



# The Strength of Labour Inspection – 10 Years Lessons Learned, Challenges of the Future

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„Each single accident at work is too much”,  
STATE LABOUR INSPECTORATE CONFERENCE,  
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# Role and Function of Labour Inspection - ILO 81

## 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 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.**

## 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.



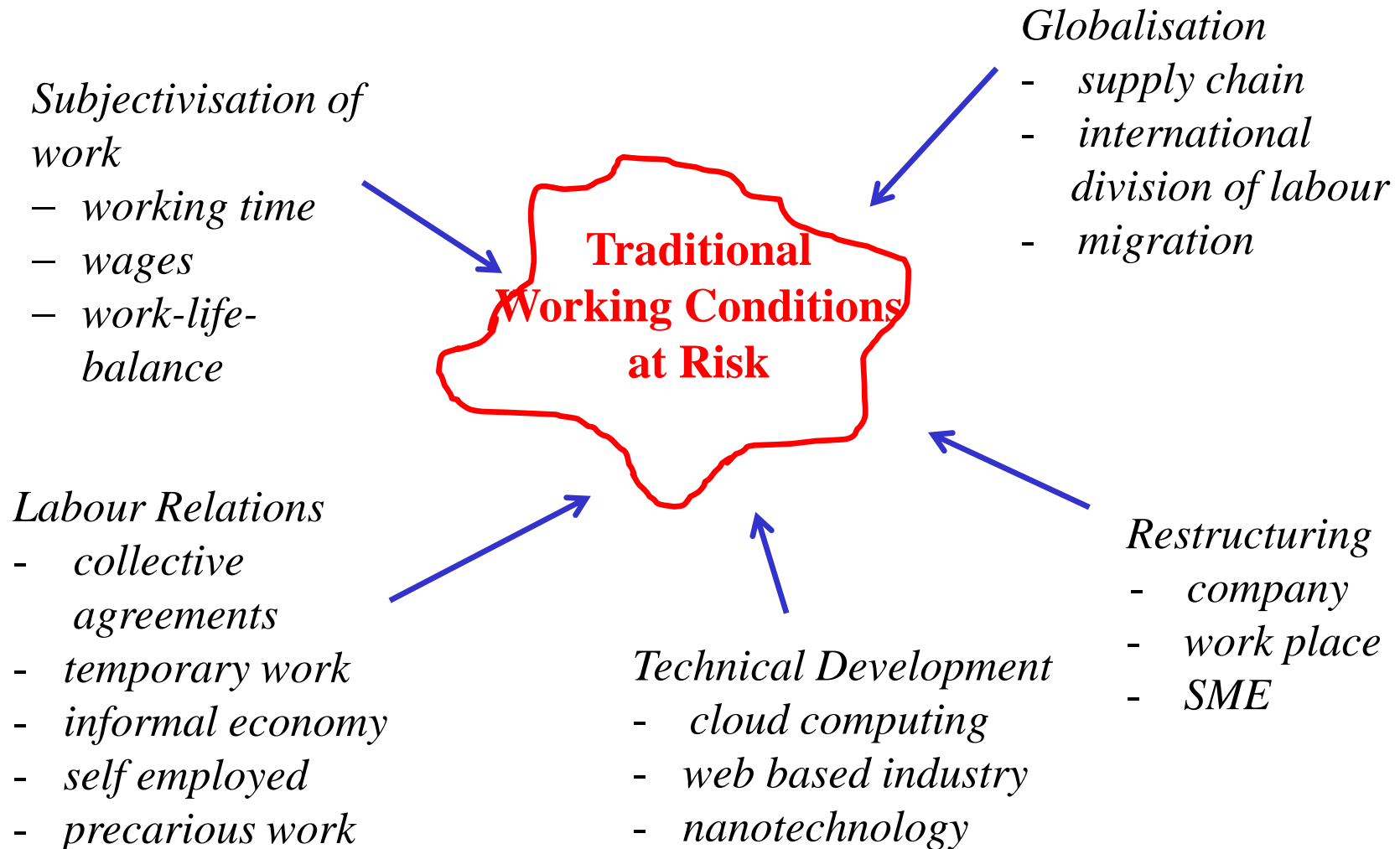
## Importance of Labour Inspection for Social Security System and social dialogue

***“An efficient and adequately resourced labour inspection system makes a significant contribution to economic development, social cohesion and good governance”***

