

IALIFORUM



The newsletter of the International Association of Labour Inspection (IALI)
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ASSOCIATION INTERNATIONALE DE L'INSPECTION DU TRAVAIL • INTERNATIONAL ASSOCIATION OF LABOUR INSPECTION

ASOCIACION INTERNACIONAL DE LA INSPECCION DE TRABAJO • INTERNATIONALE VEREINIGUNG FÜR ARBEITSINSPEKTION

الجمعية العالمية للفحص الشغل • МЕЖДНАРОДНА АССОЦИАЦИЯ ИНСПЕКЦИИ ЛО ТРУДУ

09



International Labour Office

PRESIDENT'S LETTER



Michele Patterson – IALI President and Executive Director, SafeWork SA, South Australia

Dear IALI Colleagues around the world

2009 has proved to be the busy and challenging year anticipated. Having set in place in 2008, so many initiatives and challenges, partnerships and collaborative arrangements, it is no wonder that 2009 was both busy on the one hand and on the other, evidence of major progress against our IALI *Action Plan for the Future*.

Our major IALI events for 2009 were held in April in Lisbon and in November in Dusseldorf and reports on these events are in this issue of IALI Forum. In between, members and other parties have provided no end of opportunities for productive international discussions that have all contributed to the realisation of IALI objectives.

Inside this issue of the Forum you will see numerous reports on IALI events, on international developments of significance, of progress in achieving our aims of regional cooperation and of country member initiatives that contribute substantively to our body of professional expertise and experience.

At the IALI Executive Committee meeting in November we took the opportunity to conduct the first annual review of our *Action Plan for the Future*. Despite our familiar limitations (that is, everyone being very busy!), it was impressive to see that substantial progress has been made in only the first 12 months against ambitious objectives. In summary:

1. IALI - providing the basis of your professional association has seen the Global Code of Integrity for Labour Inspection (approved at our General Assembly in 2008), already translated into 10 languages to facilitate implementation in many countries. Of particular interest to members worldwide will be reports of experiences, strategies and solutions for overcoming obstacles to implementation of the principles of the Code; and this core work is destined to occupy our thoughts and deliberations for many years to come. Meanwhile,

IALI has commenced work on phase two of the key underpinning documents for Labour inspectorates including the Common Principles of Operation for Labour Inspectorates and work on benchmarking and evaluation methods for labour inspection.

- 2. IALI as Influencer:** contact has been made with numerous global and national organisations to spread the word about the importance of labour inspection. IALI members have given presentations at many conferences on this subject.
- 3. IALI as Partner:** During 2009 a draft Memorandum of Understanding (MOU) has been developed with our key partner, the ILO. This is expected to be finalised early in 2010 and will greatly enhance the longstanding productive and cooperative arrangements between the two organisations. IALI has also signed an MOU with the International Commission on Occupational Health (ICOH) which will ensure partnership on areas of mutual interest between the organisations. IALI continues to participate as a partner in the ILO's Special Action Programme on Forced Labour.
- 4. IALI as Catalyst:** 2009 saw significant development of efforts to create and foster regional cooperation. The Regional Association of Labour Inspection (RALI) for the 12 SE European countries, Azerbaijan and Ukraine is now in its second year of operation under the leadership of Serbia; under the leadership of Tunisia, the MAGHREB countries of North Africa including Tunisia, Algeria, Morocco, Mauritania and Lybia, have made progress towards formalising their cooperation; and the declaration of Santiago organised by our colleagues in Chile, signals the start of cooperative talks between Chile, Argentina, Brazil, Spain, Portugal and Uruguay.
- 5. IALI as Communicator and Facilitator:** The annual IALI Conference was

organised in Lisbon in partnership with our Portuguese colleagues and the Dusseldorf event in November provided an opportunity to showcase the value of labour inspection and the role it can play in influencing many international development projects such as the ILO's Decent Work Country Programmes. IALI EC members have further assisted in organising many other events as part of IALI's facilitation role.

- 6. IALI as Source of Technical Expertise:** Throughout 2009, IALI has been asked to source and provide technical input into many country forums, projects, events and training programmes. Wherever possible these requests are met and during 2010, IALI will be working on more ordered methods to be able to provide access to technical expertise in response to requests for help, especially to meet the needs of members.

You can read about many of these developments and more inside this issue of IALI Forum, as well as a range of insightful commentaries on major issues of significance to IALI.

As usual, in thanking all of you for your support, expert assistance and contributions to IALI work throughout the last year, I want to comment that as anticipated, the 2008 to 2011 period is already, at the end of 2009, proving to be as exciting and significant in terms of consolidating our ever-growing (and now clearly-defined) agenda for strengthening professional and ethical labour inspection around the world.

We have also welcomed a good number of new members to IALI over the year and have seen many sustainable outcomes from our activities. Here in Australia, 2009 has been especially significant in moving towards a new national model OHS law for the whole country and a new single industrial relations system for all of Australia.

As usual, I want to extend my heartfelt thanks to all of you and particularly IALI's

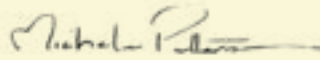
continuation – PRESIDENT’S LETTER

Secretariat in Luxemburg, for your fantastic efforts in making 2009 a success and I look forward to the many exciting events scheduled for 2010.

While 2009 saw the start of many of our commitments to achieving the 2008-2011 Action Plan for the Future, I look forward to continuing our IALI work together over the next few years to ensure a better world of work for everyone.

I wish you all a very happy, safe and healthy 2010.

Warm regards



Michele Patterson

GLOBAL CODE OF INTEGRITY FOR LABOUR INSPECTION

During the IALI General Assembly on 11 June 2008, the participant members voted unanimously to endorse the Global Code of Integrity for Labour Inspection.

Since that date, the Code of Integrity has been translated into many languages (English, French, German, Spanish, Portuguese, Chinese, Polish and Russian). The Arabian version should be finalized in April 2010. All translated versions can be found on IALI website www.iali-aiit.org.



IALI CONGRESS IN LISBON, 16 AND 17 APRIL 2009: MAIN CONCLUSIONS



Sr Paulo Morgado De Carvalho
IALI Vice-President
General Labour Inspector
Autoridade para as Condições do Trabalho
Portugal

In April 2009, IALI held a joint international congress with the Portuguese Authority for Working Conditions on the role of Labour Inspection in times of crisis, in Lisbon. The key point was to address the effects of the world crisis in employment and working conditions and to discuss means and alternatives for forging new relations between peoples, new ways of organising businesses and reorganising companies and establishing fair labour relationships, with particular focus on an increase in social dialogue and on the role of labour inspectors.

Many challenges were identified for labour inspection:

1. an increase in irregular work phenomena, which is often associated with the informal economy, human trafficking and forced labour, the protection of migrant workers' rights and defence against the worst forms of child labour, management of labour disputes and the deregulation and fragmentation of the economic framework, with a trend to worse conditions of health and safety in workplaces,
2. the constantly changing work patterns, greater flexibility in types of traditional contract and the creation of new atypical forms of work,
3. the exponential growth in new technologies, which has led to changes in the characteristics of the workforce and the business world and the type of risks to which workers are exposed,

4. new governance policies by which management is more transparent to all stakeholders and the general public, which also results in new, added expectations and demands not only from the usual labour inspection partners,
5. the loss of jobs, which in many countries has resulted from companies' relocating to countries where production costs are lower and without respect for decent work.

In overall, participants found that the crisis should be regarded as a challenge and not a threat and that Labour inspection should play a proactive role and help in the implementation and consolidation of a culture of prevention that will make companies more competitive and, in turn, lead to higher employability and better working conditions.

Some innovative experiences were highlighted during the congress:

- integrated approaches to health and safety and working conditions;
- sectoral occupational risk prevention campaigns;
- participative methods for settling social conflicts;
- specialised teams for identifying and dealing with very serious phenomena (e.g. slavery);
- evaluation of performance indicators for more useful, effective inspections;
- multidisciplinary and inter-institutional training;
- benchmarking between labour inspectorates;
- data-sharing using new information technologies.

A possible strategy suggested for meeting the challenges was to step up international cooperation, since networks and alliances are indispensable tools not only for maintaining an internal balance of working conditions but also for ensuring that this balance is engendered at the international level by making it possible to recognise problems, share experiences and solutions and learn from previous success and mistakes.

By allowing to offer a common response to problems caused by globalisation and the growing interdependence between

companies and economies and show social players that labour inspection organisations are proactive bodies that seek answers, international networks of Labour Inspection are a useful tool to develop joint work strategies to overcome new and demanding problems and offer solutions at global level.

The idea that the future of labour inspection resides in the creation of broad alliances, of local, regional and international level was accepted as a positive scenario for which all national Labour Inspections and IALI can contribute.

In general conclusion, the congress's proposals were to focus labour inspection's mission and strategies on:

- labour governance
- fair globalization
- sustainable development
- promotion of decent work
- innovative action aimed at ensuring good working conditions
- consolidation of networking and partnerships

Further information in

<http://www.ialicongresslisbon2009.com.pt>

WORK TOWARDS THE XXI CENTURY — SANTIAGO DO CHILE, 22 – 23 APRIL 2009



Joaquim Pintado Nunes
Services Director of Support for Inspection
Activity
ACT - Portugal

The conference theme focused on the organization of the Labour Inspectorate concerning the facing of new challenges, by presenting and discussing comparative experiences,

namely those of Chile, Argentina, Brazil, Spain, Portugal, Uruguay and International Labour Organization.

The exchange of experience has enabled to consolidate a frame of common references, in view of the general characteristics of the inspections attending the event, and the sharing of linguistic and cultural identities, which has allowed, in the course of the event, the drafting and signing of a commitment towards a greater collaboration among the organizations considered, under the aegis of the International Labour Organization - Declaration of Santiago.

That text of intentions signed by the Labour Inspectorates of Argentina, Brazil, Chile, Spain, Portugal and Uruguay, pretends to strengthen the systems of labour inspection at national and international levels, as basic instruments for making decent

work and its associated social values really effective. The main objective is, therefore, to intensify bilateral and multilateral collaboration among labour inspectorates through the creation of an Ibero American Network to share best practices, information, collaboration and mutual support in order to raise the effectiveness in regulating those entities into a globalized world.

The International Labour Organization assumed, through the Declaration of Santiago, to promote a platform for exchange of procedures and inspective practices, as well as to disseminate and broaden the scope of the joint text to other countries in Latin-America, wishing it to become the Ibero-American Network, in which the ACT has taken part since the first moment.

