

# **INTERNATIONAL BENCHMARKING**

ON OCCUPATIONAL SAFETY  
AND HEALTH (OSH) REGULATION





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# MESSAGE FROM THE IALI PRESIDENT



Labour Inspectorates (LIs) across the globe play an important role in seeking to ensure working conditions, including safety and health standards, respect and protect rather than exploit workers. Some Inspectorates have been around since the 19<sup>th</sup> Century, whereas others have been established more recently. But they all have much in common. All are having to adapt and evolve. Some because they are relatively 'young', but all because they are having to respond to issues such as globalisation, the shift in the power base from individual nation states to multi-national companies and supply chains, changing employment patterns, and policy challenges to the role and purpose of regulation. All these present threats and opportunities but make the work of LIs increasingly challenging.

I have yet to hear of any LI - anywhere - that is adequately resourced to meet the expectations of society (let alone its own committed staff). This is not a political point, but a recognition of the challenges all economies have in resourcing as well as prioritising the funding of public bodies. Of course LIs, like all publicly funded bodies should argue for more resources if it thinks it needs them. But a more interesting and challenging question is whether it is making best use of the resources it does have at its disposal - indeed being successful in doing this is the best way of supporting a case for more resources!

IALI has published its **Handbook for Labour Inspectorates: Measuring Performance of the Occupational Safety and Health Function** which can assist LIs in measuring their effectiveness in respect of particular activities or initiatives. However it is also necessary to consider, more holistically, whether a LI has in place the necessary legal framework, powers, competences, strategic and operational arrangements to maximise effectiveness and impact.

International organisations such as the ILO, IALI, as well as LIs themselves, often ask (or are asked) whether a LI has in place the essential pre-requisites for success, whether they are structured and empowered, and have the strategies and tools, to deliver their mandate of assuring safe and healthy standards at work. IALI has developed these benchmarks and the associated process for assessing country's performance against them as a means of answering those questions. They build on our previous work in developing a **Global Code of Integrity for Labour Inspection and International Common Principles for Labour Inspection**

These benchmarks, and the associated assessment process, should help answer those questions and provide a professional foundation for building strong, modernised and effective Labour Inspectorates worldwide - which is in line with IALI's main aim to enhance the impact and effectiveness of its members.

We hope that this package will be of interest and use to a wide range of interested stakeholders ranging from individual LIs (or sponsoring governments) who wish to have an independent assessment of their current performance, to other organisations that provide support, funding or investment for LIs - either to establish a baseline from which to identify and prioritise investment support or to evaluate the impact of such investment after it has been provided.

We do not see these benchmarks and processes as set in stone. LIs expect employers to adapt a principle of continuous improvement in their approach to working conditions. The same applies to the function of labour inspection. We hope that over time, through sharing experience, today's best practice becomes tomorrow's good practice and the next day's custom and practice – leading to improving working conditions and protection for workers across the world.

Sincerely,

**Kevin Myers**

*President*

*International Association of Labour Inspection*

# ACKNOWLEDGEMENT

This document is a publication of IALI and was developed by the Singapore Ministry of Manpower, together with Great Britain Health and Safety Executive, on behalf of IALI.

The text draws from a wide range of source material including ILO Conventions, ISO standards and earlier publications by IALI such as the *IALI Global Code Of Integrity For Labour Inspection* and the *IALI International Common Principles For Labour Inspection*. IALI wishes to acknowledge the work done by EU Senior Labour Inspectors Committee (SLIC) on the *Common Principles For Labour Inspection In Relation To Health And Safety In The Workplace*.

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# **INTERNATIONAL BENCHMARKING**

ON OCCUPATIONAL SAFETY AND HEALTH (OSH) REGULATION

# **OVERVIEW**

## INTRODUCTION

This document is an application of the ‘IALI International Common Principles for Labour Inspection’ to the area of Occupational Safety and Health (OSH) regulation. It has been developed from, amongst other things, the ‘Common Principles for Labour Inspection in Relation to Health and Safety in the Workplace’ produced and published by the Senior Labour Inspectors Committee (SLIC) of the European Union. IALI wishes to particularly acknowledge their earlier work in this area.

Other references used in the preparation of this document include:

- BS EN ISO/IEC 17020:2012 – Conformity assessment – Requirements for the operation of various types of bodies performing inspection;
- IALI’s Global Code of Integrity for Labour Inspection;
- International Labour Organisation (ILO) Labour Inspection Convention, 1947 (No. 81); and
- ILO Occupational Safety and Health Convention, 1981 (No. 155)

This document sets out an International Benchmarking on OSH Regulation, which is an independent assessment system conducted by IALI for Labour Inspectorates (LI). While responsibility for the regulation of a country’s health and safety law lies with that country, IALI can play a role in assuring the operation of that country’s LI to identify how they are performing against these International Benchmarks.

The objectives of establishing these International Benchmarks and the independent assessment system are:

**A**

To help countries to develop effective labour inspectorates systemically;

**B**

To provide a structured framework for labour inspectorates to monitor progress; and

**C**

To develop a global network of OSH collaborating centres.

Adoption and implementation of these international benchmarks, including independent assessment, can be seen to support ILO benchmarks contained in ILO Labour Inspection Convention, 1947 (No. 81) and ILO Occupational Safety and Health Convention, 1981 (No. 155) as applied to the regulation of health and safety ; and in so doing support initiatives such as the G7 Vision Zero Fund Initiative as well as the United Nations 2030 Agenda for Sustainable Development.



## THE OVERVIEW

1. Labour inspection operates at a point where law, technology, political, social and economic reality meet. It is now widely recognised as a multi-dimensional activity that has political, economic, cultural and social contexts as well as those that are technical, medical and legal in nature. Labour Inspection thus finds itself confronted with complex challenges which involve balancing the demands of more traditional industrial health and safety problems against the demands arising from the changing economy and the changing perception of the role of labour inspection in regulation. The point of balance differ between countries and the International Benchmarking on OSH Regulation, needs to be expressed in a way which enables countries to relate their maturity, needs and priorities to these standards.
2. It is an essential pre-condition for the effective exercise of the Labour Inspection function in relation to the International Benchmarking on OSH Regulation (set out below), that arrangements are in place in a country to:

**i**

ensure that there is an effective legislative framework for the regulation of health and safety in the workplace;

**ii**

establish their strategies for occupational health and safety within an overall approach to working conditions, indicating what they wish to achieve and over what period. The strategies should be transparent to the social partners and should take into account the ILO Labour Inspection Convention, 1947 (No. 81) and ILO Occupational Safety and Health Convention, 1981 (No. 155) as applied to health and safety regulation, the IALI Global Code of Integrity, the IALI International Common Principles for Labour Inspection, and national and local expectations, needs and priorities;

**iii**

maintain or develop institutions and mechanisms for the regulation of OSH, the enforcement of relevant national law, which, in certain cases, may include specialist support services, the police, and the legal and court systems, upon which LIs depend for the effective and efficient discharge of their responsibilities. These institutions should be sufficiently resourced to discharge the duties expected of them by the national and regional strategies;

**iv**

establish effective relationships between ministries, organisations and institutions with a direct or indirect involvement in occupational safety and health, to align strategies, share expertise and coordinate action;

**v**

establish effective relationships with the social partners to draw on their expertise, take account of their priorities and secure their support;

**vi**

collect, collate, analyse and publish information about health and safety performance gathered at national, regional, sector of activity, and, where appropriate, company and workplace level; and

**vii**

encourage employers and workers to take positive action to bring about higher standards of occupational health and safety, and to provide appropriate information and guidance to help employers and workers do so and comply with the law.

3. There are a number of other aspects which may be relevant if improvements to health and safety are to progress and move forward in line with the ILO Labour Inspection Convention, 1947 (No. 81) and ILO Occupational Safety and Health Convention,

1981 (No. 155), the IALI Global Code of Integrity, the IALI International Common Principles for Labour Inspection, and in relation to the Desirable Features (see paragraph 6). To take account of these aspects, countries should:

**i** ensure that the strategies referred to in 2(ii) above incorporate, as part of their purpose, the constant improvement in the quality of work and in well-being at work, in physical, mental and social terms;

**ii** establish or strengthen effective relationships between ministries, organisations and institutions with a direct or indirect involvement in well-being at work, rehabilitation, public health, employment policy, and with other policies pursuing protection objectives, to align strategies, share expertise and coordinate action;

**iii** ensure that the allocation of resources reflects the needs of the developing national or regional strategies;

**iv** agree to clear coordination arrangements for securing necessary change and development;

**v** emphasise the importance of social dialogue in the development of the broad strategy;

**vi** expand the scope of occupational health and safety legislation to include all employees;

**vii** consider how the risks to self-employed persons can be built into national and regional strategies;

**viii** consider how the standards which relates to risk to members of the public from work activities can be applied through the labour inspection system; and

**ix** promote a culture of prevention throughout the educational system.

## THE ESSENTIAL REQUIREMENTS

4. The essential requirements, whose application is vital in all countries, concentrate on the implementation regulation, including enforcement of national legislation. To ensure this is delivered at operational level, LIs must:

### Planning and monitoring

- i prepare annual plans of work setting out the priority areas for action for the year and detailing the inspection and other programmes that will be necessary to deliver the plans; and
- ii set up systems for monitoring progress against the annual plan, and for establishing the data needed for reporting in accordance to Article 21 of the ILO Labour Inspection Convention, 1947 (No. 81);

### Competency and integrity of inspectors

- iii define and document the responsibilities and reporting structure of the organisation;
- iv ensure that men and women are eligible for appointment as inspectors; that inspectors have the appropriate qualifications; that they are competent to undertake their responsibilities; and that they receive the training, instructions and information necessary for them to carry out their work in the safest possible conditions;
- v ensure that inspectors are able to obtain specialist, technical, scientific, legal, methodological and other support to assist them in carrying out their duties;
- vi ensure that inspectors are impartial, that they are independent of inappropriate external influences such as the companies or organisations which they inspect, or be subjected to undue political influences; and that they do not undertake other duties which may interfere with their primary responsibilities;
- vii ensure that inspectors are provided with suitable work environment and transport facilities, and are reimbursed for any necessary expenses they incur in the course of carrying out their duties; and
- viii perform health and safety labour inspections itself under normal circumstances. Where LIs subcontracts any part of the inspection, it must ensure and be able to demonstrate that the subcontractor is competent to perform the activities in question.

## Prevention, protection and assistance for inspectors

**ix** ensure that the number of labour inspectors is sufficient to secure the effective discharge of the duties of the LI;

**x** make available suitable and adequate facilities, personal protective equipment and tools for the purpose of sample collection or measurement, to permit all activities associated with the inspection activities to be carried out in a competent and safe manner; and

**xi** ensure that inspections of workplaces by inspectors can take place in the safest possible conditions. Countries must take appropriate measures to ensure protection against violence of any kind, especially by prior assessment of risks, and they must make all the necessary legal and administrative arrangements for providing support and follow-up in the case of such events, in terms of both legal assistance and psychological care.

## Powers of inspectors

**xii** ensure that inspectors are given the powers necessary to carry out the duties assigned to them. These should include in particular the powers:

- of entry to workplaces without notice to carry out their duties;
- to carry out inspections and investigations at the workplace;
- to require employers and employees to supply information relevant to an inspection or investigation;
- to require employers and employees to supply information regarding a person's identification details which are relevant to an inspection or investigation;
- to examine records and reports relevant to health and safety at the workplace;
- to apply, or to arrange the application of, sanctions when these are deemed to be necessary;
- 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;
- to require the remedying of defects observed in plant, layout or working methods which they may have reasonable cause to believe constitute a threat to the health and safety of the workers; and
- to require the stoppage of working activities in the case of serious risk.

These powers should be exercised taking full account of the confidentiality of personal medical data, economic information, employees' complaints and manufacturing secrecy.

## Guidance for inspectors

- xiii** set out in writing the approach to be taken by inspectors at visits to workplaces and indicate the action which should be taken in particular circumstances; and
- xiv** maintain a documented process to receive, evaluate, and make decisions on complaints and appeals arising from inspections.

## Communication with stakeholders

- xv** ensure that good communication links exist to enable issues of good practice and areas for improvement to be brought to the attention of other inspectors, policy makers and legislators, especially through the use of a suitable information system; and
- xvi** be notified of industrial accidents and cases of occupational diseases as prescribed by national laws or regulations.

## INSPECTION PROCESS

5. The approach to be taken during an inspection must include a physical examination in the workplace of working practices, standards and conditions, and discussion with representatives of the employer and with workers and/or their representatives. It is important when investigating work-related accidents or cases of ill-health that whenever necessary and possible, the person affected is interviewed. Within the essential requirements, examination and discussion

should be focused on ensuring effective management and control of occupational health and safety risks and compliance with relevant national legislation. Following an inspection, the inspector must be in a position to take appropriate action, based on the legal powers of the inspector as assigned. Such action may include the use of sanctions which the inspector is empowered to use. The priorities for inspection will be based on the country's relevant national law and should include:

**i** to assess whether the employer's policy for health and safety is directed to ensuring the health and safety of his employees;

**ii** to assess whether the organisation and arrangements the employer has introduced for securing health and safety are likely to lead to the identification, rectification and prevention of deficiencies. This will include the employer's arrangements for identifying hazards and for assessing risk;

**iii** in particular to make assessments of the employer's arrangements for:

- the effective planning, organisation, implementation, control, monitoring and review of the protective and preventive measures at the workplace;
- securing advice and assistance on health and safety matters;
- dealing with emergencies; providing the employees and/or their representatives with comprehensible and relevant information;
- training the employees in health and safety;
- ensuring consultation with the employees and/or their representatives on matters relevant to health and safety; and
- ensuring that the arrangements in place effectively protect workers against identified risks.

**iv** to provide guidance to employers and workers so as to help them to manage and control OSH risks and comply with legal obligations.

## Action taken by the inspector as a result of the inspection

### With respect to the employer

**v**

to decide what action is necessary and take the required measures to secure compliance with legal provisions and acceptance of supporting guidance; such action includes advice (both written and verbal); the issue of an order requiring the immediate stoppage of work, or improvements by a specified deadline; the issue of an administrative fine/penalty (either directly or through the appropriate authority); or a referral to the prosecuting authorities.

### With respect to the employees

**vi**

to ensure that workers representatives are informed about the inspector's conclusions, and that any written reports given to the employer, are made available to the workers representatives, who should also be informed of the responses given by the employer. Such reports should not include information confidential either to the employer or employees (see paragraph 4(xiii) above).

### With respect to other organisations

**vii**

to decide whether liaison is necessary with other enforcing bodies who may have responsibility under national legislation for matters such as the protection of public health, consumer or environmental protection.

### With respect to records kept for internal LI use only

**viii**

to make a written record of the inspector's decisions and action, which may include information on:

- core data, characteristics and identification of the employer and the organisation and arrangements for health and safety in place at the workplace;
- standards of health, safety and working conditions noted at the workplace and an indication of the level of compliance with the relevant legal provisions;
- hazards identified by the inspector and an assessment of these risks;
- advice given or formal enforcement action taken by the inspector; and
- an assessment of the scope for improvements in health, safety and working conditions, and whether these improvements that have already been made are likely to be maintained. This may include the measures that the employer has proposed to the workers representatives, to improve and maintain standards of health and safety.

