

table of contents

81

129

	Page
Preface	4
Partnerships Through Globalization	4
Integrated Labour Inspection System	4
A Forum for Exchange	4
1. A Global Outlook	5
1.1. Work Kills More People Than Wars	5
1.2. Action Plan for an Integrated Labour Inspection System (ILIS)	6
2. Conventions Nos. 81 and 129 – The Essentials	7
2.1. C81 Labour Inspection Convention, 1947	7
2.2. Labour Inspection Recommendation No. 81	8
2.3. Labour Inspection Recommendation No. 82	8
2.4. C129 Labour Inspection Convention	9
2.5. Labour Inspection Recommendation No. 133	9
3. Strengthening Labour Inspection	10
3.1. The ILO and Labour Inspection	10
3.2. Case Study Bulgaria	11
3.3. The Luxembourg Success Story	12
3.4. Case Study Ontario, Canada	12
4. The Global Strategy on Occupational Safety and Health	13
5. Key Statistics on OSH Worldwide (Global Estimates)	14
5.1. Key Statistics – Safety in Numbers	14
6. Labour Inspection as a Vector for Development	15
6.1. Making Decent Work a Global Goal	15
6.2. Fair Globalization	15
6.3. Poverty Reduction	15
6.4. Expanding influence of social partners/CSR	15
6.5. The Labour Inspection Response to Global Issues	15
7. Influence of International Labour Standards in Development	16
8. SafeWork and Labour Inspection	17
8.1. The Vision of Labour Inspection	17
8.2. Ten Steps for Strengthening Labour Inspection	17
8.3. Rights and Duties of Labour Inspectors	19
9. Sources of Information	20
9.1. Guidelines for Labour Inspection in Forestry	20
9.2. Guidelines on Safety and Health in Shipbreaking	21
9.3. Handbook on HIV/AIDS for Labour and Factory Inspectors	22
9.4. Combating Child Labour	23
9.5. Further Information	24
9.5.1. Publications	24
9.5.2. Websites	24
10. Texts of Conventions and Recommendations	25
10.1. C81 Labour Inspection Convention, 1947	25
10.2. C129 Labour Inspection Convention, 1969	27
10.3. R81 Labour Inspection Recommendation, 1947	29
10.4. R82 Labour Inspection Recommendation, 1947	29
10.5. R133 Labour Inspection Recommendation, 1969	30

81
convention
129

Preface

Partnerships Through Globalization

The globalization of economy is changing the way individuals work and the hazards they have to face. These changes in the working life need an integrated approach, merging the traditional technical and medical with the social, psychological, economical and legal areas. Globalization requires more and more creative holistic approaches, taking into account the changes in the world of work and the advent of new risks.

The traditional relations between the government and the social partners in industry and services have to be adapted to this new environment. In the same way, the role and the activities of the labour inspectorate will have to be reshaped. This conference is addressing all actors in working conditions as well as in the area of safety, health and well being at work. The focus is on the creation of synergies amongst all parties involved as well as on the exchange of information and experience with regard to good practice.

Integrated Labour Inspection System

The ILO with its tripartite constituency develops Conventions and Recommendations aiming at the implementation of a global policy. In its 'Decent work, Safe Work' programme, ILO entrusts labour inspection with new roles and responsibilities. The idea is to ensure workers' health and safety by improving working conditions and guaranteeing decent labour relations through an Integrated Labour Inspection System. The system includes the integration of different fields of inspection, the integration of enforcement and advisory actions and the integration of inspection activities based on the principle "one company – one inspector", which ensures a stable relationship between the inspector, the company and the workers.

As a consequence, labour inspectorates will have to deal with issues such as technical safety, occupational hygiene, work organization and the control of the compliance with other labour legislation in a more integrated way, which will demand new skills and competences. Moreover, new inspection strategies should be developed and implemented. Integrated inspection systems should be able to promote preventive policies through a culture of sharing expertise, expert advice and by focusing the effort where it is most needed.

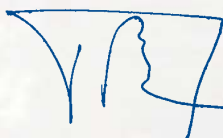
A Forum for Exchange

During its presidency of the Council of the European Union, the Grand Duchy of Luxembourg, together with the ILO, will provide a platform for exchange of experience between governments and social partners with regard to the role of inspection services. The Mondorf-les-Bains Conference will aim to build effective, relevant and enlightened policies to drive forward an action plan towards the implementation of an Integrated Labour Inspection System. During the two-day Conference, examples of good practice in the development of an integrated labour inspection system at national level and at company level will be presented. The objective is to raise the European and worldwide level of consciousness as to the social dimension being on an equal footing with economy, finance and environmental protection in a holistic approach.

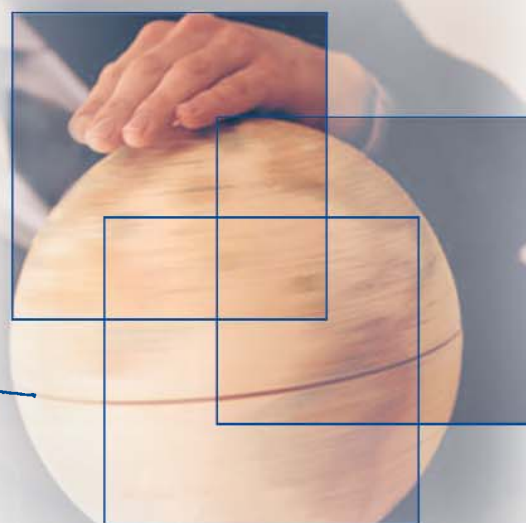
It is time for global thinking and local actions.



Assane Diop
Executive Director
Social Protection
International Labour Office



François Biltgen
Minister of Labour
and Employment
Luxembourg



1. Global Outlook

1.1. Work Kills More People Than Wars



Work kills more people than wars. Some 5000 a day, one person every 15 seconds die from occupational accidents and diseases. Almost 270 million accidents are recorded each year, 350.000 of which fatal. Therefore, the right to decent working conditions

can be considered a fundamental human right.

Labour inspection is one of the basic instruments for putting this principle into practice and has a pivotal role in promoting compliance with ILO Core Labour Standards, ILO Conventions and EU Directives. Labour inspectorates are the state authorities for many work-related activities such as health and safety, social dialogue, legislation, market-control mechanisms, working conditions, the fight against illegal work, HIV/AIDS or child labour, etc.

Strengthening labour inspection is crucial for ensuring a high standard in labour protection. In many countries labour inspections are catalysts for reform processes in government structures, as well as for social partners when it comes to establishing a sustainable tripartite culture.

Given the important changes and great opportunities that lie ahead, this calls upon us. With a view to establishing effective, appropriate and enlightened policies to drive forward a plan of action for rescaffolding and radical improvement of inter-connections, Conferences such as the Luxembourg EU-ILO Conference in Mondorf-les-Bains, 9-11 March 2005 are an important milestone in reaching the final goal of defining an Integrated Labour Inspection System. The time has come to think globally and to anticipate national action.

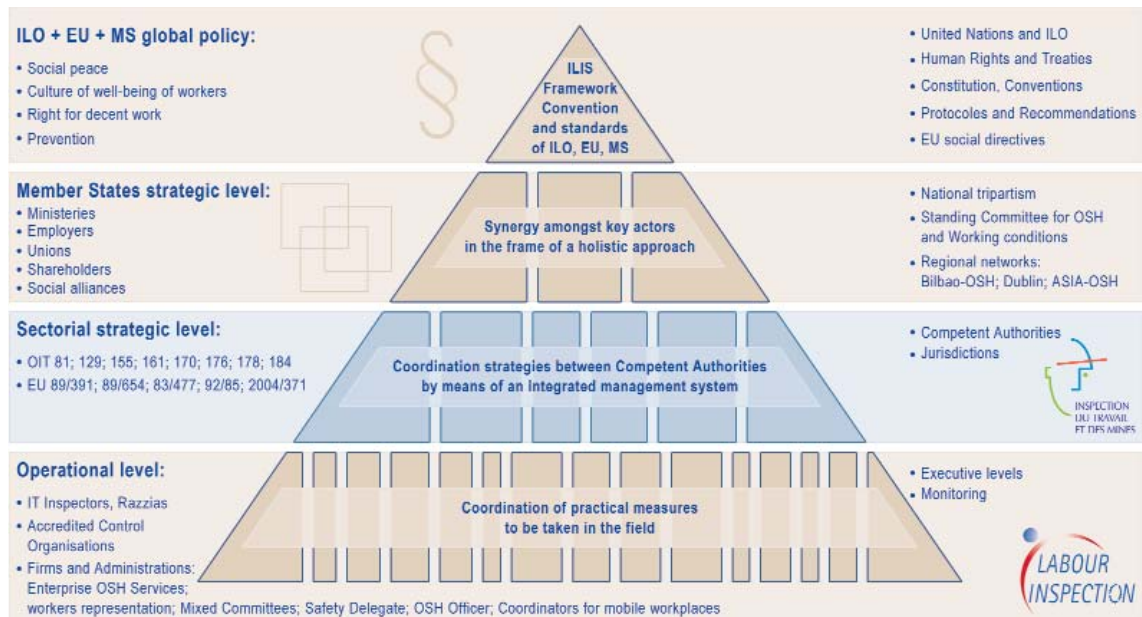
Under the principle of subsidiary, as provided namely in article 137 of the Treaty of the European Community (Art. III – 209 of the treaty establishing a Constitution for Europe), the promotion of employment and the improvement of living and working conditions has so far activated a dual approach combining the minimum conditions adopted at the European level with national legislation (preexisting or new) respecting particular traditions. The social and territorial law guarantees cohesion and social peace.

The effects of globalization will change the role of labour inspection. To develop an integrated labour inspection approach, based on the principles of „one enterprise – one inspector“ and the implementation of OSH management systems and social dialogue, would mean increasing effective and efficient services, making optimal use of available resources and being able to respond to future needs. The ILO ten-step plan to strengthen labour inspection worldwide is one such tool for providing social protection for all.

An example of action at national level with a much larger impact at international level has been developed through a tripartite ILO audit in Luxembourg, suggesting the restructuring of the Luxembourg inspectorate so as to render it more competitive, efficient and effective and to prepare it for the new challenges of the 21st century.



1.2. Action Plan for an Integrated Labour Inspection System (ILIS)



Source: Paul Weber, ITM Luxembourg

The constitution of the ILO, its tripartite composition, its conventions and recommendations, as well as the national constitutions and laws together define a global policy; the tripartite solidarity of the government with the social partners determines the national policy. Its application is monitored by the inspection system of competent authorities (“public services”) and sanctioned by the courts.

Regarding national legislation of technical standards and rules, the definition of the protection of workers’ health (physical and psychosocial well-being) must be firmly anchored. The national subsidiarity completes – where necessary – the formal minimum European or international frame.

With regard to national labour policies, health protection for its citizens and its workers as part thereof, each Member State is obliged to preserve its freedom, which is entrenched in the concept of subsidiarity. Measures to provide encouragement and promote coordination to be taken at international level, shall be of complementary level. They shall serve to strengthen cooperation between Member States and not to harmonize national systems.

The implementation of policies of safety of workers at the workplace as well as for the promotion of workers’ health and working conditions is guaranteed by the main players at operational level and is monitored on an annual basis.

In order to allow putting into practice a national action plan creating an “Integrated Labour Inspection System” (ILIS), it is necessary to proceed by successive steps according to a medium-term strategy.