DECLARATION OF SANTIAGO

Meeting in *Santiago do Chile*, on 22 and 23 April 2009, under the International Congress of Labour Inspection, organized by the Directorate of Labour from Chile, Inspectors General, Directors and Representatives of the Labour Inspectorates of Argentina, Brazil, Chile, Spain, Portugal and Uruguay, together with officials of the International Labour Organization (ILO), take the opportunity of this event to express the need to strengthen the Labour Inspections systems, both nationally and internationally as one of the most effective ways to achieve the implementation of social legislation and the objectives set up by the ILO for social justice and decent work.

The severity of the economic and social crisis that affects all countries and the need to joint forces to overcome it, make it particularly necessary to strengthen the instruments of surveillance and control of labour law in the countries, the promotion of social dialogue and the need to establish mechanisms and procedures of coordination and collaboration to face all challenges.

The knowledge of experiences and good practices, which results from a close collaboration among institutions in national, regional and international levels, are a precondition for improving the working conditions of the countries involved. The proliferation of illegal and undeclared work, the "social dumping", the irregular migration movements, the mechanisms of camouflage of the quality of the employer, the fraudulent outsourcing, the trend towards deregulation, the persistence of employment discriminations, child labour, forced labour, defaults in matter of safety and health practices as well as anti-union practices, makes it necessary to develop shared strategies, resulting from common information and reflexion.

The collaboration and support of social agents, through the representative organizations of employers and workers, are an essential support for the effectiveness of those measures and the strengthening of the Inspectorate of Labour.

The involvement and commitment of its own inspection staff, both individually and through their national or international associations, are a prerequisite and the necessary guarantee to achieve the setup goals.

In this context, the support of the International Association of Labour Inspection (IALI) will help to promote the international dimension of these commitments.

Based on the foregoing consideration, we draw up the following.

Declaration of Intentions

1. We consider as necessary to intensify cooperation among the different Labour Inspectorates, both in a bilateral and multilateral way, having into account the different regional scenarios and affinities. In this sense, we consider convenient to promote the creation of an *Ibero-American Network of Labour Inspectorates* for

Continue – DECLARATION OF SANTIAGO

the exchange of experiences, good practices, collaboration and mutual support, in which the interested countries shall be invited to participate.

2. The International Labour Organization (ILO) will provide the necessary support for the development of informative, training and normative materials of general application as well as to develop, with the participation of all member countries, a platform for the exchange of recommended inspective procedures and good practices. In the same way, it will be on his charge to spread this Declaration throughout all countries concerned.

3. Once the approval of the competent authorities of each one of the agencies involved is received, the necessary measures for its fulfilment, assessment and continuity of results will be adopted.

Rafael C. Mastropasqua

Advisor of the Secretariat for the Supervision of Labour and Social Security of the Republic of Argentina

Ruth Beatriz Vasconcelos Vilela

Secretary of the Labour Inspection of Brazil

Patricia Silva Melendez

National Director of Labour of Chile

Raimundo Aragón Bombin

Director-General of the Inspectorate of Labour and Social Security of Spain

Paulo Morgado de Carvalho

Labour Inspector General of Portugal

Maria Narducci Bertone

Inspector General of Labour and Social Security of Uruguay

Giuseppe Casale

Program Director of Administration and Labour Inspectorate (LAB / ADMIN), International Labour Organization

Santiago do Chile, 23 April 2009

2ND CONFERENCE OF THE REGIONAL ASSOCIATION OF LABOUR INSPECTIONS OF SEE, AZERBAIJAN AND UKRAINE – REPUBLIC OF SERBIA, 7-9 OCTOBER 2009

Sr Paulo Morgado De Carvalho
IALI Vice-President
General Labour Inspector Autoridade para as
Condições do Trabalho – Portugal

The 2nd Conference of the Regional Association of Labour Inspections of SEE, Azerbaijan and Ukraine, took place at Belgrade, Republic of Serbia, from 7 to 9 October 2009.

On the basis of the experience of the Labour Inspection Services, the Conference address the following issues:

- What procedures, actions and measures of inspection are the most efficient ones in the combat against illegal work?
- Is there an obligation to submit separate acts on risk assessment in place, and if so, has it been effective in terms of reduced number of injuries at work?
- What measures are to be taken to make the risk assessment acts effective, primarily applicable in practice and what is the role of so called "licensed companies"?
- Is the adoption of the law on Insurance in Case of Injuries at Work contributing to reduced number of

injuries at work and to what extent and what model of insurance is most effective?

- May the adoption of separate Labour Inspection Law, or such a Law in effect have impact on inspection in terms of its efficiency and effectiveness?
- What organisational form of inspection produces better results – concentration of the inspection within one inspection authority at national level or its linking to central ministry of affiliation?
- Are the effects of the integrated inspection conducive to improved effects of labour inspection engagement and to what extent well-trained inspectors to carry out inspection of employment relations and occupational safety and health?
- What is the quality of cooperation between the trade union and employer's representatives between them more effective?

The conference was attended by representatives of all labour inspection services that are members of the Alliance, ie, from Greece, Bulgaria, Albania, Azerbaijan, the Ukraine,

Montenegro, Republika Srpska, Brcko district, Bosnia and Herzegovina Federation, FYRMacedonia, Moldova, as well as representatives of labour inspections from Croatia and France, the International Labour Organisation and the International Association of Labour Inspection.

Representatives of the Serbian Union of Employers, the trade union association Nezavisnost and the Independent Trade Union of Serbia were also participating in the conference.

The conference was opened by the State Secretary of Labour and Social Policy – Md Snezana Lakicevic-Stojacic.



2ND CONFERENCE OF THE REGIONAL ASSOCIATION OF LABOUR INSPECTIONS OF SEE, AZERBAIJAN AND UKRAINE — REPUBLIC OF SERBIA, 7-9 OCTOBER 2009



She said that suppressing illegal labour is important during the crisis in order to fulfil the budget, as well as to prevent injuries in the workplace. She stressed that Serbia has to integrate its labour inspectorates, adding that inspectors have been trained in a number of regulations but the various ministries remain unintegrated.

Director of the International Labour Organisation (ILO) for Central and Eastern Europe, Mr. Mark Levin, stressed that the role of labour services and inspectorates must be increased in times of crisis, in order to maintain standards of health and safety at work. He said that the state must suppress child labour, black market labour, injuries at work, and professional diseases and strengthen the social dialogue between authorities and trade unions.

The Director of the Labour Inspectorate, Mr. Radovan Ristanovic, recalled that Serbia has started with the introduction of an integrated inspection surveillance in the field of labour relations and health and safety at work. This process should be completed by the end of the year. Mr. Ristanovic said that Serbia does not have a special law on work injury insurance or a law on labour inspection and added that there is still a dilemma on whether it would be better for the inspection service to be concentrated within one inspection organ, or to have a separate inspection service in each ministry.

Final conclusions

→ The relevance of this Seminar was referred to by all participants, as a major event contributing to the enforcement of the mutual cooperation;

→ The participants aware the importance of knowing and sharing the experiences of the UE Member States with the transposition of the Directives and other framework legislation on health and safety at work;

→ Labour Inspections, participants of the Second Conference of Regional Alliance, in cooperation with ILO and IALI, as well as with social partners will make efforts in the period to come, in developing joint guidelines for the purpose of creating and further development of integrated/ coordinated labour inspection system that will be implemented through modern planning, new training programmes, with the support of other authorities and bodies;

→ The experience regarding proposals of new regulations for strengthening of organizational structure and total labour inspection capacities will be evaluated and exchanged. The experience that Labour Inspections consider of decisive importance for strengthening their total strategic, organizational and personnel capacities and further reform will jointly be evaluated and exchanged. A continuous cooperation with ILO and IALI is more than necessary.

→ It was pointed out that coordination on regional level and exchange of experience among Labour Inspections of South Eastern Europe, Azerbaijan and Ukraine should, in the conditions of global economic crisis, contribute to the improvement of occupational safety and health and working conditions, reduction of occupational accidents and professional diseases as well as stopping the effects of increasing undeclared work;

→ Labour Inspections, participants of the Second Conference of Regional Alliance, agreed on the statement that policies, systems and programmes on occupational safety and health should be established, with legislations, supervision of compliance with laws and social dialogues as key elements;

→ It was estimated that risk assessment is the first step for right and efficient approach to prevention and reduction of the number of occupational accidents and professional diseases. It was pointed out that a special attention should be devoted to the exchange of experience among the RALI members, as well as to the exchange of knowledge, experience and good practice with Labour Inspections in the EU member states regarding legal provisions in the field of insurance from occupational accidents and professional diseases;

→ Experiences of Labour Inspections in fighting against undeclared work have been shared and the joint conclusion is that various modalities should be used in reducing of such a work to a reasonable level i.e. to socially acceptable level. Modalities of compulsory verification of the employment contracts with competent state authorities have been presented to the Labour Inspections and given for evaluation with the suggestion for the implementation. Establishment of the body dealing with violations within the labour inspection services, issuing of the order for violence, possibility of temporary prohibition of the business activities, and other proposals have been suggested;

→ Labour Inspections agree that new training courses for labour inspectors, programmes and plans, as well as campaigns in Labour Inspections should be carried out and implemented in accordance with relevant ILO Conventions and EU Directives, for the purpose of promotion of capacities and efficacy of Labour Inspections;

→ It is particularly emphasized that the measures for improving organizational and technical equipment, information

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systems, data bases in Labour Inspections should be taken;

→ Labour Inspections, participants of the Second Conference of Regional Alliance, expressed a special gratitude to the General Labour Inspectorate of the Republic of Bulgaria for their activities in the period September 2008 – September 2009, during which training programmes for labour inspectors from the majority of the Labour Inspections members of the Alliance have been realized. At the same time, Labour Inspections, participants of the Second Conference of Regional Alliance agreed that Labour Inspectorate of the Republic of Serbia will be the coordinator of the activities linked to the international

cooperation of Labour Inspections within RALI during the period of forthcoming year. Having in mind that recently Labour Inspection of Azerbaijan has achieved substantial progress in modernizing the conditions of labour inspection activities, it was proposed that the

host, organizer and presidency of the Third Conference of Regional Alliance of Labour Inspections of South Eastern Europe, Azerbaijan and Ukraine, that will take place in the second half of 2010, should be entrusted with the State Labour Inspectorate of Azerbaijan.