## THE DESIRABLE FEATURES

6. The desirable features address the broader aims of achieving improvements in the labour inspection regime within a country. Some will already be a reality in some LIs; some will be aspirational in many LIs. While it is important to maintain the priority for those

functions concerned with the formal enforcement of the law, which only labour inspectors can perform, it is also vital to improve worker protection by the application of the desirable features. It is therefore important that countries take action to:

**i** develop better understanding of the integrated, holistic approach, to encourage an open-minded culture in the LI and make inspectors more aware of the role they can play in the promotion of well-being at work;

**ii** encourage the development of partnership working between the LI and other stakeholders who can influence the well-being at work approach;

**iii** ensure that work plans and priorities take into account the changing economy, changing patterns of employment and their influence upon health and safety issues and priorities;

**iv** ensure that inspectors are suitably trained in the emerging issues, and that specialist support is aligned with the changing priorities and perspectives; and

**v** develop systems for monitoring inspection processes, techniques and activities, which take into account international approaches to the management and assurance of quality.



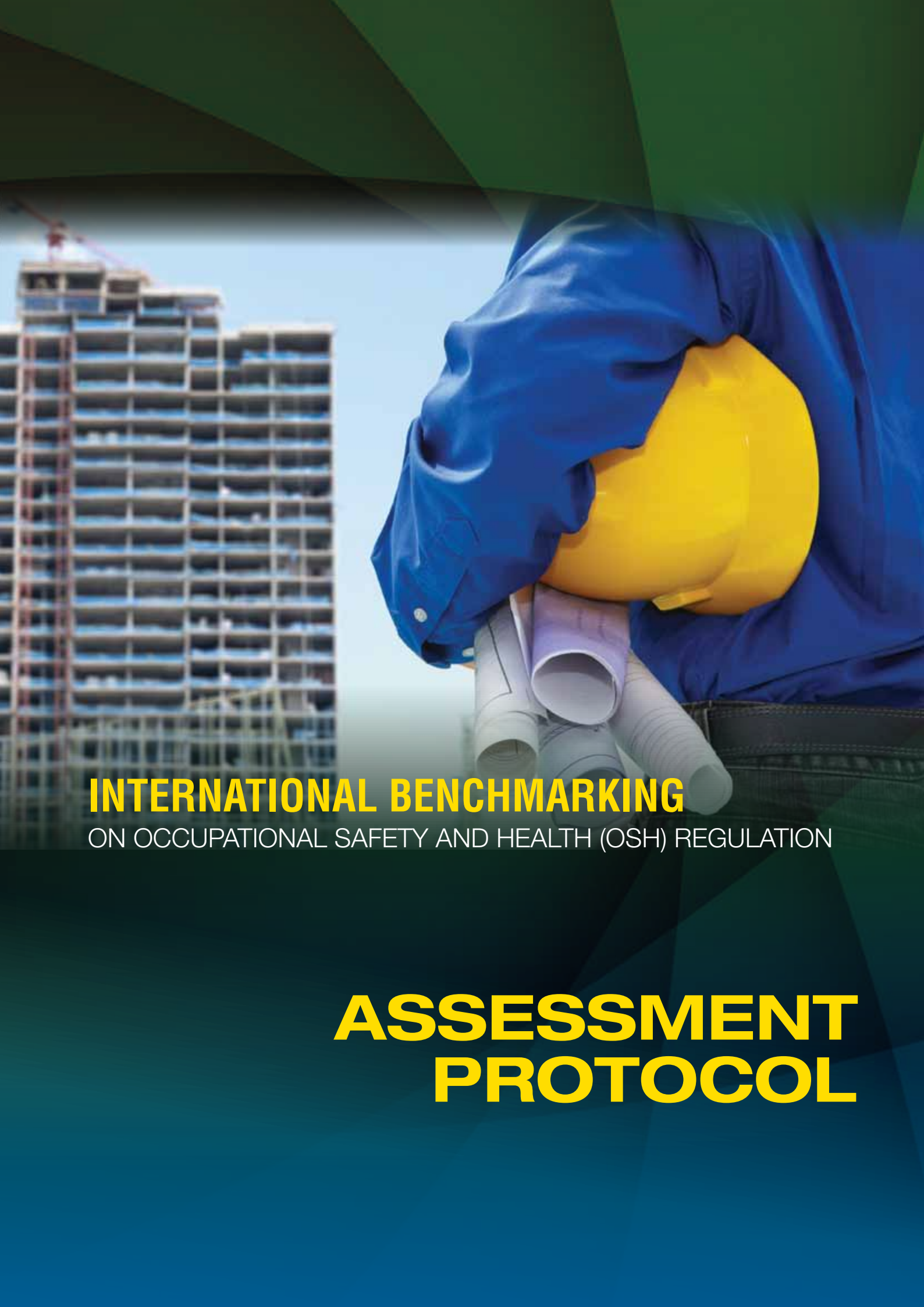
## ASSESSING THE INSPECTION SYSTEM

7. One aim of these benchmarks is to achieve some consistency of approach across LIs to ensure effective, equivalent inspection and monitoring of the implementation of legislation in countries. Hence, the independent assessment of national inspection systems by reference to this set of International Benchmarking on OSH Regulation is an important element to ensure consistency and fairness. IALI has therefore made such an independent assessment process available. The assessment will consist of two independent sequential phases: Phase (I) is an initial paper assessment in response to submission of a completed questionnaire and supporting documents by the requesting LI; followed by a Phase (II) in-country assessment consisting of interviews and observation of inspection if Phase (I) was assessed to be satisfactory.
8. A protocol which gives useful guidance on the conduct of assessments as well as other related documents are available in this book as follows:
- i Assessment protocol;
  - ii Assessor eligibility and appointment;
  - iii Phase (I) assessment questionnaire; and
  - iv Phase (II) scoring checklist with scoring guide.

## REVIEW OF INTERNATIONAL BENCHMARKING ON OSH REGULATION

9. It will be appropriate for the IALI Executive Committee to review these International Benchmarking on OSH Regulation documents from time to time, as experience of regulatory tools and techniques developed and evolved, and to take in to account technological and working practice changes.

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# **INTERNATIONAL BENCHMARKING**

ON OCCUPATIONAL SAFETY AND HEALTH (OSH) REGULATION

# **ASSESSMENT PROTOCOL**

## INTRODUCTION

The International Benchmarking on OSH Regulation is an application of the 'IALI International Common Principles for Labour Inspection' to the area of health and safety regulation. Complemented by an independent assessment system conducted by IALI for Labour Inspectorates (LI), these benchmarks aims:

- A** To help countries to develop effective labour inspectorates systemically;
- B** To provide a structured framework for labour inspectorates to monitor progress; and
- C** To develop a global network of OSH collaborating centres.

This document sets out the assessment protocol for assessments conducted by IALI for LIs, for assessing adherence to the International Benchmarking on OSH Regulation. It was developed with reference, amongst other things, to the Evaluation Protocol for carrying out an evaluation under the “Common Principles for labour inspection in relation to health and safety in the workplace” produced and published by the Senior Labour Inspectors Committee (SLIC) of the European Union. IALI wishes to acknowledge the significant earlier work of SLIC in developing an assessment framework.

## PRACTICAL ARRANGEMENTS FOR CARRYING OUT AN ASSESSMENT UNDER THE “INTERNATIONAL BENCHMARKING ON OSH REGULATION”

### 1 Purpose and general approach to assessment

**1.1** The basic purpose of assessment is to review the capability of the labour inspection system in the country to be assessed (the host country) to implement and enforce their legislation on health and safety at work.

**1.2** Besides looking at the adequacy of the systems in place for inspection by amplifying the information given in the answers to the “International Benchmarking on OSH Regulation Questionnaire”, the wider purposes of assessment are to promote exchanges of information, ways of working and experience between inspectorates, and thereby to promote greater consistency.

**1.3** The following sections of the “International Benchmarking on OSH Regulation” set out the need for assessment and specify what it should involve. It should include, at least, an assessment of: the organisational structure, the administrative and operational procedures, the standards for inspection and their application, the resources available, the personnel and their training and the systems for reporting, record keeping and information collection. It also requires an on-site assessment.

**1.4** The assessment exercise is intended not only to benefit the host country, but also to provide the opportunity, in time, to identify common issues and problems among countries, which might be debated and progressed as special themes by IALI as a whole.

**1.5** Since the original Common Principles were first drawn up in 1994 within the EU, considerable practical experience of assessment has been built up, both within EU Member States and what were then the Accession Countries. All Member States have participated either as host or member of an assessment team, or both. A consistent methodology has evolved by custom and practice, which has been supported and facilitated by the European Commission. This document aims to make the most cost-effective use of everyone's time and concentrate the most attention on what inspectors do in practice in real, ‘every-day’ inspection situations. This is considered to be the most important aspect of assessment and of the greatest benefit in promoting continuous improvement, the exchange of ideas, information and experience, and consistency. IALI's International Benchmarking on OSH Regulation are hence utilising that experience and therefore the assessment process is largely based on that used in the EU.

**1.6** It should be emphasised that this protocol is intended as an aid to the conduct of the assessment; it is not intended to dictate how the assessment should be carried out. It is open to the assessment team and the host country to arrange the assessment week differently if (for reasons of efficiency or to aid understanding) alternative arrangements are appropriate, so long as the assessment retains the emphasis on practical field visiting described in paragraph 4.2.5.

## 2 Elements of an assessment

### 2.1

An assessment consists of several stages:

2.1.1 A formal request from the host country through IALI secretariat for an assessment to take place and agreement of the scale of the assessment – identifying and providing contact details of the host country's lead person for the assessment.

2.1.2 IALI's acceptance of the request and appointment of the assessment team, obtaining nominations from other participating bodies, agreeing contact details and dates between the assessment team and the host country.

2.1.3 Phase (I) Assessment – The host country completes the answers to the Questionnaire and sends them to the leader of the assessment team. The host country may also send other, supporting documents (and should do so if requested by the leader of the assessment team) – e.g. copies of their last annual report, the current plan of work, details of the main legislation in relation to workplace health & safety.

2.1.4 Assessment team carries out an assessment of the completed Questionnaire and generates a preliminary assessment report. This report should be completed within 1 month from the host country's submission of all required documents, and shall recommend whether continuation of the assessment to Phase (II) is worthwhile. The outcome of this Phase (I) assessment will be one of the following:

- agreement to proceed to Phase (II);
- requests for further information and/or clarification; or
- a decision that progress to Phase (II) is not worthwhile due to fundamental issues that will need resolution (in this case the report to the host country should detail those issues)

2.1.5 Phase (II) Assessment – If Phase (II) assessment is agreed, the host country, in discussion with the leader of the assessment team, proposes a draft plan and timetable for the visit and sends this to the members of the team. Sufficient lead time (generally at least two months) should be given for both the host country and the assessment team to make the necessary preparations before commencement of the actual on-site assessment.

2.1.6 The assessment team will:

- Conduct a preparatory meeting (this may be via Skype or similar) to agree initial impressions, the plans for the visit, and to identify issues for clarification and amplification,
- the assessment leader then contacts the host country to receive background information, discuss any necessary clarification, agree what further information is needed, and agree the detailed requirements and plans for the assessment visit.

2.1.7 The on-site assessment visit should last for at least 5 days in a working week and concludes with the assessment team giving informal feedback, preferably via a closing meeting, to the Director or Management Representative of the host country's LI on their main findings and an initial indication of the assessment outcomes.

2.1.8 The assessment team can continue to correspondence with the host country to check facts and further their understanding of certain issues, or to receive further documents requested during the visit.

2.1.9 The members of the assessment team send their contributions, in English (or the agreed alternative language), to the leader of the assessment team, who compiles and endorses the full report. In order to remain relevant, the final report should be submitted within three months from the conclusion of the on-site assessment visit.

### 3 Preparation – before the assessment visit

#### 3.1 Dates

It is important that the assessment team members and period of assessment should be agreed upon in advance to ensure that all can participate fully and be equally well-briefed – it is recommended that the dialogue starts at least two months before the visit. The leader of the assessment team should initiate this and all other assessment team members involved should respond promptly.

#### 3.2 Language

Communications between the assessment team members and between the team and the host country are conducted in English as the common language, unless the assessment team and the host country agree to another language. This possibility needs to be borne in mind when establishing the assessment team. Essential documents should be provided in English or that of the other agreed language.

#### 3.3 Assessors

The assessment team should normally comprise two or three members (though slightly more may be needed for larger countries), including the leader. The members of the assessment team should have background and experience in practical health and safety inspection. The leader may be assisted by a labour inspector from their own country, to help with the organisation, participate in the visits and help with the preparation of the report. It is preferable that the team consists of assessors from different professional backgrounds, gender, and assessment experience.

#### 3.4 Planning: timing

The on-site assessment exercise should be planned with the following timings in mind:

- 3.4.1 Phase (I) assessment should be completed at least 1 month before the assessment team's preparatory meeting (ref. para. 2.1.6) to allow the assessors sufficient time to read it, confer, and request any immediate supplementary information (which may also need to be translated).
- 3.4.2 The assessment visit should take place ideally within two months of the preparatory meeting, while the information is still current and fresh in the assessors' minds.
- 3.4.3 The team should aim to have a first draft of the report completed within one month of the visit – and sooner if possible.

## 3.5 Planning: visits

The host country should plan the week to enable the assessment team to see a wide range of representative workplaces, activities and people. The assessment visit is necessarily a sampling exercise so the basis of the proposed plan should be discussed with the assessment team at the preparatory meeting to ensure that they understand, and are content with the thinking behind it.

The visit plan should bear in mind the following:

**3.5.1** The team will normally wish to have discussions at the start, during an opening meeting, with the Director or Management Representative and senior officers of the LI. Otherwise, the amount of time spent listening to high level presentations should be limited.

**3.5.2** Most of the time should be spent with individual inspectors **to see what inspectors do in practice**. This can be a form of joint visits at actual workplaces with inspectors (either individually or as a group), to observe how inspectors interact with employers or employees, or with the inspectors when they prepare reports in relation to the workplace visits. If time allows, assessors should also observe how inspectors carry out sanctions against employers, or how interactions with other ministries, organisations and institutions to align strategies, share expertise and coordinate actions will be carried out.

**3.5.3** The assessors will normally wish to include some opportunities for discussions with representative groups of operational inspectors and their immediate managers at a sample of local offices.

**3.5.4** The visits should cover as wide a range of **typical** workplaces as possible, in terms of

- industry or activity,
- size of organisation,
- standards,
- geographical area.

Districts throughout the country should be included, consistent with avoiding a disproportionate amount of travelling or costs in excess of the budgetary limits.