*(ILO Governing Body Committee on Employment and Social Policy, November 2006)*

# Influences on workplaces and health and safety performance

# Change of Work



# Challenges of a Changing World

- **Health and Safety**
  - Multi-causal stress and strain
  - Coinciding general diseases and work-related disorders
  - Annual 4 million occupational accidents, 4.400 fatal accidents
  - 44% of sick leave for work related reasons
  - 550 mio (44%) work days lost because of occupational accidents and diseases
- **New technologies and emerging risks**
  - Psycho-social stress and strain
- **Labour Relations**
  - Working time
  - Wages
  - Labour contracts: self employed, precarious work

# New Risks

## – New Approaches

- The system of work needs an holistic approach to achieve a sustainable development.
- All contributors to this system have to play an active role and to take responsibility.
- For continuous assessment and improvement an independent and competent authority is necessary with impact on company level.
- Social progress needs legal back-stopping and voluntary agreements.

New technologies = new opportunities for labour inspectorates

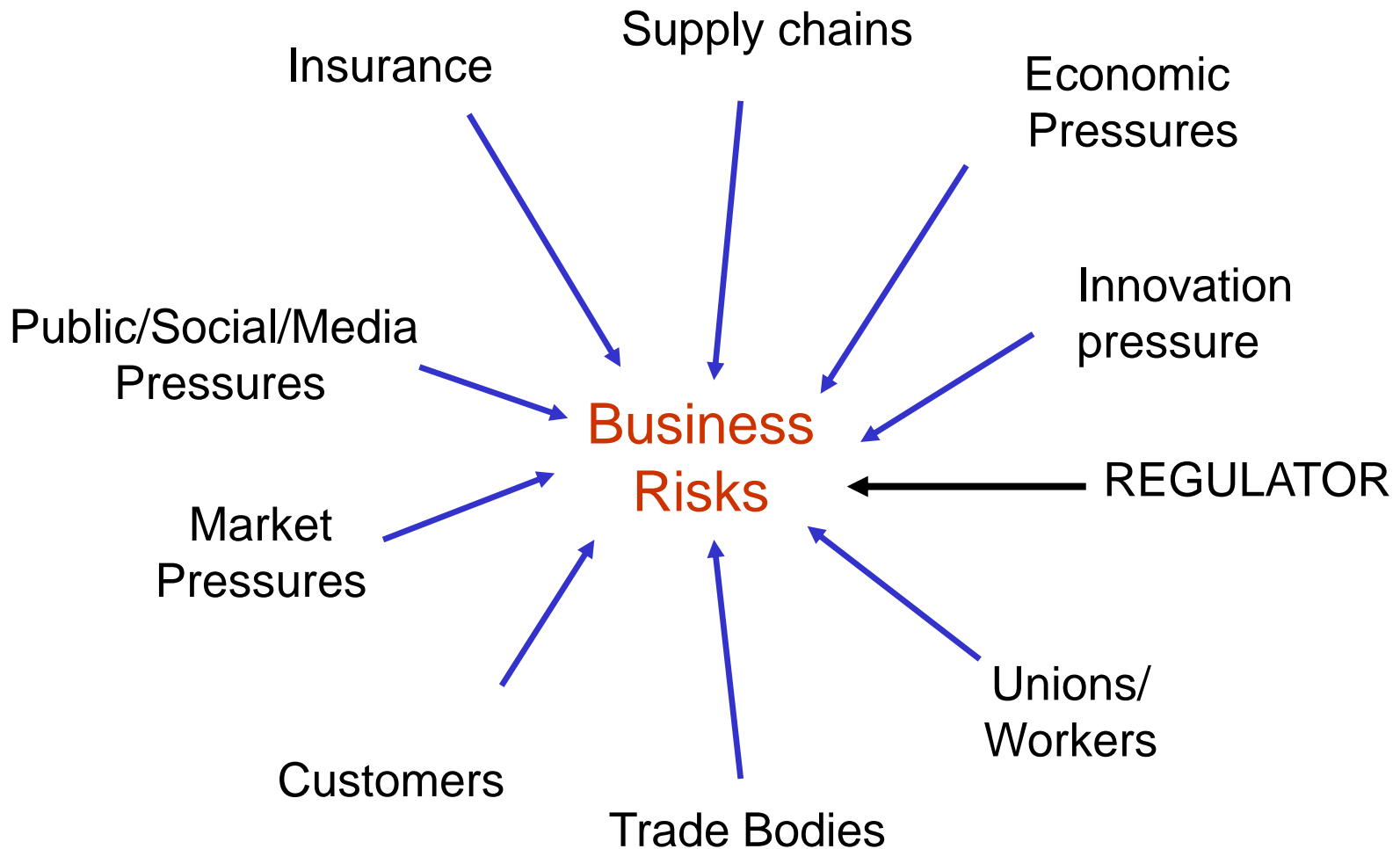
Labour inspectors are change agents

Labour Inspectorates act to influence key organisations

International Common

Principles for Labour Inspection provide a basis for identifying a common approach (SLIC, IALI)