INTERNATIONAL ILO SAFETY CONFERENCE DÜSSELDORF, 3-6 NOVEMBER 2009



Gerd Albracht,
IALI Advisor and ILO Conference Coordinator
France

Implementing occupational safety and health standards globally - The Role of Labour Inspection, Social Partners, Social Security, Practitioners and Non-State Actors

The International ILO Safety Conference 2009 has been organized by ILO in cooperation with IALI, the Association for Occupational Safety



and Health (Basi e.V.) and other co-organizers from 3 to 6 November 2009 within the framework of the A+A Trade Fair and International Congress in Düsseldorf, Germany.

A+A is the largest and most important event in occupational health and safety in Europe and takes place every second year in Düsseldorf, Germany. The A+A Trade Fair is organized by Messe Düsseldorf GmbH and Basi is the organizer of the A+A Congress.

Over the four days of the trade fair 55,800 trade visitors came to gather information on the latest trends in the areas of occupational safety, health promotion and security management at work from the 1,541 exhibitors from 62 nations. This was a new record high in the history of the event. Almost one in four visitors came from abroad. Growing attendance was registered particularly from non-European countries such as those in South

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America. High caliber forums and seminars are the essence of the A+A Congress. Some 5,000 participants could be registered in 2009. Nearly 300 international experts and policymakers, social partners, labour inspectors and prevention officers from 65 countries discussed the **effects of economic crisis on safety and health at work** during the **International ILO Safety Conference 2009 in Düsseldorf**.

The conference focused on implementing OSH-standards and the role of social partners, labour inspection, non-state actors, social security and practitioners. Key themes have been: The economic crisis and safety and health at work, health and life at work as a basic human right, the Forum on the Seoul Declaration on Safety and Health at Work, good practices on prevention and OSH management and labour inspection in the path of change.

This conference has marked the continuation of further enlightened efforts in the area of safety and health. It has been an opportunity to hear from representatives from around the world, stressing their involvement today in driving the safety and health agendas forward in light of the financial crisis and other changes. Health promotion is a leading matter in times of restructuring and the effect of the latter on the health of workers. It was agreed that in the context of globalization, the quality of working life has changed. The composition of workforce, work time, introduction of flexible work hours and new technologies have led to new emerging risks and new demands to adapt to these changes. In response, the implementation of ILO OSH conventions and recommendations has been considered as an enterprise level comparative advantage. A highlight of this conference has been the expressed need for an improved and integrated role of Labour inspection, stressing on their role as influencer, catalyst, partner and facilitator. In addition, social security is essential in protecting workers and promoting a highly productive workforce even in times of crisis. Workers and representative Trade unions were confirmed as leading bodies in affecting change for a long-term investment in safety and



health. We have tried throughout these two days to bridge the gap between the provisions of the Seoul declaration and reality. Be it through the argument that investing in the health of workers will help avoid more costs in the long run, and be it through the spread of a prevention culture or by speaking the economic language and encouraging champion industries to set the example for others. We should be able to put people first, as the key to effective workplace management systems. There is also a need to integrate mental health into our existing management systems, encouraging healthy lifestyles for our employees. IALI has been an excellent partner in preparing the conference and the workshop and their contributions during the conference. The core sentence from Michele Patterson describes what IALI can do in cooperation with ILO and others through partnership and proper implementation of occupational safety and health standards that we can ensure the well being of workers around the world.

"Labour inspectorates are in a position to influence the development of safe, healthy, fair and productive working lives. IALI recognises that ethical practices and high professional standards are central to the ability of any labour inspectorate to provide the best possible services to the social partners and the wider community. As a catalyst for regional cooperation, a partner in decent work initiatives and a facilitator of good practice, IALI is working to assist labour inspectors everywhere in their pursuit of safe, healthy and decent working conditions for all."

IALI-ILO DWCP WORKSHOP

This workshop was dedicated to IALI's role in supporting the decent work agenda and participating in the implementation of the Decent Work Country Programmes (DWCPs) with the focus on labour inspection and OSH strategies.

Michele Patterson, IALI President, explained why labour inspection and occupational safety and health need to be more integrated in DWCPs. She went through the main items in IALI's "Action Plan for the Future". In particular she underlined the importance of "The Global Code of Integrity for Labour Inspection" which was adopted in 2008 at the General Assembly. It underpins signatory nations' commitment to ILO Convention 81, and it protects labour inspectors and the role of labour inspection.

IALI is also working on the development of Principles of operation for Labour Inspection.

As to the co-operation between IALI and ILO she explained the ongoing work on a new "Memorandum of Understanding" between the two organisations.

Other examples are a project on Forced Labour and Human Trafficking, the Norwegian project on "Enhancing labour inspection effectiveness", development of tools for measuring the effectiveness of labour inspection and plans for the provision of technical expertise

Ms. Maria-Luz Vega spoke about developing and implementing DWCP priorities and outcomes. DWCP was established in 2004 and is a tool for

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the promotion of Decent Work at the country level.

The country programmes are meant to establish frameworks to determine national priorities, to ensure commitment both from governments and from the social partners and to align ILO's activities with national needs.

Challenges for ILO will be to dedicate resources to country priorities, to support the expansion of labour inspection network and to monitor the inspection programmes in Member States.

Dr. Janet Asherson from the IOE explained how the employer organizations can influence the priorities and outcomes of DWCPs. She said that OSH is a key component of decent work and all businesses are affected by OSH. Failures can be costly.

Employers have responsibility for OSH compliance and need the authority to manage OSH. Employers should influence legal transposition to be implementable, practical and enforceable.

She advised countries to look at other DWCPs and see what tools they have used, what has worked and what hasn't.

Mr. Amuko Omara, ITUC, talked about how the Trade Union Organisations can influence the priorities and outcomes of DWCP.

He underlined the necessity of the promotion of employment opportunities for all, the promotion of rights at work, extension of social protection for all and application of wider social dialogue. He said that decent work deficits are evident in all four areas that comprise the Decent Work agenda.

Mr. Omara underlined the possibilities for trade unions to influence outcomes of DWCPs. It will be necessary to extend network consultations, to use the social dialogue more efficiently and to work closer together with management in promoting decent work different activities.

Carmen Bueno and Dr. Amin Al-Wreidat then shared a presentation where Carmen described the obstacles in implementing DWCPs and enhancing labour inspection in Europe and Central Asia as covered by the Norwegian project and Dr. Al-Wreidat explained the obstacles faced in the Middle East Region also for the countries covered by the Norwegian project.

The session with examples and experiences from the different regions was chaired by Mr. Siong Hin Ho from the Ministry of Manpower in Singapore. The session started with a summary of DWCPs, Labour Inspection and Social Dialogue. This was followed by presentations about DWCPs in Chile, Argentina and Russia. Further country examples came from Tunisia, Lebanon, Vietnam and Zimbabwe.

A round table discussion on DWCPs with a special focus on OSH and labour inspection followed and was moderated by Mr. Kevin Myers from the HSE.

Mr Myers said that IALI and ILO should convert the international conventions to help people to convert them into national legislation and policies and to make them grounded and rooted in practical measures to control and manage risk in the different parts of the world.

He also suggested that if we are trying to improve or change what we are doing it is best to do that in collaboration with colleagues that face similar challenges. One should therefore try and get alliances in different parts of the world where people can share expertise and experience which is catalyzed and stimulated and assisted by the work of the IALI and ILO. DCWPs and the regional networks that the ILO/IALI has set up are mutually complementary in terms of doing that.

IALI has been working in collaboration with ILO for a number of years and it seems as if this collaboration is developing and enhancing, partly as result of lots of drivers.

Links to the conference and workshop documents:

1. ILO International Safety Conference **download PDF**
2. IALI/ILO DWCP-Workshop **download PDF**
3. IG Metall/ArcelorMittal-Workshop **download PDF**
4. Abstracts and CVs of the Speakers **download PDF**
5. Presentations of the Speakers **click here**
6. Press Coverage and Videos you will find on the conference web site:
www.ilosafetyconference2009.org

THE GLOBAL CODE OF INTEGRITY FOR LABOUR INSPECTION – IALI'S CONTRIBUTION TO GOOD GOVERNANCE IN LABOUR INSPECTION



Dr. Bernhard Brückner
IALI Vice-President
Department of Labour,
Family and Health of the Government of Hesse

Any need for action?

Codes describe in general requirements and standards for individual behaviour. The ten commandments in the Bible are certainly the best known code of conduct.

We are faced with differentiated administrative and civil service regulations. The question why we need action and should use international models needs some justification.

Please allow me to make a big leap away from labour protection.

Each of you knows such pictures and headlines. This news reaches us almost daily, often from politics, but also from public administrations. We might be shocked to hear the testimony of a former construction office manager of a municipality in Hesse, who stated that the second economic stimulus package of the German Federal Government, which among other regulations loosens the public procurement directives, might lead to an increase in corruption attempts and bribery, unless the involved stakeholders are particularly vigilant.

Naturally public administrations and their employees, who decide on procurements and allocation of resources, are the focus of attention, but also "intervening administrations" such as the Health and Safety Authorities are deliberately exposed to temptations to interpret to the largest possible extent their discretionary powers in individual cases.

As far as I know, the Labour Inspectorates are not the "first stop" for such experiments – neither when we focus on frequency nor the involved amount of the temptations. Nevertheless, the Labour Inspectorate is not an island of blessed and holy actors.

We therefore are well advised to critically reflect again and again the conditions and factors that influence the perception of our duties as Labour Inspectorates. This is particularly true since on the one hand the Administration as a whole is under greater public scrutiny and on the other hand the scope for discretion and decision-making by the Labour Inspectorate within the legal framework has become larger.

Legality and legitimacy, even more, as well as the need for governance are in focus. We, who are the people and officials of the Labour Protection Authorities, are required to justify and warrant our actions as well as create acceptance among those affected by them. This is our challenge!

New demands on governance

Obviously there is a serious lack of moral commitment and ethically based accountability in politics and administration.

The legal possibility of accepting an advantage is exhaustively used, regardless of fairness or the feeling of justice.

This general and increasing lack of credibility regarding public perception of the roles and duties is an important starting point for calls and concepts for a new and ethical monitoring and control in politics and administration.

Another rather structural approach, which I think is more important for the Labour Inspectorates, is the changing requirements and demands on the Administration:

Administration should nowadays not only be in agreement with legislation and be appropriate, but it should moreover be oriented towards results.

The Administration must demonstrate and prove its effectiveness!

In addition, the Administration is currently expected to be open, transparent, citizen friendly and service oriented, which means that it should not focus on an administrated target or a legal subject, but on a citizen. The Administration, or rather its employees, should view the citizen as a partner, a customer, a mature citizen and not as the subject of a (formal) legal system.