**3.5.5** The industries covered at visits should reflect the economic profile of the country but should typically include the following sectors:

- Manufacturing (e.g. food, engineering, wood products, metal products, textiles, plastics, chemicals, ship building/repair)
- Construction
- Mining, quarrying, and oil & gas extraction
- Agriculture and Fishing
- Sewerage, Waste Management and Remediation Activities
- Wholesale and Retail Trade
- Service sector
- Transportation and storage
- Health services and social care
- Education
- Public and private administration
- Temporary work agencies, peripatetic work and non-standard forms of employment.



- 3.5.6 The sizes of enterprises involved in the visits should be wide ranging, reflecting typical inspection priorities and practice. This would encompass both private and public organisations and a range of standards of compliance.
- 3.5.7 The visits should include:
- accident investigations
  - complaint investigations,
  - follow-up visits,
  - formal enforcement visits, as well as
  - preventive inspection visits, both general and targeted, (depending on the nature and development of the inspection systems in place).
- 3.5.8 The inspection visits should be selected from those which are due for a visit in the normal course of the Inspectorate's operational plans.
- 3.5.9 The inspectors involved in the exercise should represent a range of experience and length of service. They should be based at various locations in the country.
- 3.5.10 The assessment team may wish, in the course of the week, to speak to inspectors about their plans and work recording and reporting systems. They may also wish to see examples of these at the offices.

### 3.6 Additional documents

- 3.6.1 In addition to the answers to the Questionnaire, the assessors may wish to see additional information and the host country should be prepared to supply these promptly. Examples are likely to be: latest annual report; strategic plan; summary of the main legislation; details of imminent reorganisations; personnel statistics; statistical information on inspection and investigation activities, numbers of enterprises, orders issued, penalties awarded, etc.

### 3.7 Accommodation and travel

- 3.7.1 The assessment team should aim to assemble on the Sunday, to allow the visit to commence promptly on the Monday.
- 3.7.2 It is important that the assessment team is able to confer during the course of the week and members should be co-located. The team will require a private meeting room for the final morning for consolidation of their findings before the closing meeting with the host country. It can also be helpful to have a room available for evening discussions during the week.
- 3.7.3 Assessors should normally travel with inspectors to site visits. Otherwise, arrangements for travel requirements within the country should be agreed upon and responsibility for making the arrangements clarified. The host country should facilitate internal travel within the country.

## 3.8 Preparatory meetings

- 3.8.1 The assessment team should agree which aspects they wish to clarify and what further information they require and whether they wish to make any adjustments to the proposed visit plan. They should also agree which team member will report on which particular aspects of the standards, so that members can prepare for the task.
- 3.8.2 The host country should clarify whether other Ministries or agencies (such as the Police) have a major role to play in the statutory inspection or enforcement of health and safety standards at the workplace, where this may not be readily apparent from the answers to the Questionnaire. This will allow the assessment team the opportunity to request a meeting or visit with those other agencies.

## 4 Conduct of the assessment visit

A typical visit should comprise:

### 4.1 Day 1

Meetings, in which all the assessors participate, which may include:

- Directors, Management representative, senior managers and heads of functions of the Labour Inspectorate,
- Ministry contacts,
- Employers' confederation
- Trades Unions confederation
- Other bodies involved in the statutory inspection or enforcement of health and safety standards in the workplace.

To establish how the inspectorate is supported, its place within government, its achievements, aims and priorities, current issues, operating environment, political and economic context, relationships, participation by partners, etc.

Also to agree final details of the arrangements for the rest of the week.

### 4.2 Days 2, 3, and 4

The middle three days of the week should be devoted to the assessors carrying out **joint visits** with inspectors.

- 4.2.1 Inspections, investigations and enforcement actions should be conducted in a manner which is as realistic and representative as possible of how the inspectors act normally. Where it is feasible, visits should be unannounced.
- 4.2.2 Both the host LI and the assessors should reassure the inspectors that the assessors are fellow labour inspectors who understand and have empathy with what the inspectors are doing and that no individuals will be identified in any reports back to the management of the Inspectorate.
- 4.2.3 Only the assessors and any necessary interpreter should accompany the inspector at the visits; additional officials would inhibit the inspector and will not allow a realistic inspection.
- 4.2.4 The assessors should project themselves in a professional manner and should refrain from interfering with or commenting on the inspector's work during the inspection itself. They should merely observe the inspector and the inspector's interaction with the people and conditions at the workplace. The assessors could pose questions directly to the employers or employees only to better their understanding of the inspection.

4.2.5 Over the course of this 3 days, assessors should look especially at:

- The understanding and application of risk assessment and the ability of inspectors to judge the quality and adequacy of employers' risk assessments.
- The approach to preventing occupational injury and ill health; is the inspector implementing a hierarchy of control measures?
- Is prevention of occupational disease and ill health being addressed adequately, as well as surveillance to detect early stages of disease?
- The physical inspection of the workplace.
- Actual physical standards in the workplace.
- Investigation practice and the purpose of investigation.
- Involvement of workers' representatives at visits.
- The balance of the inspectors' work, e.g. in terms of: inspection of documents and policies and educational discussions, as opposed to inspection of actual working conditions; contact time at workplaces, as opposed to time in the office on administrative procedures; and time spent on inspection as opposed to travelling time.
- The balance between proactive inspection and reactive inspection – that is between preventive inspection and the investigation of complaints, accidents, cases of ill health and dangerous occurrences.
- Legal tools and enforcement – both theory and practice; what sanctions are available and evidence of the extent to which these have been pursued. The balance between “soft enforcement” through verbal or written advice and “formal enforcement” through the use of legal or administrative sanctions. Are serious breaches of law and serious injuries being taken to the highest courts, with appropriate penalties?
- Enforcement policy and operational guidance available to inspectors on actions to take.
- Liaison with other agencies involved in the regulation of health and safety and how well these support the aims of the LI.
- Resources available to help the inspectors.
- Training of inspectors in practical aspects of identifying hazards, risk assessment, awareness of precautionary measures, and general professional development.
- Availability of published official guidance.

4.2.6 Where the Police or inspectors working for other Ministries, outside the LI, are carrying out regulatory functions for health and safety, the LI should arrange meetings with representatives of those organisations and, where appropriate, arrange for a joint visit.

4.2.7 The assessors will wish to build in opportunities to talk informally to groups of inspectors at their offices about their work and work programmes and to see examples of their information, reporting and work recording systems.

4.2.8 If, despite best efforts, it has not proved possible for at least some of the assessors to observe an investigation visit, the team will wish to talk in detail with inspectors at the office about recent investigations they have carried out. They may wish to question the inspectors about what they did, their objective, the extent of their responsibility, who they saw, what action did they take in relation to the employer, how did the employer respond, what lessons were learned, what sanctions resulted, etc.

### 4.3 Day 5

4.3.1 The morning of the final day should be set aside for the assessment team to compare and discuss their findings and formulate main conclusions, in private. The main conclusions should be formulated in terms of:

- Particular strengths of the labour inspection system, and
- Recommendations and observations that the host country may wish to consider.

4.3.2 The late morning/afternoon is then devoted to a final meeting between the Director or Management representative of the LI and the assessment team, at which the team give informal feedback on their conclusions and recommendations.

4.3.3 The overall timeline of events leading to, during, and after the on-site assessment visit should be roughly as follows:

TIMELINE	ACTIVITY
T	Host Country submits formal assessment request to the IALI secretariat
T + 2 weeks	IALI accepts request upon confirmation from assessment team
T + 1.5 months	Host country submits completed Questionnaire to assessment team with required supporting documents
T + 2.5 months	Assessment Team completes Phase (I) assessment and recommends whether to continue to Phase (II)
T + 3 months	Assessment Team and host country conducts preparatory meeting
T + 5 months	On-site assessment visit commences: Day 1: Meetings to establish overall context of LI Days 2-4: Joint inspection visits and interviews Day 5: Consolidate findings and debrief
T + 6 months	Assessment Team completes first draft of report and forwards to LI for comments or clarifications.
T + 7 months	Assessment Team completes final report

### 4.4 Working relationships during the visit

4.4.1 The assessors should adopt a business-like but friendly approach in their dealings with the host Inspectorate and their staff, as befits an exercise involving fellow labour inspectors and nations. They should plan their requests well ahead and not call for more documents, especially any requiring translation, than are strictly necessary to make their assessment.

4.4.2 The assessors should be allowed time to talk together in private, and this includes the majority of the evenings during the week.

4.4.3 Hospitality and meals provided by the hosts, especially where they help to expedite business during the day, are welcome but should be kept modest.

## 5 The report

**5.1** All members of the assessment team contribute to the report, in accordance with the agreed plan. They send their contributions, in English (or the agreed alternative language), to the leader, who compiles a first draft of the full report and sends it to the Director of the host LI for consultation and comment on factual detail.

**5.2** The members of the assessment team agree to any necessary amendments and the leader then sends the final report to the host Director, with an explanation where amendments have not been able to be incorporated. A copy is also to be sent to IALI and to the rest of the assessment team.

**5.3** The report made by the assessors should be kept as concise as possible and should generally not exceed 20 pages plus annexes.

**5.4** The host country's answers to the Questionnaire should be incorporated into the final document as an annex.

**5.5** Key issues, both positive and aspects for further consideration, should be clearly highlighted, to facilitate future discussion and identification of wider issues for IALI in general. Where the assessment is such that compliance with the International Benchmarking on OSH Regulation cannot be agreed, the report will clearly state why and what measures would be necessary to achieve compliance.

**5.6** The format of the report should be along the lines of:

### A INTRODUCTION AND ARRANGEMENTS

### B SUMMARY OF OVERALL FINDINGS

1. Overall conclusions and recommendations
2. Summary of findings – main highlights:
  - a. **Overview**
  - b. **Planning and Monitoring**
    - i. Coverage of Legislative Framework
    - ii. National Strategy
  - c. **Resource Planning and Execution**
    - i. Powers of Inspectors
    - ii. Competency and Integrity of Inspectors
    - iii. Effectiveness of Labour Inspectorate
    - iv. Inspection Process and Effectiveness
    - v. Inspection Outcomes

### d. **Communication with Stakeholders**

- i. Stakeholder Engagement & Promotion
- ii. Data Collection

### e. **Desirable features**

### C DETAILED REPORT

Aims of inspection – compliance verification  
 Role of Health and Safety Authorities  
 Action by inspectors carrying out inspections  
 Organisation for inspection of safety and health

### D ANNEXES

Answers to Phase (I) Questionnaire  
 Assessors' completed Phase (II) scoring checklist  
 Organisation charts  
 Summary of relevant legislations  
 Other supporting documents, etc

**5.7**

The assessment report and any associated documentation should be considered as confidential between the assessment team, the host country, and IALI, until the host country agrees otherwise.

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# **INTERNATIONAL BENCHMARKING**

ON OCCUPATIONAL SAFETY AND HEALTH (OSH) REGULATION

# **ASSESSOR ELIGIBILITY AND APPOINTMENT**

## INTRODUCTION

This document sets out the eligibility and appointment procedures for assessors conducting assessments for compliance with IALI's International Benchmarking on OSH Regulation.

## GENERAL APPOINTMENT PROTOCOLS

- 1** Assessment teams must embody a range of expertise and comprise at least three members each from different jurisdictions.
- 2** The lead assessor, who is selected by the IALI Secretariat, should preferably have been a member of at least 1 previous assessment team or have prior experiences leading other assessments.
- 3** In selecting the assessment team, IALI Secretariat must be cognisant of any activities that may impede individuals from participating due to conflict of interest.
- 4** IALI Secretariat should select assessors from the pre-qualified pool of assessors, taking cognisance of expertise, language considerations, and familiarity with the applying jurisdiction.
- 5** IALI Secretariat should maintain a pool of at least 10 pre-qualified assessors across different jurisdictions at all times, to ensure flexibility in appointment of assessment teams.
- 6** The following protocols are to be observed for non-English speaking applicants where the assessment team members are not fluent in the language of the jurisdiction being reviewed:
  - a. English translations shall be provided for the submitted Phase (I) Questionnaire and any other supporting documents for the assessment.
  - b. A single translator shall be selected and provided by the applicant for the Phase (II) on-site visit. The selection of translators is an important issue. In addition to having good language skills and a knowledge of the assessment process, the selected translator must agree to hold a neutral position with regard to the assessment process.

## ASSESSMENT TEAM MEMBER CHARACTERISTICS

### Essential Criteria

- 7 Nominated by an existing IALI member.
- 8 Experienced in the safety and health labour inspection system in their own jurisdiction.
- 9 Has at least 10 years of safety and health labour inspection experience.
- 10 Possesses good communication skills including being able to communicate in English.
- 11 Understands protocols for working in different cultures.
- 12 Able to work collaboratively in a self-managed international peer group, noting that the team produces its report without secretarial assistance.
- 13 Able to commit the necessary time for the whole assessment process; including Phase (I) assessment and Phase (II) on-site visit, as well as pre-visit preparations and post-visit report writing. The entire process is estimated to take about 7 months.
- 14 Familiar with the IALI International Benchmarking on OSH Regulation, its assessment protocol and compliance requirements, as well as the reporting requirements.
- 15 Prepared to contribute feedback to improve the assessment process.
- 16 Has experience participating as an observer for at least 1 previous assessment or other relevant experiences.
- 17 Has no conflict of interest with the labour inspectorate to be assessed.

## Desirable Criteria

**18** Able to communicate in the language of the jurisdiction being assessed.

**19** Available to act as a team member for at least three years.

## ASSESSMENT TEAM BEHAVIOURS

**20** During the Phase (II) on-site joint visits with inspectors, the assessment team members should be non-participatory observers.

**21** Team members should refrain from making comments on the procedures or outcomes during the visits and only comment on the overall findings at the closing final meeting between the Director of the labour inspectorate and the assessment team, at which the team gives informal feedback on their conclusions and recommendations.

**22** When necessary and in order to achieve complete coverage of different industries and/or types of inspections, the assessment team should consider splitting up to accompany different joint visits with inspectors according to the individual specialisation of the team members.



# **INTERNATIONAL BENCHMARKING**

ON OCCUPATIONAL SAFETY AND HEALTH (OSH) REGULATION

# **QUESTIONNAIRE**

## INTRODUCTION

This questionnaire for evaluating the policies and practices in occupational health and safety inspection was based largely on the “Questionnaire for evaluating the policies and practices in occupational health and safety inspection” produced and published by the Senior Labour Inspectors Committee (SLIC) of the European Union.

The questionnaire is intended to be a tool to check the extent of different countries’ adherence to IALI’s International Benchmarking on OSH Regulation. Since it is well-recognised that there are wide variations in different countries’ inspection systems in their field of responsibility and their organisation, the Questionnaire is intended to provide a framework for the systematic and consistent analysis of each country’s inspection system, policies and practices, in the context within which the Labour Inspectorates (LI) operate.

