 1972 respectively, Convention No. 144 on tripartite Consultation and Convention No. 155 on Occupational Safety and Health. All the eight core conventions Nos. 29, 87, 98, 100, 105, 111, 138, and 182 are also among the ratified conventions. The contents of the labour inspection (Agriculture) conventions No. 129 are clearly reflected in the Syrian Agricultural Relations Law of 2004, but most of it remains unimplemented due to the remarkable shortage in both human and material resources. The Committee of Experts on the Application of Conventions and Recommendations (CEACR) reported in its Observation concerning Convention No. 129 on Labour Inspection (Agriculture), 1969; Syrian Arab Republic that many of those texts were adopted after consultation with the social partners concerned” and that the agricultural labour inspectorate was under resourced to enforce them. It also observed that workers were not included among the recipients of the report, and that no report has been sent to the ILO since the report for 2003, which was received by the Office in 2005.

V. Industrial relations and tripartite structure

Syria’s constitution includes specific provisions on the right of association and Conventions No 87 and 98 have been ratified. The workers in Syria are represented at the national level by two separate organizations, the General Federation of Syrian Farmers (GFSF), which represents workers in agriculture and the General Federation of Syrian Trade Unions (GFSTU), which represents workers in all other sectors. The Syrian employers are mainly represented by the Federation for Chambers of Industry, but the Federation for Chambers of Commerce, the Federation for Chambers of Agriculture and the Federation for Chambers of Tourism also exist.

1. The General Federation of Syrian Trade Unions (GFSTU)

The General Federation for Trade Unions comprises 13 branch federations in the governorates, which represents 202 unions all over the country. Each of those unions represents one sector in one province.

Other than the members of the armed forces, all Syrian and Arab workers in the country, from both the public and the private sectors may join the trade unions, but foreign, non-Arab, workers may do so only if they have been working in Syria for more than a year and if the Syrians in their countries have equivalent treatment. There are about 850,000 members of the GFSTU from the public sector and 450,000 from the private one.

Those members, from both sectors, represent about 26 per cent of the total workforce in Syria.

Although the expenditures of the trade unions, at all levels are legally subject to MOSAL audit, the interviewed staff of the GFSTU emphasized the full independence of the federation and stated that there is no any interference, whatever, by the government in the activities, or decisions, of the federation and that it does not receive any financial support from the government. The financial records and expenditures are subject to internal audits by a committee elected by the national conference of the GFSTU. The trade unions, as set out in the law, may not receive any form donations, or give away their money, without a written approval of the GFSTU, endorsed by the MOSAL. The GFSTU started in 1971 operating a number of Labour Culture Institutes, distributed all over the country. Those institutes are well equipped and some of them have lodging facilities. National and international labour activities are regularly organized in those institutes.

From the GFSTU point of view, labour inspection in the country does not rise to the desired level because of the limited human and tangible resources and the large number of enterprises and investments in the country.

2. The General Federation of Syrian Farmers (GFSF)

The General Federation for Farmers comprises 13 branch federations, one in each governorate. Each branch federation comprises 3-8 agricultural associations. Each of those associations comprises a number of Agricultural Cooperative Societies, either multipurpose or specialized. Each of those societies has 30 members as a minimum. At the national level, there are 5638 agricultural cooperative societies, having about 1,018,000 members, representing about 20 per cent of the total workforce in the country. Such membership is limited to the Syrians and Arab nationals.

The activities of the General Federation of Syrian Farmers are ruled by the Farmers' Organization Law No. 11 of 1974, which defines the member farmer as any male or female, who belongs to any of the following categories:

1. Workers in agriculture, being labourers, technicians or agricultural services workers.
2. All those who work in land, individually or collectively with their family members or their cooperative societies, being paid, partners or owners of land areas, not exceeding double of the area distributable to farmers by law.

Although this definition makes the GFSF the representative of workers in agriculture, either paid or small owners, there still some debate with the GFSTU over this matter, as the GFSTU claims that it is the sole representative of all workers in the country, including those in agriculture, and that the GFSF represents employers and owners, but not employees, in agriculture.

The GFSF is directed by a council composed of 43-46 elected members and a maximum of 8 technical members appointed by the cabinet. The elections take place once every four years by the Conference of the GFSF.

According to the interviewed staff, the members of the GFSF need training on labour issues, there is a lack of awareness among farmers of their labour rights and duties. Labour inspection, from the GFSF's point of view, is very weak and is incapable handle labour issues in the agricultural sector effectively.

3. The Federation for Chambers of Industry (FCI)

The Federation for Chambers of Industry has member chambers in the governorates all over the country. Membership in those chambers includes public and private sector industries.

The employers' organizations are involved in some committees concerned with labour issues, but they are underrepresented in labour inspection activities compared to the workers organizations. The employers' representatives stated that the labour inspection in Syria is very weak and mainly based on complaints and that they have negative attitude towards labour inspectors. They said that they are aware of corruption among some labour inspectors and many inspection visits are thought to be conducted for purely personal purposes. They also stated that they have more social security inspection visits than the labour ones, but OSH inspections to the enterprises are very rare, according to them. Employers' representatives emphasized the need for strengthening their capacities and for being more involved in labour inspection activities. They also stressed on the need for qualifying the labour inspectors in order to bring about changes to the negative impression that the employers have about them.

4. Tripartite structures related to LI

The social partners in Syria are represented in the "National Tripartite Dialogue and Consultation Committee" which includes members from MOSAL, the GFSTU and the FCI. This committee was formed in accordance with the Decision No. 1574 of 2009. The main functions of this committee, as stipulated in the mentioned decision, are to discuss all matters related to the ratification, revision or denouncement of the ILO conventions and protocols and to consult on the issues raised during the International Labour Conference.

The Social partners are also represented, at the national level, in the Higher Agricultural Reconciliation Council, which plays an important role in the settlement of labour disputes in the agricultural sector as well as in the provincial Agricultural Reconciliations Committee, which have similar activities.