These new requirements are usually subsumed in the political and administrative discussion under the concept of "good governance". It must still be seen what underlies this concept, insofar these facts fit into the traditional administrative law or transcend it, and how the Labour Inspectorates can address this challenge.

Good governance

The concept of "good governance" requires the Administration to evolve from an organization which is solely oriented to the formal criterion of legality towards an Administration which delivers materially good results, i.e. quality. These new and expanded requirements to the Administration raise of course the question about today's meaning of "good governance". What can it be and what should it be? Which determining factors characterize the Administration's actions?

"Good governance" is basically an open and flexible concept. It is not only based on the legal compliance of procedures and decisions, but also takes account of established principles and practices within the meaning of generally accepted rules. These don't necessarily have a legislative origin; but whoever follows these rules, can assume to comply with the conformity of prevalent rules.

A good and modern Administration should be near to the citizen, which means that the citizens and other usual stakeholders should be involved in the active and participatory decision-making. The Administration should provide timely relevant and fair solutions to the citizens.

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This new approach, which is known in many countries as a new management control system, requires the "bureaucracy" to operate efficiently and effectively. This open concept of "good governance" or "new management control system", because of the new extensions of its content, requires new control mechanisms, which go beyond the traditional administrative checks and balances to be effective and transparent.

Example: the European Code

Since 2001 Europeans have been discussing a "European Code of Good Governance". This Code takes into account the principles of European administrative law, as it was developed by the jurisprudence of the ECJ and national regulations. The objective of this Code is to put in concrete terms the right to good governance, which is enshrined in Article 41 of the Charter of Fundamental Rights of the European Union. The Charter stipulates that "every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time...". It is worth noting that governance should be fair, which goes way beyond the stipulations of the German administrative law.

In the Code itself, the traditional rights of the citizens are described from the view of an Administration that acts according to justice and law; moreover, the obligations of administrative bodies are enumerated, which amount to an active and positive support of the citizens by the Administration, such as: the respect for the legitimate and reasonable expectations of the citizens dealing with the Administration; the duty of a positive advice that is directed towards the achievement of the citizen's needs; fairness in the proceedings; and courteousness.

For the European Ombudsman, this Code is an essential instrument of his activity. He uses it to identify and evaluate any deficiencies in the administrative dealings of European institutions. He recommends the Code as a "useful guide and as a resource for civil servants, as it spurs them to the highest standards of administration."

The role of Codes

From what I have said it is possible to deduce possibilities and positive

effects of Codes for the control of administrative practice.

A Code of good and proper behaviour in the Administration cannot and must not replace the commitment of the Administration to justice and law, since this would be a flagrant violation of the principles governing legality and democracy.

A Code is always an excellent addition to the framework fixed by administrative law, when it manages to help the administrative practice in its quest for developing new perspectives for results of high quality and for prevention of grievances. As such, a Code is suitable for the establishment of procedures and practices in the non-traditional fields of legality; it can indicate measures to improve courteousness towards citizens as well as efficiency and effectiveness of administrative action.

Paradigm shift in the Administration

A modern Administration must develop a proactive approach to action – which equates to a paradigm shift in the way a classical Administration sees itself. The extension of the function of administrative law changing from the protection of the citizens against the Administration to the protection of the citizens through effective and good governance (Professor Bullinger) does need new control instruments.

A modern Administration must virtually work for its authority over the citizens: it must set itself a transparent orientation for its targets and results, coupled with verifiable quality standards in terms of procedures and results.

Codes are in this occurrence an appropriate and flexible model.

IALI's Global Code of Integrity for Labour Inspection

The debate in Europe on the basics of good governance, which I have just outlined, leads to the broader context

of the international background which three years ago made IALI begin to elaborate its "Global Code of Integrity for Labour Inspection".

IALI, as a co-operation partner of the ILO, is closely connected with all the activities of the International Labour Organization and its institutions for the enforcement of ILO Conventions and the improvement of working conditions worldwide. The core of these activities is the concept of "Decent Work". This concept is legally substantiated with regard to labour protection by the new ILO Convention No. 187 "Promotional Framework for OSH".

The experience of recent years has shown – and today's crisis has made it even clearer – that a fair globalization and good working conditions for everyone cannot be achieved on their own, but need the active contribution of all the involved responsible partners and institutions throughout the world. IALI – rightly – believes that labour inspection is here of outstanding importance. It is the only independent institution which is legally bound to the mission and is in the practical position to be able to promote and implement "Decent Work" right inside the various businesses.

This function of the Labour Inspection to set up a universally recognized platform, which in the current globalization trends and crisis has rather increased than diminished, is the overriding objective of the vision of the "Global Code of Integrity for Labour Inspection".

Objective and significance

This Code provides a framework for each country – in the context of these general principles and the regional conditions – to develop and implement its own guidelines. It aims to promote a high level of professionalism within a labour inspection which is efficient and influenced by personal integrity, commitment, responsiveness and responsible leadership. To fulfil these demands it is necessary to have national Labour Inspectorates, which debate with the lifeblood of their country, the politicians and governments, the representatives of employers and trade unions, as

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well as with all other bodies involved in the design of labour and working conditions. The co-operation with all these institutions is essential to efficiently implement the Code, its values and its principles.

Why do we need an "International Code of professional and ethical conduct in labour inspection"?

IALI has developed this Guideline to support and strengthen the professional work of Labour Inspectorates. A self-commitment to respect the values of the Guideline is a way to ensure a transparent and accountable work of the Labour Inspectorates. The implementation of the Guideline will also provide security and support for all the employees of Labour Inspectorates in the proper exercise of their function.

The Guideline is a basis to provide the credible, ethical and consistently professional rules of conduct expected by the employees of Labour Inspectorates. It aims to describe practical criteria for:

- the definition of rules of professional and proper conduct,
- the promotion of high standards of professional practice,
- the development of standards for self-assessment,
- the creation of a framework for professional and private conduct and related responsibilities,
- the provision of a basis for professional identity,
- the provision of a platform to improve the effectiveness of Labour Inspectorates in creating safe, healthy and decent work standards, and
- the identification of the opportunities to promote and strengthen the development and recognition of their profession.

Values

Instructions for professional and ethical standards and requirements

Unethical conduct and corruption occurs in all countries and in the most different forms. Examples of unethical conduct can be:

- acceptance of small gifts from company production during a visit of the inspector,
- procurement of interest-free loans,
- concealment of conflicts of interest arising from material benefits for inspectors, their families or friends,
- acceptance of services that are denied to others,
- acceptance of preferential treatment, and much more.

The application of the values of this Code represents a way to establish clear rules and ethical criteria for the conduct of all employees in Labour Inspectorates.

The Code continues to offer a set of instructions, with which all employees can distance themselves from unethical practices and which enables them to disclose such practices as soon as they become obvious. This can be achieved only if there is a common understanding, shared by all, of what constitutes unethical conduct and which mechanisms exist to avoid such conduct.

Promotion of modern ethical and professional standards of good practice

Honesty, fairness and courteousness are the ethical principles which form – together with the common interests within the profession – the basis of the aforementioned ethics. Due to the strong link between the professional attitude and the personal ethical conduct it is imperative that professionalism and ethical conduct lay the foundations for the work of each labour inspector.

The Labour Inspectorates should be aware that this Code is not static. Its implementation requires continuous and consistent compliance with a set of dynamic guiding principles. A professional conduct, full of integrity, i.e. the impartial and fair exercise of their supervisory activity, is a fundamental obligation to all labour inspectors. The Labour Inspectorates are professionally well equipped to assist those persons in the labour market who work to promote safe and decent work standards. However, the ability of labour inspectors to have a positive influence largely depends on their credibility.

Development and maintenance of the foundations of a credible, effective and fair labour inspection system are dependent on our ability to demonstrate its integrity.

Moreover, it is the responsibility of the Labour Inspectorates themselves to ensure working conditions which enable each inspector to observe at all times the values and principles of this Code and to work professionally and effectively.

The Code – an ethical framework

The employees of Labour Inspectorates should perform their duties in a manner that corresponds to the highest possible level of integrity, that meets the expectations of the community and that ensures confidence in the organization and its authority.

To meet these requirements, the Guideline provides a moral framework with six broadly defined values:

- knowledge and competence
- honesty and integrity
- courteousness and respect
- objectivity, impartiality and fairness
- commitment and responsiveness
- consistency between personal and professional conduct.

Each of the six values is presented in the form of standards for good practice, for both the individual and the organization. The implementation of these values and criteria for good practice requires a good deal of agreement and conviction, both at the level of the individual and the organization.

Addressees

The Guideline should be implemented worldwide. The commitment to the values described in the Guideline can or should take place at any individual level or at all levels mentioned below:

- At the level of the State: in Germany the addressees are the Federation and the *Länder*.
- At the level of each organizational unit: here, individual offices and departments can take an active part, but also specialist departments in larger administrative units, such as *Land* administrations, regional councils, etc.

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- At the individual level: the Code directly addresses the individual employees of the Health and Safety Authorities to undertake to commit to the values and standards contained in it.

The specificity of the IALI Code in relation with similar Codes is that its focus, in addition to an ethically based policy and accordingly appropriate governance, is not only on the conduct of the inspectors as individuals, but brings out clearly the responsibility of the organization at the Government and Administration level: the Code's objective is to create a set of demanding and motivating working conditions for the employees of Labour Inspectorates.

Implementation

This systems orientation of the Guideline has consequences for its implementation.

Basically, the Guideline is designed in a way that it can be adopted in its current form (ratification) by any State, organization or person. The Guideline may just as well serve as a framework for developing the own standards of any organization. The latter possibility can be particularly appropriate where the Administrations are already subject to a differentiated and legally binding system of regulations that govern their conduct and procedures, such as in Germany and other European States.

It is essential that the implementation of these values and criteria of good practice both at the individual and the organizational level demand a large degree of consent and convictions. This should be documented as a "corporate policy" in the form of individual, organizational and/or political "commitment declarations".

Individual commitment

All employees of a Labour Inspectorate should commit themselves to comply with the six values and corresponding standards of good practice which are the foundation of their ethical conduct.

Commitment of the Labour Inspectorate as an organization

Each Labour Inspectorate should maintain at its organizational level a work culture that enables all its employees to meet and use the six

values and corresponding standards of good practice.

Political commitment (Government, Parliament)

It is particularly important to mention that each Labour Inspectorate and its employees must have at their disposal the proper level of resources to meet the requirements of this Guideline. The Governments and Parliaments are responsible for the allocation of material resources, the appropriate staffing and the legal framework to Labour Inspectorates. They should allocate these resources in a manner that facilitates the implementation of the values and objectives of the Code.