The completion and submission of this completed Questionnaire to IALI’s nominated assessment team constitutes Phase (I) of the assessment under the International Benchmarking on OSH Regulation. The assessment team will then assess the completed Questionnaire and generate a preliminary assessment report which recommends whether continuation of the assessment to Phase (II) is worthwhile. The outcome of this Phase (I) assessment will be one of the following:

- Agreement to proceed to Phase (II);
- Requests for further information and/or clarification; or
- A decision that progress to Phase (II) is not appropriate due to issues identified during Phase (I) which needs addressing

The Questionnaire is structured in three parts – (i) the Overview, (ii) the Essential Requirements, and (iii) the Desirable Features. The full text of an essential requirement or desirable feature precedes the question to which it relates with a corresponding numbering system. The Questionnaire is not intended to require the repetition or duplication of information found elsewhere. Hence, if up-to-date information is given in the internal annual reports of countries, then this material can be referenced and attached to the questionnaire (if this material is available in English or the agreed language of the assessment).

Please note that the assessment team may seek additional supporting information (e.g. annual reports, current plan of work, details of the main legislation in relation to workplace health and safety, etc) to clarify any information in the questionnaire. The submitted information may also be amplified and clarified during the assessment team’s visit to the host country should the assessment proceed to Phase (II). Therefore, the information provided in response to a question should be specific and proportionate. The answer should not be so comprehensive as to place an unwarranted burden on those completing the questionnaire, nor on those reading the answer.

## LIMITS OF EXERCISE

1

The scope of this Questionnaire is limited to occupational health, safety and welfare only. It excludes wages inspection, industrial relations, etc.

2

This applies to state regulatory systems only and consideration of the functions of LIs within the limits of that context, **but** includes the work of bodies other than the LI who perform an inspection function.

3

This excludes the work of emergency services (ambulance, fire brigade, police) and environmental protection, occupational and public health services, radiation, electricity, gas agencies etc, but the assessment of the Inspectorate should include the communication and co-operation which takes place with these other agencies.

## OVERVIEW: ESSENTIAL REQUIREMENTS

2. It is an essential pre-condition for the effective exercise of the Labour Inspection function in relation to the International Benchmarking on OSH Regulation (set out below) that arrangements are in place in a country to:

**i** ensure that there is an effective legislative framework for the regulation of health and safety in the workplace;

**ii** establish their strategies for occupational health and safety within an overall approach to working conditions, indicating what they wish to achieve and over what period. The strategies should be transparent to the social partners and should take into account the ILO Labour Inspection Convention, 1947 (No. 81) and ILO Occupational Safety and Health Convention, 1981 (No. 155) as applied to Health and Safety Labour Inspection, the IALI Global Code of Integrity, the IALI International Common Principles for Labour Inspection, and national and local expectations, needs and priorities;

**iii** maintain or develop institutions and mechanisms for the enforcement of relevant national law, which, in certain cases, may include specialist support services, the police, and the legal and court systems, upon which LIs depend for the effective and efficient discharge of their responsibilities. These institutions should be sufficiently resourced to discharge the duties expected of them by the national and regional strategies;

**iv** establish effective relationships between ministries, organisations and institutions with a direct or indirect involvement in occupational safety and health, to align strategies, share expertise and coordinate action;

**v** establish effective relationships with the social partners to draw on their expertise, take account of their priorities and secure their support;

**vi** collect, collate, analyse and publish information about health and safety performance gathered at national, regional, sector of activity, and, where appropriate, company and workplace level; and

**vii** encourage employers and workers to take positive action to bring about higher standards of occupational health and safety, and to provide appropriate information and guidance to help employers and workers comply with the law.



## QUESTIONS

2. Please describe the context in which labour inspection operates in your country. The answer to this question should help an outsider understand the organisation of the LI, and its position in the government and in the health and safety system as a whole. Please bear in mind that the philosophies underlying approaches to labour inspection can also vary between countries, and identify for future discussion any aspects of your own approach which might be considered unusual in other countries. Give background information on any relevant social, economic and technological issues and factual information and data, for example employment figures in different sectors, accidents and cases of ill health reported, enforcement action taken, and number of labour inspectors. Please provide an up-to-date organisation chart.

i

Describe the national and/or regional legislative framework for the regulation of health and safety in the workplace in your country.

*(Please keep within 500 words)*

ii

Describe the main features of your national and/or regional strategies.

*(Please keep within 500 words)*

iii

Describe the scope of the LI, in terms both of its sectorial and functional responsibilities. Explain how the LI relates to other parts of the health and safety and legal systems, and how resources are deployed.

*(Please keep within 500 words)*

**iv**

Explain how the LI relates to the wider governmental and health and safety systems and how their activities are co-ordinated.

*(Please keep within 500 words)*

**v**

Describe the involvement and role of the social partners in establishing the national or regional strategies for health and safety, and how they are involved at sector or workplace level.

*(Please keep within 500 words)*

**vi**

Describe national health and safety trends, in terms of cases of accidents and ill health, and the national priorities (sector or topic) derived from these statistics. Mention any known regional variations from the national priorities. Give details of enforcement action taken.

*(Please keep within 500 words)*

**vii**

Explain the LI's role in stimulating action on health and safety; how it assesses the need for information and guidance, how such guidance is made available; and the role of the social partners in this work.

*(Please keep within 500 words)*

## OVERVIEW: DESIRABLE FEATURES

3. There are a number of other aspects which may be relevant if improvements to health and safety are to progress and move forward in line with the ILO Labour Inspection Convention, 1947 (No. 81) and ILO Occupational Safety and Health Convention, 1981 (No. 155), the IALI Global Code of Integrity, the IALI International Common Principles for Labour Inspection, and in relation to the desirable features (see paragraph 6). To take account of these aspects, countries should:

- i ensure that the strategies referred to in 2(ii) incorporate as part of their purpose, the constant improvement in the quality of work and in well-being at work in physical, mental and social terms;
- ii establish or strengthen effective relationships between ministries, organisations and institutions with a direct or indirect involvement in well-being at work, rehabilitation, public health, employment policy, and with other policies pursuing protection objectives, to align strategies, share expertise and coordinate action;
- iii ensure that the allocation of resource reflects the needs of the developing national or regional strategies;
- iv agree clear coordination arrangements for securing necessary change and development;
- v emphasise the importance of social dialogue in the development of the broad strategy;
- vi expand the scope of occupational health and safety legislation to include all employees;
- vii consider how the risks to self-employed persons can be built into national and regional strategies;
- viii consider how the requirements which relates to risk to members of the public from work activities can be applied through the labour inspection system; and
- ix promote a prevention culture throughout the educational system.

## QUESTIONS

**3**

Provide a short description of how your country is already meeting or intends to meet, the expectations of the desirable features, using the individual issues in paragraph 3 as a framework. Explain your priorities in taking forward the new strategy. Indicate where you see particular opportunities for quick progress and where you see particular challenges or problems.

*(Please keep within 500 words)*

## THE ESSENTIAL REQUIREMENTS

4. The essential requirements, whose application is vital in all countries, concentrate on the implementation and enforcement of national legislation. To ensure that effective implementation and enforcement is delivered at operational level, LIs must:

### Planning and monitoring

i

*prepare annual plans of work setting out the priority areas for action for the year and detailing the inspection and other programmes that will be necessary to deliver the plans;*

ii

*set up systems for monitoring progress against the annual plan, and for establishing the data needed for reporting in accordance to Article 21 of the ILO Labour Inspection Convention, 1947 (No. 81); and*

iii

*be notified of industrial accidents and cases of occupational disease as prescribed by national laws or regulations.*

## QUESTIONS

4(i)

If the current national plan is available in English or the agreed assessment language, please provide copies. If planning is a regional matter then please provide copies of the regional plans (again if available in English or the agreed assessment language) for two diverse regions — preferably for regions likely to be visited by the assessment team. If plans are not available, then please summarise the national/regional priorities and how these will be delivered.

*(Please keep within 500 words)*



**4(ii)**

Explain how progress against plans is monitored, and explain any regional differences if planning is a regional matter.

*(Please keep within 500 words)*

**4(iii)**

Explain how the LI is kept notified on industrial accidents and cases of occupational disease as prescribed by national laws or regulations, and explain any regional differences if any. Also explain any discrepancies between data of different government agencies, if any.

*(Please keep within 500 words)*

### *Inspectors' competencies and independence*

- iv** *define and document the responsibilities and reporting structure of the organisation;*
- v** *ensure that men and women are eligible for appointment as inspectors; that inspectors have the appropriate qualifications; that they are competent to undertake their responsibilities; and that they receive the training, instructions and information necessary for them to carry out their work in the safest possible conditions;*
- vi** *ensure that inspectors are able to obtain specialist, technical, scientific, legal, methodological and other support to assist them in carrying out their duties;*
- vii** *ensure that inspectors are impartial, that they are independent of inappropriate external influences and of the companies or organisations which they inspect, and that they do not undertake other duties which may interfere with their primary responsibilities;*
- viii** *ensure that inspectors are provided with suitable offices and transport facilities, and are reimbursed for any necessary expenses they incur in carrying out their duties; and*
- ix** *perform health and safety labour inspections itself under normal circumstances. Where LIs subcontracts any part of the inspection, it must ensure and be able to demonstrate that the subcontractor is competent to perform the activities in question.*

## QUESTIONS

**4(iv)**

Supplement the submitted organisation chart (ref. para. 2), with explanations on the responsibilities/ authorities of different parties and the reporting structure of the organisation.

*(Please keep within 500 words)*

**4(v)**

Explain how inspectors are appointed and trained and how fairness in terms of gender and race is built into the selection process. Explain the grading of inspectors and give their numbers by grade, and by gender. Include in this answer assistant inspectors, technical officers and ‘controllers’ and explain their role and their relationship with inspectors.

*(Please keep within 500 words)*

**4(vi)**

Explain how inspectors obtain specialist support, and give similar details to 4(v) where this support comes from within the LI.

*(Please keep within 500 words)*

**4(vii)**

Explain how the independence of inspectors is assured, and detail other duties which they undertake, in addition to their health and safety responsibilities.

*(Please keep within 500 words)*

**4(viii)**

Describe the work arrangements for inspectors and how they are expected to travel to undertake their responsibilities. Detail the expenses they may claim and how this is done.

*(Please keep within 500 words)*

**4(ix)**

Explain if any health and safety labour inspections are subcontracted to third parties. If so, describe the procedures in place to ensure the sub-contractors' competence to perform the activities in question.

*(Please keep within 500 words)*

### Effectiveness of Labour Inspectorate

- x** *ensure that the number of labour inspectors is sufficient to secure the effective discharge of the duties of the LI;*
- xi** *make available suitable and adequate facilities and equipment to permit all activities associated with the inspection activities to be carried out in a competent and safe manner; and*
- xii** *ensure that inspections of workplaces by inspectors can take place in the safest possible conditions. Countries must take appropriate measures to ensure protection against violence of any kind, especially by prior assessment of risks, and they must make all the necessary legal and administrative arrangements for providing support and follow-up in the case of such events, in terms of both legal assistance and psychological care.*

## QUESTIONS

**4(x)**

Describe the process for allocation of labour inspections to labour inspectors, and the number of labour inspections versus the total number of workplaces under the LI's jurisdiction. Explain how is manpower resourcing for the LI determined.

*(Please keep within 500 words)*

**4(xi)**

Describe the coverage of the labour inspections in terms of industries, functions, and risks/potential hazards. Explain how inspectors obtain suitable and adequate facilities and equipment to permit all activities associated with the inspection activities to be carried out in a competent and safe manner.

*(Please keep within 500 words)*

**4(xii)**

Describe the main arrangements you have made to ensure, at national or local level, that inspectors can perform their tasks in the safest possible conditions. Describe the risks of violence facing inspectors. Describe the measures taken to provide support, follow-up and care should inspectors fall victim to violence.

*(Please keep within 500 words)*

### Inspectors' powers

xiii

ensure that inspectors are given the powers necessary to carry out the duties assigned to them. These should include in particular the powers:

- of entry to workplaces without notice;
- to carry out inspections and investigations at the workplace;
- to require employers and employees to supply information relevant to an inspection or investigation;
- to examine records and reports relevant to health and safety at the workplace;
- to apply, or to arrange the application of, sanctions when these are deemed to be necessary;
- 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;
- to require the remedying of defects observed in plant, layout or working methods which they may have reasonable cause to believe constitute a threat to the health and safety of the workers; and
- to require the stoppage of working activities in the case of serious risk. In some countries this serious risk must also be immediate – in others the serious risk may be delayed, as in the case of latent health effects.

*These powers should be exercised taking full account of the confidentiality of personal medical data, economic information, employees' complaints and manufacturing secrecy.*

## QUESTIONS

4(xiii)

Summarise the powers of inspectors covering in particular the powers listed above and specify how these powers are derived. Describe any other powers inspectors have which help them carry out their duties and explain any qualifications or exceptions that are placed upon the use of inspectors' powers. Describe what difficulties inspectors face in using their powers, what sanctions can an inspector use personally, and at what level do these have to be approved. Describe what other sanctions are available to the inspector if proposed through the legal system, or otherwise.

*(Please keep within 500 words)*



### Guidance for inspectors

**xiv**

*set out in writing the approach to be taken by inspectors at visits to workplaces and indicate the action which should be taken in particular circumstances; and*

**xv**

*maintain a documented process to receive, evaluate, and make decisions on complaints and appeals arising from inspections.*

## QUESTIONS

**4(xiv)**

Explain how guidance for inspections is prepared, administered and quality assured. Describe the range of guidance available on:

- hardware/technical issues;
- techniques of inspection;
- the selection and management of inspections;
- action to be taken in particular circumstances — in particular in relation to the use of sanctions.

Please comment on the overall approach to the use of discretion by inspectors; that is, are inspectors expected to follow closely the guidance they are given, or are they expected to act flexibly and interpret the guidance in particular circumstances? To what extent does the use of discretion vary according to the guidance topic?

*(Please keep within 500 words)*

**4(xv)**

Explain how complaints and appeals arising from inspections are handled. Describe the process to receive, evaluate, and make decisions on such complaints and appeals.

*(Please keep within 500 words)*

### Internal communications

xvi

*ensure that good communication links exist to enable issues of good practice and areas for improvement to be brought to the attention of other inspectors, policy makers and legislators, especially through the use of a suitable information system.*

## QUESTIONS

4(xvi)

Describe the internal communications arrangements in the LI. How is information communicated up, down and across the organisation? What influences the use of face-to-face or verbal communications, written communications or electronic communication? How widespread amongst inspectors is the use of e-mail and access to the world-wide internet, to a LI 'intranet' or other information system?