VI. Labour inspection, structure and main features

1. General description

Within the structure shown in Annex I, there are two different inspection systems within the Ministry of Labour and Social Affairs, one Labour inspection in industrial and commercial sectors and two labour inspections in agriculture. The labour inspection in industrial and commercial sectors is under the Central Directorate of Labour and is carried out by the labour inspectors in this central directorate and the other 14 departments of labour inspection within the regional Directorates of Social Affairs and Labour throughout the country. The inspection activities, both central and regional, are carried out according to the plans approved by the minister.

Labour inspection in agriculture operates out of the Central Directorate of Agricultural Relations, the activities of which are carried out by few agricultural labour inspectors distributed among the central and the 14 regional departments of agricultural labour relations within the Departments of Social Affairs and Labour in the governorates.

The central inspectors are authorized to conduct inspections all over country and to supervise and audit the activities of their colleagues in the regional departments.

2. The Central Directorate of Labour (CDL)

This is the main department concerned with labour inspection in the country, which performs the following main functions, according to the Presidential Decree No. 275 of 1958, related to the establishment of the MOSAL, and the Internal Regulation of the MOSAL, published in the National Gazette in 1990:

1. Supervision of the enforcement of the following legislations:
 - a. Labour code No. 91 of 1959 and its amendments and by laws.
 - b. Decree No. 49 of 1962, related to Committees of Workers Termination Issues.
 - c. Decree No. 84 of 1968, related to organization and unionization of workers.
2. Supervision of the activities of the labour inspection staff and directing them for better enforcement of such legislations.
3. Studying international and Arab labour conventions in cooperation with the International Relations Department and the Tripartite Dialogue Committee.
4. Inspection of regional labour offices to audit their performance.
5. Supervision of studies and reports related to labour inspection, wages and labour relations, including the annual report on labour inspection.

The Central Directorate of Labour comprises four main departments:

1. The Department of Working Conditions which has the following main responsibilities:
 - a. Studying and revising, jointly with the General Federation for Trade Unions, the internal regulations of the enterprises, submitted to the MOSAL for approval.
 - b. Dealing with workers' terminations issues, through the concerned committees.
 - c. Endorsement of work contracts.
 - d. Monitoring child and women labour.
2. The Department of Inspection, which has the following functions:
 - a. Labour inspection in industry and domestic work.
 - b. Training and strengthening the capacities of labour inspectors.
 - c. Preparing the annual report on labour inspection in industry.
 - d. Supervising and auditing the activities of the labour inspection departments in the provinces. Under this department comes the unit of labour dispute settlement, in addition to the unit of labour inspection.

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3. The Department of Trade Unions, the functions of which are represented in the following:
 - a. Dealing with trade unions issues.
 - b. Monitoring the trade unions' elections to ensure the freedom of voting.
 4. The Department of Wages, which is in charge of dealing with all issues related to the minimum wage including preparing decisions of raising the minimum wage and those related to the formation of minimum wage committees in the governorates.

3. The Central Directorate of Agricultural Relations

In accordance with the provisions of Article 15 of the inspection system in agricultural work, the inspection system consists of a central body in the ministry and subsidiary systems in the governorates. The subsystems in each governorate consists of personnel who perform the inspection and sworn in and possess the director of labor in each governorate and may not be replaced unless consent is obtained from the ministry.

The Central Directorate of Agricultural Relations has the following functions:

1. Labour inspection of agricultural enterprises and firms.
2. Organizing agricultural work contracts, such as those of employment, lease and partnership.
3. Mediation and reconciliation in case of labour disputes.
4. Raising awareness among workers and employers in agriculture, on labour issues, including their legal duties and rights.

The Central Directorate of Agricultural Relations comprises the following departments:

1. The Department of Agricultural Relations.
2. The Department of Labour Inspection in Agriculture.
3. The Higher Agricultural Reconciliation Council. This council is chaired by a consultant judge, as a representative of the Ministry of Justice, and has a member from each of the following:
 - a. Ministry of Social Affairs and Labour.
 - b. Ministry of Agriculture.
 - c. The General Federation of Farmers.
 - d. Employers in Agriculture.

4. Human resources and career development

The staff of labour inspection in the MOSAL is either "labour inspectors", who have bachelor degrees, as a minimum or "labour controllers", whose academic qualification is

less that. Inspectors and controllers have exactly the same functions and responsibilities with different titles only, but none of them is recruited under such titles. They are all recruited as general staff of the MOSAL and may be delegated inspection responsibilities at any time during their career, if their director, central or regional, selects so, regardless of their qualification, previous experience or training. The Minister of Labour, decided, in 2004, not to delegate any inspection responsibilities to new staff unless they have bachelor degrees as a minimum. All civil servants in Syria, including labour inspectors are classified into three grades:

- Grade 1: The University graduates.
- Grade 2: Holders of Higher Secondary Certificate (HSC).
- Grade 3: Those whose academic qualification is below HSC.

The recruitment procedures for the labour inspectors, and the other staff of the MOSAL, are the same as those for all civil servants. There may be general interviews, but there are no specific exams for such appointments. Upon assuming their inspection responsibilities, the inspectors are trained shortly by accompanying other colleague inspectors during inspection visits, sometimes followed by an assessment, based either on a verbal test or on the general impression of the direct supervisor.

The total number of industrial labour inspectors/controllers in the central and regional labour inspection departments is 63 all over the country, but many of those are in fact directors of regional offices, who do not conduct inspection and have many responsibilities and priorities other than labour inspection. The number of labour inspectors in industry is shown in tables 1 and 2.

Table 1. Labour inspectors in Industry, by Gender and Qualification

	Bachelors	Intermediate College	HSC	Post Graduate	Total
Male	10	23	10	12	54
Female	3	2	-	3	9
Total	13	25	10	15	63

Table 2. Labour Inspectors by Gender and post

	Inspectors	Controller	Heads of departments	Directors	Total
Male	10	23	10	12	54
Female	3	2	-	3	9
Total	13	25	10	15	63

The number of Agricultural Labour Inspectors is still much less than that of the industrial labour inspectors. They are 23 in total, as shown in table 3 below. Five of them are located in the central directorate and 18 in the regional directorates.