2. Conventions Nos. 81 and 129 – The Essentials

The objective of Convention No. 81 is the establishment of a system of labour inspection responsible for securing the enforcement and bringing to the notice of the competent authority any possible loopholes in existing legal provisions relating to conditions of work and the protection of workers in industrial workplaces, from which mining and transport enterprises may, however, be excluded. Convention No. 129 proposes the establishment of a system of labour inspection for the agricultural industry in general.

The Conventions lay down the main rules governing the setting up, organisation, means, powers and obligations, functions and competence of the labour inspectorate as an institution responsible for ensuring respect for the protection of workers in the exercise of their duties, and for promoting legislation adapted to the changing needs of the world of work.

2.1. C81 Labour Inspection (in Industry and Commerce) Convention, 1947

FUNCTIONS:

The principal functions of the system of labour inspection are:

- securing the enforcement of legal provisions, particularly through inspection visits, as well as the investigation of complaints as well as material, technical and administrative examinations;
- supplying technical information and advice to employers, workers and their respective organisations;
- bringing to the notice of the competent authority defects or abuses not covered by existing legal provisions.

STRUCTURE:

The structure of the labour inspection system consists principally of a central authority and services placed under its supervision and control. Labour inspectors are public officials and independent in their work, promoting:

- cooperation between the inspection services and other government services and public or private institutions engaged in similar activities; and
- collaboration between officials of the labour inspectorate and employers and workers or their organisations.

DUTIES:

Labour inspectors:

- must not have any direct or indirect interest in the enterprises under their supervision;
- shall not reveal, on pain of appropriate penalties or disciplinary measures, any manufacturing or commercial secrets or working processes which may come to their knowledge in the course of their duties;
- must treat as confidential the source of any complaint, just as they must refrain from giving any intimation to the employer that a visit was made following a complaint;
- have to submit, at least once a year, reports on the results of their inspection activities to the central inspection authority.

RIGHTS:

For the effective discharge of their inspection functions in workplaces, labour inspectors also have to be empowered with a number of rights:

- Right to enter freely at any hour any workplace liable to inspection;
- Right to carry out any examination and to interrogate the employer, their representative and the enterprise staff;
- Right to take or remove for analysis purposes samples of materials and substances used or handled, subject to the notification of the employer or their representative;
- Right to enforce the posting of certain notices required by law
- Right to make orders to eliminate the defects observed in plant, layout or working methods which may pose a threat to the workers' health or safety



2.2. Labour Inspection Recommendation No. 81



The Recommendation calls for labour inspectors to play a preventive role in the field of safety and health when any industrial or commercial establishment is opened, or any activity is commenced in such an establishment, any new plant installed or any newly introduced production process. It calls on States to encourage arrangements for cooperation between employers and workers for the purpose of improving conditions affecting the workers' health and safety.

2.3. Labour Inspection (Mining and Transport) Recommendation No. 82

Convention No. 81 authorizes the exemption by national laws or regulations of mining and transport enterprises from its application. Recommendation No. 82 calls upon member States to apply to these categories of enterprises appropriate systems of labour inspection, as rapidly as national conditions allow, to ensure the enforcement of legal provisions relating to workers' conditions of work and protection while engaged in their work.



2.4. C129 Labour Inspection (Agriculture) Convention

FUNCTIONS AND STRUCTURE:

- The competent authority, after consultation with the most representative organizations of the employers and workers concerned, defines the line, which separates agriculture from industry and commerce in such a manner as not to exclude any agricultural enterprise from the national system of labour inspection.
- The scope of the inspection system extends to all „agricultural enterprises“.

Agricultural enterprises: enterprises or parts of enterprises engaged in cultivation, animal husbandry, forestry, horticulture, the primary processing of agricultural products by the operator of the holding or any other form of agricultural activity.

- Certain inspection functions may be entrusted at the regional or local level on an auxiliary basis to appropriate government services or associate these services with the exercise of the functions in question, in accordance with the principles of the Convention.

RIGHTS AND DUTIES:

The powers and obligations of labour inspectors are governed by provisions similar to those of Convention No. 81. Additionally, with an aim to protect persons working in agricultural enterprises (tenants, sharecroppers, members of cooperatives), labour inspectors in agriculture:

- may also be entrusted with the enforcement of the legal provisions relating to conditions of life of workers and their families.
- may also be associated in the preventive control of agricultural enterprises in relation to safety and health.
- may be associated with any inquiry into the causes of the most serious occupational accidents or occupational diseases.

2.5. Labour Inspection (Agriculture) Recommendation No. 133

The Recommendation advocates the extension of the functions of the labour inspectorate in agriculture so as to include collaboration with the competent technical services with a view to helping the agricultural producer, whatever their status, to improve the holding and the conditions of life and work of the persons working on it.

It is recommended that the labour inspectorate in agriculture be associated in the enforcement of legal provisions on such matters as:

- training of workers;
- social services in agriculture;
- cooperatives; and
- compulsory school attendance.

Guidance is also provided on education and campaigns carried out with a view to the strict application of legal provisions, particularly with regard to the health and safety of persons working in agricultural enterprises.

3. Strengthening Labour Inspection

3.1. The ILO and Labour Inspection

The origins of labour inspection can be found in Europe and possibly other regions in the early days of the nineteenth century, initially in protecting „apprentices“ at work through legislation supervised somewhat inadequately by voluntary committees, to be followed by the appointment of the first inspectors in 1833.

Since those very early days, the scope of labour inspectors has, of course, widened considerably although important differences still exist between member States, depending on local customs and practices.

When the ILO was founded after the First World War, its Constitution included a requirement for all member States to set up a system of labour inspection. Instruments followed providing a foundation for labour inspection, as we know it today, but on a voluntary basis.

Nearly 25 years later, ILO Convention 1947 (No.81) was promulgated and subsequently ratified over the years by over 130 member States. This Convention remains relevant today and the principles enshrined within provide a foundation for this document. Other important Conventions have followed, e.g.) the Labour Inspection (Agriculture) Convention 1969 (No.129), and the principle Conventions addressing child labour 1973 (No.138) and 1999 (No.182). These have added to, rather than changed, the pivotal position of C81.

Source: Albracht, Treichel, Ellis: „Labour Inspection Principles Worldwide“, March 2005



3.2. Case Study Bulgaria: Training for an Integrated Labour Inspection System

The ILO carried out a project on integrated labour inspection from 1999 to 2005. The Bulgarian example shows that it is possible to improve the overall performance of a labour inspectorate with modest financial efforts, as long as there is a political and organizational will to improve the services.

The project strategy was based on a modern view of the role of labour inspectors as enforcers of legislation and advisers for employers and workers. It was assumed that the transition process could be considerably speeded up by improving human resources management and especially by training and retraining existing labour inspectorate staff. Such training was considered to be an indispensable prerequisite for successful reform.

Project activities followed the context of the ILO Conventions Nos. 81 and 129 (Labour Inspection), No. 150 (Labour Administration), No. 155 (Occupational Safety and Health and Working Environment), and the EU Framework Directive on safety and health of workers at work (89/391/EEC).

Since 2002, in accordance with the new mandate of the Bulgarian General Labour Inspectorate (control over the compliance with the Employment Protection act and the Civil Servants' Law) the inspectorate staff have been increasing. All newly appointed inspectors have received initial training mainly in integrated inspection.

The Terminal Conference in Bulgaria in April 2004 showed that the project has delivered outstanding results. It not only met its objectives but has also created a role model for many Eastern European countries and other countries worldwide to follow as regards training for integrated inspection systems.

Social partner representatives officially stated that the project has brought about a change in the inspectors' attitude and social partners' attitude, with the result that "we all speak the same language in occupational safety and health now... The project has had an indirect impact on the social partners by facilitating the dialogue and trilateral collaboration when inspecting labour issues".

Over 300 inspectors were trained on modules that Bulgarian inspector trainers had developed under labour inspection guidance. This enabled the former health inspectors to better understand safety matters and safety inspectors to gain more knowledge on health issues, eventually allowing them to carry out an „integrated“ inspection".

Following a modern approach of competence and advice, the project developed a course on labour inspectors' social skills, which found broad acceptance not only from the trained inspectors, but also from the social partners.

Based on the training experience in Bulgaria, but also in Vietnam, in the English speaking African countries of ARLAC, as well as other regions in the world, ILO SafeWork, in cooperation with other departments is in the process of developing an „Integrated Labour Inspection Training System (ILITS)“ to promote this idea on a larger scale and to share the good practices internationally and make other countries benefit from the scope, outcome and results achieved by the Bulgarian project.

Following the Bulgarian example, Serbia has now engaged in a similar USDOL funded ILO driven integrated inspection project.

The four key components of the Integrated Labour Inspection Training System – ILITS:

1. A “train-the-trainers” manual for the sustainable implementation of labour inspection training policies
2. A social skills manual for enabling inspectors to the right approach during an inspection
3. A work-organization manual – from routine checks to effective efficient quality inspections based on the ten steps for strengthening labour inspection
4. Sector-related manuals based on the Bulgarian experience

3.3. The Luxembourg Success Story: Tripartite Audits and the Dynamics of Ratifying ILO Conventions

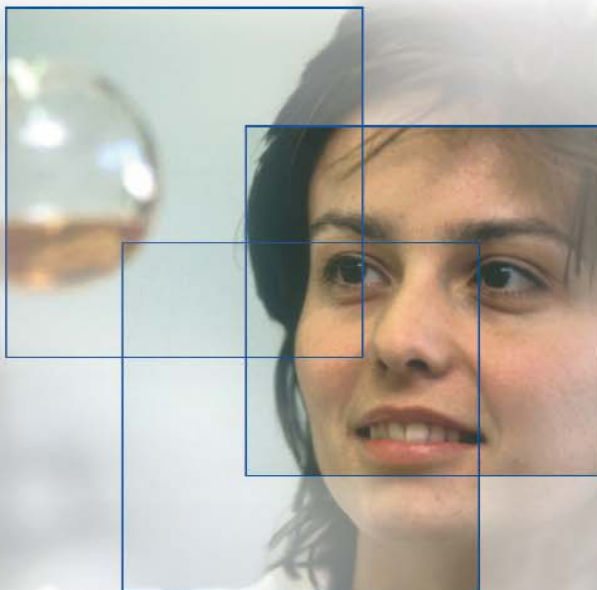
One of ILO SafeWork's objectives is to promote the ratification of occupational safety and health conventions, which provide the legal basis for a functioning OSH system in ILO Member states.

A SafeWork Audit undertaken in 2002 to assess the structure, performance and capacities of the Luxembourg labour inspectorate showed, that ratification is best achieved by providing assistance in technical fields. The Audit had a significant impact: Not only has Luxembourg followed the advice given and reorganized their labour inspectorate in line with Convention Nos. 81, 129, 155 and others but also a broad debate on labour inspection and OSH was initiated. The government and the social partners have been working closely together to move the ratification process further. Due to the strong political will and commitment from all the sides, the Minister of Labour and Employment, Mr. Biltgen, now declared that Luxembourg intends to ratify 21(!) ILO Conventions on

Conventions on occupational safety and health. He also stated "the audit has provided a solid basis for the restructuring process of the labour inspectorate" and that "the ILO can also provide very valuable input to EU Member States". This shows that Convention 81 on labour inspection can be a door opener for technical cooperation in the field of occupational safety and health. This highlights the need for ratification and shows that the ILO holds precious and effective technical cooperation tools in their hands in order to assist Member states in setting up, restructuring or revitalizing integrated labour inspection and OSH systems.