Significance for the VDGAB

Which conclusions can be drawn by the VDGAB (*Verein deutscher Gewerbeaufsichtsbeamter*), the specialized professional organization of labour inspectors in Germany?

Development requirements of administrative law – new control models

To answer this question, I would like to refer to the previously explained situation of modern administration.

Obviously, the existing administrative law in Germany is a necessary, but no longer a sufficient basis for the introduction and implementation of good governance. The expanded objectives and requirements to the Administration are aimed at practices and conducts which are partly less formalized and justifiable: friendliness with the citizen, service orientation, fairness or efficiency. Codes completing existing standards can perform an important function in terms of new control models.

The VDGAB as a caretaker of the interests of labour inspectors

On the other hand the question of consequences for the VDGAB must be geared to its function as a caretaker of the technical and professional interests of labour inspectors.

It has always been a central concern of the VDGAB to address the working conditions of the Health and Safety Authorities of the German Länder. This is in my opinion more urgent than ever.

Deficits in the management of Health and Safety Authorities

I don't think I am overly pessimistic when I ascertain that the deficits in the management of Health and Safety Authorities have increased significantly in recent years.

This drop in efficiency is due among others to the various measures of reorganization and restructuring that have been conducted in almost all cases against the professional objections of the stakeholders and that finally have undermined the efficiency and effectiveness of the Health and Safety Authorities.

The current human resources policy is rather a policy of downsizing than of development. There is virtually no planning in the context of the tasks and the task processing quality.

Higher demands arising from new regulations with greater discretionary powers place greater demands on the technical and social enforcement competences of the employees of supervision authorities.

Limited resources and lack of social acceptance are factors that affect negatively the working environment and motivation instead of promoting it.

Occupational safety regulations require the employers to identify and assess the work-related hazards, including health hazards due to mental stress, and we as a supervisory authority do call for this. I don't know how many Administrations have conducted a hazard assessment, but I am convinced that the number of those who take into account the psychological stress of labour protection supervision tends to zero. Especially the supervisory and monitoring activities, which require a large amount of communication, are a prime example of an activity with high risk of psychological stress.

A Code of the VDGAB

The basis for an action plan to improve working conditions

The IALI Code could be used by the VDGAB as a basis to design an action plan for the improvement of working conditions in the German Health and Safety Authorities and to define the

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meaning of “good work” in the Health and Safety Authorities.

How the VDGAB sees itself

Safety and health at work as well as the mission of Health and Safety Authorities have increasingly been marginalized over the years. The Administration, as the actor and ultimately the guarantor of equitable working conditions for all employees and companies, has become virtually unnoticed on the political stage. And if it is noticed, it is rather as a hindrance to economic development and a cost factor, but not as a guarantor of equitable (labour) market conditions and a promoter of social balance.

Loss of motivation among employees is then only one of the negative impacts. I think it is time to start a discussion, within and outside of the VDGAB, about the way the association sees itself, the tasks and functions of labour inspection as well as its social utility.

The IALI Code can be a starting point when its agreed upon content is put in concrete terms related to the situation in Germany.

An instrument for public communication

Ultimately, the implementation of the IALI Code in a position paper of the VDGAB becomes also a key tool for

communication with the public. One can thus have friends and critics voice their opinion and reasons in public and thus make our concern ready for public and political discussion.

A Code of the VDGAB would be the description of good governance of the Health and Safety Authorities, the description of its impact indicators, the presentation and justification of an efficient Health and Safety Authority for society.

FOR YOUR DIARY

L’inspection du travail dans les pays du Maghreb et la promotion des meilleures pratiques éthiques et professionnelles

15 et 16 avril 2010, Tunis, Tunisie

Third Conference of Regional Alliance of Labour Inspections of South Eastern Europe, Azerbaijan and Ukraine,

September 2010, Azerbaijan,

The 5th China International Forum on Work Safety,

1-3 September 2010, Beijing

http://www.sino-safework.org.cn/en/page_index3.php?id=2&m=2&b=1

“Embracing Challenges, Pushing WSH Frontiers

15-16 September 2010, Singapore

http://www.singaporewshconference.sg/Index.asp?PGID=CONTENT_HOME

THE SINGAPORE WSH CONFERENCE 2010

Embracing Challenges, Pushing WSH Frontiers

Inviting all Top Government Officials, CEOs & WSH Professionals

15 & 16 September 2010, Suntec Singapore

www.singaporewshconference.sg

A WARM WELCOME TO OUR NEW MEMBERS

We extend a very warm welcome to the following new member having joined IALI since September 2008:

Inspecção Regional do Trabalho

Açores - Portugal

Full details of this member, the contact address etc., can be found on our website www.iali-aiit.org.

ASSESSMENT OF LABOUR INSPECTORATES PERFORMANCE



Nils-Petter Wedege
IALI Technical Adviser
Norway

Introduction

IALI's Strategic Action Plan for 2009 - 2011 defines 6 areas of action reflecting its key roles. The first role described in the plan is: "*IALI- the professional association*". The objective in this connection is to provide the professional foundation for building strong, modernised and effective labour inspection worldwide. This means that IALI should provide tools to assist in delivering high quality results. One such tool which is identified in

the Action Plan is "*a framework for measuring performance and comparative benchmarking*".

This paper discusses possibilities for assessing or measuring the work of Labour Inspectorates (LI).

An assessment might be done in different ways. It is necessary to clarify what is meant by notions like performance and assessment.

By *performance* I will mean "effectiveness", which means outcome of LI's work related to its activities. It is essential to distinguish between "effectiveness" and "efficiency". While *Efficiency* is: doing things in the most economical way (good input to output ratio), *Effectiveness* is doing "right" things, i.e. setting right targets to achieve an overall goal (the *effect*).

To measure the effectiveness of LI activities is for many reasons a difficult task. First of all OSH is a complex entity which consists of many parameters, some are measurable and some are not. Secondly there are many other actors and factors than the LI who will influence the OSH situation. Thirdly there is usually a long time span between the LI's activities and a possible outcome and it is difficult to isolate the LI outcomes from those of others. An adequate assessment also

requires most often reliable statistics which many countries and LIs don't have.

Taking these difficulties into consideration one might wish to start at another point. Instead of measuring the effectiveness of LI one could look at what the preventative potential of the LI is. That means to analyse if internal and external conditions pertinent for a successful LI exist. A similar approach has been used by the Nordic countries and the EU in developing the so called "Scoreboard model"^{1,2}.

In the following I will pursue the two approaches:

- The Scoreboard model in line with the EU approach and
- The assessment model which is supposed to measure the effectiveness more directly.

Both models have their strengths and weaknesses.

A *Scoreboard* might indicate if the Labour Inspection System (LIS) is developing as presupposed and in a sound way.

¹ Scoreboard 2005, Issued by Arbejdstilsynet, Denmark. at@dat.dk

² Hochgreve, H.B, VDGAB; Seiler K., NRW-institute, Düsseldorf: The "German Länder Scoreboard - a model for measuring Labour inspection effectiveness in federal states". 12th IALI Congress and Assembly. Geneva June 2008.

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It might also be used as a tool for comparison of LIS between countries. It is a strength that it is relatively easy to implement and not too resource demanding.

The most striking weakness is that it does not measure or assess the outcomes of LI. It is also a problem that there do not exist standards for success. That means that somebody has to judge whether the "state of the art" is acceptable or not, i.e. highly subjective procedure.

The strength of the *Assessment* model is primarily that it intends to measure the outcomes of LI activities. It will have the potential to be a tool for a manager to achieve the objectives of the organisation. The weakness is that it is a difficult task to carry out, it is resource demanding and it takes time.

The two approaches are not necessarily mutually exclusive. In South Australia an assessment model is included in their Scoreboard³.

The Scoreboard model

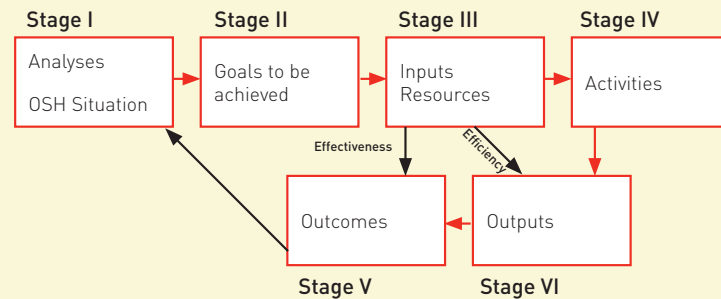
The success of LI depends on many factors, both internal and external conditions. Many of these conditions are described and recommended in ILO conventions like: *ILO C81 (Labour Inspection Convention, 1947)*; *ILO C 129 (Labour Inspection (Agriculture) Convention, 1969)*; *ILO C 155 (Occupational Safety and Health Convention, 1989)*; *ILO C 187 (Promotional Framework for Occupational Safety and Health Convention, 2006)*.

The objectives of a Scoreboard will be:

- To provide an overview of the development of the LI in relation to international criteria.
- To achieve increased transparency and knowledge of the situation and implementation of conventions mentioned above
- To enable benchmarking regarding trends in the OSH situation
- To enable countries to be inspired and learn from each other

³ Safework SA, Quarterly Performance Report, Occupational Health, Safety and Welfare, June 2009. Government of South Australia.

A simple assessment model



This means that norms and recommendations contained in the ILO conventions and in strategies of other international organisations should be the basis for a Scoreboard.

Some of the factors or conditions can be quantified while others can only be described in narrative ways. They have in common that there exists no unambiguous standards or criteria by which one can judge if the situation is acceptable or not. There are systems and methods, however, which can be of great help. The ILO is administrating a reporting system on factors referred to in the conventions. The European Union has a similar annual reporting system on Labour Inspection. In addition ILO and other organisations have carried out labour inspection audits in many countries which also could be a reference for others.

The labour inspectorate should analyse all relevant factors of importance to its performance. An internal audit should follow international audit procedures, for instance "Labour inspection audits- a methodology" issued by ILO in 2008.

The Nordic Scoreboard model (2005) described the "Preventative potential" or "National profiles" (similar to the National Profiles as defined in ILO C 187) along four axes which can be regarded as indicators of the preventative potential.

These 4 axes are, with sub-themes which might be amended as appropriate:

1. The function of Labour Inspectorate covering:

- Size and capacity
- Goals and priorities
- Systematic evaluation of activities

- Kind of inspection systems
- Training programmes
- Awareness campaigns
- Etc.

2. Building partnerships covering:

- The legal system to ensure co-operation
- Social partners involvement in defining strategies
- The co-operation between OSH authorities and other authorities
- OSH authorities co-operation with other private and public institutions
- Etc.