Table 3. Labour Inspectors in Agriculture, by Gender and Qualification

	Bachelor degree	Higher Secondary Certificate	Total
Male	16	1	17
Female	6	0	6

Total	22	1	23
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The labour inspectors do not undergo any type of induction training upon appointment, other than accompanying their senior colleagues, who also lack such training, in their field visits for variable periods of time.

5. Salaries and allowances

All inspectors in Syria either in the MOSAL or in the GOSI, being civil servants, have the same scale of salaries. A labour inspector is paid a monthly salary of about 8500 SPs, equivalent to about 185 US\$. In addition to the salary, industrial labour inspectors and OSH inspectors are paid a monthly overtime allowance, for overtime hours equivalent to 25 per cent of the monthly basic salary for day hours and 50 per cent for evening and night hours. Although overtime hours may not be worked without a written instruction from the director, there is no clear or reliable system for documenting or calculating overtime hours for labour inspectors. The clear thing to labour inspectors is that overtime payments may not be made for the days of leave or absence. This makes many inspectors refuse to take any leave and accumulate their leave days until they ultimately lose them, as such days may not be financially compensated. While labour inspectors in industry are allowed to work up to 4 hours daily overtime, which means that they become entitled to the higher percentage of the allowance, other civil servants, including staff of other departments of the MOSAL, are not allowed to exceed 2 hours of overtime, which is considered by industrial labour inspectors as an incentive as it makes the only differences in the allowances between them and other civil servants. Labour inspectors in agriculture are not entitled to any overtime work or allowance, which is annoying to them.

6. Labour inspection function and visits

Before leaving their offices for inspection, inspectors should get written mission authorization forms (orders) duly signed by their regional directors. Such authorizations may be issued daily or weekly and they include the name of the inspector/inspectors, the date and time of inspection and the areas, or the enterprises, to be inspected. The inspection reports should be prepared on a daily basis and submitted to the directors by the next morning. The inspectors may not be issued new mission orders unless they submit the inspection reports of the previous day's or week's missions.

The labour inspectors carry out inspections based on programmes established per district. Inspection plans are prepared on geographical or sectoral basis and each inspector, or a group of inspectors, are required to draft a monthly work plan in which they should indicate either the sectors or the areas they are going to inspect every working day, or week, without specifying any enterprise's name. Such plans are submitted to the regional director, where those inspectors belong, and the director sends them, with covering letters, to the minister for approval. The implementation of such plans may not be started unless the Minister's approval is obtained. The same thing applies to the central directorates, where the directors prepare work plans on a monthly basis and get the Minister's approval for implementation.

Almost all inspections are conducted in teams or committees of two, or more, inspectors and are joint with other institutions, mainly the GOSI and the trade unions, as all labour and OSH inspectors are instructed not to conduct any inspection visit unless accompanied by a representative of the GFSTU. Each team or committee should include, as a minimum, a labour inspector, a trade union's representative and a social security inspector. The representatives of the TU report the findings to their supervisors in the GFSTU, who may interfere in favour of the workers, a ministerial decision, issued few

years ago, prohibited individual labour inspection and instructed all labour inspectors to work in teams or committees. The inspection schedule for any day is usually cancelled when a member of the team does not show up on that day, which is frequent.

Most of the inspection visits, including the planned ones, are based on complaints and rarely routine. The interviewed labour inspectors, and some directors, stated that all working hours during the day are consumed by handling labour complaints and disputes and the routine inspection visits, when conducted, are made only during overtime hours or night shifts, but in most of the regional departments, there has been no overtime or night work for about two years, due to the unavailability of related budgets in the MOSAL, so, according to them, there have been no routine inspection visits for about two years.

The industrial labour inspectors use a one page inspection form to fill up during their visits. This form bears the status of “confidentiality” as appears on it. In addition to the general information about the inspected enterprise, this form was designed to obtain information related to working conditions directly from the workers, and to obtain the names, nationalities, dates of birth, ID numbers, types of work and signatures of workers who provide such information to the labour inspectors opposite to the information given by them.

Warning forms are also available for the inspectors to use, which bear the name and address of the employer, date of inspection and violations found, but they refer neither to the name of the inspector who conducted the inspection, nor to the notice period given for removing the violations. The other type of forms used by inspectors is a penalty form, of which a copy is given to the employer, or his representative, a copy is kept in the enterprise’s file at the concerned department and the third copy is sent to the court. Signatures of employers, or their representatives are required on the inspection forms. In case an employer refuses to sign, the inspector must indicate so on the form. Inspection visits are sometimes followed up, and non compliance induces the elaboration of a report stating a violation which is transmitted to the competent court for examination and legal procedures. Table 4 below shows some indicators related to labour inspection.

Table 4. Labour inspection indicators according to data available in 2008

Indicator	Total
• Labour inspector/1,000 enterprises	0.11
• Labour inspectors/1,000 employees	0.01
• Labour inspection visits/1,000 employee/year	0.51
• OSH inspector/1,000 enterprises	0.088
• OSH inspectors/1,000 employees	0.011
• OSH inspection visits/1,000 employees/year	0.09
Percentage of enterprises covered by LI services	0.6%
Percentage of employees covered by LI services	0.43%
Percentage of enterprises covered by OSH services	0.07%
Number of documented work injuries/1,000 workers/year	1.38
Percentage of enterprises covered by social insurance	32%
Percentage of employees covered by social insurance	62%
• Number of labour complaints/1,000 employees	0.47
• Percentage of complaints settled by inspectors	49.1%
• Percentage of complaints referred to courts	10.5%

The labour inspectors in agriculture prepare their monthly plans in the same way and get them approved by the minister before they can start implementing them. They also

follow the same procedures as their colleagues, the industrial inspectors, concerning obtaining mission orders on daily or weekly basis and they use slightly different checklists and forms, containing almost the same information. The Directorate of Agricultural Relations, and its regional departments are independent from the Central Directorate of Labour, but some inspectors work for both departments and have inspection activities in both, industrial and agricultural sectors.