The Luxembourg experience serves as a role model and other EU countries might follow. According to Luxembourg, the additional reporting on the to be ratified OSH conventions is not a burden, as they are required to make such reports for the EU in any case.

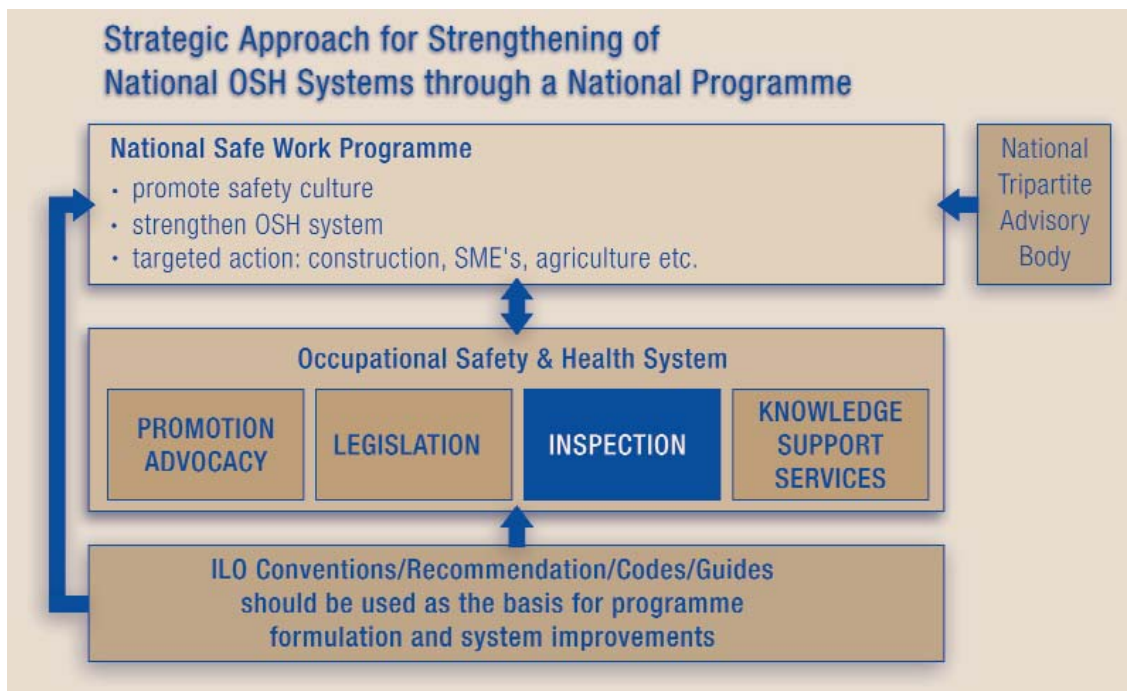
3.4. Case Study Ontario, Canada: Building the Ontario Public Service for the Future



The Ontario Ministry of Labour increased the number of labour inspectors by 50% to 400 inspectors. However, the 200 additional inspectors were not paid by the Ministry, but by the insurance agency, with 28 Million Canadian Dollars, annually. The newly recruited labour inspectors only targeted 2% of the firms, mainly those with the poorest OSH performance, responsible for 10% of lost-time injuries and 20% of injury compensation costs. The outcomes were stunning: Ontario has now 9.000 fewer injuries per year and the insurance agency has 45 Million Canadian Dollars saved in workers' compensation costs.

Source: Prof. Cameron Mustard, President IWH Toronto, Canada, Presentation during the WorkingOnSafety.Net Conference, 31 August-3 September 2004, Dresden, Germany

4. The Global Strategy on Occupational Safety and Health



The International Labour Conference in 2003 decided on a new "Global Strategy on Occupational Safety and Health". This strategy seeks to prevent and control hazards and risks, as well as develop and apply new strategies and solutions for well-known hazards and risks. It also recognized the need to give higher priority to OSH at international, national and enterprise levels and to engage all social partners to initiate and sustain mechanisms for a continued improvement of national OSH systems. The fundamental pillars of this global OSH strategy include the building and maintenance of national preventive safety and health culture and the introduction of a systems approach to OSH management.

The ILO identifies four main instruments to implement this strategy:

- Technical assistance and cooperation;
- Knowledge development, management and dissemination,
- International collaboration and
- Strengthening of national OSH policies.

The ILO occupational safety and health management system, ILO-OSH 2001, which can be streamlined through national laws or policies and implemented at enterprise level, plays an important role in the Global Strategy. However, competent partners at national

and enterprise level are required for making the "zero accident/incident vision" a reality. Occupational safety and health management systems allow labour inspectors to quickly understand the workflow, identify the hazards and provide competent advice to workers and employers.

Experience has shown that a strong safety culture is beneficial for workers, employers and governments alike. Various prevention techniques have proven themselves as effective in both avoiding workplace accidents and improving business performance. Today's high safety standards in some countries are a direct result of long-term policies encouraging tripartite social dialogue, collective bargaining between trade unions and employers, as well as effective health and safety legislation backed by potent labour inspection. Another important element of the Global Strategy is the ILO World Day for Safety and Health at Work, focusing on the promotion of a safety and health culture at workplaces throughout the world. More information on the Global Strategy and the World day can be found at: www.ilo.org/safework

5. Key Statistics on OSH Worldwide



Global Estimates

- Global workforce: 2.8 billion
- Work related fatalities: 2.2 million
- Occupational accidents: 270 million
- Work-related diseases: 160 million
- Global GDP (income): 30,000 billion USD
- Lost GDP in accidents/diseases: 4 %
- Illiterate: 1,000 million
- People in poverty: 1,000 million
- Child workers: 246 million

Each year, two million women and men die as a result of occupational accidents and work-related diseases. Across the globe, there are some 270 million occupational accidents and 160 million occupational diseases each year. The ILO estimates that four per cent of the world's Gross Domestic Product (GDP) is lost due to accidents and work-related diseases.

The ILO has never accepted the proposition that injury and disease "go with the job". In the face of globalization, the new challenge is to ensure that increasing

numbers of working people enjoy a safe and healthy working environment.

In developing countries, most work-related accidents and illnesses occur in primary industries such as farming, fishing and logging, mining and construction. Low literacy and poor training regarding safety methods lead to high death rates from fires and exposure to hazardous substances, affecting, among others, those in the informal economy.

5.1. Key Statistics – Safety in Numbers

- Each day, an average of 5,000 people die as a result of work-related accidents or diseases.
- Workers suffer approximately 270 million occupational accidents each year (fatal and non-fatal), and there are some 160 million incidents of occupational diseases. In one third of these cases, the illness causes the loss of four or more working days.
- There are some 350,000 on-the-job fatalities each year. It is estimated that half of them occur in agriculture, the sector with half the world's workforce. Other high-risk sectors are mining, construction and commercial fishing.
- The loss in GDP resulting from the cost of death and illness in the workforce is 20 times greater than all official development assistance to developing countries.
- Each year, 22,000 children are killed on the job.
- Hazardous substances kill 440,000 workers annually. Asbestos alone claims about 100,000 lives.
- Taken together, heart diseases and muscular-skeletal diseases account for more than half of the costs attributable to work-related diseases.
- The majority of the 100 million enterprises of the world are small ones. More than one billion workers, out of the total 3 billion in the world, are self-employed in agriculture or work in small facilities.

6. Labour Inspection as a Vector for Development

The struggle for a fair globalization presents governments, and Social Partners with an extra-ordinary opportunity to activate their knowledge base and globalization, show how dialogue can yield better results for all and increase the tripartism stature and influence in national and international decision-making. The way in which governments, employers' organizations, trade unions and our Organization contribute to the building of a social dimension to globalization will determine the relevance of tripartism in the early 21st century.

6.1. Making Decent Work a Global Goal

The role that labour inspectors have to play in a globalizing world should not be neglected. They are the ones with direct impact at the workplace and could be the vector that makes decent work a reality. The quest for fair globalization and decent work will dominate international affairs in the next decade and is a test of leadership in all walks of life. It requires better governance at both national and global levels. There is a need for more effective action and better policies at local, national and regional levels to raise economic and social capabilities and strengthen institutions for voice, gender equality, representation and dialogue.

6.2. Fair Globalization

Fair rules for international trade, investment, finance and the movement of people, which take into account their differing needs and capabilities, have to be agreed upon. This requires an intensified dialogue process at all levels bringing the key actors together to work out ways of handling major global issues and putting them into practice. Fair globalization also calls for more emphasis at national level, for improved governance, an integrated economic and social agenda and policy coherence among global institutions. Along those lines, national policy makers should make use of the available resources of labour inspection and strengthen these capacities.

6.3. Poverty Reduction

Labour inspection also plays an important role in poverty reduction, especially in the field of occupational safety and health. The way out of poverty is to give people decent jobs with a long term perspective. This requires good occupational safety and health standards, leading

to fewer accidents, better health, lower absenteeism during working hours and thus to a higher motivation of staff and a better overall economic performance.

Without the supervision, competent advice and enforcement powers of labour inspectors, jobs risk being unstable.

6.4. Expanding Influence of Social Partners/CSR

In a holistic approach, the prevention of occupational accidents and diseases, the promotion of a long and healthy working life and the investment in a prevention culture, will allow companies to better compete in a globalizing world. Many multi-national enterprises are already sharing their experience with workers and the civil society. The involvement of the different stakeholders can stimulate already existing initiatives and can motivate the global community to improve working conditions at all levels. The International Conference on Health and Safety Culture: Sustainable Development through Responsible Corporate Citizenship in Düsseldorf, Germany has shown that occupational safety and health has become a cornerstone for CSR.

There are also strong links to involve labour inspectors in corporate social responsibility issues and supply chain management to reach out to smaller enterprises. In this way, global players and national labour inspectorates could take the legal requirements further and apply the same corporate standards for the whole country.