3. Measures at enterprise level covering:

- Organised OSH services
- Incentives to promote OSH services
- Number of employees in OSH services
- Other incentives than fines
- OSH-Management systems in enterprises
- Etc.

4. Information systems and research covering:

- Systematic collection of information on OSH
- National OSH research policy
- Co-ordination of research institutes
- Dissemination of R&D results
- OSH in educational curricula
- Etc.

The assessment model

To be able to assess the effectiveness or performance of Labour Inspectorates there is a need for formal procedures.

Performance is in the following defined as "outcome as a result of LIS activities".

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Outcome is defined as change of a given situation, for instance reduction of the number of accidents at work.

To be able to recognise changes in the OSH situation it is necessary to know the situation before the LI intervention starts. Next it is necessary to define goals, to measure the input, to describe the activities and finally to measure the result(s) or outcomes.

A formal procedure or model could be a very helpful tool to achieve this. Such models are frequently used for evaluation processes of different kinds.

In the following I will describe an example which has much in common with models used in different countries, i.e. Australia³, Finland⁴, Germany⁵, Norway⁶ and others but has also similarities to the Guidelines for OSH-Management Systems issued by ILO in 2001. Furthermore a similar approach has been suggested in connection with the Norwegian Internal Control principle.

The model presented below takes us through 6 different steps or stages in the process. Each stage depends on the proceeding stage and parameters describing each stage have to be defined.

The “working environment” and “working conditions” are complex entities. To make the assessment process manageable the procedure will have to be made as simple as possible with no more parameters than absolutely necessary to make an adequate description of the situation in question.

Stage I: Analyses of the OSH situation

At this stage parameters describing the situation have to be identified. Basis could be the definition and concepts given in ILO C 81.

4 Lehtinen, Suvi, Rantanen, Jorma: “Indicators in occupational Health”. 15th International Congress in Occupational Health Services, IOCH Scientific Committee, 22.24 October – Paris.

5 Lehmann, Eleftheria: “Erfolg von staatlichen Aufsichtshandeln messbar?”, VDGAB Newsletter, Ausgabe 03/09

6 Wedege, Nils-Petter: “Measuring the effect of labour inspection in the food and beverage industry: a Norwegian approach”, International Conference April, 2007, Toronto, Canada (IALI, Health and Safety Canada 2007)

Following this concept, labour inspectorates enforce legal provisions relating to conditions of work and protection of work, i.e. safety and health, provisions relating to the employment relationship such as wages, hours, discrimination, employment of children etc.

The basis for all assessment should be a precise description of the situation. For instance what is the accident rate, what is the situation regarding work related illnesses, child labour, forced labour, employment contracts, freedom of association etc.

Some of these topics might be described quantitatively, others would need narrative descriptions.

Which parameters to be used will differ from time to time and from country to country depending on what kind of statistics or background materials exist, what the priorities are and the resources available.

To give a complete description of Occupational Safety and Health (OSH) or any other parts of the concept at a national level, is a complex and very resource demanding task. Most countries do not have the necessary statistics available. A broad approach will also make it difficult to isolate LIs activities and outcomes from other influencing factors. The best way to assess the LI performance will be to narrow the approach to specific themes, sectors or specific campaigns where the objectives are limited in number and where both the situation analyses and objectives can be made clear and definite.

Stage II: Goals to be achieved.

Article 3 in the ILO C 81 states that the functions of the labour inspection shall be:

“... to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, safety, health and welfare, the employment of children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors...”

The objectives of LIS should therefore be to improve the working environment conditions aiming at for instance:

1. Reduction of work place accidents and deaths
2. Reduction of work related injuries and illnesses, both physical and psychosocial
3. Reduction of:
 - Child work
 - Forced labour
 - Discrimination
 - Etc.

If possible the objectives should be quantified, for instance as a reduction of accidents by 10%. Such quantifications require reliable statistics which are not always available.

Stage III: Inputs

By Input is meant resources at disposal for the LI and used for its activities to achieve outputs and outcomes.

It is a question of human resources (HR), i.e. number of inspectors, scientists or other personnel resources. Parameters could be:

- Inspectors per number of enterprises
- Person-years used for inspection
- HR used for developing inspection systems
- HR used for administrative tasks
- Etc.

But it might also be resources used for cooperation with other authorities or, for information purposes.

Stage IV: Activities

This is an intermediate stage where inputs to the LIS are transformed to outputs.

The process will consist of inspection programmes, awareness programmes and campaigns, research, training courses, development of legislation and regulations, promotion of OSH-MS in enterprises, distribution of information, support to workers and employers etc.

These activities are the link between inputs and outputs. The activities are the tool for achieving the outputs and it is therefore necessary to describe them precisely and link them to the desired outputs. In this way the

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productivity or the efficiency of the LIS can be measured. (See figure)

Stage V: Outputs

Outputs express the productivity of the LIS.

Typical and traditional measurable parameters are.

- Number of inspections
- Number of enterprises visited
- Number of awareness campaigns
- Number of training courses or employees trained
- Number of OSH surveys
- Etc.

The LI might have a high degree of productivity, i.e. the system is efficient. The output parameters do not, however, say anything about the effectiveness or outcome at the workplaces. High productivity does not automatically lead to higher effectiveness in the sense that the goals (Stage II) are achieved.

To justify the system and the use of resources one has to prove the effectiveness directly or show the likeliness of success by help of indicators.

Stage VI: Outcomes

Outcomes should be directly linked to the goals (Stage II). We are talking about measuring the impact of outputs. This is a complex exercise because there are many factors affecting the OSH situation. For instance an economic crisis will influence working life including the working environment and thus obscure the process of measuring the impact of LI activities and outputs. In addition there are many actors on the scene and it is difficult to separate the LI outcome from the influence of other actors. Moreover there is often a long time span between the LI activities and the effect which also will make the benchmarking difficult.

All these factors show the necessity to establish very precise goals and to let the input, the activities and output be directly connected to the goals.

How then can outcomes be measured? Which parameters are most suitable taking into account that assessment should be simple and achievable?

Ideally parameters or indicators should be:

- related to well defined goals
- quantitatively measurable
- specific and sensitive to changes

Traditionally quantitative parameters are such as:

- work place accidents and deaths
- work related injuries and illnesses, both physical and psychosocial
- absenteeism
- noise level
- exposure to chemicals

These parameters fulfil the two first conditions. The third condition might create a problem because changes, (e.g. the number of accidents in an enterprise), might be due to other factors than the LI activities.

This means that the approach of assessment must be very narrow in order to isolate the effects of LI activities from other influencing factors.

When it comes to work related illnesses, the situation is more complex because of difficulties with diagnoses and also because of the often long time span between an intervention and the effect of the intervention.

A prerequisite for this type of assessment is availability of reliable statistics. Before an intervention, an inspection programme or a campaign is started one must ascertain that the OSH situation (e.g. expressed as number of accidents) is known.

Regarding other aspects of working conditions (ILO Conv. 81) the problem is even more complex when it comes to reduction of:

- Child work
- Forced labour
- Discrimination
- Etc.

Furthermore the LI should aim to reduce violations of employment law and penalties imposed e.g. with respect to:

- Illegal/undeclared work
- Migration
- Compliance with payment of salaries
- Working hours etc

All these aspects are not easily quantified and therefore difficult to measure directly. An additional difficulty is that a change in these working conditions is most often a result of political decisions beyond the mandate of LI more than a result of a LI's activities. To identify changes is possible, but to relate the changes directly to LI activities is difficult – if at all possible.

If quantitative parameters or indicators are not available, one has to approach the assessment in a qualitative way, i.e. one has to describe the OSH situation as precisely as possible to be able to observe changes.

If the effect of LI's activities cannot be measured directly, one has to approach the problem via indicators.

Outputs in the model might be used as indicators of change, for instance:

- number of improvement notices issued
- number of cessation of work activities
- number of administrative fines imposed
- number of criminal proceedings initiated/ violations reported for public prosecution

A reduction of these indicators obviously indicates a change. The question is whether the reduction can be related to the activities of LIS?

Additional indicators to the quantitative ones mentioned above might be:

- Introduction of *OSH-Management Systems (OSH-MS)* may indicate the level of OSH performance.
- *OSH knowledge* among employers and employees is an important indicator of the level of the OSH status
- The existence of formal *co-operation* between management and workers is a prerequisite for improving OSH
- Introduction of *OSH in educational curricula* is also a factor which will promote OSH

Such qualitative indicators are used by several countries to measure progress of OSH work in enterprises^{3,6}.

TECHNICAL EVALUATIONS AND ALLIANCES: DEVELOPING WORKING METHODS



Maria-Luz Vega
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LAB/ADMIN - ILO

The world around us presents increasing complexity: new types of contracts that tend to eliminate duty hours, vague labour relations due to new employment forms, new occupational hazards, new forms of

work and working time, etc. In this context the Labour Inspectorate has become a key institution in all countries, and requests for technical assistance to the ILO to improve the Inspectorates' effectiveness have tripled in recent years (in the biennium 2008-2009 alone, the ILO received 14 requests).

Confident of this experience, the ILO has developed a new system for technical assessment of Labour Inspectorates based on the precepts of ILO Convention No. 81, which for national tripartite consultations and the analysis of various aspects of labour inspection aims to create a common work program between the countries and the ILO on three basic principles, namely efficiency, development of organizational capacities and improvement of international co-operation.

Evaluations are conducted under the technical supervision of the LAB/ADMIN Program for its own employees or for

interested inspectors with international experience, language proficiency, analytical skills and a thorough knowledge of the Conventions they are about to enforce. The ILO aims with this practice not only to support the applicants for technical assistance, but also to set up new networks and alliances that enable the stakeholders to improve bilateral and multilateral relations with the prospect of a common orientation of the principles of Convention No. 81 which has been ratified by numerous Governments.

(<http://www.ilo.org/public/english/dialogue/labadmin/area/inspection.htm>)

LABOUR ADMINISTRATION AS A TOOL OF GOOD GOVERNANCE



Giuseppe Casale
Director Labour Administration and
Labour Inspection Programme (LAB/ADMIN)
ILO

With the creation of a new Programme on Labour Administration and Inspection (LAB/ADMIN) the ILO is doubling its efforts to place at the centre of its activities the importance of labour administration and inspection.