7. Logistic support

All activities of the inspection departments within the MOSAL, both regional and central, are manual. Few computers are available in the Central Departments of Labour Inspection and Agricultural Relations, but at the regional level, some of the departments have few computers and the majority doesn't have any. The use of the available computers is limited to the entry of work permits data and to writing official reports or letters for the general use of the department. Inspection activities are documented on paper and separate old file are kept for the inspected enterprises, so the inspectors may need to go through big piles of papers when a small piece of information need to be obtained or revised. None of those departments has any software or computerized programs for labour inspection.

The lack of computers is not the main problem suffered by labour inspectors in Syria. The non availability of transport means is the main and most important difficulty faced by them. There are no vehicles for labour inspection in any of the central or regional departments of inspection within the MOSAL, but very few old vehicles are available for the common use of all departments of any directorate, which is usually overstaffed with drivers. The use of those cars by labour inspectors depends on the availability, at the time of request, which is rare, either due to the use by other departments or due to break down, which is quite frequent. Maintenance budgets allocated for such vehicles are always exceeded. Due to this problem of transportation, required or planned work can not usually be done and planned targets cannot usually be achieved. Most of inspection visits are made on foot, but sometimes, inspectors are obliged to take taxis, the fare of which is too high for their wages, in general, and for their transportation allowances, in particular. Such expenses are never reimbursed. This results in the concentration of inspection visits in the areas surrounding the inspectors' offices, or those reachable by public transports. There is no secretarial staff in most departments of labour inspection and inspectors have to waste much of their time in doing such work.

8. Labour Disputes

The labour inspectorates all over the country receive numbers of labour complaints that greatly exceed their capacity to handle. Workers who submit labour complaints to the MOSAL are often asked to provide the transportation for labour inspectors, so that handling their complaints would not be delayed, but in case of agreement on a settlement, according to some inspectors, the employer is the one who may be asked to provide transportation for the inspectors to supervise signing such a settlement. A large percentage of the individual complaints and disputes are related to termination of employment. Such cases, if could not be settled by the inspectors, are referred to the concerned tripartite committees, that exist in each central or regional labour office. Such committees examine the cases and in case a termination case was decided by a committee as an illegal one, the committee may order the reinstatement of the terminated worker, otherwise the employer must keep paying 80 per cent of his monthly wage until he gets the retirement age.

The Central Directorate of Agricultural Relations includes the "Higher Agricultural Reconciliation Council", which represents an appeal court and meets once a week. It looks into the appeals against the decisions of the provincial reconciliation committees. Such a

committee is present within each Directorates of Social Affairs and Labour in the governorates and has a structure similar to that of the council.

The annual report of 2008 shows that the DOLs received 2,350 complaints: 933 concerned illegal termination and 1,417 were related to labour rights. Of all complaints, 49.1 per cent were settled administratively, 10.5 per cent were referred to the courts and 11.9 per cent were referred to the Committees of Workers' Termination Issues. During the same year, the DAR received 1,199 complaints, out of which 48.5 per cent, 582 cases were settled.

9. Coverage of LI services

The annual report of the CDL, of 2008, shows that 3,543 inspection visits were conducted by all industrial labour inspectors, covering 21,442 workers at the national level. During that year, out of those visits, 2,263 were day visits and 1,280 were night ones. Those visits resulted in 355 verbal warning, 154 written warning and 155 penalties transmitted to the competent courts.

The annual report of the DAR of 2007 shows that 279 inspection visits were conducted by Agricultural labour inspectors throughout the country. Out of those 123 were routine and 102 were complaint-based. During those visits 98 violations were found and 89 warning letters were issued, but no farther action was taken and no cases were referred to the judicial system. No reports were available on 2008.

VII. Other institutions

Under the MOSAL comes the General Organization for Social Insurance (GOSI), which also has labour inspection activities through its Directorate of Occupational Safety and Health and Directorate of Insurance Inspection. The GOSI is in charge of occupational safety and health services in all workplaces in both sectors, the public as well as the private, but such responsibility concerning the agricultural sector overlaps with that of the Directorate of Agricultural Relations of the MOSAL. The Ministry of health also has inspection activities, but those do not directly concern labour. They are rather related to public and food health.

1. The General Organization for Social Insurance (GOSI)

The General Organization for Social Insurance of the Syrian Arab Republic was founded, under the Ministry of Social Affairs and Labour, in accordance with the provisions of the Social Insurance Act No. 92 of 1959. It is in charge of the social insurance and the occupational safety and health services in the country, including inspection. The numbers of workers covered by the social security services has been significantly increasing, from 1,546,239 in 2000, to 3,087,080 in 2008. This increase was by 81 per cent in the public sector and 114 per cent in the private one. The number of enrolled enterprises was 199,680 till 2008. Out of those 4394 were in the public sector and 195,286 in the private one. The GOSI departments perform the following functions:

1. Raising awareness among employers and workers of the Social Insurance Law and benefits.
2. Occupational safety and health inspection. The OSH inspectors are provided with the equipment needed for monitoring workplace environment.

3. Administrative inspection, to ensure that workers are registered and contributions duly paid.
4. Investigation of work injuries, either from the occupational point of view, for preventive purposes, or from the legal point of view, to make sure that an injury is work-related.
5. Issuing OSH compliance certificates, upon the employers' request, for the purpose of obtaining national or international standards certificates.