Sources: European Agency for Safety and Health at Work: Corporate Social Responsibility and Safety and Health at Work, Luxembourg 2004, ISBN 92-9191072-4

Conference Report: Health and Safety Culture; Sustainable Development through Responsible Corporate Citizenship/CSR, 27-29 October 2003, Düsseldorf, Germany, published by ILO

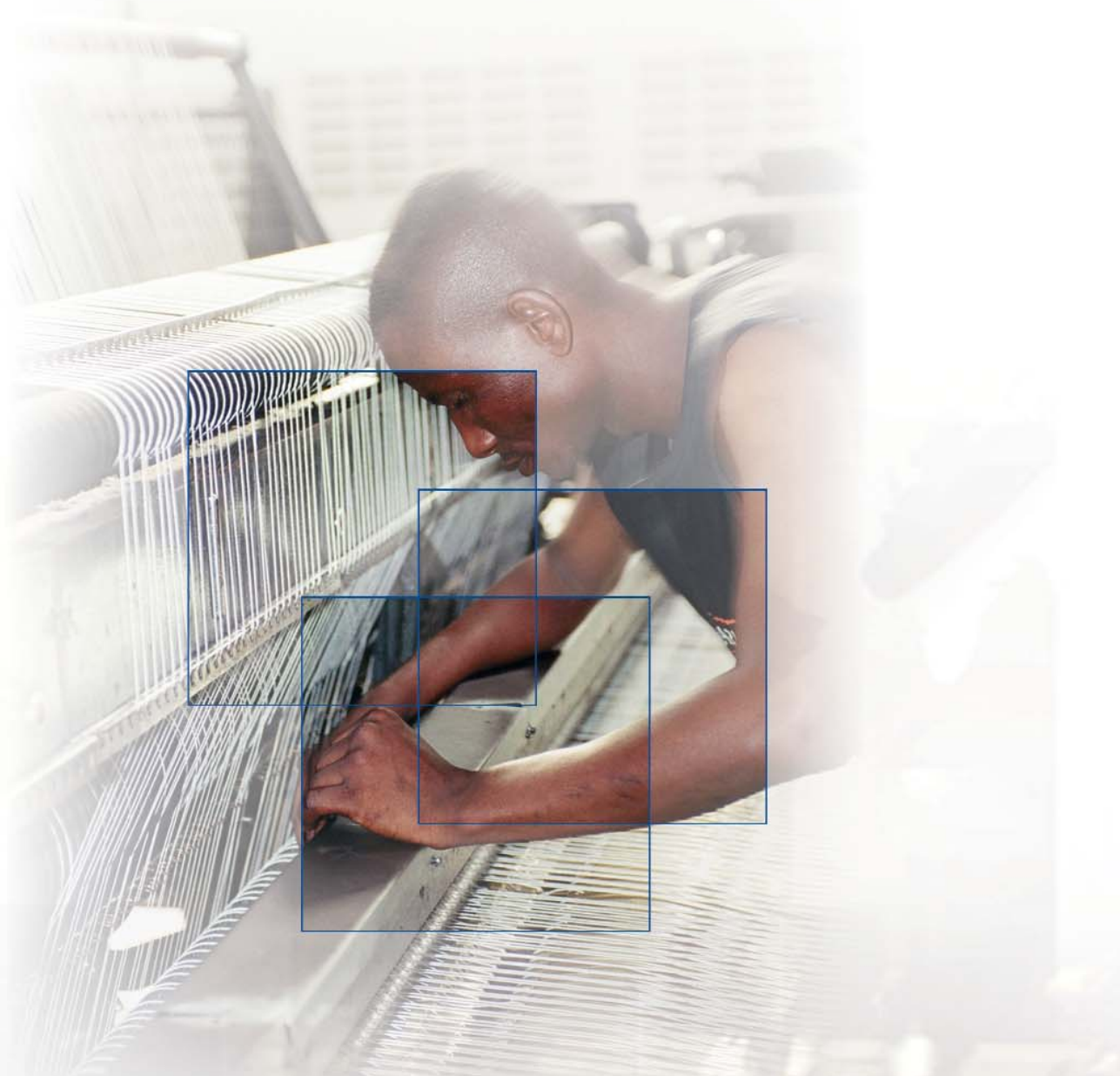
6.5. The Labour Inspection Response to Global Issues

Labour inspectorates are capable of addressing global issues at a local level. For this to be done successfully they must constantly develop a range of policy issues. These include: industrial relations; productivity of labour inspectorates; technological developments; vulnerable or marginal groups; HIV/AIDS at the workplace; and extension of inspection coverage to all sectors, formal and informal, urban and rural, commercial and non-commercial, agriculture, forestry, fishing, transport, etc.

7. Influence of International Labour Standards in Development

The implementation of the Core Labour Standards and the effects at national levels can be enhanced if the capacities of national labour inspectorates are built up and strengthened. Inspectors have a crucial role to play because labour inspectorates are often the only state authority with direct access and impact at the workplace. And thus, they must be used to promote national knowledge about CLS at the workplace, and to enforce CLS. In comparison to private monitoring systems, which are often only created for the short lifetime of a project, labour inspection systems are a sustainable solution, guaranteeing long-term involvement. Thus they can

mainstream Decent Work and Quality of Work activities into all their functions, programmes and activities. They already have information about affected workplaces, can provide technical information and advice to employers and workers and should contribute to the design of national labour policies, due to their knowledge of the workplace. If the national labour inspectorates are strengthened, there will be a competent authority which can deal with monitoring Core Labour Standards, health and safety issues or many other work- and labour market-related aspects at national, regional and community level.



8. SafeWork and Labour Inspection

8.1. The Vision of Labour Inspection

The goal of SafeWork is to promote the eight Core Labour Standards, the Occupational Safety and Health Standards and the Decent Work agenda by raising awareness of OSH issues and by helping countries to design legislation and initiate programmes that will best defend workers' human rights to a safe and healthy working environment.

But labour inspection also covers other inspection related fields. SafeWork's Development of Inspection Systems cluster therefore encourages a broad co-operation with other ILO Departments (dealing with child labour, conditions of work, sectorial activities, social dialogue, legal standards, etc) and other international players such as the International Association of Labour Inspection (IALI), the EU Senior Labour Inspection Committee (SLIC), the African Regional Labour Administration Centers for English and French speaking Africa (ARLAC and CRADAT).

SafeWork is the focal point for all questions related to labour inspection and the responsible body for labour

inspection policy formulation. ILO SafeWork's homepage provides a range of information sources on labour inspection at www.ilo.org/safework.

An appropriate inspectorate should have ample funding, a sufficient number of labour inspectors and a well-organized inspection strategy. An integrated inspection system is the best way to conduct inspections, making the best use of labour inspectorate resources. In an integrated labour inspection system individual labour inspectors are provided with the information and resources to properly inspect workplaces on their own. This eliminates the need for more than one inspector to repetitively visit the same places.

To assist inspectorates, SafeWork developed a guide called „Ten steps for Strengthening Labour Inspection“, which provides policy makers and labour inspectors with a comprehensive overview of labour inspection practice, and gives guidance on structuring an inspectorate, on policy questions, training and inspection activities.

8.2. Ten Steps for Strengthening Labour Inspection

1. Creation of an appropriate structure and organization: reshaping national labour policy, labour inspection policy and human resource policy, internal policy, and enforcement policy to come into parity with ILO Core Labour Standards and the differing circumstances of the individual member state.

2. Better Utilization of resources: ensuring, in case of resource shortages, that the ratio inspector per workpeople accurately matches the finance allocation.

3. Introducing effective training: developing of a clear, specific, nation-tailored concept for effective training that leads to a prevention-oriented integration of specialized and general inspectors.

4. An active role for labour Inspectors: creating a three-fold role for the labour inspector: supervisor, advisor, and enforcement agent, with an overall mission of guidance.

5. Integrating Inspections: trimming down specialist and general inspectorates' roles to allow for a "one inspector for one enterprise" mentality.

6. Publicizing Inspection Best Practices: creating an inspection plan for frequency of inspections and prevention strategies.

7. Ensuring Tools for Management Systems and Labour Inspectors: centralizing tools such as firm chemical data sheets, active research, and on-the-job training of important policy and current events issues.

8. Task Related Issues: fostering the important roles of social dialogue among other sectorial approaches.

9. Stressing Networking: providing inspectorates with knowledge, training, financial support, and expertise through a steady-flowing exchange of information with other organizations, like IALI or CIS.

10. Other Issues: taking steps to curb corruption and other challenges that currently hinder the field.

The ten-step plan also served as a basis for the ARLAC/IALI/WHO/ILO Conference on “Strategies for occupational health and safety in the 21st century: the role of labour inspectorates”, 22-24 November 2004 in Mauritius which led to the adoption of an action plan, comprising the following elements:

1. The strengthening of labour inspection in the African Region by the governing council of ministers of ARLAC in June 2004, and for strengthening occupational health and safety in the Region by the African Ministers of Health meeting in September 2004
2. The promotion of the application of Labour Inspection Standards and the development of modern labour inspection systems with the aim of improving strategies for enhancement of working conditions at national and enterprise levels, including the SME's, the informal economies and agriculture, and taking into account the vulnerable and special interests such as HIV/AIDS and most hazardous occupations.

In all the countries, there is a need to promote the strong linkages that exist between economic development and well-organized OSH and labour inspection services at both the national and enterprise levels; and the urgent need to modernize and strengthen the capacity of inspectorates by investing on a preventative culture as understood by the Global OSH strategy.

There is also a need to modernize national OSH legislation especially to support the participation of all social partners in promoting OSH and to encourage the harmonization of OSH legislation and enforcement policies within the regional economic blocks.

3. The strong linkages between, on the one hand, occupational safety and health, and on the other, the important social and economic issues including HIV/AIDS, child labour, employment, productivity, and poverty alleviation and promoting Decent Work. This was in addition to identifying the challenges and setting priorities for the improvement of labour inspection in the region, for which the Conference proposed a workplan to be presented to the ARLAC Governing Body.
4. The urgent need in Africa and other regions of the world for;
 - a. Developing national and regional policies on occupational safety and health (OSH), to which there is a strong political commitment,
 - b. Modernizing national legislative framework and moving towards harmonizing (sub)-regional OSH legislation,
 - c. Building on and expanding partnerships at international, national and local levels, including social partners, inter-Ministerial collaboration (particularly between labour and health Ministries) and public/private partnerships,
 - d. Modernizing and strengthening the capacity of inspectorates, investing in a preventative culture,
 - e. Increasing efforts to „Reach the unreached“, especially the informal economy, child labour and high risk sectors,
 - f. Greater involvement in issues relating to HIV/AIDS;
 - g. Developing tools needed to help strengthen, support, monitor and evaluate national OSH programmes and initiatives, including benchmarking tools such as the ‘Scoreboard’.

8.3. Rights and Duties of Labour Inspectors

Convention No.81 displays a range of inspectors' rights and obligations and at the same time assures that labour inspectors have stability of employment and are independent of changes of government and of improper external influences (Art 6). The Convention is not exclusively for the benefit of workers and employers, but also protects the inspectors at work.

The increasing waves of aggression against labour inspectors worldwide require determined action. Neither Social Partners nor governments welcome these trends. The right to decent working conditions can be considered a fundamental human right. However, In France and Brazil, labour inspectors were killed on duty.

On 2 September, labour inspectors Daniel Buffière and Sylvie Trémouille were shot dead by a French farmer in Dordogne before they were able to control the contracts of seasonal workers employed on the farm.

In Brazil, the use of physical violence against labour inspectors is not unusual. Labour Ministry inspectors travel around Brazil, usually accompanied by armed federal police officers. It is widely believed that the execution-style murder of Labor Inspectors Nelson Jose da Silva, Eratostenes de Almeida Gonsalves and Joao Batista Soares Lage on January 28, 2004 was related to a raid on a soybean plantation, which was, it is alleged, using illegal slave labour.

Only with a strong political support from governments will it be possible to ensure that such violence will not happen again elsewhere in the world.

The ILO supports and welcomes the initiative of the French Ministry of Social Affairs, Labour and Solidarity to develop a practical guide on the rights and duties of labour inspectors. The Ministry has created a multi-disciplinary working group in which the ILO is also represented.

The therein developed practical guidelines will gain importance and should be considered as a basic tool for a purposeful implementation of Convention No. 81.

Source: Odile Lautard, Labour Inspection as an actor in development – the action driven deontology of the labour inspectorate, Presentation during the WorkingOnSafety. Net Conference, 31 August-3 September 2004, Dresden, Germany

Jukka Takala, "L'inspection est mal vue par les gouvernements", Thursday 16 September 2004, La Libération"



9. Sources of Information

9.1. Guidelines for Labour Inspection in Forestry

These guidelines raise some of the main issues and general principles of labour standards and their inspection in the forestry sector. The guidelines are aimed at three main users, namely labour inspectors, forest managers (individuals and management teams responsible for running forest enterprises and implementing labour standards in their organizations, including employers, senior managers, employees, contractors, self-employed people and small forest owners) and training and educational organizations responsible for training both forest management staff and inspectors.