*(Please keep within 500 words)*

## INSPECTION

5. *The approach to be taken during an inspection must include a physical examination in the workplace of working practices, standards and conditions, and discussion with representatives of the employer and with workers and/or their representatives. It is important when investigating work-related accidents or cases of ill-health that whenever necessary and possible, the person affected is interviewed. Within the essential requirements, examination and discussion should be focussed on ensuring compliance with applicable national legislation. Following an inspection, the inspector must be in a position to take appropriate action, based on the legal powers of the inspector as assigned. Such action may include the use of sanctions which the inspector is empowered to use. The priorities for inspection will be based on the country's relevant national law and should include:*

### Planning and monitoring

**i** *to judge whether the employer's policy for health and safety is directed to ensuring the health and safety of his employees;*

**ii** *to judge whether the organisation and arrangements the employer has introduced for securing health and safety are likely to lead to the identification, rectification and prevention of deficiencies. This will include the employer's arrangements for identifying hazards and for assessing risk;*

**iii** *in particular to make assessments of the employer's arrangements for:*

- *the effective planning, organisation, implementation, control, monitoring and review of the protective and preventive measures at the workplace;*
- *securing advice and assistance on health and safety matters;*
- *dealing with emergencies; providing the employees and/or their representatives with comprehensible and relevant information;*
- *training the employees in health and safety;*
- *ensuring consultation with the employees and/or their representatives on matters relevant to health and safety;*
- *ensuring that the arrangements in place effectively protect workers against the identified risk.*

**iv** *to provide guidance to employers and workers so as to help them to comply with legal obligations*

## QUESTIONS

**5**

This section of International Benchmarking on OSH Regulation is concerned with how inspectors go about their work. The answers to the earlier questions about planning, training, competence, powers and guidance will help establish in the framework for inspection visits to the workplace. This section concentrates on inspection to ensure compliance with national law. However, please comment if there are other aspects of the approach to inspection which are important in your country.

(i)-(iv). Describe how a typical inspection is carried out, and how a typical accident or case of ill health is investigated. Please note that how inspectors ensure compliance with the law will principally be examined and assessed during the on-site Phase (II) assessment during the joint visits of the assessment team members with inspectors, but the intention for this question is to help prepare the assessment team as well as determine if there are any fundamental gaps.

*(Please keep within 500 words)*

## Action taken by the inspector as a result of the inspection

### With respect to the employer

**v** to decide what action is necessary and take the required measures to secure compliance with legal provisions and acceptance of supporting guidance; such action includes advice (both written and verbal); the issue of an order requiring the immediate stoppage of work, or improvements by a specified deadline; the issue of an administrative fine/penalty (either directly or through the appropriate authority); or a referral to the prosecuting authorities.

### With respect to the employees

**vi** to ensure that workers representatives are informed about the inspector's conclusions, and that any written reports given to the employer, are made available to the workers representatives, who should also be informed of the responses given by the employer. Such reports should not include information confidential either to the employer or employees (see paragraph 4(xiii) above).

### With respect to other organisations

**vii** to decide whether liaison is necessary with other enforcing bodies who may have responsibility under national legislation for matters such as the protection of public health, consumer or environmental protection, or fire safety.

### With respect to records kept for internal LI use only

**viii** to make a written record of the inspector's decisions and action, which may include information on:

- core data, characteristics and identification of the employer and the organisation and arrangements for health and safety in place at the workplace;
- standards of health, safety and working conditions noted at the workplace and an indication of the level of compliance with the relevant legal provisions;
- hazards identified by the inspector and an assessment of these risks;
- advice given or formal enforcement action taken by the inspector
- an assessment of the scope for improvements in health, safety and working conditions, and whether these improvements that have already been made are likely to be maintained. This may include the measures that the employer has proposed to the workers representatives, to improve and maintain standards of health and safety.

## QUESTIONS

This section is concerned with the action taken as a result of the inspection and how this action is communicated externally to the social partners and other organisations and internally.

**5(v)**

Describe the overall pattern of action to ensure compliance, e.g. the proportion of visits which result in no action being taken, or which result in advice, issue of orders or notices, or prosecution actions. Describe the range of possible enforcement actions available to the inspector and how different actions are determined for different non-compliances or inspection observations.

*(Please keep within 500 words)*

**5(vi)**

Describe the extent to which worker representatives are present in workplaces, and the practicalities of communicating the inspector's conclusions with representatives.

*(Please keep within 500 words)*

**5(vii)**

Describe the typical patterns of communication with other enforcing bodies. Under what circumstances does this take place and how?

*(Please keep within 500 words)*

**5(viii)**

Describe how internal records of inspections are organised and stored, including

- How are employer records structured? By company group, by company, by site address?  
By what methods are employers' records stored? On paper; electronically; a mixture of both?  
How do inspectors get access to these records?
- How are records kept for contractors, who may operate on a number of temporary sites?
- How are records accessed nationally, and across regional boundaries?

Please attach a few representative examples of real inspector records and comment on the extent to which these records meet or exceed the recommendations of paragraph 5(vii).

*(Please keep within 500 words)*



## THE DESIRABLE FEATURES

6. *The desirable features address the broader aims of achieving improvements in the labour inspection regime within a country. Some will already be a reality in some LIs; some will be aspirational in many LIs. While it is important to maintain the priority for those functions concerned with enforcement of the law, which only labour inspectors can perform, it is also vital to improve worker protection by the application of the desirable features. It is therefore important that countries take action to:*

**i**

*develop better understanding of the integrated, holistic approach, to encourage an open-minded culture in the LI and make inspectors more aware of the role they can play in the promotion of well-being at work;*

**ii**

*encourage the development of partnership working between the LI and other stakeholders who can influence the well-being at work approach;*

**iii**

*ensure that work plans and priorities take into account the changing economy, changing patterns of employment and their influence upon health and safety issues and priorities;*

**iv**

*ensure that inspectors are suitably trained in the emerging issues, and that specialist support is aligned with the changing priorities and perspectives;*

**v**

*develop systems for monitoring inspection processes, techniques and activities, which take into account international approaches to quality management.*

## QUESTIONS

**6(i)**

Describe any steps you are taking to develop inspectors' knowledge of the benefits of a more integrated approach and encourage a change of culture towards a concern for well-being at work.

*(Please keep within 500 words)*

**6(ii)**

What opportunities do you see for partnership working; that is, for agreeing common aims with other organisations, and developing a shared action plan? Are there tensions between the enforcement role of labour inspectors and the engagement of inspectors in collaborative work, and if so, how do you deal with these?

*(Please keep within 500 words)*

**6(iii)**

What are your priorities in relation to the effects of the changing economy? How do you rationalise the impact of new demands upon LI resource while continuing to serve current expectations or commitments?

*(Please keep within 500 words)*

**6(iv)**

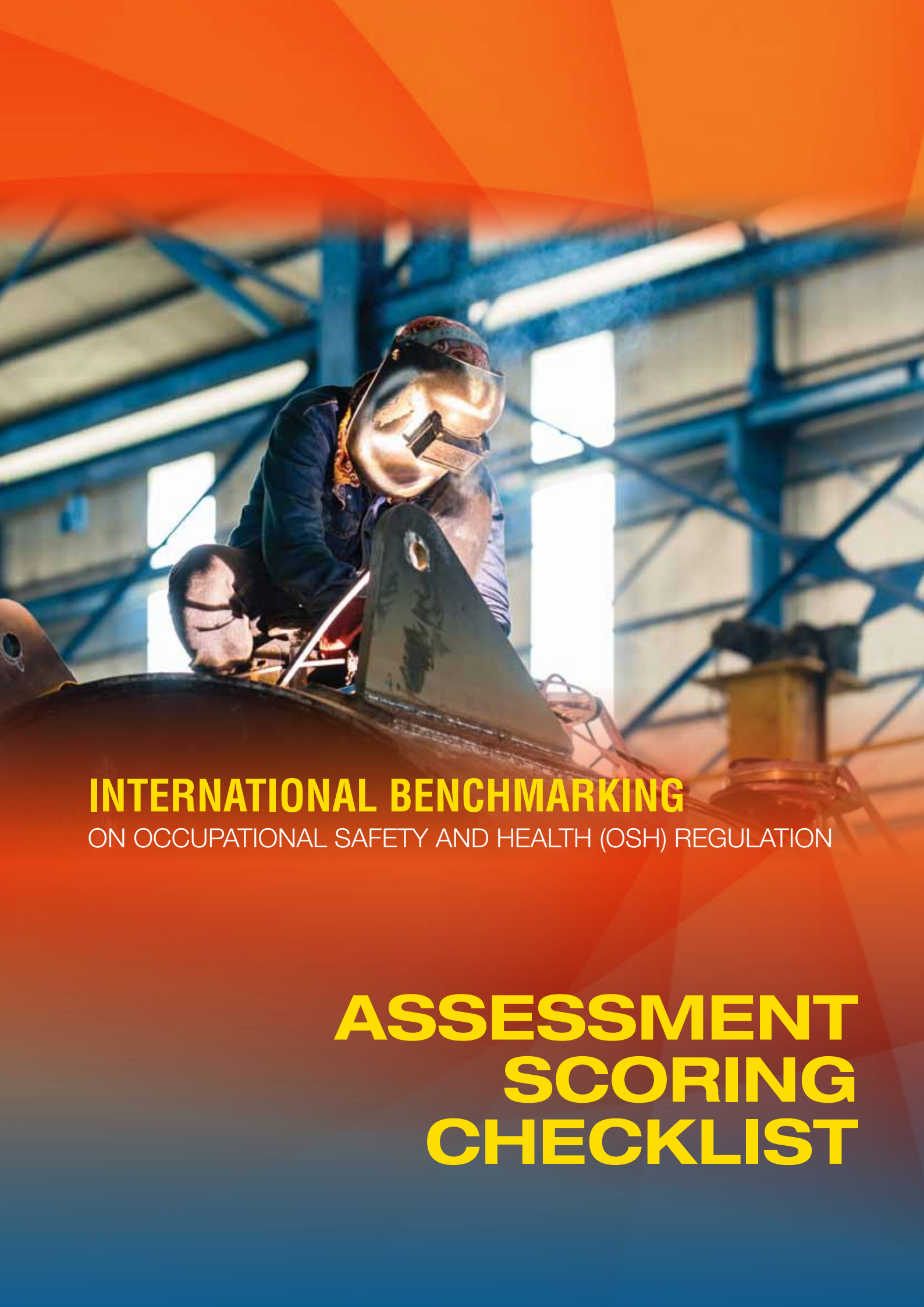
How are emerging issues built into the training of inspectors? Have you adjusted the type of available specialist support to reflect changing demand, and has this been reflected in the numbers of specialists in your organisation or country?

*(Please keep within 500 words)*

**6(v)**

How far have you gone in developing quality assurance of inspector activity? Give examples of any areas you have progressed effectively, and areas where you have found challenges.

*(Please keep within 500 words)*



# **INTERNATIONAL BENCHMARKING**

ON OCCUPATIONAL SAFETY AND HEALTH (OSH) REGULATION

# **ASSESSMENT SCORING CHECKLIST**

The assessment scoring should be based on the following indicators which the Labour Inspectorate displays.

SCORING	INDICATORS
0	No knowledge or no process in place
1	Activities are planned but not executed
2	Beginning to implement activities and first results meets up to 25% of indicators
3	Consistently meets up to 50% of indicators
4	Consistently meets up to 75% of indicators
5	Fully meets or exceeds all indicators

It is preferred that at least 3 samples or instances be selected by, or provided to the assessor as evidence. In cases where such evidence is not readily available, the assessor may utilise other means such as interviews with officers who are involved in the work, to understand if the indicators had been met.

# SCORING MATRIX

1.1a		2.3a		3.1a	
1.1b		2.3b		3.1b	
1.1c		2.3c		3.1c	
1.1d		2.3d		3.1d	
Average (1.1)		2.3e		3.1e	
1.2a		2.3f		Average (3.1)	
1.2b		2.3g		3.2a	
1.2c		2.3h		3.2b	
1.2d		2.3i		3.2c	
1.2e		2.3j		Average (3.2)	
1.2f		Average (2.3)		4a	
Average (1.2)		2.4a		4b	
2.1a		2.4b		4c	
2.1b		2.4c		4d	
2.1c		2.4d		4e	
Average (2.1)		2.4e		4f	
2.2a		2.4f		4g	
2.2b		Average (2.4)		4h	
2.2c		2.5a		Average (4)	
2.2d		2.5b			
2.2e		2.5c			
2.2f		2.5d			
2.2g		2.5e			
Average (2.2)		2.5f			
		Average (2.5)			

# 1. PLANNING AND MONITORING

## 1.1 Coverage of Legislative Framework

1.1a) Is a legislative framework in place for the regulation of health and safety for all workplaces within the country?

### Scoring Guide

- 0** No legislative framework in place for regulation of health and safety for any workplaces within any parts of the country
- 1** Activities are planned but legislative framework not enacted
- +1 pt** One point for each of the following:
  - Legislative framework covers safety aspects of workers in the country
  - Legislative framework covers health aspects of workers in the country
  - Majority of the workplaces (more than 75% of the workforce) are covered under the legislative framework
- 5** Legislative framework fully covers health and safety of all workplaces in the country

### Scoring

### Assessor's Remarks

1.1b) Does the legislative framework include requirements for employers to:

- i. Ensure that, so far as is reasonably practicable, the workplaces, machinery, equipment and processes under their control are safe and without risk to health;
- ii. Ensure that, so far as is reasonably practicable, the chemical, physical and biological substances and agents under their control are without risk to health when the appropriate measures of protection are taken;
- iii. Provide, where necessary, adequate protective clothing and protective equipment to prevent, so far as is reasonably practicable, risk of accidents or of adverse effects on health;
- iv. Provide, where necessary, for measures to deal with emergencies and accidents, including first-aid arrangements; and
- v. Ensure that employees who report unsafe situations or work conditions are not unfairly penalised or dismissed.

### Scoring Guide

- 0** No legislative framework in place for regulation of health and safety for any workplaces within any parts of the country
- +1 pt** One point for each of the above pointers which had been fully met

### Scoring

### Assessor's Remarks



- 1.1c) Does the legislative framework include requirements for workers and/or their representatives to:
- i. Co-operate with their employer to fulfil the obligations placed upon the employer;
  - ii. Be given adequate information on measures taken by the employer to secure occupational safety and health;
  - iii. Be given appropriate training in occupational safety and health;
  - iv. Enquire into, and be consulted on, all aspects of occupational safety and health associated with their work; and
  - v. Have the right to report to his immediate supervisor any situation which he has reasonable justification to believe presents an imminent and serious danger to his life or health; and not be required to return to such a work situation until the employer has taken remedial action, if necessary.

**Scoring Guide**

- 0** No legislative framework in place for regulation of health and safety for any workplaces within any parts of the country
- +1 pt** One point for each of the pointers which had been fully met

Scoring	Assessor's Remarks

- 1.1d) Is a legislative framework as mentioned in 1.1(a), covers the following groups of persons within the country:
- i. Workers or employees under a contract of service (full-time, part-time, temporary);
  - ii. Leased workers or employees under a contract for service;
  - iii. Volunteers (unpaid or paid, in cash or non-cash benefits);
  - iv. Persons undergoing on the job training such as apprenticeship or gaining work experience such as interns (unpaid or paid, in cash or non-cash benefits);
  - v. Self-employed persons, which includes persons working in informal sectors; and
  - vi. Members of public whom might be affected by the work carried out at the workplace.

**Scoring Guide**

- 0** No legislative framework in place for regulation of health and safety for all workplaces within the country
- 1** Activities are planned for the coverage of the groups of workers listed in the pointers
- 2** More than 25% of pointers had been fully met
- 3** More than 50% of pointers had been fully met
- 4** More than 75% of pointers had been fully met
- 5** Fully meets or exceeds all indicators

Scoring	Assessor's Remarks

## 1.2 National Strategy

1.2a) Is there a clear and publicly available national strategy for occupational health and safety for all workplaces and workers?