Those functions are performed through the following two central inspection departments, in addition to an Insurance Inspection Department and an Occupational Safety and Health Department in each of the 13 regional branches of the GOSI in the governorates:

1. The Directorate of Insurance Inspection and Guidance, which is in charge of the social insurance inspection, to ensure that the enterprises, to which the Social Insurance Law applies contribute to the social security system and that they register their employees at accurate numbers and salaries,
2. The Directorate of Occupational safety and Health (DOSHS), which is in charge of OSH services at the national level. Enterprises are inspected to ensure that they take adequate occupational safety and health precautions and preventive measures.

The GOSI has a large number of inspectors, in comparison with the MOSAL. All those inspectors are graduates, having degrees in Law, in case of the social insurance inspectors (called administrative inspectors), and engineering or science degrees, in case of OSH inspectors. The numbers of those inspectors is shown in table 5 below.

Table 5. Inspectors of the GOSI, by Gender and specialty

	Administrative Inspectors	OSH inspectors	Total
Male	80	41	121
Female	7	12	19
Total	87	53	140

2. Occupational Safety and Health

The Syrian Labour Law covers occupational safety and health issues in the decision No. 268 of article 108, but practically, the labour inspectors do not have any OSH activities. Such activities are mainly carried out, as mentioned above, by the occupational safety and health inspectors within the OSH Directorate of the General Organization for Social Insurance (GOSI).

The inspection visits at the central and regional OSH departments of the GOSI are planned on monthly basis, and procedures followed by the inspectors are the same as those in the labour inspection departments at the MOSAL. The routine inspections are always jointed, either with labour inspectors and trade unions' representatives or in teams of two, or more, inspectors from the same department.

OSH inspection visits at the national level are very few and cover very small percentages of the existing enterprises and workers in the country. This is partly due to the quite long time that a single inspection visit may take. According to OSH inspectors and directors in the GOSI, a single OSH inspection visit for one large enterprise makes take as long as 2 months, or even more. The annual reports of the GOSI shows that the OSH

inspectors conducted 432 inspection visits in 2007 and 445 in 2008 throughout the country, both in the public and private sectors. The average number of inspection visits conducted by OSH inspectors is 8.3 visits per inspector per year.

The Arab Institute for Occupational Safety and Health, which is attached to the Arab Labour Organisation, is based in Damascus and provides specialized OSH training. It organizes annual regular courses on occupational safety and health, for OSH specialists in Syria and the Arab countries, in collaboration with the social partners.

Article 43 of the decree issued by the President of the Council of Ministers, addressed to all sectors regarding OSH, industrial safety and protection of the environment confirmed the creation of a committee for OSH, industrial safety and work environment. The committee is composed of representatives of the administration, trade union organizations and supervisory health and medical authorities, and is in charge of supervising the implementation of OSH measures and drafting the necessary proposals as well as cooperates with other authorities.

3. Occupational injuries and diseases

All employees in Syria are insured against work injuries by the Social Insurance Law, including those who are not registered in the GOSI. The contribution to the social security insurance is compulsory for all enterprises employing 5, or more, workers, including those in the agricultural sector. For such insurance, workers contribute 7 per cent of their wages, while employers contribute 17,001 per cent. Of the later, 3 per cent are for insurance against work injuries, while the other 14.001 per cent are for other types of insurance, such as disability and old age. For workers in enterprises employing less than 5 workers, only the insurance against work injuries is compulsory. The total contribution for such insurance is 5 per cent of the wage, which is fully contributed by employers. Such workers are not insured by the GOSI in case of old age and non work-related disabilities.

The GOSI accepts late registration in case a non-registered worker sustains a work-related injury and takes the responsibility of all related expenses as per the law. In such cases the GOSI fully charges the employer of such expenses and all due contributions are collected retroactively, from the joining date of the worker, added to them the legally stipulated delay penalties and fines.

The Law requires employers to notify the MOSAL of occupational injuries and diseases affecting their employees within three days of their occurrence.

According to the GOSI annual report of 2008, 6,924 work injuries, including 1,707 occupational diseases were recorded. They resulted in 122 deaths and 1,033 permanent disabilities, either total or partial. 18.1 per cent of those injuries and diseases were in industry and 37.8 per cent were in the public and services sectors. The same reports shows that OSH inspectors investigated 2,446 cases of occupational diseases and injuries in 2007 and 2,663 in 2008. The occupational accidents and injuries are usually investigated by the OSH inspectors to find out their underlying causes and to provide the employers and workers with advices for their prevention, but the Social Security administrative inspectors investigate such injuries to verify their link to work, which is important, from the legal point of view, for accepting or rejecting the claims for compensation.

VIII. Findings

1. General comments

Labour inspectors may not be recruited under such title and, from the legal point of view; they have no separate status or titles as labour inspectors. Any of the general staff of the MOSAL could at any time, be selected out by their directors and delegated labour inspection activities, beside their other tasks, regardless of their background, experience or training. This is an important issue as it facilitates easy change of the status, and turnover, of the labour inspectors and negatively affects their stability and performance. It also limits their chances of learning, gaining more experience and developing their careers as labour inspectors, in addition to allowing untrained and unskilled staff to practice labour inspection, which would add to the ineffectiveness and negative perception of labour inspection.

The new economic reform process adds much to the challenges faced by the labour inspection system in Syria due to the inadequate human and tangible resources and the serious gaps in the legal framework of labour inspection. Altogether, those challenges make the labour inspection system quite ineffective and, unless seriously addressed, would make the country's DWCP's objectives too far to be achieved.

The weaknesses of the labour inspection system are intensified by the inefficient use of the already scanty resources and the lack of cooperation and coordination amongst the different departments in charge of labour inspection within the MOSAL and the GOSI.

While revising the achievements of all labour inspection departments in the country, it was noticed that one of those departments (Hamah Labour inspectorate), has outstanding activities among the others. This department, which has 4 inspectors only 6.5 per cent of all inspectors in the country contributed to the following achievements at the national level in 2008:

- 34 per cent of all inspection visits.
- 26 per cent of all workers covered by labour inspection services.
- 52.2 per cent of all penalties referred to the competent courts.