Labour administration and inspection have enjoyed an increasing high

profile in recent years, both at the national and international levels. Much of the increased interest is from governments as the labour administration in a globalized world became a key actor in the elaboration and implementation of government's economic and social policies. At the same time, a specific interest in good governance and compliance with labour legislation means increasing expectations on labour administration and inspectorates. Labour administration is based on the main principles of governance, notably: participation (social dialogue and tripartism); transparency (decision-making, information and government services available for all); credibility (fair policies, laws and rules which are known and applied uniformly); responsibility (an open organization which is accountable for discharging its mandate and for its activities); rule of law (compliance with labour legislation).

With its mandate, then, the LAB/ADMIN Programme conducts labour administration and inspection analyses. It provides technical assistance to Ministries of Labour and agencies, and develops programmes with a view to modernising the labour administration machinery. In this context, substantial efforts are needed to strengthen the role of Ministries of Labour and labour administration/inspection systems to play a crucial role as their functions include improvement of working conditions, compliance with labour laws, prevention and settlement of labour disputes, promoting tripartism, transparency and fluidity of the labour market, including efficient public employment services, and development of adequate vocational training systems.

We look forward to further promoting a strict collaboration with IALI, making sure that labour administration and inspection regain their core role in a globalised world.

ILO/LUXEMBOURG PROJECT FOR ENHANCING CAPACITY OF OCCUPATIONAL SAFETY AND HEALTH TRAINING IN VIETNAM

Prepared by: ILO Luxembourg project
Reviewed by: SRO Bangkok and ILO Hanoi Programme Unit

Background

The Project for “Enhancing capacity of Occupational Safety and Health (OSH) Training in Vietnam” (VIE/05/01/LUX), funded by the Government of Luxembourg and executed by the ILO with the main partners being MOLISA has been implemented for 3 years during August, 2006 to June, 2009.

Assessment of progress towards objectives

The project has fulfilled all activities as set out in the schedule and achieved all objectives of the project. The project also carried out related activities according to the requirements by the stakeholders of the project. The products of the project have been well received by its social partners as they were developed based on the needs of involving agencies.

1. Achievement of project objectives: With a comprehensive OSH training policy, the activities on OSH training have been included in the National Program as one of its contents. The project has achieved its first immediate objective and even has gone beyond this objective in many aspects. While the first immediate objective limited its target to ensuring the enforcement of legal system of Vietnam, the project activities and products have step by step reached the international standards, contributing to enhancing the human resources of Vietnam to gradually approach international working environment. In addition, the OSH training system was furthermore, expanded to farmers and rural labour.

2. The OSH Training Centre are capable to organize TOT courses, training for social partners on a fee-for-service basis, with the results achieved by the project, particularly the growth of the Centre in organization and implementation of project activities as well as in achieving the indicators



on training under the National Program. This is proved by the fact that OSH Training Centre is undergoing a process to upgrade to be national OSH Training Centre. In addition, the project achievements have provided with necessary conditions for expansion and establishment of more OSH training centres in order to meet increasing OSH training needs. This shows the capacity and the ownership of the centre in its development activities.

3. Contribution to ILO's objectives and mainstream strategies: ILO Strategic Objective no. 3 on enhancing the coverage and effectiveness of social protection for all and its Outcome 3b.1 on improved labour protection within the formal and informal economy. The Project significantly contributed to the Decent Work Country Programme outcome no. 152 “National OSH Programme adopted and implemented reflecting the ILO promotional framework”.

4. Alignment with national strategies: With the project's results, including the participation and benefiting by many social partners from the planning and implementing process, and further more, the fitting between the project objective with the objective of the national program on OSH, there have been many proves showing the achievement of the development objective specified in the project document. This is also suitable with the initial evaluation results of implementing the national program during the 2008-2010 periods, including the objective to reduce occupational accidents and diseases.

Lessons learnt

1. The project has become a good demonstration of demand-driven approach to building capacity of ILO constituents on OSH. The project work plan is always consulted with all stakeholders, not only within the implementing agency. For that reason, it becomes a “living” document for all concerned agencies.

2. A network of 300 trained trainers has been established, the qualifications of trainers still need to make clearer and more follow-up activities need to be carried out to support the application of what they have learnt to their work and training activities.

3. The capacity of the Training Centre has been improved and they could promote training for employers, labour protection officers at enterprises on a basis of both support-free and fee-charge collection, the participating enterprises were mostly State-owned ones, who are required by law to conduct at least one OSH training for their staff per year, and they prefer to invite MOLISA's Training Center to do it. The Project is targeting to support the Center to expand its reach to FDI and private sector companies and provide more TOT and order-based training workshop rather than regular/annual training for enterprises.

4. The project succeeded in building a legislative frame to facilitate and make use of its results and products such as OSH training policy approved by the government; encourage the other social partners to use the training

Continue – ILO/LUXEMBOURG PROJECT FOR ENHANCING CAPACITY OF OCCUPATIONAL SAFETY AND HEALTH TRAINING IN VIETNAM

materials; the appropriate strategies and training policy ensuring the approval of this training program is one of the nation's priorities which could be done by certain national resources and commitment. This also lays a good foundation to attract international resources.

5. During the project implementation, the Management Board and the Advisory Board have been always actively directing to the building of preventive OSH training strategies, promoting the effective and safety practice, enhancing human resource capacity, product quality, and enterprise

prestige; increasing the consensus of other social partners for the fulfilment of the national program on OSH.

WHICH STRATEGY FOR THE FRENCH LABOUR INSPECTION AS REGARDS THE PROVISION OF INTERNATIONAL SERVICES?



Sylvie Siffermann,
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The social question played a key role in the French rejection of the referendum held on the draft EU Constitution on 29 May 2005.

The conduct adopted by some hauliers established in an EU country but having set up subsidiaries in Bulgaria and Romania, whose staff travels the length and breadth of Europe to the social conditions of Bulgaria or Romania, the draft Directive "Bolkestein" wishing to

apply the law of the country of origin of employees in the European Union instead of the law of the country of destination, the syndrome of the invasion by Polish plumbers, all these have generated a feeling of rejection of social dumping led by the competition of European workers who are paid less and are subjected to more difficult working conditions than French workers.

Given this situation, France has introduced a legal framework (first section), in particular the Law of 2 August 2005 favouring small and medium-sized enterprises (SMEs), which contains a specific chapter related to transnational employment with a triple issue:

1. to better ensure compliance with French labour legislation by foreign providers of services who assign workers temporarily to France
2. to make relations between employers and employees secure
3. to combat more efficiently fraud in France by help of Labour Inspectorates.

Considering the role of labour inspection in the context of globalization (second section) becomes essential and urgent.

Let's first recall some facts. France has a total population of 64.3 million (total population) with an active labour force of 28 million.

The Labour Inspectorate which "inspects" in the field is divided into 579 inspection sections. Each of them has 1 labour inspector (Class A of the Public Service) and 2 labour controllers (Class B of the Public Service), assisted by a secretarial team. Each section covers a portion of the national territory over which it exercises all the non-specialized labour inspection in companies and on building and civil engineering sites in their area.

Currently, under the plan for modernization of the French labour inspection, many inspectors are pursuing their initial training that lasts 18 months. They will be sent to the field, which will result in increased coverage of companies and a larger number of inspection sections.

The merger, effective on 1 January 2009, of the agricultural and transportation Labour Inspectorates with the common regime under the State reform in France will also have an impact on the number of sections.

Regarding our foreign trade, our main European export and import partner is Germany, followed by Spain, Italy, Belgium and the United Kingdom. Our foreign trade is largely an intra-Community trade.

Customers	% of exportation	Suppliers	% of importation
Germany	14.5%	Germany	16.3%
Spain	9.9%	Italy	8.5%
Italy	9.1%	Belgium	8.3%
United Kingdom	8.5%	Spain	6.9%
Belgium	7.4%	United Kingdom	6.1%

Source: Comtrade 2006

Continue – WHICH STRATEGY FOR THE FRENCH LABOUR INSPECTION AS REGARDS THE PROVISION OF INTERNATIONAL SERVICES?

The legal framework

Principle: application of the law of ground, i.e. the French Labour Code

The free provision of services is one of the four fundamental freedoms of the European Union enjoyed by individuals, providers and recipients of services, who are nationals of a Member State and established in a Member State. The European Directive "posting of workers" 96/71/EC of 16 December 1996 regulates the European legal framework:

- the posted worker must be employed by the undertaking that posts him
- the posting must concern the provision of services
- the period of posting must be fixed and temporary, to distinguish it from an establishment.

Neither the Treaty nor the jurisprudence has defined the time limitation. Thus the provision of services may sometimes be lengthy, as in public works: construction of a motorway or railway line.

The important thing is the intention of the operator: if any permanent presence on the territory of a Member State is obvious, the regime of free provision of services is no longer applicable. The operator must work under the rules of establishment.

The Law of 2 August 2005 concerning SMEs perfects the implementation of Directive 96/71/EC in French legislation. **It considers 4 cases:**

1. The posting under a contract between the posting company and the recipient of the international service provision
e.g.: a German masonry company sends a team of 6 German workers to Chamonix to build the chalet of a French family.
2. The posting of workers to an establishment or a company belonging to the same multinational group
e.g.: a Spanish group sends its Spanish worker in one of its French establishments to set up the new packaging system of their products.
3. The provision of a worker by a temporary employment agency or

by a company putting this worker at the disposal of a recipient company which is established or operates in a Member State

e.g.: a Portuguese temporary employment agency lends to or puts at the disposal of a French SME a chemist specializing in Mediterranean food processing

4. The carrying out of an operation on their own account without any benefit to a third party established on the national territory
e.g.: shooting a movie with foreign actors on the French territory, lumbering by a foreign owner on his property in France, dismantling of a factory bought in France by a foreign company with the idea of its re-assembly abroad.

This fourth case was not considered by the European Directive or by earlier French law.

The Law of 2005 defines a posted worker as follows:

- The worker must work for an employer who is properly established outside France (properly established in his country of origin, whether EU or non-EU).
- The company must have its usual business outside France. This requirement helps fight off so-called "mailbox" companies that circumvent applicable law (truly fictitious relocation deals).
- The posted worker must work regularly for his employer who is the originator of the posting, to prevent taking advantage of the occasion.
- The posting must be limited in time.

French law provides preventive **mandatory formalities**: the posting must be declared prior to the beginning of the posting.

This declaration must be in French and sent by registered mail with acknowledgement of receipt, by fax or by e-mail to the Department of Labour of the place of posting. (Otherwise a fine of 135 euros is ordered by the Court.)

For third countries (outside EU, EEA and Switzerland), the employer must apply for a working permit for posted non-EU workers.

The law provides for the legislation that is applicable to posted workers, since migrant workers must be protected and also for the sake of defending local companies against unfair competition.