# Influences on Risk Management





## Economic and Social Environment in the last Decade

- ! Economical and financial crisis 2008 – 2012
- ! high rates of unemployment
- ! high rates of migration
- ! critical discussion about Labour Inspection as a over-bureaucratic regulator and inhibitor of free market activities
- ! restructuring activities in nearly all western/European Labour Inspectorates
- ! substantial reduction in resources and staffing of Labour Inspectorates; e.g. in Germany loss of nearly 30% of personal

? Question to rise: are the actual resources compliant with ILO C81?

# International Strategies

# International Strategies – OECD: Regulatory Enforcement and Inspections - OECD Best Practice Principles

1. **Evidence-based enforcement.** Regulatory enforcement and inspections should be evidence-based and measurement-based.
2. **Selectivity.** Inspections and enforcement cannot be everywhere and address everything, and there are many other ways to achieve regulatory objectives.
3. **Risk focus and proportionality.** Enforcement needs to be risk-based and proportionate: the frequency of inspections and the resources employed should be proportional to the level of risk and enforcement actions should be aiming at reducing the actual risk posed by infractions.
4. **Responsive regulation.** Inspection enforcement actions should be modulated depending on the profile and behaviour of specific businesses.
5. **Long term vision.** Governments should adopt policies and institutional mechanisms on regulatory enforcement and inspections with clear objectives and a long-term road-map.

# International Strategies – OECD: Regulatory Enforcement and Inspections - OECD Best Practice Principles



6. **Co-ordination and consolidation.** Inspection functions should be co-ordinated and, where needed, consolidated.
7. **Transparent governance.** Governance structures and human resources policies for regulatory enforcement should support transparency, professionalism, and resultsoriented management
8. **Information integration.** Information and communication technologies should be used.
9. **Clear and fair process.** Governments should ensure clarity of rules and process for enforcement and inspections.
10. **Compliance promotion.** Transparency and compliance should be promoted through the use of appropriate instruments.
11. **Professionalism.** Inspectors should be trained and managed to ensure professionalism, integrity, consistency and transparency.

# International Strategies - IALI: International Common Principles for Labour Inspection

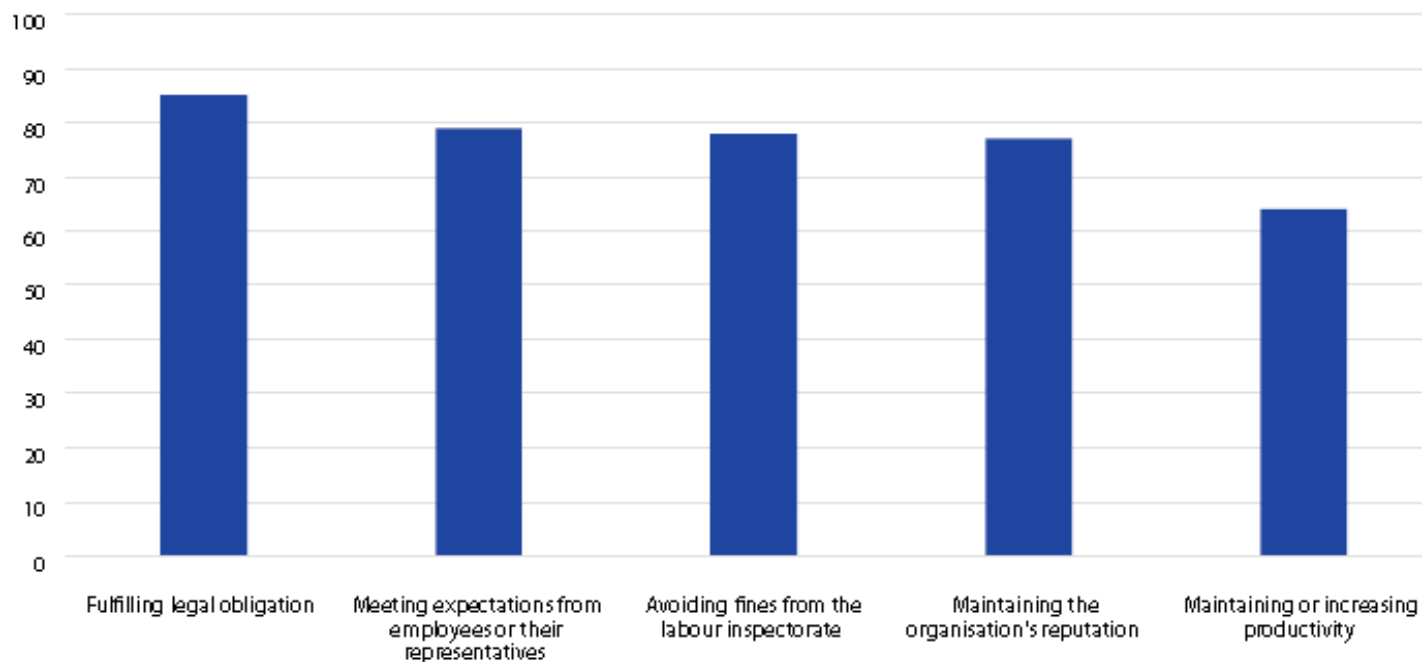
1. Common Statement of purpose (belief) for Labour Inspection;
2. Planning, strategy and monitoring;
3. Commitment to professionalism;
4. Character and complexion of Labour Inspectorates;
5. Method of operation and ensuring compliance with the law;
6. Inspector authorities, independence and competencies.