The labour complaints received by this department were the least among all other departments (3.4 per cent of all complaints received).

The governorate of Hamah, where this department is located, has only 8.5 per cent of all enterprises and 7.3 per cent of all workers covered by social security at the national level.

2. Legislative framework for the labor inspection

The labour law consists of a wide range of regulations and decrees, many of which have been amended or cancelled, what makes its provisions vague and confusing to the inspectors who are supposed to enforce them.

The coverage of the labour law still excludes some categories, such as the domestic workers, whose issue, as a vulnerable group, began floating to the surface and is becoming more important with the rapidly increasing numbers of such workers entering the country through the recently established recruitment agencies.

The labour law does not permit the recruitment of staff under the title of “Labour inspector”, but states that any of the ministry’s staff may be delegated, by the directors, inspection responsibilities without any additional allowances.

The law does not stipulate any qualification for labour inspectors.

Sanctions stipulated in the law are so minimal, that they are of no use in preventing the violation of the law.

The Labour law is clear concerning authorizing the industrial labour inspectors to order suspension of work in case of work in mines, but it is not so in relation to the other sectors. Such authority of the agricultural labour inspectors, in case of serious OSH violations, is limited by the requirement of the governors’ approval.

The stipulated authorities of the labour inspectors do not include interrogating workers.

3. Labor inspection structure and organization

The labour inspection responsibilities are distributed among several institutions and departments, each of which lacks the human and tangible resources for proper function.

4. Human resources and logistic support

There is a clear shortage in the numbers of labour and OSH inspectors and the country’s relatively few inspectors, compared to the large number of enterprises, are scattered among different departments and institutions. Out of the 63 industrial labour inspectors in the country, 13 are directors who are not directly involved in inspection and have other priorities than labour inspection.

The labour inspectors are under trained and lack the knowledge and experience to conduct quality labour inspection, including proper planning, identifying the priorities of inspection and judging the situation on the action to be taken.

The inspectors are not motivated to carry out their jobs properly. They are underpaid and the unavoidable work related expenses, sometimes incurred by them, are never reimbursed. Moreover, the agricultural labour inspectors feel that they are discriminated against concerning the overtime allowance, compared to their colleagues, the industrial labour inspectors.

There is no system for monitoring and evaluating the performance of labour inspectors.

Lack of transport means is a real and a serious problem for all inspectors in Syria, being industrial labour inspectors, agricultural labour inspectors, occupational safety and health inspectors or social security inspectors. None of those departments has independent transports. All of them depend on common old vehicles they share with all other non-inspection departments and the use of such vehicles by inspectors is subject to availability at the time of request, which is very rare, either because of use by other departments, or because of frequent breakdown. They mostly use the public transport system which usually does not covers industrial areas. This lead the inspectors to concentrate their activities in the areas close to their offices, or in those reachable by the public transports. The only other option available to inspectors, in order to cover other areas, is to take taxis, the fare of which is too costly for their low salaries and for the transportation allowance that they

get. The unavailability of transportation means makes the easily reachable enterprises more prone to frequent inspection, while remote ones are rarely, if ever, inspected, regardless of any other criteria.

Computerization is another serious problem faced by labour inspectors. Most of inspectors have no access to computers or internet and all inspection activities, including filing and documentation, are still manual and minor activities may, sometimes, consume most of the inspectors' scarce time.

There is no data base, or any form of registry, of existing enterprises in the private sector, except manual files of the already inspected enterprises, kept in each regional labour inspection department. A comprehensive data base of all operating enterprises subject to inspection needs to be established for better planning and monitoring and better coverage of inspection services.

5. Labour Inspection visits and function

Labour inspection planning is mainly based on the accessibility of the enterprises by public transports, or on foot, which is not the case for the majority of the large industrial enterprises and not based on the enterprises' level of risk. Some employers, representatives indicated that the availability of personal interests for the inspectors in an enterprise is another main criterion for placing an enterprise on their priorities' list.

Inspection plans of the regional departments of labour inspection are submitted to the ministry on monthly basis for approval of the central authority, without which implementation of those plans may not be started. This may, sometimes, limit and delay the activities and may impair the function of the labour inspection system.

The checklists used by the labour inspectors are so concise that they may not provide the inspectors with the minimum information required for labour inspection. Using such a checklist may mislead the inspectors and leave most of important issues uncovered and may result in a poor quality inspection.

Routine inspection visits are rare because inspectors' time is mostly overwhelmed by handling complaints and individual labour dispute.

Including the full names, ID numbers and signatures of workers who were interrogated by the labour inspectors in the checklist, opposite to the information given by them, and the requirement of the employer's signature on the same single sheath gives the employer a chance to know the names of workers interviewed by labour inspectors and the information they provided to them. Once such a form is offered to an employer to sign on it, the confidentiality is practically broken, and some risk may be brought to the interrogated workers.

Although the law empowers them to seek the assistance of security forces whenever needed, Labour inspectors in Syria don not have adequate protection and their decisions are not totally independent. Interference in their decisions is not uncommon. Some inspectors stated that they feel weak and helpless wherever powerful employers are concerned. Lack of cooperation of such employers is one of the real problems the labour inspectors face.

The labour inspectors sometimes depend on workers or employers, in securing the transportation for handling individual labour disputes and complaints, which greatly and negatively affects the independence and the neutrality of labour inspectors. Moreover, the policy of calling dispute parties to the inspectors' offices, due to lack of transports, for

negotiating out settlements, instead of visiting the workplace for this purpose, makes the inspectors helpless, being unable to investigate the case properly through auditing files and records and interviewing other workers and staff, and may lead to either one party giving up and compromising to the other or referring the case to the judicial system. Ultimately the confidence in the inspection system is lost by both, workers and employers.

6. Occupational Safety and Health

The occupational safety and health services cover very small percentage of existing enterprises (around 0.08 percent every year), which leaves the majority of the enterprises and workers unprotected. This is due to the lack of human and material resources in addition to the unnecessarily very long visits and low productivity of the inspectors.