Working conditions and the working environment in forestry have particular features that distinguish forestry from many other industries. Work sites are usually temporary and scattered; facilities are more difficult to arrange than at permanent work premises; climatic, topographical and biological conditions, and the large number of contractual and seasonal workers have a significant impact on labour issues and the welfare of labour.

In most countries the forestry sector is characterized by a public/state forestry service, a few large integrated enterprises, and a large variety of small and medium sized forest industry units.

The Guidelines highlight that the primary responsibility for carrying out labour inspections rests with the labour inspectorate. Considerable training is required for competent labour inspection. The inspector will need competence in the technical aspects of forestry and forestry work, as well as an understanding of how to best communicate the inspection findings in the most helpful way. Some suggestions on appropriate training requirements can be found in the ILO publication: *Approaches to Labour Inspection in Forestry*. More general information on this topic can also be found in the ILO publications: *Principles of Labour Inspection*, and *Labour inspection: a guide to the profession*.

9.2. Guidelines on Safety and Health in Shipbreaking

These International Labour Organization (ILO) Guidelines are the first of their kind to provide assistance to ensure safe work in shipbreaking within the framework of the ILO's Decent Work Agenda. In so doing they provide advice on the transformation of a mainly informal economy activity into a more formally organized one.

The Guidelines are designed to assist shipbreakers and competent authorities alike to implement the relevant provisions of ILO standards, codes of practice and other Guidelines on occupational safety and health and working conditions, and the provisions of instruments of other relevant international organizations, aiming at progressive improvement. They provide guidance to those engaged in the framing of relevant provisions and the setting up of effective national systems, procedures and enterprise regulations, where they do not exist.

The practical use of these Guidelines will largely depend on local circumstances, the availability of financial resources, the scale of operations, the technical possibilities and the involvement of competent authorities. Hence, labour inspectorates should:

- a. periodically carry out inspections in the presence of the employers' and workers' representatives, and monitor compliance with and enforce all relevant laws and regulations at shipbreaking facilities;
- b. advise employers and their workers on the safe performance of activities, particularly on the choice and use of safe working methods and appropriate PPE;
- c. monitor the safety requirements and performance of comparable national or international ship-breaking facilities to provide feedback for further development and improvement of safety measures;
- d. participate, in cooperation with the recognized organizations of employers and workers, in formulating and updating safety rules and measures to be adopted at national and enterprise levels.

Moreover, Labour inspectors should:

- a. be competent to deal with the special problems associated with shipbreaking and able to provide support and advice;
- b. notify the concerned personnel of the inspection findings, as well as safety and health committees or worker representatives, for the implementation of required remedial action;
- c. periodically determine whether an existing OSH management system or OSH elements are in place, adequate and effective.

The guidelines contain elements from the ILO Guidelines on occupational safety and health management systems, ILO-OSH 2001, in the hope that they will serve as a practical tool for competent national authorities and shipbreaking facilities to achieve continual improvements in occupational safety and health performance.

9.3. Handbook on HIV/AIDS for Labour and Factory Inspectors

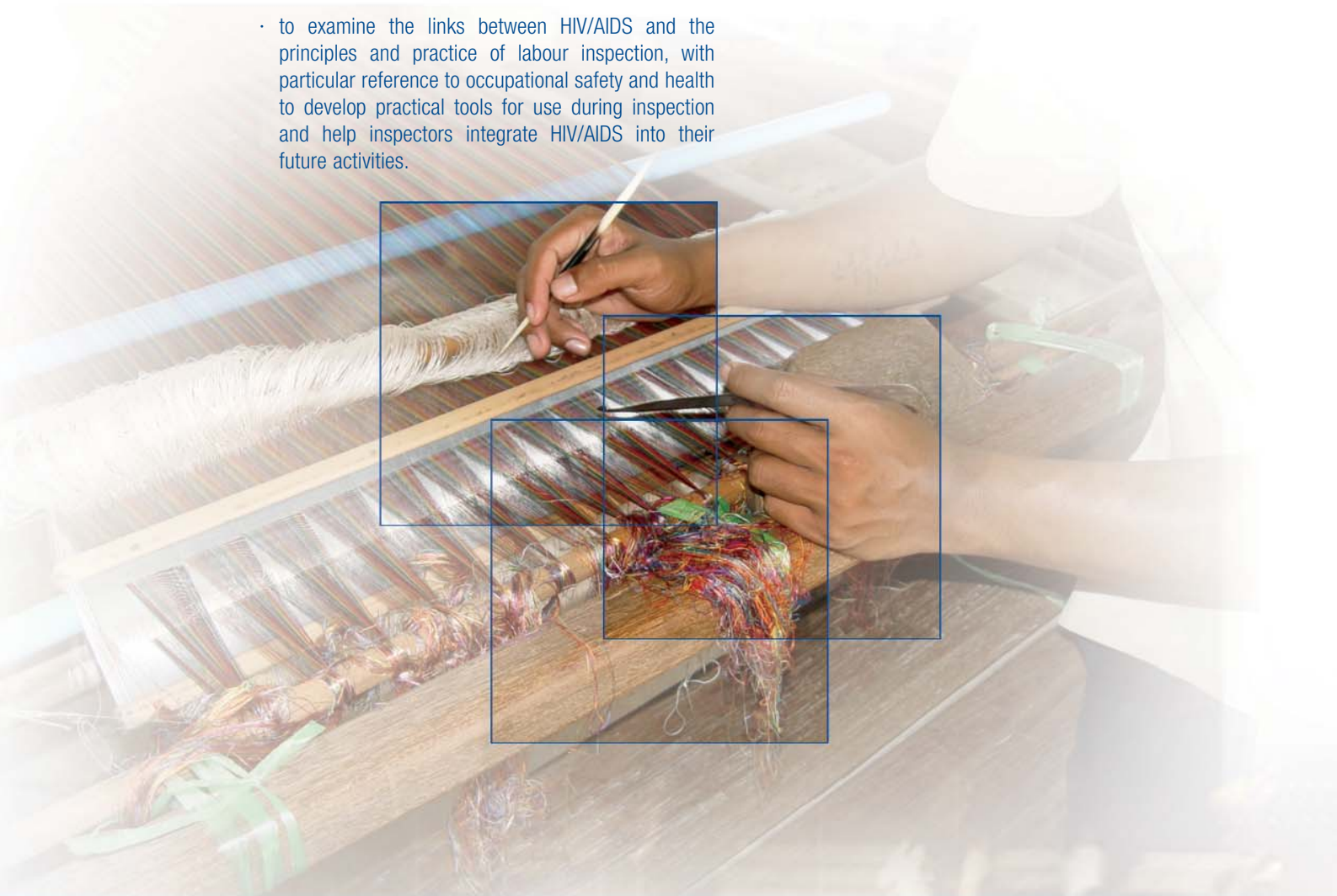
The purpose of the handbook is to help labour and factory inspectors deal with the issue of HIV/AIDS in their work. In particular, it will help inspectors apply the ILO Code of Practice on HIV/AIDS and the world of work, which was adopted in June 2001. The Code provides guidance for governments, employers and workers, as well as other stakeholders, in formulating and implementing national action plans and workplace policies and programmes to combat HIV/AIDS. To this end the Guidelines aim:

- to make it clear why HIV/AIDS is a labour issue and a development challenge
- to discuss the ways it concerns labour/factory inspectors
- to help inspectors understand and apply the ILO Code of Practice on HIV/AIDS and the world of work
- to examine the links between HIV/AIDS and the principles and practice of labour inspection, with particular reference to occupational safety and health to develop practical tools for use during inspection and help inspectors integrate HIV/AIDS into their future activities.

HIV/AIDS is a workplace issue

The risk of contracting HIV/AIDS and responding to those who have contracted the disease should be recognized as workplace issues, and be treated like any other serious risk or disease in the workplace. This is necessary not only because it affects the workforce, but also because the workplace has a role to play in the wider struggle to limit the spread and effects of the epidemic.

Source: ILO Code of Practice on HIV/AIDS and the world of work



9.4. Combating Child Labour: A handbook for Labour Inspectors; and the Law and Practice Report on Health and Safety Aspects of Convention No. 182

Labour inspectors have traditionally been key partners in eliminating child labour.

Today, their role takes on added dimensions and importance with the introduction of new legal instruments, such as Convention No. 182 on the worst forms of child labour, and technical tools, such as this Handbook for labour inspectors, which make it possible to identify, prioritize and more effectively address the more hazardous child labour situations.

The Handbook will be a most useful instrument for labour inspectors in that it provides an overview of what their role can be with respect to child labour, and shows how to focus on the problem, not only in the urban factory or establishment, but the informal sector workshops, rural communities and fields as well.

It equips labour inspectors to detect and deal with situations, which are not in conformity with international labour standards or national legislation on child labour and labour inspection. It also operationalizes, for the area of child labour, the directions given in the ILO Convention No. 81 on labour inspection – one of the most widely ratified ILO Conventions – the application of which is being pursued on a priority basis. It indicates how an efficient public agency, the labour inspectorate, can ensure professional monitoring and analysis, and equitable enforcement of the law, not only with sanctions but also with good advice and assistance. Also, it points at the complementarity of action between labour inspectors and their colleagues from the ministries of education, social services and health, and calls for a team approach along with employers, workers, teachers and the community to reduce and eventually eliminate child labour.

The Law and Practice Report on Health and Safety Aspects of Convention No. 182 sheds light on the legislation relating to and the actual practice of hazardous work and child labour in selected countries worldwide. It covers different important economic sector activities in which child labour, in particular in its most hazardous forms, may occur. It comprises the following elements:

1. The most important regulations dealing with hazardous work in general and child labour issues

2. International and national legislation and the approaches to combating hazardous child labour in various sectors of economic activities and by various stakeholders, such as international and national organizations, the Ministries and labour inspectorates as well as NGO's and other parties involved.

3. A description of law and practice on hazardous child labour in the selected countries.

4. Draft guidelines for the establishing of national lists on hazardous work and working children, as requested by Art 4 of Convention No. 182 and Paragraphs 3-4 of Recommendation No. 190.

The report shall be used as a technical background document for a possible Meeting of Experts on hazardous work and working children.