# What do we observe?

# Motivation of employers to improve working conditions

## ESENER 2

**Figure 4:** Major reasons for addressing safety and health (% establishments, EU-28).

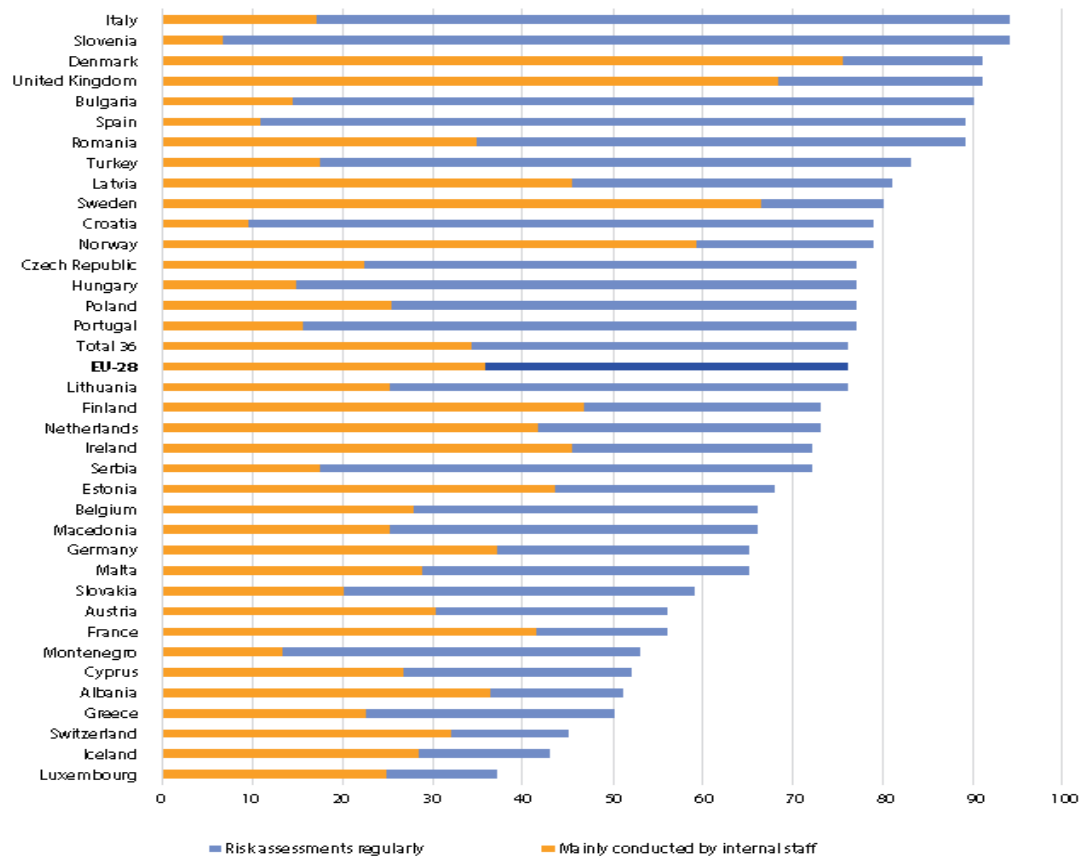


Base: all establishments in the EU-28.