There is no national occupational safety and health policy/strategy.

Although it is covered by relevant laws, the agricultural sector is completely neglected concerning OSH inspection services. The DOSH in the GOSI stopped all OSH activities few years ago, since the Agricultural Relations Law was passed in 2004, which authorized the agricultural labour inspectors of such responsibility. The Agricultural labour inspectors never underwent any related training, do not have the required equipment and never conducted OSH inspection.

Analysis of work injuries and occupational diseases in 2008 shows that 1, 76 per cent resulted in death and 14.9 per cent resulted in permanent disability. The same percentages in 2007 were 1.8 and 15.9 respectively. This, in addition to the relatively small total number of occupational injuries and disease, could mean that only serious accidents and injuries are reported and recorded, while the less serious ones are dropped or neglected. Such statistics may be misleading for decision makers and lead to underestimation of the seriousness of such a problem.

7. The Social Partners

There is lack of knowledge and awareness concerning labour inspection and other labour issues among both workers and employers and their representatives.

The responsibilities of workers and employers' organizations are increasing, but their actual involvement in labour issues, especially labour inspection, is still very limited.

IX. Recommendations

1. General recommendations

A national labour inspection enforcement policy should be developed, and implemented, in consultation with the workers' and employers organizations and other partners.

ILO suggestion: The ILO could provide technical support on this matter. A workshop that includes all partners needs to be organized.

A proper mechanism of cooperation and coordination among all concerned parties and partners should be developed in order to promote the function of the LI system and to

have a better use of the available resources. A national workshop may be organized for this purpose.

The performance of labour inspectors in the single outstanding labour inspectorate in the district of “Hamah” should be analyzed and studied and taken as an example for other departments. Some form of recognition may be considered to encourage other inspectors.

2. Legislative framework for the labor inspection

The labour law should to be revised and reformed for expanding its coverage to the excluded categories, mainly the domestic workers and to rectify the existing shortcomings. Any amendment should emphasize the legal status, independence and protection of the labour inspectors and the intensification of the sanctions against the violators.

ILO Suggestion: A tripartite workshop to be organized for revising the current labour law and studying its reform. Labour inspectors should be actively involved. The ILO could support such an activity within the TC project.

3. Labor inspection structure and organization

The multiple small inspection department within the MOSAL and the GOSI should be integrated into one or two departments. The best option for an optimum function of the labour inspection system would be to have one large independent institution, under the umbrella of the MOLSA, which includes all labour, OSH and social security inspection in all sectors.

The second option would be to integrate the industrial and agricultural labour inspection directorates at the MOSAL into one “General Labour Inspection Directorate” and the OSH and social insurance directorates at the GOSI into one “OSH and Social Insurance Directorate”.

ILO suggestion: A comparative study of both proposals, including the advantages, required resources and mechanism of work, may be prepared by an international expert within the TC project.

4. Human resources and logistic support

The number of labour and OSH inspectors should be increased by recruiting, and training, new staff. The selection of such inspectors should be solely based on their qualification. If this is blocked by any barriers, other options, such as transferring some of the other staff of the MOSAL or other governmental institutions to the department of labour inspection should be considered. In such a case the new staff should also be carefully selected, with regard to their qualification only and should receive proper and adequate training prior to assuming their new responsibilities as labour inspectors.

All inspectors of the MOSAL and the GOSI should undergo comprehensive training on labour inspection. This should include the international labour standards, the national labour legislation, basic human rights, planning, occupational safety and health, the practical procedures of conducting quality labour inspection, mediation, reconciliation and collective bargaining, communication skills and time and resources management.

A human resources development unit should be established under the Central Directorate of Labour, which would facilitate the continuous training process of the labour

inspectors. Such a unit would develop policies related to monitoring the performance of the labour inspectors and may work on highlighting their weakness and training needs, and organizing capacity building programs pertinent to such needs.

Attaching a library to such unit would be helpful in upgrading the knowledge of the labour inspectors and in providing them with references and sources of information when needed.

ILO suggestion: The training unit may be established with technical support of the ILO in the framework of the TC project. The ILO may also support the establishment of the library by providing material in coordination between the LABADMIN and the ITCILO.

The labour inspectors should be motivated by improving their salaries and allowances. If this is not possible due to legal barriers, other options for compensating them should be considered, such as developing an incentive system based on performance, provided a reliable evaluation process is developed.

Adequate and proper transportation means should be made available to all inspectors whenever needed.

The MOSAL should work on computerization of labour inspection activities. This will require the access of all inspectors to computers and internet and training them on their use and the development of related software.

A comprehensive data base that includes all operating enterprises in the country should also be established, which is necessary for better planning and coverage of LI services. This may be done through cooperation with the GOSI, municipalities and other institution where related data exist.

ILO suggestion: The ILO may provide technical assistance in this field.

6. Labour Inspection visits and function

The labour inspection plans of the regional labour inspection departments, to be approved by the central authority, should be annual or biannual, as the requirement of monthly approval of such plans prior to implementation may hinder the inspection activities.

The checklists and forms used by the labour and OSH inspectors should be reformed and developed in order to make the inspection visits more comprehensive and the reports more clear.

A “Guide to Labour Inspection” should be developed in a way to cover most of the issues a labour inspector may need to know during an inspection visit.

ILO suggestion: The ILO could support by translating the standard ILO guide to labour inspection, which is being currently developed by the ITCILO, Turin to Arabic and making it available to the labour inspectors when it is ready. The development of the checklists and forms may be worked on by a team of labour inspectors and the staff of the legal department with the assistance of an international expert, within the TC project. The checklists used by the labour inspectors in Jordan and Oman may be helpful in this matter.

Annual report on labour inspection, including occupational safety and health and agricultural labour inspection should be issued in line with articles 20 and 21 of the ILO Labour Inspection Convention No. 81.