9.5. Further Information

9.5.1. Publications

- A fair globalization: Creating opportunities for all, Report of the World Commission on the Social Dimension of Globalization, Geneva, 2004
- Audit of the Labour Inspection System of the Grand Duchy of Luxembourg, Luxembourg, 2002.
- Combating Child Labour, A handbook for Labour Inspectors, Geneva 2002, ISBN 92-2-113348-6
- Establishing Effective OSH Labour Inspection Development in Postwar Iraq 2004 Eskanazi, Albracht, Treichel
- European Strategy on Health and Safety at the Workplace-Scoreboard 2003, Pilot Project, Nordic Working Group, March 2004
- Global Strategy on occupational Safety and Health, Conclusions adopted by the International Labour Conference at its 91st Session, Geneva 2003, ISBN 92-2-116287-7
- Guidelines for Labour Inspection in Forestry, to be approved for publishing by the ILO Governing Body in March 2005
- Guidelines on occupational safety and health management systems ILO-OSH 2001 ISBN 92-2-111634-4
- Health and Safety Culture, Sustainable Development through Responsible Corporate Citizenship/CSR; 27-29 October 2003, Düsseldorf, Germany, Conference Report, Geneva 2004
- ILO and EU; Two mayor players in the transformation of national social policy: Working apart or together?, Miriam Hartlapp, Geneva 2005
- ILO standards-related activities in the area of occupational safety and health, International Labour Conference 91st session, Geneva 2003, ISBN 92-2-112883-0
- Labour Inspection, A guide to the profession, Wolfgang von Richthofen, Geneva 2002, ISBN 92-2-112710-9
- Prevention: a global strategy Promoting Safety and Health at Work; The ILO Report for World Day for Safety and Health at Work 2005, Geneva 2005
- Promotional Framework for occupational safety and health, International Labour Conference 93rd session 2005, Geneva 2004, ISBN 92-2-115366-5
- Safety and Health in Shipbreaking Guidelines for Asian countries and Turkey, Geneva 2004, ISBN 92-2-115289-8
- Safety Culture at Work- World Day for Safety and Health at Work, Geneva 2003, ISBN 92-2-113741-4
- Safe Work and Safety Culture, The ILO Report for World Day for Safety and Health at Work 2004, Geneva 2004
- Ten steps for strengthening labour inspection, Gerd Albracht, Conference Report on "Integrated Labour Inspection; Functions, Effectiveness and Training" Geneva 2003, ISBN 92-2-115757-1
- Tripartite Consultation, Ratify and Apply Convention No. 144, ISBN 92-2-113414-8

9.5.2. Websites

www.ilo.org/protection

www.ilo.org/safework

www.ilo.org/dialogue

www.ilo.org/sector

www.ilo.org/normes

www.iali-aiit.org

http://europa.eu.int/comm/employment_social/health_safety/index_en.htm

10. Texts of Conventions and Recommendations

10.1. C81 Labour Inspection (in Industry and Commerce) Convention, 1947

Convention concerning Labour Inspection in Industry and Commerce (Note: Date of coming into force: 07.04.1950.)

The General Conference of the International Labour Organisation, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirtieth Session on 19 June 1947, and Having decided upon the adoption of certain proposals with regard to the organisation of labour inspection in industry and commerce, which is the fourth item on the agenda of the Session, and Having determined that these proposals shall take the form of an international Convention, adopts this eleventh day of July of the year one thousand nine hundred and forty-seven the following Convention, which may be cited as the Labour Inspection Convention, 1947:

PART I. LABOUR INSPECTION IN INDUSTRY

Article 1

Each Member of the International Labour Organisation for which this Convention is in force shall maintain a system of labour inspection in industrial workplaces.

Article 2

1. The system of labour inspection in industrial workplaces shall apply to all workplaces in respect of which legal provisions relating to conditions of work and the protection of workers while engaged in their work are enforceable by labour inspectors.
2. National laws or regulations may exempt mining and transport undertakings or parts of such undertakings from the application of this Convention.

Article 3

1. The functions of the system of labour inspection shall be:
(a) to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, safety, health and welfare, the employment of children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors;
(b) to supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions;
(c) to bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions.
2. Any further duties which may be entrusted to labour inspectors shall not be such as to interfere with the effective discharge of their primary duties or to prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers.

Article 4

1. So far as is compatible with the administrative practice of the Member, labour inspection shall be placed under the supervision and control of a central authority.
2. In the case of a federal State, the term central authority may mean either a federal authority or a central authority of a federated unit.

Article 5

The competent authority shall make appropriate arrangements to promote:
(a) effective co-operation between the inspection services and other government services and public or private institutions engaged in similar activities; and
(b) collaboration between officials of the labour inspectorate and employers and workers or their organisations.

Article 6

The inspection staff shall be composed of public officials whose status and conditions of service are such that they are assured of stability of employment and are independent of changes of government and of improper external influences.

Article 7

1. Subject to any conditions for recruitment to the public service which may be prescribed by national laws or regulations, labour inspectors shall be recruited with sole regard to their qualifications for the performance of their duties.
2. The means of ascertaining such qualifications shall be determined by the competent authority.
3. Labour inspectors shall be adequately trained for the performance of their duties.

Article 8

Both men and women shall be eligible for appointment to the inspection staff; where necessary, special duties may be assigned to men and women inspectors.

Article 9

Each Member shall take the necessary measures to ensure that duly qualified technical experts and specialists, including specialists in medicine, engineering, electricity and chemistry, are associated in the work of inspection, in such manner as may be deemed most appropriate under national conditions, for the purpose of securing the enforcement of the legal provisions relating to the protection of the health and safety of workers while engaged in their work and of investigating the effects of processes, materials and methods of work on the health and safety of workers.

Article 10

The number of labour inspectors shall be sufficient to secure the effective discharge of the duties of the inspectorate and shall be determined with due regard for:
(a) the importance of the duties which inspectors have to perform, in particular
(i) the number, nature, size and situation of the workplaces liable to inspection;
(ii) the number and classes of workers employed in such workplaces; and
(iii) the number and complexity of the legal provisions to be enforced;
(b) the material means placed at the disposal of the inspectors; and
(c) the practical conditions under which visits of inspection must be carried out in order to be effective.

Article 11

1. The competent authority shall make the necessary arrangements to furnish labour inspectors with
(a) local offices, suitably equipped in accordance with the requirements of the service,

and accessible to all persons concerned;

(b) the transport facilities necessary for the performance of their duties in cases where suitable public facilities do not exist.

2. The competent authority shall make the necessary arrangements to reimburse to labour inspectors any travelling and incidental expenses which may be necessary for the performance of their duties.

Article 12

1. Labour inspectors provided with proper credentials shall be empowered:

(a) to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection;

(b) to enter by day any premises which they may have reasonable cause to believe to be liable to inspection; and

(c) to carry out any examination, test or enquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed, and in particular--

(i) to interrogate, alone or in the presence of witnesses, the employer or the staff of the undertaking on any matters concerning the application of the legal provisions;

(ii) to require the production of any books, registers or other documents the keeping of which is prescribed by national laws or regulations relating to conditions of work, in order to see that they are in conformity with the legal provisions, and to copy such documents or make extracts from them;

(iii) to enforce the posting of notices required by the legal provisions;

(iv) to take or remove for purposes of analysis samples of materials and substances used or handled, subject to the employer or his representative being notified of any samples or substances taken or removed for such purpose.

2. On the occasion of an inspection visit, inspectors shall notify the employer or his representative of their presence, unless they consider that such a notification may be prejudicial to the performance of their duties.

Article 13

1. Labour inspectors shall be empowered to take steps with a view to remedying defects observed in plant, layout or working methods which they may have reasonable cause to believe constitute a threat to the health or safety of the workers.

2. In order to enable inspectors to take such steps they shall be empowered, subject to any right of appeal to a judicial or administrative authority which may be provided by law, to make or to have made orders requiring

(a) 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 health or safety of the workers; or

(b) measures with immediate executory force in the event of imminent danger to the health or safety of the workers.

3. Where the procedure prescribed in paragraph 2 is not compatible with the administrative or judicial practice of the Member, inspectors shall have the right to apply to the competent authority for the issue of orders or for the initiation of measures with immediate executory force.

Article 14

The labour inspectorate shall be notified of industrial accidents and cases of occupational disease in such cases and in such manner as may be prescribed by national laws or regulations.

Article 15

Subject to such exceptions as may be made by national laws or regulations, labour inspectors

(a) shall be prohibited from having any direct or indirect interest in the undertakings under their supervision;

(b) shall be bound on pain of appropriate penalties or disciplinary measures not to reveal, even after leaving the service, any manufacturing or commercial secrets or working processes which may come to their knowledge in the course of their duties; and

(c) shall treat as absolutely confidential the source of any complaint bringing to their notice a defect or breach of legal provisions and shall give no intimation to the employer or his representative that a visit of inspection was made in consequence of the receipt of such a complaint.

Article 16

Workplaces shall be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions.

Article 17

1. Persons who violate or neglect to observe legal provisions enforceable by labour inspectors shall be liable to prompt legal proceedings without previous warning: Provided that exceptions may be made by national laws or regulations in respect of cases in which previous notice to carry out remedial or preventive measures is to be given.

2. It shall be left to the discretion of labour inspectors to give warning and advise instead of instituting or recommending proceedings.

Article 18

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.

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.

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.
3. Copies of the annual reports shall be transmitted to the Director-General of the International Labour Office within a reasonable period after their publication and in any case within three months.

Article 21

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

PART II. LABOUR INSPECTION IN COMMERCE**Article 22**

Each Member of the International Labour Organisation for which this Part of this Convention is in force shall maintain a system of labour inspection in commercial workplaces.

Article 23

The system of labour inspection in commercial workplaces shall apply to workplaces in respect of which legal provisions relating to conditions of work and the protection of workers while engaged in their work are enforceable by labour inspectors.

Article 24

The system of labour inspection in commercial workplaces shall comply with the requirements of Articles 3 to 21 of this Convention in so far as they are applicable.

PART III. MISCELLANEOUS PROVISIONS**Article 25**

1. Any Member of the International Labour Organisation which ratifies this Convention may, by a declaration appended to its ratification, exclude Part II from its acceptance of the Convention.

2. Any Member which has made such a declaration may at any time cancel that declaration by a subsequent declaration.

3. Every Member for which a declaration made under paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the position of its law and practice in regard to the provisions of Part II of this Convention and the extent to which effect has been given, or is proposed to be given, to the said provisions.

Article 26

In any case in which it is doubtful whether any undertaking, part or service of an undertaking or workplace is an undertaking, part, service or workplace to which this Convention applies, the question shall be settled by the competent authority.

Article 27

In this Convention the term legal provisions includes, in addition to laws and regulations, arbitration awards and collective agreements upon which the force of law is conferred and which are enforceable by labour inspectors.

Article 28

There shall be included in the annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation full information concerning all laws and regulations by which effect is given to the provisions of this Convention.

Article 29

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of this Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.

2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and shall give the reasons for which it proposes to have recourse thereto; no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

Article 30

1. In respect of the territories referred to in article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment 1946, other than the territories referred to in paragraphs 4 and 5 of the said article as so amended, each Member of the Organisation which ratifies this Convention shall communicate to the Director-General of the International Labour Office as soon as possible after ratification a declaration stating
 - a) the territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification;
 - b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications;
 - c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
 - d) the territories in respect of which it reserves its decision.
2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this

Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of subparagraphs (b), (c) or (d) of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 34, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 31

1. Where the subject matter of this Convention is within the self-governing powers of any non-metropolitan territory, the Member responsible for the international relations of that territory may, in agreement with the Government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office --

a) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or

b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraphs of this Article shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications; when the declaration indicates that the provisions of the Convention will be applied subject to modifications it shall give details of the said modifications.

4. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 34, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

PART IV. FINAL PROVISIONS**Article 32**

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 33

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications has been registered.

Article 34

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 35

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 36

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 37

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 38

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 34 above, if and when the new revising Convention shall have come into force;

b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 39

The English and French versions of the text of this Convention are equally authoritative.

10.2. C129 Labour Inspection (Agriculture) Convention, 1969

Convention concerning Labour Inspection in Agriculture (Note: Date of coming into force: 19.01.1972.)
Status: Up-to-date instrument This instrument is one of the priority conventions.