# Workplace Risk Assessment – statutory obligation and major tool ESENER 2

Figure 2: Workplace risk assessments carried out regularly and risk assessments conducted mainly by internal staff, by country (% establishments).



Base: all establishments, all 36 countries.

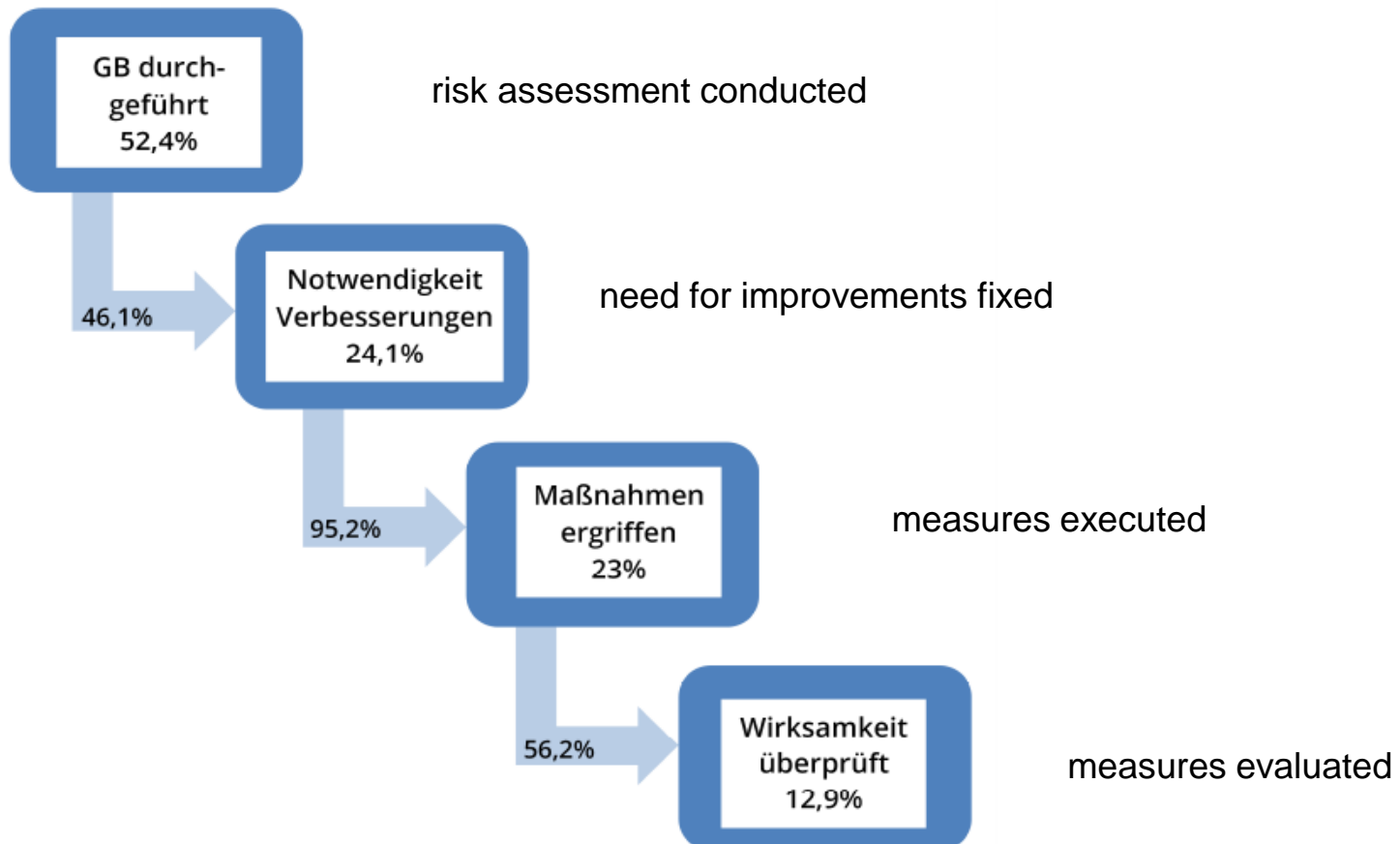
Note: data on risk assessments conducted mainly by internal staff asked to those establishments that report carrying out risk assessments regularly. Percentages in the chart recalculated with respect to the total base of all establishments.