7. Occupational safety and health

The coverage of occupational safety and health services should be expanded through training and increasing the number of inspectors and integrating departments, as mentioned above.

A National Occupational Safety and Health strategy/policy should be developed, and implemented, in coordination with all partners, including workers' and employers' organizations. This will require preparing a national OSH profile.

ILO suggestion: the ILO could provide technical support and supervision, under the TC project, in preparing the profile and developing the policy. Coordination with Safe Work on this matter is necessary.

An integrated occupational injuries and diseases documentation, notification and investigation system should be developed. A workshop on this matter should be organized with participants from all concerned departments and institutions, including the social partners.

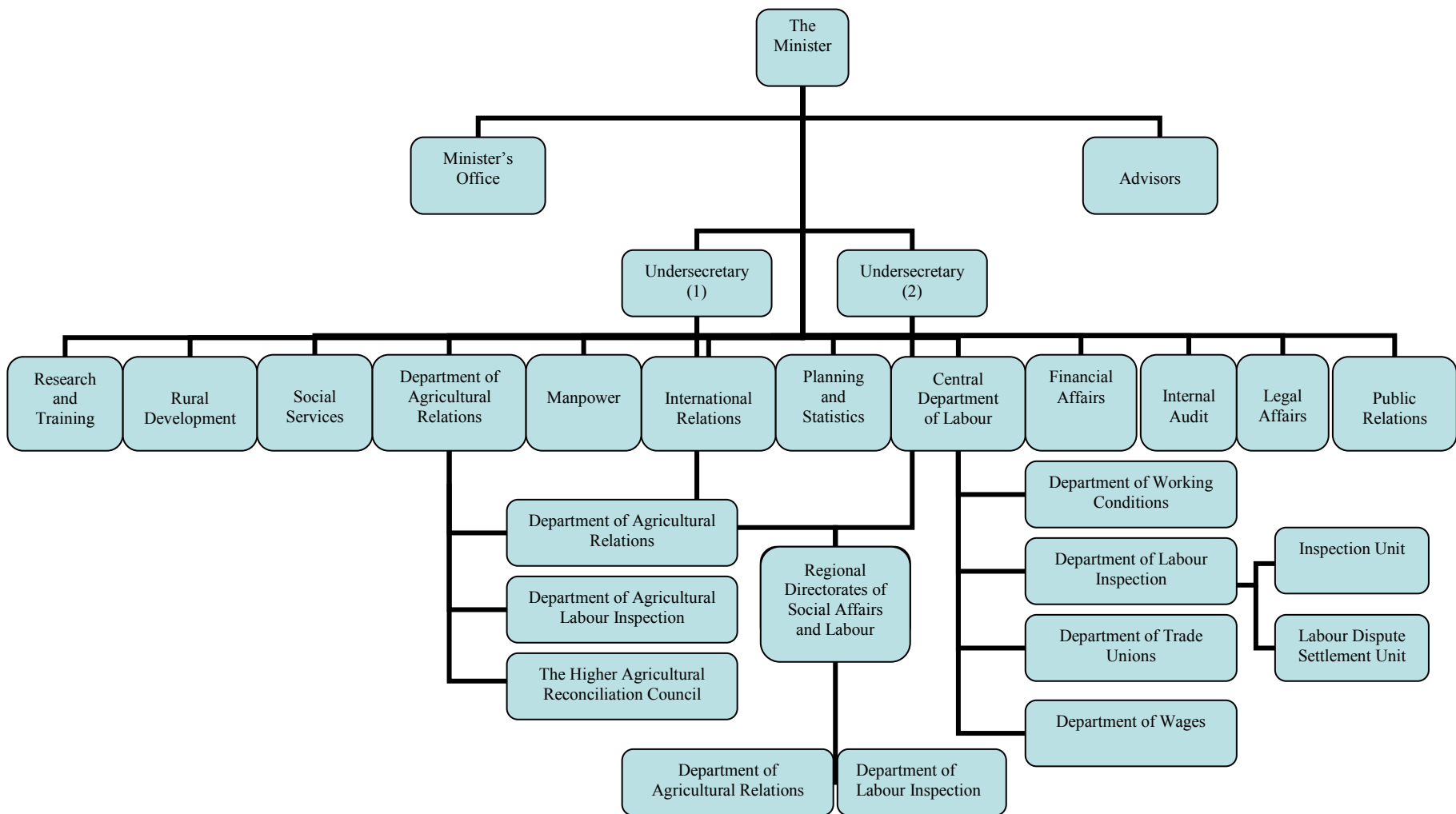
8. The social partners

The social partners should be actively involved in labour inspection process, including the development and implementation of related policies and strategies, and their capacities should be strengthened by providing them with advisory services and training them, mainly on the International Labour Standards, the national labour legislations, labour inspection and collective bargaining and negotiation skills.

A media campaign should be organized to raise the awareness of workers and employers of the labour inspection and of their labour rights and obligations. This may include designing and distributing workers' and employers' brochures.

Annex I

Organization Chart of the Ministry of Social Affairs and Labour



Annex II

Labour inspection checklist (Translated from Arabic to English)

Name of the staff:

Date:

The enterprises under inspection:

Time:

Confidential

Each of the following employees provided the information opposite to his/her name:

Name	Nationality	Date of Birth	Occupation	Years of service	Wage	Date of payment	Working hours	Annual leave	Weekly holiday	Official holidays	OT wages	Minimum wage	Work Contract	Signature	OSH

Name of the enterprise:

Nature of activity:

Person in charge:

Address:

Date of establishment:

Telephone No.:

Workers' records:

Violated articles:

Social Security number:

The employer's statement

.....

Inspector's measures

.....

The opinion of the head of the department

Number of workers:

Males:

Females:

Juveniles above 12 years:

Juveniles below 12 years:

Foreign workers:

Annex III

The Organization Chart of the GOSI

الهيكل التنظيمي للمؤسسة العامة للتأمينات الاجتماعية

The Organizational Structure of the General Institution of Social Insurance