The General Conference of the International Labour Organisation, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-third Session on 4 June 1969, and Noting the terms of existing international labour Conventions concerning labour inspection, such as the Labour Inspection Convention, 1947, which applies to industry and commerce, and the Plantations Convention, 1958, which covers a limited category of agricultural undertakings, and Considering that international standards providing for labour inspection in agriculture generally are desirable, and Having decided upon the adoption of certain proposals with regard to labour inspection in agriculture, which is the fourth item on the agenda of the session, and Having determined that these proposals shall take the form of an international Convention, adopts this twenty-fifth day of June of the year one thousand nine hundred and sixty-nine the following Convention, which may be cited as the Labour Inspection (Agriculture) Convention, 1969:

Article 1

1. In this Convention the term *agricultural undertaking* means undertakings and parts of undertakings engaged in cultivation, animal husbandry including livestock production and care, forestry, horticulture, the primary processing of agricultural products by the operator of the holding or any other form of agricultural activity.

2. Where necessary, the competent authority shall, after consultation with the most representative organisations of employers and workers concerned, where such exist, define the line which separates agriculture from industry and commerce in such a manner as not to exclude any agricultural undertaking from the national system of labour inspection.

3. In any case in which it is doubtful whether an undertaking or part of an undertaking is one to which this Convention applies, the question shall be settled by the competent authority.

Article 2

In this Convention the term *legal provisions* includes, in addition to laws and regulations, arbitration awards and collective agreements upon which the force of law is conferred and which are enforceable by labour inspectors.

Article 3

Each Member of the International Labour Organisation for which this Convention is in force shall maintain a system of labour inspection in agriculture.

Article 4

The system of labour inspection in agriculture shall apply to agricultural undertakings in which work employees or apprentices, however they may be remunerated and whatever the type, form or duration of their contract.

Article 5

1. Any Member ratifying this Convention may, in a declaration accompanying its ratification, undertake also to cover by labour inspection in agriculture one or more of the following categories of persons working in agricultural undertakings:

- tenants who do not engage outside help, sharecroppers and similar categories of agricultural workers;
- persons participating in a collective economic enterprise, such as members of a cooperative;
- members of the family of the operator of the undertaking, as defined by national laws or regulations.

2. Any Member which has ratified this Convention may subsequently communicate to the Director-General of the International Labour Office a declaration undertaking to cover one or more of the categories of persons referred to in the preceding paragraph which are not already covered in virtue of a previous declaration.

3. Each Member which has ratified this Convention shall indicate in its reports under article 22 of the Constitution of the International Labour Organisation to what extent effect has been given or is proposed to be given to the provisions of the Convention in respect of such of the categories of persons referred to in paragraph 1 of this Article as are not covered in virtue of a declaration.

Article 6

1. The functions of the system of labour inspection in agriculture shall be

- to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, weekly rest and holidays, safety, health and welfare, the employment of women, children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors;
- to supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions;
- to bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions and to submit to it proposals on the improvement of laws and regulations.

2. National laws or regulations may give labour inspectors in agriculture advisory or enforcement functions regarding legal provisions relating to conditions of life of workers and their families.

3. Any further duties which may be entrusted to labour inspectors in agriculture shall not be such as to interfere with the effective discharge of their primary duties or to prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers.

Article 7

1. So far as is compatible with the administrative practice of the Member, labour inspection in agriculture shall be placed under the supervision and control of a central body.

2. In the case of a federal State, the term central body may mean either one at federal level or one at the level of a federated unit.

3. Labour inspection in agriculture might be carried out for example--

- by a single labour inspection department responsible for all sectors of economic activity;

- by a single labour inspection department, which would arrange for internal functional specialisation through the appropriate training of inspectors called upon to exercise their functions in agriculture;

- by a single labour inspection department, which would arrange for internal institutional specialisation by creating a technically qualified service, the officers of which would perform their functions in agriculture; or

- by a specialised agricultural inspection service, the activity of which would be supervised by a central body vested with the same prerogatives in respect of labour inspection in other fields, such as industry, transport and commerce.

Article 8

1. The labour inspection staff in agriculture shall be composed of public officials whose status and conditions of service are such that they are assured of stability of employment and are independent of changes of government and of improper external influences.

2. So far as is compatible with national laws or regulations or with national practice, Members may include in their system of labour inspection in agriculture officials or representatives of occupational organisations, whose activities would supplement those of the public inspection staff; the persons concerned shall be assured of stability of tenure and be independent of improper external influences.

Article 9

1. Subject to any conditions for recruitment to the public service which may be prescribed by national laws or regulations, labour inspectors in agriculture shall be recruited with sole regard to their qualifications for the performance of their duties.

2. The means of ascertaining such qualifications shall be determined by the competent authority.

3. Labour inspectors in agriculture shall be adequately trained for the performance of their duties and measures shall be taken to give them appropriate further training in the course of their employment.

Article 10

Both men and women shall be eligible for appointment to the labour inspection staff in agriculture; where necessary, special duties may be assigned to men and women inspectors.

Article 11

Each Member shall take the necessary measures to ensure that duly qualified technical experts and specialists, who might help to solve problems demanding technical knowledge, are associated in the work of labour inspection in agriculture in such manner as may be deemed most appropriate under national conditions.

Article 12

1. The competent authority shall make appropriate arrangements to promote effective co-operation between the inspection services in agriculture and government services and public or approved institutions which may be engaged in similar activities.

2. Where necessary, the competent authority may either entrust certain inspection functions at the regional or local level on an auxiliary basis to appropriate government services or public institutions or associate these services or institutions with the exercise of the functions in question, on condition that this does not prejudice the application of the principles of this Convention.

Article 13

The competent authority shall make appropriate arrangements to promote collaboration between officials of the labour inspectorate in agriculture and employers and workers, or their organisations where such exist.

Article 14

Arrangements shall be made to ensure that the number of labour inspectors in agriculture is sufficient to secure the effective discharge of the duties of the inspectorate and is determined with due regard for

- the importance of the duties which inspectors have to perform, in particular--
 - the number, nature, size and situation of the agricultural undertakings liable to inspection;
 - the number and classes of persons working in such undertakings; and
 - the number and complexity of the legal provisions to be enforced;
- the material means placed at the disposal of the inspectors; and
- the practical conditions under which visits of inspection must be carried out in order to be effective.

Article 15

1. The competent authority shall make the necessary arrangements to furnish labour inspectors in agriculture with

- local offices so located as to take account of the geographical situation of the agricultural undertakings and of the means of communication, suitably equipped in accordance with the requirements of the service, and, in so far as possible, accessible to the persons concerned;
- the transport facilities necessary for the performance of their duties in cases where suitable public facilities do not exist.

2. The competent authority shall make the necessary arrangements to reimburse to labour inspectors in agriculture any travelling and incidental expenses which may be necessary for the performance of their duties.

Article 16

1. Labour inspectors in agriculture provided with proper credentials shall be empowered

- to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection;
- to enter by day any premises which they may have reasonable cause to believe to be liable to inspection;
- to carry out any examination, test or inquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed, and in particular
 - to interview, alone or in the presence of witnesses, the employer, the staff of the undertaking or any other person in the undertaking on any matters concerning the application of the legal provisions;

(ii) to require, in such manner as national laws or regulations may prescribe, the production of any books, registers or other documents the keeping of which is prescribed by national laws or regulations relating to conditions of life and work, in order to see that they are in conformity with the legal provisions, and to copy such documents or make extracts from them;

(iii) to take or remove for purposes of analysis samples of products, materials and substances used or handled, subject to the employer or his representative being notified of any products, materials or substances taken or removed for such purposes.

2. Labour inspectors shall not enter the private home of the operator of the undertaking in pursuance of subparagraph (a) or (b) of paragraph 1 of this Article except with the consent of the operator or with a special authorisation issued by the competent authority.

3. On the occasion of an inspection visit, inspectors shall notify the employer or his representative, and the workers or their representatives, of their presence, unless they consider that such a notification may be prejudicial to the performance of their duties.

Article 17

The labour inspection services in agriculture shall be associated, in such cases and in such manner as may be determined by the competent authority, in the preventive control of new plant, new materials or substances and new methods of handling or processing products which appear likely to constitute a threat to health or safety.

Article 18

1. Labour inspectors in agriculture shall be empowered to take steps with a view to remedying defects observed in plant, layout or working methods in agricultural undertakings, including the use of dangerous materials or substances, which they may have reasonable cause to believe constitute a threat to health or safety.

2. In order to enable inspectors to take such steps they shall be empowered, subject to any right of appeal to a legal or administrative authority which may be provided by law, to make or have made orders requiring--

(a) such alterations to the installation, plant, premises, tools, equipment or machines, to be carried out within a specified time limit, as may be necessary to secure compliance with the legal provisions relating to health or safety; or

(b) measures with immediate executory force, which can go as far as halting the work, in the event of imminent danger to health or safety.

3. Where the procedure described in paragraph 2 is not compatible with the administrative or judicial practice of the Member, inspectors shall have the right to apply to the competent authority for the issue of orders or for the initiation of measures with immediate executory force.

4. The defects noted by the inspector when visiting an undertaking and the orders he is making or having made in pursuance of paragraph 2 or for which he intends to apply in pursuance of paragraph 3 shall be immediately made known to the employer and the representatives of the workers.

Article 19

1. The labour inspectorate in agriculture shall be notified of occupational accidents and cases of occupational disease occurring in the agricultural sector in such cases and in such manner as may be prescribed by national laws or regulations.

2. As far as possible, inspectors shall be associated with any inquiry on the spot into the causes of the most serious occupational accidents or occupational diseases, particularly of those which affect a number of workers or have fatal consequences.

Article 20

Subject to such exceptions as may be made by national laws or regulations, labour inspectors in agriculture

(a) shall be prohibited from having any direct or indirect interest in the undertakings under their supervision;

(b) shall be bound on pain of appropriate penalties or disciplinary measures not to reveal, even after leaving the service, any manufacturing or commercial secrets or working processes which may come to their knowledge in the course of their duties; and

(c) shall treat as absolutely confidential the source of any complaint bringing to their notice a defect, a danger in working processes or a breach of legal provisions and shall give no intimation to the employer or his representative that a visit of inspection was made in consequence of the receipt of such a complaint.

Article 21

Agricultural undertakings shall be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions.

Article 22

1. Persons who violate or neglect to observe legal provisions enforceable by labour inspectors in agriculture shall be liable to prompt legal or administrative proceedings without previous warning: Provided that exceptions may be made by national laws or regulations in respect of cases in which previous notice to carry out remedial or preventive measures is to be given.

2. It shall be left to the discretion of labour inspectors to give warning and advice instead of instituting or recommending proceedings.

Article 23

If labour inspectors in agriculture are not themselves authorised to institute proceedings, they shall be empowered to refer reports of infringements of the legal provisions directly to an authority competent to institute such proceedings.

Article 24

Adequate penalties for violations of the legal provisions enforceable by labour inspectors in agriculture and for obstructing labour inspectors in the performance of their duties shall be provided for by national laws or regulations and effectively enforced.

Article 25

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 activities in agriculture.

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 inspection 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.

Article 26

1. The central inspection authority shall publish an annual report on the work of the inspection services in agriculture, either as a separate report or as part of its general annual report.

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.

3. Copies of the annual reports shall be transmitted to the Director-General of the International Labour Office within three months after their publication.

Article 27

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

(a) laws and regulations relevant to the work of labour inspection in agriculture;

(b) staff of the labour inspection service in agriculture;

(c) statistics of agricultural undertakings liable to inspection and the number of persons working therein;

(d) statistics of inspection visits;

(e) statistics of violations and penalties imposed;

(f) statistics of occupational accidents, including their causes;

(g) statistics of occupational diseases, including their causes.