### Scoring Guide

- 0** No national strategy in place for occupational health and safety for all workplaces and workers
- 1** Activities are planned for implementing a national strategy but not executed
- +1 pt** One point for each of the following indicators which had been fully met:
  - Clearly worded and publicly available national strategy
  - National strategy covers occupational safety and health aspects
  - National strategy covers all workplaces within the country
  - National strategy covers all workers within the country

**Scoring**

**Assessor's Remarks**

1.2b) Is the national strategy aligned to:

- i. ILO Labour inspection convention, 1947 (No. 81);
- ii. ILO Occupational safety and health convention, 1981 (No. 155);
- iii. IALI Global code of integrity for labour inspection; and
- iv. IALI International common principles for labour inspection.

### Scoring Guide

- 0** No national strategy in place or not aligned to global standards
- 1** Activities are planned for aligning national strategy to global standards but not executed
- +1 pt** One point for each of the pointers which had been fully met

### Assessor's notes:

*Other International Standards which are globally recognised, or equivalent to the above mentioned, can be considered. This should be mutually agreed between the assessor and LI.*

**Scoring**

**Assessor's Remarks**

1.2c) Are there clear targets/goals and timelines (short, medium and long term) set out in the national strategy?

**Scoring Guide**

- 0** No national strategy in place or no clear timelines set
- 1** Activities are planned for setting a clear timeline but not executed
- +1 pt** One point for each of the following indicators which had been fully met:
  - Clear target / goals set in national strategy
  - Short term goal in national strategy
  - Medium term goal in national strategy
  - Long term goal in national strategy

Scoring	Assessor's Remarks

1.2d) Is there clarity in the different action parties and clear delineations of responsibilities for the implementation of the national strategies?

**Scoring Guide**

- 0** No national strategy in place or no clarity in the roles and responsibilities of the various parties
- 1** Activities are planned towards the fulfilment of the requirements in 1.2(d) but not implemented
- +1 pt** One point for each of the following indicators which had been fully met:
  - Clarity in the roles and responsibilities of all action parties
  - How each action parties contribute toward the implementation of the national strategies
  - How the various action parties can work together in achieving the national strategies outcomes
  - Nominated personnel from each action party who will be responsible / oversee each party's progress (nominated personnel may be an assigned position, which can be subjected to changes. This person or position need not necessary be named in the national strategies)

Scoring	Assessor's Remarks

1.2e) Is sufficient and sustainable resources allocated for the implementation of national strategies to ensure that the targets/goals can be realised.

**Scoring Guide**

- 0** No national strategy in place for occupational health and safety for all workplaces and workers
- 1** Activities are planned towards the fulfilment of the requirements in 1.2(e) but not implemented
- +1 pt** One point for each of the following indicators which had been fully met:
  - Resources (money, time, manpower or other resources) allocated is sufficient for the implementation of the national strategies.
  - Resources allocated for the national strategies are sustainable (practise waste reduction, recycling, energy conservation and /or use of sustainable building materials, etc)
  - Period review is conducted to ensure sufficient resources which are in line with inflation or seasonal adjustment
  - Clear, transparent and consistent procurement practises to ensure accountability and responsibility

Scoring	Assessor's Remarks

1.2f) Was the national strategy developed:

- i. In consultation with the relevant social partners;
- ii. In consultation with members of public;
- iii. With sufficient time and notice given to ensure that consultation sessions is able to reach the segment which is representative of the workforce of the country;
- iv. In accordance to a due process to ensure that suggestions from various consultation sessions be properly deliberated; and
- v. On the basis of sound analysis of national occupational safety and health statistics and trends.

**Scoring Guide**

- 0** No national strategy in place for occupational health and safety for all workplaces and workers
- +1 pt** One point for each of the pointers which had been fully met

Scoring	Assessor's Remarks

## 2. RESOURCE PLANNING AND EXECUTION

### 2.1 Powers of Inspectors

- 2.1a) Are inspectors statutorily given all the powers necessary to carry out their duties, and inspectors are able to discharge these powers effectively and efficiently? These should include in particular the powers:
- i. Of entry to workplaces without notice at any hour of the day or night any workplace liable to inspection;
  - ii. To carry out inspections and investigations at the workplace;
  - iii. To require employers and employees to supply information relevant to an inspection or investigation; and
  - iv. 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.

#### Scoring Guide

- 0** Inspectors are not statutorily given any powers
- 1** Activities are planned for empowering inspectors but not executed
- +1 pt** One point for each of the pointers which had been fully met

*Notes for Assessors: This is link to 2.1(b).*

#### Scoring

#### Assessor's Remarks

- 2.1b) Are inspectors statutorily given all the powers necessary to carry out their duties, and inspectors are able to discharge these powers effectively and efficiently? These should include in particular the powers:
- v. To examine records and reports relevant to health and safety at the workplace;
  - vi. 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;
  - vii. To require the remedying of defects observed in plant, layout or working methods which they may have reasonable cause to believe constitute a threat to the health and safety of the workers within a specified time limit;
  - viii. To apply, or to arrange the application of, sanctions when these are deemed to be necessary; and
  - ix. To require the stoppage of working activities in the case of serious risk.

#### Scoring Guide

- 0** Inspectors are not statutorily given any powers
- +1 pt** One point for each of the pointers which had been fully met

*Notes for Assessors: This is link to 2.1(a).*

#### Scoring

#### Assessor's Remarks

- 2.1c) Are there adequate penalties or other forms of sanctions in place to prevent the obstructing of labour inspectors in the performance of their duties? The scope of obstruction may include:
- i. Obstructs or delays an inspector in his exercise of his powers;
  - ii. Conceals or prevents a person from appearing before, or from being interviewed by an inspector;
  - iii. Interfering with the process of data collection or any data collection tools (equipment, instrument or device) used for monitoring or collection of samples by an inspector; and
  - iv. Providing false or misleading information or data to an inspector.

**Scoring Guide**

- 0** No penalties or other forms of sanctions available
- 1** Activities are planned for but not executed
- +1 pt** One point for each of the pointers which had been fully met

**Scoring****Assessor's Remarks**

## 2.2 Competency and Integrity of Inspectors

- 2.2a) Is the recruitment and hiring process for inspectors fair, unbiased and without prejudice to the following:
- |                                     |                                |
|-------------------------------------|--------------------------------|
| i. Age;                             | ii. Race;                      |
| iii. Skin colour;                   | iv. Gender;                    |
| v. Religion affiliation or beliefs; | vi. Marital status;            |
| vii. Sexual preferences; and        | viii. Family responsibilities. |

### Scoring Guide

- 0** No framework in place for fair and unbiased recruitment and hiring process
- 1** Activities are planned for fair and unbiased recruitment and hiring process but not implemented
- 2** Recruitment and hiring process does not discriminate against more than 75% of pointers
- 3** Recruitment and hiring process does not discriminate against more than 50% of pointers
- 4** Recruitment and hiring process does not discriminate against more than 25% of pointers
- 5** Fair and unbiased recruitment and hiring process, inspectors are not being discriminated if they possess any of the pointers listed.

### Assessor's notes:

Assessor could look into the process of employment and if appointment of inspectors is with due regards to the parameters listed. The names, photos or any other confidential information which can be used to identify a specific person could be removed to protect the confidentiality of inspectors.

Scoring	Assessor's Remarks
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- 2.2b) Are all inspectors suitably qualified for their roles in the organisation and recruited with sole regard to their qualifications for the performance of their duties which may include the following parameters:
- i. Education qualifications;
  - ii. Type of experience;
  - iii. Years of experience; and
  - iv. Specific skills sets.

### Scoring Guide

- 0** No framework in place for fair and unbiased recruitment and hiring process
- 1** Activities are planned for fair and unbiased recruitment and hiring process but not implemented
- +1 pt** One point for at least 3 instances in which each of the pointers which had been fully met

### Assessor's notes:

Assessor could look into the process of employment and if appointment of inspectors is with due regards to the parameters listed. The names, photos or any other confidential information which can be used to identify a specific person could be removed to protect the confidentiality of inspectors.

Scoring	Assessor's Remarks
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- 2.2c) Is there a well-structured training and monitoring programme to ensure competency of all new inspectors before they conduct any inspections and that such training be conducted by competent persons:
- i. An induction & training period;
  - ii. A mentored working period with experienced inspectors;
  - iii. Technical skills
    - Basic risk management;
    - The correct use of Personal Protective Equipment (PPE);
    - Departmental SOPs;
    - Legislative or other requirements;
    - Basic safety issues in relation to the industry which the inspectors are to inspect; and
    - Basic self-defence tactics;
  - iv. Soft skills
    - Communication skills;
    - Dealing with aggression; and
    - Report writing.

**Scoring Guide**

- 0** No structured framework in place for training of new inspectors (with less than 1 year of experience)
- 1** Activities are planned for a structured framework for the training of new inspectors but not implemented
- +1 pt** One point for at least 3 instances in which each of the pointers which had been fully met (all new inspectors to have undergone the training)

**Assessor’s notes:**

*New inspectors are typically deem as those with less than one year of experience with the inspectorate or any other period specified by the inspectorate. Evidences of other types of training which are not listed in any of the categories can be acceptable if it is relevant and deem necessary by the Labour Inspectorate.*

Scoring	Assessor’s Remarks



- 2.2d) Is there a well-structured and continuing training for all inspectors to keep pace with developing technology and inspection methods and that such training be conducted by competent persons at regular intervals:
- i. Technical skills
    - Safety management system;
    - Proper care, selection and use of Personal Protective Equipment (PPE) in various industries;
    - Interviewing techniques;
    - Evidence management;
    - Legislative or other applicable requirements either local or globally;
    - Safety issues in various industries or specific fields; and
    - Advance self-defence tactics;
  - ii. Soft skills
    - Negotiation techniques;
    - Communication skills;
    - Mediate and resolve conflicts; and
    - Crisis management;
  - iii. Seminars (at least once every 2 years); and
  - iv. Conferences (Local, Regional or Global) (at least once every 2 years).

**Scoring Guide**

- 0** No structured framework in place for training of current inspectors (with at least 1 year of experience)
- 1** Activities are planned for a structured framework for the training of current inspectors but not implemented
- +1 pt** One point for at least 3 instances in which each of the pointers which had been met (at least 95% of the current inspectors to have undergone the training or plans made to ensure that current inspectors undergo the training)

**Assessor’s notes:**

*Evidences of other types of training which are not listed in any of the categories can be acceptable if it is relevant and deem necessary by the Labour Inspectorate.*

Scoring	Assessor’s Remarks

2.2e) Are there processes or a code of integrity governing the actions of all inspectors, which are in line with IALI Global Code of Integrity for Labour Inspection, to ensure that inspectors are impartial and independent of inappropriate external influences and that they do not undertake other duties which may interfere with their primary responsibilities?

**Scoring Guide**

- 0** No processes or code of integrity governing actions of all inspectors
- 1** Activities are planned for processes or code of integrity but not implemented
- +1 pt** One point for each of the following indicators which had been fully met:
  - Clear processes or code of integrity to ensure that inspectors are impartial
  - Clear processes or code of integrity to ensure that inspectors are independent of external influences
  - Clear processes or code of integrity to ensure that inspectors do not undertake other duties which may interfere with their primary responsibilities, and should notify the Labour Inspectorate if they do
  - Clear processes or code of integrity which are in line with IALI Global Code of Integrity for Labour Inspection

**Scoring**

**Assessor’s Remarks**

2.2f) Is there an independent governing body, which will be able to investigate and propose or deal out appropriate disciplinary actions for any breaches of impartiality, inappropriate influence, or undertaking of other interfering duties?

**Scoring Guide**

- 0** No independent governing body which would be able to investigate possible instances of inspectors misconduct
- 1** Activities are planned for the setting up of an independent governing body but not implemented
- +1 pt** One point for each of the following indicators which had been fully met:
  - Independent governing body able to investigate possible instances of inspectors misconduct in relation to breaches of impartiality
  - Independent governing body able to investigate possible instances of inspectors misconduct in relation to inappropriate influences
  - Independent governing body able to investigate possible instances of inspectors misconduct in relation to the undertaking of other interfering duties which may interfere with their primary responsibilities
  - Independent governing body able to propose or deal out appropriate disciplinary actions in instances of inspectors misconduct mentioned above

**Assessor’s notes:**

*The independent governing body which investigates cases of inspector misconducts and one which dealt out disciplinary actions can be 2 different entities*

**Scoring**

**Assessor’s Remarks**

2.2g) Are there procedures to ensure that inspectors treat all information (eg personal information including medical records, manufacturing or commercial secrecy, sanctions imposed, documents or photographs taken, etc) obtained either prior to, during or after inspection or investigation as absolutely confidential and appropriate penalties or disciplinary measures to ensure that inspectors do not reveal, even after leaving the service, any such information?

**Scoring Guide**

- 0** No procedures for the handling of information obtained during the course of inspection or investigation
- 1** Activities are planned for the setting up of procedures for the handling of information obtained in the course of inspection or investigation but not implemented
- 2** Procedures for handling of information obtained during the course of inspection or investigation implemented, however, the procedures are loosely worded, does not specify what kind of information is covered under the policy and no appropriate penalties or disciplinary measures will be taken in the event of non-compliance
- 3** Clear procedures for handling of information obtained during the course of inspection or investigation implemented. The type of information which is deem as confidential are clearly stated, however, no appropriate penalties or disciplinary measures will be taken in the event of non-compliance
- 4** Clear procedures for handling of information obtained during the course of inspection or investigation implemented. The type of information which is deem as confidential are clearly stated and appropriate penalties or disciplinary measures will be taken in the event of non-compliance
- 5** Clear procedures for handling of information obtained during the course of inspection or investigation implemented. The type of information which is deem as confidential are clearly stated and appropriate penalties or disciplinary measures will be taken in the event of non-compliance, even after leaving the service

Scoring	Assessor's Remarks

### 2.3 Effectiveness of Labour Inspectorate

2.3a) Is there a clear reporting structure for the organisation which responsibilities and authorities of each person in the organisation has been clearly defined and made available to persons in the organisation?

#### Scoring Guide

- 0** No clear reporting structure within the organisation
- 1** Activities are planned towards the fulfilment of the requirements in 2.3(a) but not implemented
- +1 pt** One point for each of the following indicators which had been fully met:
  - The reporting structure of the organisation is clear
  - Responsibilities and authorities of each person in the organisation has been clearly defined
  - Information as referred to in 2.3(a) is available to persons in the organisation and is easily obtainable
  - Periodic review of the organisation structure is done

#### Scoring

#### Assessor's Remarks

2.3b) Do inspectors have access to the necessary expertise (either available in-house, through other government services or public or private institutions) to support their work? Expertise required should include but not be limited to:

- i. Occupational medicine specialists;
- ii. Occupational hygienists;
- iii. Engineers (Chemical, Civil, Electrical, Mechanical, etc);
- iv. Forensic experts; and
- v. Legal advisors/prosecutors.