# Relation of Factors of Good OSH Management to Risk Assessment Conducted

Factor of Good OSH Management	% of enterprises with RA conducted
Safety Expert (int/ext.)	62,5
Occ. physician	53,6
OSH committee	85,0
Information of employees/workers	96,5
Causes for workers' information planned and documented	73,9
Information in foreign languages	88,6
Information of temporary agency workers	98,6
Information of contracted companies	88,7
Training of line-management	56,1
Cooperation with workers representatives	97,5
Good and complete risk assessment	13,1

# Share of good and complete risk assessment



# What we do and how do we inspect



# Inspection Methods - German example

1. Risk-oriented inspection (LASI Guideline 1)
  - a) classification of branches:  
mechanical-physical-chemical-psychosocial hazards
  - b) consideration of company size/number of workers
  - c) individual classification of enterprise on inspectionsteps a-b: automatic ranking of enterprises for inspection priority
  
2. „Systemkontrolle/Control of management system (LASI Guideline 54)  
15 elements of internal OSH management, 6 obligatory elements
  - competencies and internal responsibilities, delegation
  - internal control and auditing
  - specific organisational obligations (safety experts, occ. physician)
  - qualification and training
  - information of workers
  - risk assessmentin combination with compliance-check for selected hazards



# Inspection Methods - German example


## 3. Hessian practice of „structured inspection“






# Inspection Methods - German example


## 4. Self-auditing instrument for enterprises: ORGA-Check

 Gemeinsame Deutsche Arbeit | schutz | strategie  
Arbeitsprogramm Organisation

### GDA-ORGCheck

Systematic occupational safety and health pays off





basic version

### Der GDA-ORGCheck

#### 1 Responsibility and delegation

Every employer is responsible for occupational safety and health. Managers can also be responsible for the obligations arising from this. Furthermore, the employer can also transfer responsibility for occupational safety and health tasks to suitable and competent persons in writing. As such, the responsible parties have a clear overview of their tasks and are also able to perform them correctly.



How is it in your company?	Overall rating
1.1 Are all managers informed of their obligations regarding occupational safety and health? <input type="checkbox"/> not applicable	
1.2 Are the areas of responsibility regarding OSH and the associated tasks and authorizations clearly defined and known by all? <input type="checkbox"/> not applicable	
1.3 Are the areas of responsibility regarding OSH and the associated tasks and authorizations transferred in writing? <input type="checkbox"/> not applicable	

#### 2 Checking OSH tasks and OSH obligations

In order to ensure the effective transfer of occupational safety and health tasks, employers and managers regularly check whether the responsible employees are fulfilling their tasks and obligations. If necessary, improvement measures are defined.



How is it in your company?	Overall rating
2.1 Do employers and managers regularly check whether occupational safety and health protection measures are implemented in their areas of responsibility?	
2.2 Are improvement measures specified and implemented where necessary?	

For soft measures, you can use the active plan on the inside back page. The website [www.gda-arg.de/ued04](http://www.gda-arg.de/ued04) offers information for each of the individual questions as well as further information, practical aids and legal information.