Article 28

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 29

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 30

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 31

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 32

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 33

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 34

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 30 above, if and when the new revising Convention shall have come into force;

b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 35

The English and French versions of the text of this Convention are equally authoritative.

10.3. R81 Labour Inspection Recommendation, 1947

Recommendation concerning Labour Inspection

The General Conference of the International Labour Organisation, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirtieth Session on 19 June 1947, and Having decided upon the adoption of certain proposals with regard to the organisation of labour inspection in industry and commerce, which is the fourth item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Labour Inspection Recommendation, 1923, and the Labour Inspection Convention, 1947,

adopts this eleventh day of July of the year one thousand nine hundred and forty-seven, the following Recommendation, which may be cited as the Labour Inspection Recommendation, 1947:

Whereas the Labour Inspection Recommendation, 1923, and the Labour Inspection Convention, 1947, provide for organisation of systems of labour inspection and it is desirable to supplement the provisions thereof by further recommendations;

The Conference recommends that each Member should apply the following provisions as rapidly as national conditions allow and report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto.

I. Preventive Duties of Labour Inspectorates

1. Any person who proposes to open an industrial or commercial establishment, or to take over such an establishment, or to commence in such an establishment the carrying on of a class of activity specified by a competent authority as materially affecting the application of legal provisions enforceable by labour inspectors, should be required to give notice in advance to the competent labour inspectorate either directly or through another designated authority.

2. Members should make arrangements under which plans for new establishments, plant, or processes of production may be submitted to the appropriate labour inspection service for an opinion as to whether the said plans would render difficult or impossible compliance with the laws and regulations concerning industrial health and safety or would be likely to constitute a threat to the health or safety of the workers.

3. Subject to any right of appeal which may be provided by law, the execution of plans for new establishments, plant and processes of production deemed under national laws or regulations to be dangerous or unhealthy should be conditional upon the carrying out of any alterations ordered by the inspectorate for the purpose of securing the health and safety of the workers.

II. Collaboration of Employers and Workers in Regard to Health and Safety

4.

(1) Arrangements for collaboration between employers and workers for the purpose of improving conditions affecting the health and safety of the workers should be encouraged.

(2) Such arrangements might take the form of safety committees or similar bodies set up within each undertaking or establishment and including representatives of the employers and the workers.

5. Representatives of the workers and the management, and more particularly members of works safety committees or similar bodies where such exist, should be authorised to collaborate directly with officials of the labour inspectorate, in a manner and within limits fixed by the competent authority, when investigations and, in particular, enquiries into industrial accidents or occupational diseases are carried out.

6. The promotion of collaboration between officials of the labour inspectorate and organisations of employers and workers should be facilitated by the organisation of conferences or joint committees, or similar bodies, in which representatives of the labour inspectorate discuss with representatives of organisations of employers and workers questions concerning the enforcement of labour legislation and the health and safety of the workers.

7. Appropriate steps should be taken to ensure that employers and workers are given advice and instruction in labour legislation and questions of industrial hygiene and safety by such measures as:

- (a) lectures, radio talks, posters, pamphlets and films explaining the provisions of labour legislation and suggesting methods for their application and measures for preventing industrial accidents and occupational diseases;
- (b) health and safety exhibitions; and
- (c) instruction in industrial hygiene and safety in technical schools.

III. Labour Disputes

8. The functions of labour inspectors should not include that of acting as conciliator or arbitrator in proceedings concerning labour disputes.

IV. Annual Reports on Inspection

9. The published annual reports on the work of inspection services should, in so far as possible, supply the following detailed information:

- (a) a list of the laws and regulations bearing on the work of the inspection system not mentioned in previous reports;
- (b) particulars of the staff of the labour inspection system, including:
 - (i) the aggregate number of inspectors;
 - (ii) the numbers of inspectors of different categories;
 - (iii) the number of women inspectors; and
 - (iv) particulars of the geographical distribution of inspection services;
- (c) statistics of workplaces liable to inspection and of the number of persons therein employed, including:
 - (i) the number of workplaces liable to inspection;
 - (ii) the average number of persons employed in such workplaces during the year;
 - (iii) particulars of the classification of persons employed under the following headings: men, women, young persons, and children;
- (d) statistics of inspection visits, including:
 - (i) the number of workplaces visited;
 - (ii) the number of inspection visits made, classified according to whether they were made by day or by night;
 - (iii) the number of persons employed in the workplaces visited;
 - (iv) the number of workplaces visited more than once during the year;
- (e) statistics of violations and penalties, including:
 - (i) the number of infringements reported to the competent authorities;
 - (ii) particulars of the classification of such infringements according to the legal provisions to which they relate;
 - (iii) the number of convictions;
 - (iv) particulars of the nature of the penalties imposed by the competent authorities in the various cases (fines, imprisonment, etc.);
- (f) statistics of industrial accidents, including the number of industrial accidents notified and particulars of the classification of such accidents:
 - (i) by industry and occupation;
 - (ii) according to cause;
 - (iii) according to whether fatal or non-fatal;
- (g) statistics of occupational diseases, including:
 - (i) the number of cases of occupational disease notified;
 - (ii) particulars of the classification of such cases according to industry and occupation;
 - (iii) particulars of the classification of such cases according to their cause or character, such as the nature of the disease, poisonous substance or unhealthy process to which the disease is due.

10.4. R82 Labour Inspection (Mining and Transport) Recommendation, 1947

Recommendation concerning Labour Inspection in Mining and Transport Undertakings

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirtieth Session on 19 June 1947, and

Having decided upon the adoption of certain proposals with regard to the organisation of labour inspection in mining and transport undertakings, which is included in the fourth item on the agenda of the Session, and

Having determined that certain of these proposals shall take the form of a Recommendation supplementing the Labour Inspection Recommendation, 1923, the Labour Inspection Convention, 1947, and the Labour Inspection Recommendation, 1947,

adopts this eleventh day of July of the year one thousand nine hundred and forty-seven, the following Recommendation, which may be cited as the Labour Inspection (Mining and Transport) Recommendation, 1947:

Whereas the Labour Inspection Convention, 1947, provides for the organisation of

systems of labour inspection and permits the exemption of mining and transport undertakings from the application thereof by national laws or regulations; and

Whereas it is nevertheless essential to make adequate provision in respect of mining and transport undertakings for the effective enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work;

The Conference recommends that each Member should apply the following provisions as rapidly as national conditions allow and report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto:

Each Member of the International Labour Organisation should apply to mining and transport undertakings as defined by the competent authority appropriate systems of labour inspection to ensure the enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work.

10.5. R133 Labour Inspection (Agriculture) Recommendation, 1969

Recommendation concerning Labour Inspection in Agriculture

The General Conference of the International Labour Organisation, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-third Session on 4 June 1969, and Having decided upon the adoption of certain proposals with regard to labour inspection in agriculture, which is the fourth item on the agenda of the session, and Having determined that these proposals shall take the form of a Recommendation supplementing the Labour Inspection (Agriculture) Convention, 1969, adopts this twenty-fifth day of June of the year one thousand nine hundred and sixty-nine, the following Recommendation, which may be cited as the Labour Inspection (Agriculture) Recommendation, 1969:

1. Where national conditions permit, the functions of the labour inspectorate in agriculture should be enlarged so as to include collaboration with the competent technical services with a view to helping the agricultural producer, whatever his status, to improve his holding and the conditions of life and work of the persons working on it.
2. Subject to the provisions of Article 6, paragraph 3, of the Labour Inspection (Agriculture) Convention, 1969, the labour inspectorate in agriculture might be associated in the enforcement of legal provisions on such matters as
 - (a) training of workers;
 - (b) social services in agriculture;
 - (c) co-operatives;
 - (d) compulsory school attendance.
3.
 - (1) Normally, the functions of labour inspectors in agriculture should not include that of acting as conciliator or arbitrator in proceedings concerning labour disputes.
 - (2) Where no special bodies for this purpose exist in agriculture, labour inspectors in agriculture may be called upon as a temporary measure to act as conciliators.
 - (3) In the case provided for by subparagraph (2) of this Paragraph, the competent authority should take measures in harmony with national law and compatible with the resources of the labour department of the country concerned with a view to relieving labour inspectors progressively of such functions, so that they are able to devote themselves to a greater extent to the actual inspection of undertakings.
4. Labour inspectors in agriculture should become familiar with conditions of life and work in agriculture and have knowledge of the economic and technical aspects of work in agriculture.
5. Candidates for senior positions in the labour inspectorate in agriculture should be in possession of appropriate professional or academic qualifications or have acquired thorough practical experience in labour administration.
6. Candidates for other positions in the labour inspectorate in agriculture (such as assistant inspectors and junior staff) should, if the level of education in the country allows, have completed secondary general education, supplemented, if possible, by appropriate technical training, or have acquired adequate administrative or practical experience in labour matters.
7. In countries where education is not sufficiently developed, persons appointed as labour inspectors in agriculture should at least have some practical experience in agriculture or show an interest in and have capacity for this type of work; they should be given adequate training on the job as rapidly as possible.

8. The central labour inspection authority should give labour inspectors in agriculture guidelines so as to ensure that they perform their duties throughout the country in a uniform manner.
9. The activity of labour inspectors in agriculture during the night should be limited to those matters which cannot be effectively controlled during the day.
10. The use in agriculture of committees for hygiene and safety which include representatives of employers and of workers might be one of the means of collaboration between officials of the labour inspectorate in agriculture and employers and workers, or their organisations where such exist.
11. The association of the labour inspectorate in agriculture in the preventive control of new plant, new materials or substances and new methods of handling or processing products which appear likely to constitute a threat to health or safety, provided for in Article 17 of the Labour Inspection (Agriculture) Convention, 1969, should include prior consultation with the labour inspectorate on
 - (a) the putting into operation of such plant, materials or substances, and methods; and
 - (b) the plans of any plant in which dangerous machines or unhealthy or dangerous work processes are to be used.
12. Employers should provide the necessary facilities to labour inspectors in agriculture, including, where appropriate, the use of a room for interviews with persons working in the undertaking.
13. The annual report published by the central inspection authority might, in addition to the subjects listed in Article 27 of the Labour Inspection (Agriculture) Convention, 1969, deal with the following matters in so far as they are within the competence of the said authority:
 - (a) statistics of labour disputes in agriculture;
 - (b) identification of problems regarding application of the legal provisions, and progress made in solving them; and
 - (c) suggestions for improving the conditions of life and work in agriculture.
14.
 - (1) Members should undertake or promote education campaigns intended to inform the parties concerned, by all appropriate means, of the applicable legal provisions and the need to apply them strictly as well as of the dangers to the life or health of persons working in agricultural undertakings and of the most appropriate means of avoiding them.
 - (2) Such campaigns might, in the light of national conditions, include--
 - (a) use of the services of rural promoters or instructors;
 - (b) distribution of posters, pamphlets, periodicals and newspapers;
 - (c) organisation of film shows, and radio and television broadcasts;
 - (d) arrangements for exhibitions and practical demonstrations on hygiene and safety;
 - (e) inclusion of hygiene and safety and other appropriate subjects in the teaching programmes of rural schools and agricultural schools;
 - (f) organisation of conferences for persons working in agriculture who are affected by the introduction of new working methods or of new materials or substances;
 - (g) participation of labour inspectors in agriculture in workers' education programmes; and
 - (h) arrangements of lectures, debates, seminars and competitions with prizes