#### Scoring Guide

- 0** No access to additional expertise to support inspectors
- 1** Activities are planned for access to additional expertise (either internal or external) but not implemented
- 2** More than 25% of pointers had been fully met
- 3** More than 50% of pointers had been fully met
- 4** More than 75% of pointers had been fully met
- 5** Fully meets or exceeds all indicators

#### Scoring

#### Assessor's Remarks

- 2.3c) Is there a process to continually review and ensure sufficient manpower resource for the LI which takes into account:
- i. The importance of the duties which inspectors have to perform with respect to:
    - the number, nature, size and situation of the workplaces liable to inspection;
    - the number and classes of workers employed in such workplaces; and
    - the number and complexity of the legal provisions to be enforced;
  - ii. The material means placed at the disposal of the inspectors; and
  - iii. The practical conditions under which visits of inspection must be carried out in order to be effective.

**Scoring Guide**

- 0** No period review of manpower resources for the Labour Inspectorate
- 1** Activities are planned for periodic manpower resources review but not implemented
- 2** More than 25% of pointers had been fully met
- 3** More than 50% of pointers had been fully met
- 4** More than 75% of pointers had been fully met
- 5** Fully meets or exceeds all indicators

**Assessor’s notes:**

*Each sub-pointer under 2.3(c)(i) is considered as 1 pointer each. For periodic review, a time period of no longer than once every two years is considered acceptable.*

Scoring	Assessor’s Remarks

- 2.3d) Are inspectors personally issued with suitable and adequate personal protective equipment (PPE) to protect them from hazards which they may encounter during inspection or investigation so as to allow them to carry out inspection or investigation activities safely? Examples of typical PPE should include but not be limited to:
- i. Head protection;
  - ii. Eye protection;
  - iii. Respiratory protection;
  - iv. Hearing protection;
  - v. Fall protection;
  - vi. Foot and leg protection;
  - vii. Hand and arm protection;
  - viii. Face protection; and
  - ix. Body or skin protection.

**Scoring Guide**

- 0** No PPEs issued to inspectors
- 1** Activities are planned for the issuance of PPEs to inspectors but not implemented
- 2** More than 25% of stated PPEs in the pointers, which inspectors are potentially exposed to, had been personally issued to all inspectors
- 3** More than 50% of stated PPEs in the pointers, which inspectors are potentially exposed to, had been personally issued to all inspectors
- 4** More than 75% of stated PPEs in the pointers, which inspectors are potentially exposed to, had been personally issued to all inspectors
- 5** All inspectors had been issued with all of the stated PPEs to protect them from the hazards encountered during the course of their work

**Assessor’s notes:**

*PPEs should be issued personally to each inspector and not shared. At the discretion of the assessor, full points could be awarded even if PPEs were common items only if Labour Inspectorate could prove that inspectors were not affected operationally.*

**Scoring**

**Assessor’s Remarks**

2.3e) Are the above PPE regularly cleaned, maintained and inspected by competent persons to ensure reliability, and includes identification and information on maintenance or inspection dates?

**Scoring Guide**

- 0** No PPEs issued to inspectors or PPEs are not regularly cleaned, maintained and inspected by competent persons or PPE issued are not properly identified
- 1** Activities are planned towards the fulfilment of the requirements in 2.3(e) but not implemented
- +1 pt** One point for each of the following indicators which had been fully met<sup>1</sup>:
  - Regular cleaning of PPE by competent person<sup>2</sup>
  - Regular maintenance of PPE by competent person<sup>2</sup>
  - Regular inspection and servicing of PPE by competent person<sup>2</sup>
  - Proper information with regards to the PPE issued to inspectors, which should include supplier information, issuance date, maintenance dates and PPE replacement dates

**Assessor’s notes:**

- 1) Ideally, all PPE issued should be regularly cleaned, maintained, inspected, and proper information should be made available. Failure to do so might place the inspectors at un-necessary risks when faulty or damaged PPE were used during inspection or investigation. As such, points should only be awarded only upon the entire fulfilment of the various indicators.
- 2) Competent person as mentioned above should be a representative of the supplier or manufacturer. In the absence of such a person, it should then be someone trained by the supplier or manufacturer to undertake such responsibilities (this may include inspectors). With the agreement of the supplier or manufacturer, 3<sup>rd</sup> party services could be engaged in place of a competent person.

Scoring	Assessor’s Remarks

- 2.3f) Are inspectors personally issued with or have access to suitable and adequate equipment such as:
- i. Monitoring/measuring devices (eg, tape measure, distance meter, calliper, gas detector/meter, lux meter, audiometers, dosimeter, inclinometer, barometer, thermometer, etc);
  - ii. Evidence collection tools (eg, cameras, sample collection containers, evidence collection bags, etc);
  - iii. Torchlight;
  - iv. Equipment bags or pouches;
  - v. Writing materials (physical or electronic); and
  - vi. Other equipment (binoculars, first aid kits, insect repellent).

So as to allow inspectors to carry out inspection or investigation activities in a competent and safe manner.

**Scoring Guide**

- 0** No equipment issued to inspectors for the purposes of assisting inspectors during inspection or investigation
- 1** Activities are planned for the issuance of equipment to inspectors but not implemented
- 2** More than 25% of stated equipment in the pointers, which inspectors are likely to use during inspection or investigation, had been issued to inspectors
- 3** More than 50% of stated equipment in the pointers, which inspectors are likely to use during inspection or investigation, had been issued to inspectors
- 4** More than 75% of stated equipment in the pointers, which inspectors are likely to use during inspection or investigation, had been issued to inspectors
- 5** All inspectors had been issued with all of the stated equipment which inspectors are likely to use during inspection or investigation

**Assessor’s notes:**

*Some of the frequently used equipment (eg, camera, torchlight, and writing materials) should be issued to each inspector while others (eg distance meter, evidence collection bags) could be common pool among the labour inspectorate. The assessor should first assess which equipment are required, thereafter, determine if the equipment issued is sufficient for the needs of the labour inspectorate.*

Scoring	Assessor’s Remarks



2.3g) Are the above equipment regularly cleaned, maintained and calibrated by competent persons to ensure accuracy and reliability, and includes identification and information on maintenance and calibration dates?

**Scoring Guide**

- 0** No equipment issued to inspectors, or equipment are not regularly cleaned, maintained and calibrated by competent persons or equipment issued are not properly identified
- 1** Activities are planned towards the fulfilment of the requirements in 2.3(g) but not implemented
- +1 pt** One point for each of the following indicators which had been fully met<sup>1</sup>:
  - Regular cleaning of equipment by competent person<sup>2</sup>
  - Regular maintenance of equipment by competent person<sup>2</sup>
  - Regular calibration and servicing of equipment by competent person<sup>2</sup>
  - Proper information with regards to the equipment issued to inspectors, which should include supplier information, issuance date, maintenance dates, calibration dates and equipment replacement dates

**Assessor’s notes:**

- 1) Ideally, all equipment issued should be regularly cleaned, maintained, calibrated, and proper information should be made available. Failure to do so might result in faulty or inaccurate equipment being used during inspection or investigation. As such, points should only be awarded only upon the entire fulfilment of the various indicators.
- 2) Competent person as mentioned above should be a representative of the supplier or manufacturer. With the agreement of the supplier or manufacturer, 3<sup>rd</sup> party services could be engaged in place of a competent person. For this category, a trained personnel might not be sufficient as maintenance, servicing and calibration might require specialised equipment which might not be readily available.

Scoring	Assessor’s Remarks

2.3h) Are there documented procedures for the purchasing/sourcing of new or replacement PPE or critical equipment, which has to be of good construction and manufactured in conformance to relevant national standards or recognised international standards (such as ISO, BS EN and ANSI) and shall come with “certified examination certificate” or “certificate of conformance” (COC)?

**Scoring Guide**

- 0** No procedures for the purchasing of PPE or critical equipment<sup>1</sup>
- 1** Activities are planned towards the fulfilment of the requirements in 2.3(h) but not implemented
- +1 pt** One point for each of the following indicators which had been fully met:
  - PPE purchased are of good construction and are manufactured in conformance to relevant national standards or recognised international standards (such as ISO, BS EN and ANSI)
  - Critical equipment purchased are of good construction and are manufactured in conformance to relevant national standards or recognised international standards (such as ISO, BS EN and ANSI)
  - PPE purchased are issued with a “certified examination certificate” or “certificate of conformance” (COC)
  - Critical equipment purchased are issued with a “certified examination certificate” or “certificate of conformance” (COC)

**Assessor’s notes:**

1) *Example of critical equipment can be as follows: monitoring or measuring devices or evidence collection tools which might be used as supporting evidence in legal proceedings; or equipment which are utilised in a hazardous environment (eg, use of intrinsically safe torchlight) to ensure that the inspector does not pose a hazard to himself or persons at the workplace.*

Scoring	Assessor’s Remarks

- 2.3i) Are inspectors provided with:
- i. Local offices, suitably equipped in accordance with the requirements of the service, and accessible to all persons concerned;
  - ii. The transport facilities necessary for the performance of their duties in cases where suitable public facilities do not exist; and
  - iii. Reimburse for any necessary travelling and incidental expenses incurred which may be necessary in carrying out their duties?

**Scoring Guide**

- 0** No form of offices, transport facilities nor reimbursement for inspectors who are carrying out their duties.
- 1** Activities are planned towards the fulfilment of the requirements in 2.3(i) but not implemented
- +1 pt** One point for each of the following indicators which had been fully met:
- Local offices, suitably equipped in accordance with the requirements of the service, and accessible to all inspectors
  - The transport facilities necessary for the performance of their duties (in cases where suitable public facilities do not exist)
  - Reimburse for any necessary travelling expenses incurred which may be necessary in carrying out their duties
  - Reimburse for any necessary incidental expenses incurred which may be necessary in carrying out their duties

**Scoring**

**Assessor's Remarks**

- 2.3j) Are there clear standard operating procedures and guidelines for the inspection process which include:
- i. Guidance on hardware/technical issues;
  - ii. Techniques of inspection;
  - iii. Selection and management of inspections; and
  - iv. Actions that should be taken in particular circumstances.

The standard operating procedures and guidelines are properly adhered to by all inspectors and regularly reviewed to ensure continued relevance.

**Scoring Guide**

- 0** Standard operating procedures (SOPs) and guidelines for the inspection process have not been developed
- 1** Activities are planned for developing SOPs and guidelines but not executed
- +1 pt** One point for each of the following indicators which had been fully met:
- One point for any 2 pointers (i - iv above) which had been fully met
  - Developed SOPs or guidelines are adhered to by all inspectors
  - Developed SOPs or guidelines are regularly reviewed to ensure continued relevance

**Scoring**

**Assessor's Remarks**

### 2.4 Inspection Process and Effectiveness

- 2.4a) Does the inspection process include the following to ensure compliance with applicable national legislation:
- i. A physical examination of the workplace;
  - ii. Observing methods of work by workers;
  - iii. 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
  - iv. A discussion with representatives of the employer and with workers and/or their representatives.

#### Scoring Guide

- 0** Inspection process does not include any of the pointers as mentioned in 2.4(a)
- 1** Activities are planned towards the fulfilment of the requirements in 2.4(a) - 2.4(c) but not implemented
- +1 pt** One point for each of the pointers which had been fully met

*Assessor's notes: This is link to 2.4(b) and 2.4(c).*

Scoring	Assessor's Remarks

- 2.4b) Does the inspection process include the following to ensure compliance with applicable national legislation:
- v. To judge whether the employer's policy for health and safety is directed to ensure the health and safety of his employees;
  - vi. To judge whether the organisation and arrangements the employer has introduced for securing health and safety are likely to lead to the identification, rectification and prevention of deficiencies;
  - vii. To judge whether the organisation has an effective occupational safety and health management system;
  - viii. To judge whether the organisation has procedures in place to handle emergencies and accidents, including adequate first-aid arrangements; and
  - ix. To judge whether the employer provides, where necessary, adequate protective clothing and protective equipment to prevent, so far as reasonably practicable, risk of accident or of adverse effects on health.

#### Scoring Guide

- 0** Inspection process does not include any of the pointers as mentioned in 2.4(b)
- +1 pt** One point for each of the pointers which had been fully met

*Assessor's notes: This is link to 2.4(a) and 2.4(c).*

Scoring	Assessor's Remarks

- 2.4c) Does the inspection process include the following to ensure compliance with applicable national legislation:
- x. To judge whether the organisation has access to securing advice and assistance on health and safety matters;
  - xi. To judge whether the organisation’s employees are sufficiently trained in health and safety;
  - xii. To judge whether the organisation has ensured consultation with the employees and/or their representatives on matters relevant to health and safety;
  - xiii. To judge whether the organisation has ensured that the arrangements in place effectively protect workers against identified risks;
  - xiv. To guide employers and workers so as to help them to comply with legal obligations.

**Scoring Guide**

- 0** Inspection process does not include any of the pointers as mentioned in 2.4(c)
- +1 pt** One point for each of the pointers which had been fully met

*Assessor’s notes: This is link to 2.4(a) and 2.4(b).*

Scoring	Assessor’s Remarks

- 2.4d) Does the investigation process for work-related accidents or cases of ill-health include the following:
- i. A physical examination of the workplace or accident scene and the equipment or agencies that led to the accident or ill-health;
  - ii. Events leading to the accident or ill-health;
  - iii. Root cause of the accident or ill-health;
  - iv. Details of injured (including severity of injury);
  - v. Interview of the injured and persons involved (witness, co-worker, supervisor) whenever necessary and possible;
  - vi. To determine if the organisation has made arrangements to effectively protect workers against similar accidents or cases of ill-health; and
  - vii. To take measures with immediate executory force in the event that imminent danger to the health or safety of the workers still persists at the workplace or accident scene.

**Scoring Guide**

- 0** Inspections process for work-related accidents or cases of ill-health does not include any of the pointers as mentioned in 2.4(d)
- 1** Activities are planned towards the fulfilment of the requirements in 2.4(d) but not implemented
- 2** More than 25% of pointers had been fully met
- 3** More than 50% of pointers had been fully met
- 4** More than 75% of pointers had been fully met
- 5** Fully meets or exceeds all indicators

Scoring	Assessor’s Remarks

2.4e) Are procedures in place to ensure that inspections can take place in the safest possible conditions? Are risk assessments conducted to determine the risk faced by inspectors during their inspections (including risk of violence)? Are there measures in place to provide support, follow-up and care should inspectors fall victim to violence?

**Scoring Guide**

- 0** Inspection process does not include any of the pointers as mentioned in 2.4(e)
- 1** Activities are planned towards the fulfilment of the requirements in 2.4(e) but not implemented
- +1 pt** One point for each of the following indicators which had been fully met:
  - Risk assessment has been conducted to determine the risk faced by inspectors during their inspections (including risk of violence)
  - Control measures as stated in the risk assessment had been implemented
  - Procedures are in place to ensure that inspections can take place in the safest possible conditions
  - Measures are in place to provide support, follow-up and care should inspectors fall victim to violence

**Scoring**

**Assessor's Remarks**

2.4f) Are there clear guidelines on the handling of complaints and appeals arising from inspections, which are properly adhered to, and are regularly reviewed to ensure continued relevance?