# About Effects

# Impact of Labour Inspection

## Influence of Labour Inspection on Company Structures (from company survey)

Abb. 12-1: Pfadmodell 1

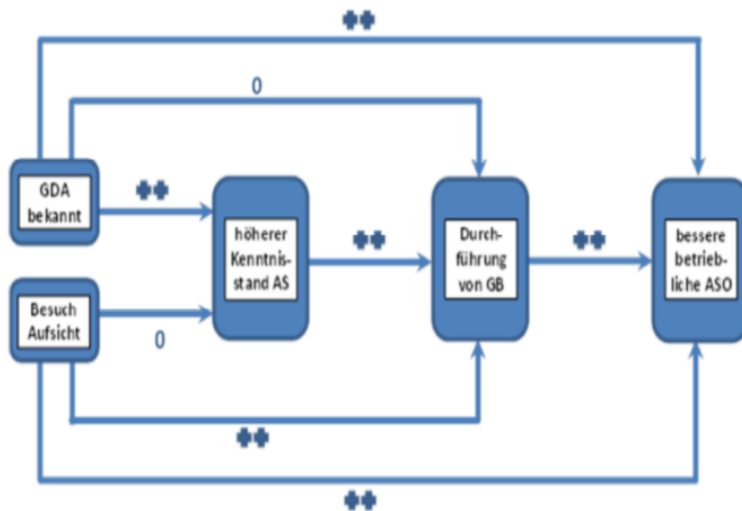
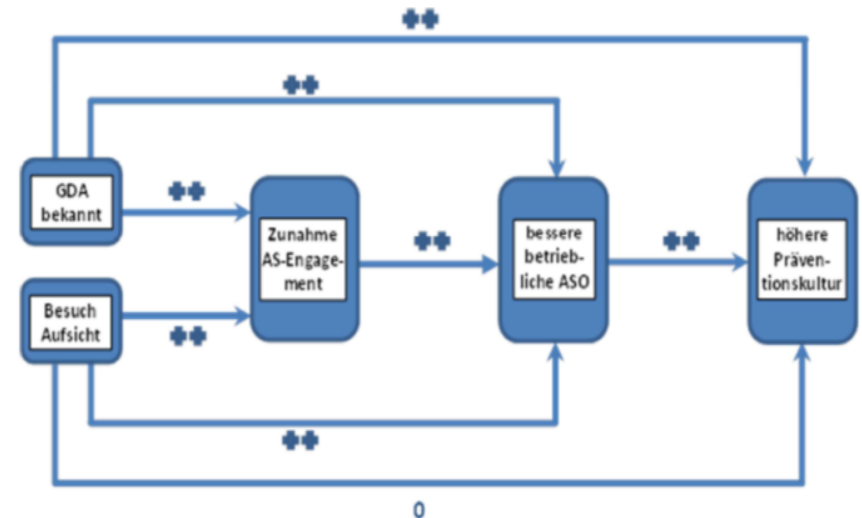


Abb. 12-2: Pfadmodell 2

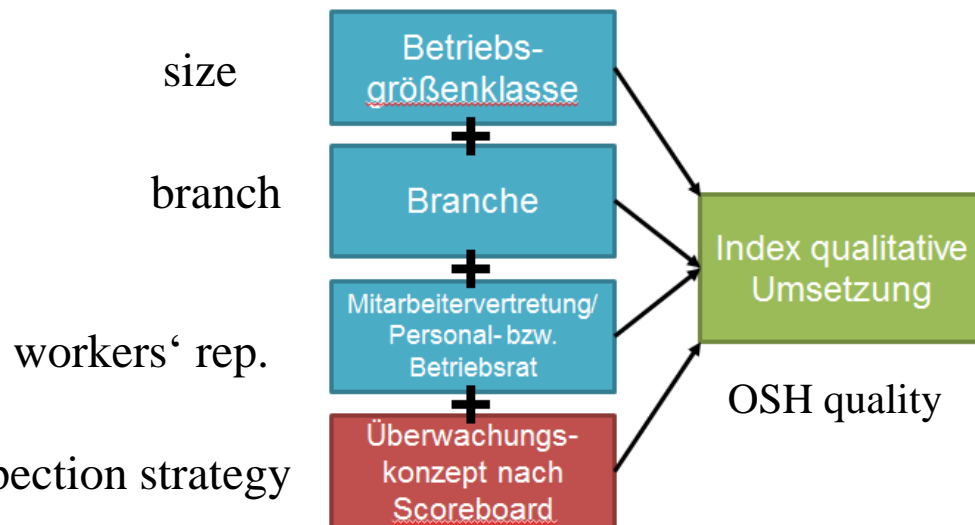


++ = significant positiv statistical correlation



# Impact of Labour Inspection

Influence of Labour Inspection on OSH quality of companies  
(from inspection data)



Influence of labour inspection increases with increasing ratio of inspectors to workers

# Lessons Learned

## Recommendations for a Strong and Influential Labour Inspectorate

- apply strict strategic and planning methods
- apply risk-oriented priority setting
- focus on pro-active inspections
- focus on fundamental elements of company internal OSH management
- check key factors of good and complete risk assessment
- give on-site inspections a high priority
- define an annual minimum of companies visited

❖ **provide Labour Inspectorate with a personal face to it's customers**

**Thank You Very Much For Your Attention!**