**Scoring Guide**

- 0** Inspection process does not include any of the pointers as mentioned in 2.4(f)
- 1** Activities are planned towards the fulfilment of the requirements in 2.4(f) but not implemented
- +1 pt** One point for each of the following indicators which had been fully met:
  - Clear guidelines on the handling of complaints arising from inspections and the guidelines are properly adhered to
  - Clear guidelines on the handling of appeals arising from inspections and the guidelines are properly adhered to
  - Guidelines on the handling of complaints arising from inspections are regularly reviewed to ensure continued relevance
  - Guidelines on the handling of appeals arising from inspections are regularly reviewed to ensure continued relevance

**Scoring**

**Assessor's Remarks**

### 2.5 Inspection Outcomes

- 2.5a) Are inspection and investigation records clearly written and include all information pertaining to the inspection/ investigation being carried out? This may include the following:
- i. Core data, characteristics and identification of the employer and the organisation;
  - ii. Date and time of inspection or investigation;
  - iii. Details of person (Name & Designation) whom accompanied the inspector during the inspection/investigation;
  - iv. Arrangements for health and safety in place at the workplace;
  - v. Standards of health, safety and working conditions noted at the workplace and an indication of the level of compliance with the relevant legal provisions;

#### Scoring Guide

- 0** Inspection and investigation records does not include any of the pointers as mentioned in 2.5(a)  
**+1 pt** One point for each of the pointers which had been fully met

*Assessor's notes: This is link to 2.5(b).*

#### Scoring

#### Assessor's Remarks

- 2.5b) Are inspection/ investigation records clearly written and include all information pertaining to the inspection/ investigation being carried out? This may include the following:
- vi. Hazards identified by the inspector and an assessment of these risks;
  - vii. An assessment of the scope for improvements in health, safety and working conditions, and whether these improvements that have already been made are likely to be maintained. This may include the measures that the employer has proposed to the workers representatives, to improve and maintain standards of health and safety;
  - viii. Evidence taken at the workplace during the inspection/investigation (photographs, analysis of samples, readings or statements taken);
  - ix. Advice given or formal enforcement action taken by the inspector; and
  - x. Name and designation of Reporting/Approving Officer(s) or Authority who certify the contents of the record as well as the advice / formal enforcement actions taken by the inspector.

#### Scoring Guide

- 0** Inspection and investigation records does not include any of the pointers as mentioned in 2.5(b)  
**+1 pt** One point for each of the pointers which had been fully met

*Assessor's notes: This is link to 2.5(a).*

#### Scoring

#### Assessor's Remarks

2.5c) Do inspectors have easy and ready access to past inspection/ investigation records for the purpose of their work and the retention period of such records should be in line with local legislative framework or generally acceptable international practises?

**Scoring Guide**

- 0** Inspectors do not have access to past inspection / investigation records or no proper archiving of past inspection / investigation records exists
  - 1** Activities are planned towards the fulfilment of the requirements in 2.5(c) but not implemented
  - 2** Archiving of past inspection records exists, however, are not easily accessible to Inspectors (requires more than a day to access such records)
  - 3** Inspectors have access to all past inspection / investigation records which includes past advice given or enforcement actions issued (requires less than an hour to access such records)
  - 4** Inspectors have ready access to all past inspection / investigation records electronically while on-site, which includes past advice given or enforcement actions issued, which will allow inspectors to pick up recurrent issues.
- +1 pt** Inspection / investigation records are retained for a period of at least 5 years.

**Assessor's notes:**

*Do add an additional point (from 2 – 4) onwards if the retention period of the inspection / investigation records are at least 5 years.*

**Scoring**

**Assessor's Remarks**



2.5d) Following an inspections / investigations, are the requisite actions as provisioned by the national law and regulations taken against employers in the event of a non-compliance to legal provisions or acceptance of supporting guidance? Actions may include:

- Advice (both written and verbal);
- The issue of an order requiring improvements by a specified deadline;
- The issue of an administrative fine/penalty (either directly or through the appropriate authorities);
- The issue of an order requiring the immediate stoppage of work;
- The holding of inquiries into cases of occupational accidents, diseases, or any other injuries to health which reflect situations which are serious; and
- Referral for prosecution (either directly or through the appropriate prosecuting authorities).

The actions taken should be executed in a timely manner, effective to ensure compliance, and are regularly reviewed to ensure continued relevance and deterrence.

**Scoring Guide**

- 0** No actions taken following an inspection / investigation, or inspectors are not empowered to taken any actions under the national law and regulations.
- 1** Activities are planned towards the fulfilment of the requirements in 2.5(d) but not implemented
- 2** Inspectors are empowered to take more than 50% of stated actions in the pointers
- 3** Inspectors are empowered to take more than 80% of stated actions in the pointers
- +1 pt** Actions are executed in a timely manner (issued within a month of inspection) and effective to ensure compliance
- +1 pt** Actions taken are regularly reviewed to ensure continued relevance and deterrence.

**Assessor’s notes:**

*Do add an additional points (from 2 – 3) onwards if actions are executed in a timely manner and regularly reviewed. For periodic review, a time period of no longer than once every two years is considered acceptable.*

Scoring	Assessor’s Remarks

2.5e) Are workers representatives sufficiently informed about the inspector’s conclusions and the employer’s responses (subject to confidentiality requirements)?

**Scoring Guide**

- 0** Workers representatives are not being informed/engaged on inspection outcomes.
- 1** Activities are planned towards the fulfilment of the requirements in 2.5(e) but not implemented
- 2** Workers representatives are only informed about selected issues but not on the employer’s responses
- 3** Workers representatives are only informed about selected issues and selected employer’s responses
- 4** Workers representatives are sufficiently informed about the inspector’s conclusions and the employer’s responses
- 5** Workers representatives are informed about the inspector’s conclusions after inspection, and both the workers representatives and employers management team work together towards the fulfilment of their legal responsibilities under the national regulation.

**Scoring**

**Assessor’s Remarks**

2.5f) Are other enforcing bodies who may have responsibility under national legislation for matters such as the protection of public health, consumer or environmental protection, fire safety or any other relevant national bodies, informed of any related observations made during the inspection/investigation?

**Scoring Guide**

- 0** Other national enforcing bodies are not informed of any related observations made during inspection/inspection
- 1** Activities are planned towards the fulfilment of the requirements in 2.5(f) but not implemented
- +1 pt** One point for each of the following national enforcing bodies who are informed of any related observations made during inspection/investigation:
  - National enforcing bodies who have responsibilities relating to protection of public health
  - National enforcing bodies who have responsibilities relating to consumer protection
  - National enforcing bodies who have responsibilities relating to environmental protection
  - National enforcing bodies who have responsibilities relating to fire safety

**Scoring**

**Assessor’s Remarks**

## 3. STAKEHOLDER ENGAGEMENT, PROMOTION AND DATA COLLECTION

### 3.1 Stakeholder Engagement & Promotion

3.1a) Are there dedicated efforts to engage employers and workers to improve occupational health and safety?

#### Scoring Guide

- 0** No engagement efforts to improve occupational safety and health
- 1** Activities are planned towards the fulfilment of the requirements in 3.1(a) but not implemented
- +1 pt** One point for each of the following indicators which had been fully met:
  - Specific group or a team of personnel (can be within the Labour Inspectorate, a separate organisation or out-sourced contractors) who engage employers and workers on a regular basis to improve occupational safety and health
  - The holding of regular discussion/sharing sessions on common lapses and/or best practises observed by the Labour Inspectorate during inspection
  - Engaging employers following a serious industrial accident (especially for those who are in the same industry with similar hazards or work procedures) to improve upon their current work processes and to prevent future occurrences.
  - Provide hotline number or other feedback channels for employers or workers to reach out when they have specific queries with regards to occupational health and safety or to whistle blow on unsafe practises or situations in their company.

#### Assessor's notes:

*Evidences of other types of engagement which are not listed above can be acceptable if it is relevant.*

Scoring	Assessor's Remarks

3.1b) Are clear information and guidance provided to help employers and workers comply with or to understand their obligations under the legislative framework?

**Scoring Guide**

- 0** No information or guidance for employers and/or workers
- 1** Activities are planned towards the fulfilment of the requirements in 3.1(b) but not implemented
- +1 pt** One point for each of the following indicators which had been fully met:
  - Information or guidance is available in languages which is understood by target audience (should be in language(s) which will be understood by at least 95% of the working population)
  - Information or guidance caters to the different cognitive levels of target audience (eg, pictorial guides for workers / layman; comprehensive information for managerial or safety professionals)
  - Industry or trade specific information or guidance is readily available for employers or workers
  - Specific examples, in the form of pictures or drawings, are provided, especially when the information or guidance is difficult to be explained in words (eg, the correct way to put on a fall-arrest harness)

**Assessor’s notes:**

*Evidences of other types of information and guidance which are not listed above can be acceptable if it is relevant.*

Scoring	Assessor’s Remarks

3.1c) Is the above information or guidance mentioned in 3.1(b) easily obtainable to all employers and workers and does it reach the target audience?

**Scoring Guide**

- 0** No information or guidance for employers and/or workers
- 1** Activities are planned towards ensuring information or guidance are obtainable by employers and workers but not implemented
- +1 pt** One point for each of the following indicators which had been fully met:
  - Information or guidance is easily obtainable by employers and workers in various forms of communication (electronic or print media, etc)
  - Information or guidance are targeted information (could be industry related or job specified) and reaches the correct audience
  - Information or guidance are recent and regularly updated and in line with international practices
  - Outdated information or guidance are promptly removed or withdrawn

Scoring	Assessor’s Remarks

3.1d) Is there evidence demonstrating an effective working relationship between all organisations with a direct or indirect involvement in occupational safety and health? Organisations should include

- parent ministries
- sectorial agencies
- judicial system
- social partners
- industry associations
- employer associations
- private sector players
- academic institutions

**Scoring Guide**

- 0** No effective working relationship between the inspectorate and other organisations
- 1** Activities are planned towards the fulfilment of the requirements in 3.1(d) but not implemented
- 2** More than 25% of pointers had been fully met
- 3** More than 50% of pointers had been fully met
- 4** More than 75% of pointers had been fully met
- 5** Fully meets or exceeds all indicators

**Scoring**

**Assessor's Remarks**

3.1e) Are issues of good practices and areas for improvement regularly brought to the attention of all organisations with a direct or indirect involvement in occupational safety and health? Organisations should include:

- parent ministries
- sectorial agencies
- judicial system
- social partners
- industry associations
- employer associations
- private sector players academic institutions

**Scoring Guide**

- 0** No effective sharing of good practises and areas for improvement between the inspectorate and other organisations
- 1** Activities are planned towards the fulfilment of the requirements in 3.1(e) but not implemented
- 2** More than 25% of pointers had been fully met
- 3** More than 50% of pointers had been fully met
- 4** More than 75% of pointers had been fully met
- 5** Fully meets or exceeds all indicators

**Scoring**

**Assessor's Remarks**

### 3.2 Data Collection

3.2a) Are the following key health and safety statistics effectively collected?

- Staff strength of the labour inspection service;
- Statistics of workplaces liable for inspection and the number of workers employed therein;
- Statistics of inspection visits;
- Statistics of violations and penalties imposed;
- Statistics of industrial accidents and fatalities; and
- Statistics of occupational diseases.

#### Scoring Guide

- 0** Health and safety statistics are not collected
- 1** Activities are planned towards the fulfilment of the requirements in 3.2(a) but not implemented
- 2** More than 25% of pointers had been fully met
- 3** More than 50% of pointers had been fully met
- 4** More than 75% of pointers had been fully met
- 5** Fully meets or exceeds all indicators

#### Scoring

#### Assessor's Remarks

3.2b) Is the data above analysed at national, regional, sectorial, and where appropriate, company and workplace levels to determine suitable interventions where required and the above statistics published?

#### Scoring Guide

- 0** Health and safety statistics are not analysed
- 1** Activities are planned towards the fulfilment of the requirements in 3.2(b) but not implemented
- +1 pt** One point for each of the following indicators which had been fully met:
  - The data is analysed at national, regional, sectorial, company or workplace levels (where appropriate)
  - Suitable interventions (targeted inspection/enforcement actions or review of current policies or legislations ) based on the analysed data are carried out
  - Sufficient data points are utilised during analysis to ensure that the analysis is an accurate representation of the actual situation
  - Statistics are published on a regular basis

#### Scoring

#### Assessor's Remarks

3.2c) As refers in 3.2(b), is there an effective and efficient system for the LI to be notified of industrial accidents and cases of occupational disease as prescribed by national laws or regulations? Is the information collected reliable?

**Scoring Guide**

- 0** No system for LI to be notified of industrial accidents and/or cases of occupational diseases
- 1** Activities are planned towards the fulfilment of the requirements in 3.2(c) but not implemented
- +1 pt** One point for each of the following indicators which had been fully met:
  - National laws or regulations prescribe the need to notify (within a reasonable time-frame) and provide LI on accurate information with regards to industrial accidents and cases of occupational diseases
  - Adequate penalties or sanctions are in place for non-reporting, or for provision of false information, of industrial accidents and cases of occupational diseases
  - LI are able to leverage on other enforcement bodies' or other networks (medical or insurer, etc) for the notification of industrial accidents and cases of occupational diseases
  - LI are able to response to a major industrial accident within a reasonable time -frame where multiple injuries or fatalities have occurred to provide technical support to emergency services carrying out recovery or rescue work

Scoring	Assessor's Remarks

## 4. THE DESIRABLE FEATURES

4a) Does the national strategy address the need for improvements in the quality of work and in well-being at work in physical, mental, and social terms?

**Scoring**

**Assessor's Remarks**

4b) Does the current educational system promote a prevention culture? Are there plans to inculcate a prevention culture throughout the educational system?

**Scoring**

**Assessor's Remarks**

4c) Are efforts made to develop better understanding of the integrated, holistic approach, to encourage an open-minded culture in the LI and make inspectors more aware of the role they can play in the promotion of well-being at work?

**Scoring**

**Assessor's Remarks**



4d) Is the development of partnership working between the LI and other stakeholders who can influence the well-being at work approach encouraged?

**Scoring**

**Assessor's Remarks**

4e) Does the LI's work plans and priorities take into account the changing economy, changing patterns of employment and their influence upon health and safety issues and priorities?

**Scoring**

**Assessor's Remarks**

4f) Is there evidence demonstrating an effective working relationship between all organisations with a direct or indirect involvement in well-being at work, rehabilitation, public health, employment policy, and with other policies pursuing protection objectives?

**Scoring**

**Assessor's Remarks**

4g) Are there efforts in place to ensure that inspectors are suitably trained in the emerging issues, and that specialist support is aligned with the changing priorities and perspectives?

**Scoring**

**Assessor's Remarks**

4h) Are there systems for monitoring inspection processes, techniques and activities, which take into account international approaches to quality management?

**Scoring**

**Assessor's Remarks**



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