Please note the daring gesture of French legislation which went beyond the requirements of the EU Directive, by adding themes relating to individual and collective freedoms in the work relationship and to the right to strike.

The French rules cover:

- the legal and regulatory provisions;
- the agreements, including collective agreements, that have been extended to all French employees engaged in a work similar to the work performed by posted foreign workers, excluding provisions of contract termination, staff representative bodies, training and social providence;
- membership of the Social Security system
 - either from their home State, pursuant to European Council Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community. Posting periods exceeding twelve months prevent the employees from remaining under their national social security scheme. It seems that the 12-month period is a limit not to exceed to stay within the provision of an international service,
 - or by joining a French collection organization;
- a comprehensive list of documents to present to the Labour Inspection in French and in euros, otherwise the employer risks a third class fine (68 euros) or being charged with the offence of hindering a labour inspector (1 year in prison and a €3,750 fine);
- the documents certifying the social lawfulness of the non-EU employer;
- the work permits of employees from third countries, except precedents from ECJ jurisprudence, such as the Cases Rush Portuguesa of 27 March 1990 (a Portuguese company working with their staff on the Atlantic high-speed railway network in France) or Van der Elst of 9 August 1994

Continue – WHICH STRATEGY FOR THE FRENCH LABOUR INSPECTION AS REGARDS THE PROVISION OF INTERNATIONAL SERVICES?

(a Belgian company having posted a team of 4 Moroccans, their regular workforce, to provide an international service)

When workers from third countries are regular workers of the company, they are exempt from a work permit;

- the EU, EEA and Swiss documents vouching for the medical examination in the country of origin are equivalent to those in France;
- the wage slip or equivalent document of each worker who is posted more than one month, or any document proving that the rules of the French legal minimum wage are met;
- the document certifying the financial guarantee or equivalent for the temporary work agency.

In case of dispute, posted workers are entitled to submit the matter to the industrial tribunal (*Conseil des Prud'hommes*) or to the labour tribunal of one of the workplaces or of the employer's country.

The Labour Inspection is responsible for verifying the equality of treatment between posted and national workers. They will check the contracts with the customer to assess the reality of the provision of an international service. They will verify whether the team is independent and supervised by a team leader who earns more than his workers. They will assess whether the agreed price is sufficient to pay the workers in accordance with French law: an average selling price below €170/day will raise suspicion.

The geographical distance between the Inspectors and the inspected activities and foreign companies require an intra-Community information and data exchange system via liaison offices.

Our main liaison office is at the DGT (*Direction générale du Travail*) of the Ministry of Labour in Paris.

The Labour Inspector may refer to it if:

- the employer refuses to disclose the required documents,
- he has serious doubts about the lawfulness of the employer in his country of origin.

Two regional offices for Germany and Belgium are located in Strasbourg and Lille, pursuant to specific international

agreements (Franco-German Agreement of 31 May 2001 and Franco-Belgian Agreement of 9 May 2003).

New strategies for Labour Inspection in a globalized world

Monitoring standards and the applicable law becomes increasingly complex and diverse for labour inspection: Why?

The law is no longer the main legal standard, it becomes derogatory or subsidiary.

References to agreements, collective bargains, technical provisions, voluntarily applicable standards which presume conformity (e.g. the European Directive on work equipment) and referrals to ethical codes become increasingly frequent.

This practice is often unenforceable, or even verifiable by the sole public authorities.

The influence of supranational social legislation originating in the European Union or the International Labour Organization requires enforcing it, if not in the same, at least in an equivalent, manner throughout Europe (for EU Member States) or the world (for signatory countries of ILO international labour conventions).

Social norms are also embedded in economic and commercial norms, in norms linked to environmental law and to intellectual property, among others.

The companies we control are increasingly global and interdependent

A French labour inspector visits an establishment and checks it thoroughly. This is the traditional and historic control.

A more comprehensive control, at a level exceeding this establishment, would be appropriate. The head office may be elsewhere, even abroad. The decision centre of the company is unreachable to us.

We are in a service economy with organizations linked in networks, where decision makers have a

strong hold on the cooperation and outsourcing chain. We operate in a virtual economy where a lot of work is done remotely through new information and communication technology that shatters collective work processes. Companies lay in smithereens.

The worker-client relationship introduces now three- or multipolarity in the work relations, which were once bipolar employee-employer relations.

It is easy to spot defensive and offensive actions by multinational corporations addressing critics from human or consumer protection rights movements: ethical codes, codes of conduct and social audits are set up. A new form of international social dialogue rises through international social agreements.

This destroys our labour inspection systems which are based on national sovereignty, while the service industry and its relevant rules become increasingly international.

Then there is the language barrier. How are labour inspectors supposed to communicate on a public building site with posted workers whose language they don't understand, or to check documents on the spot written in a foreign language? They have to cope with difficulties related to multiple causes which I will explain by using the example of two neighbouring countries: France and Germany.

The State systems differ

On one hand there is a centralized State like France whose labour inspectors are State officials; on the other hand there is a federal State like Germany with a "regionalized" labour inspection whose inspectors are officials of a Land cooperating in a dual system with agents of health insurance offices of the professional associations (*Berufsgenossenschaften*).

The labour inspection systems are specific

Their scope of activities differs.

In France, there is a "generalist" inspection which covers the whole of individual and collective relations, including occupational safety and health, which falls within the

Continue – WHICH STRATEGY FOR THE FRENCH LABOUR INSPECTION AS REGARDS THE PROVISION OF INTERNATIONAL SERVICES?

competence of the specialized “OSH” labour inspection in Germany.

The cultural approach related to the professional background and the initial training will necessarily influence the way inspectors handle the controls. In France labour inspectors are mostly lawyers, while in Germany they are technicians and engineers.

The legal systems also differ

While penalties in France are based on criminal law with all the difficulties to enforce them, in Germany there are “administrative” penalties taking the form of fines.

In France, few penalties are pronounced by the courts, partly because it is about “white collar” crime that handles well the employment blackmail. An institute doing research into criminal proceedings in respect of infringements of labour legislation has been created. To date some 20,000 cases were recorded by this institute.

The Spanish initiative to publish on Internet the sanctions against business leaders is an example to follow.

So which strategy to implement???

Some thoughts:

- Develop a new control logic in the face of globalization
Indeed the core business of each labour inspector transcends State borders, namely the principle of a certain equality of the fundamental right to work and its effectiveness.
- Avoid that controls are in fact limited to visible businesses and to workers who enjoy already some guarantees and security. We should try to reach the informal sector, which is not the easy way.
- Adapt to new business forms through a more collective work (let’s join forces), develop control actions by sector, stop the isolated and ineffective work, stop behaving like the social community police, distance ourselves.
This is the challenge of the “Work Policy” developed by DGT since 2002. It makes the labour inspection teams be part of planned actions and campaigns on priority issues.
The ideal would be to start networking with inspector colleagues from other countries, just like the inspected

companies network. The principle of “one entry point” for labour inspection to the International Labour Organization might be helpful (with exchange of e-mail addresses).

- Develop supplementary tools to the sole old-fashioned pernickety checking of law enforcement, by creating a logic of empowerment and acquiring of good practices, close to the open coordination method of the European Union.

Let’s train the stakeholders in the best sense of acquiring a culture and principles of prevention, reassuring, participation, joint determination and social dialogue.

Do we have the monopoly of control? Let’s rely on the support of trade unions, social partners, staff representing bodies, the employees themselves, NGOs, advocacy groups (asbestos, consumers).

Conclusion

The principle of free provision of services should not allow obtaining a comparative advantage at the expense of worker safety or dignity. Therefore we advocate the establishment of a labour inspection EUROCORPS or INTERPOL.

The International Labour Organization, the Senior Labour Inspectors Committee (SLIC), the International Association of Labour Inspection (IALI), the international trade union organizations and even NGOs should take hold of this path: let’s create the network of labour inspection.

There are 1 million posted workers in the European Union and the European Commission called on 3 April 2008 for urgent action to improve their working conditions, focusing on better administrative cooperation, more efficient exchange of information and exchange of best practice through a high-level committee.

Let’s take action, as SENECA said in his letter to Lucilius:

“It’s not because things are difficult that we dare not venture. It’s because we dare not venture that they are difficult.”

PRINCIPLES OF PROCESS SAFETY LEADERSHIP



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Operators of high hazard industries have an important duty of care to their employees and the public in ensuring that risks to human life and the environment are effectively managed. In refining and chemical businesses dealing with large quantities of hazardous chemicals failure to control risks could have a catastrophic impact on the health and safety of employees, people living nearby to a facility and to the environment. So executives within the major hazard sector have to go the extra mile to ensure they are effectively managing these risks. Industry leaders have to be constantly alert to where the business is vulnerable to systems and procedures deteriorating



Tony Traynor, PSLG chair, and Operations Director at Ineos Refining, Grangemouth together with PSLG members presents the Process Safety Leadership Principles to Judith Hackitt, HSE Chair.

below an acceptable level and always think safety first when making any business decision whether it is about capital investment, recruitment and the costs associated with things like maintenance.

It is vital to learn the lessons from incidents such as Buncefield and BP Texas City where safety risks were not effectively managed and ensure that such incidents do not happen again.

Industry, trade union representatives and the regulator have worked in partnership to clarify exactly what good practice in leadership in major hazard organisations means in practice. These have been published as The Principles of Process Safety Leadership¹. The

¹ <http://www.hse.gov.uk/comah/buncefield/pslgprinciples.htm>

principles leave nobody in any doubt that high standards of leadership lies at the core of every major hazard business and that the responsibility for controlling risk starts in the board room. The principles provide a framework within which key business decisions can be made in full knowledge of the impact on process safety risks. Compliance with the principles should equip senior managers with the competence and information necessary to maintain a high level of control and to hopefully avoid major accidents.

Major UK trade associations have committed to meeting these standards. This will be the benchmark against which individual companies can judge themselves to decide if they need to improve.

LABOUR INSPECTION SYSTEM REVIEW IN CHINA



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One of the major objectives of the current ILO/China Decent Work Country Programme is to strengthening the country's labour law enforcement capacities for better protection of all workers. In this context, the Ministry of Human Resources and Social Security (MOHRSS) requested the ILO Office for China and Mongolia to provide assistance for a comprehensive review of the existing labour inspection (LI) system; making available international expertise and experience, and building

capacity through benchmarking with good international LI practice.

The ILO Beijing Office thereupon fielded a team of international and national experts to undertake a comprehensive review of the Labour and Social Security Inspection (L&SSI) System in China. Time permitting, the Review Team was also to look at the situation of OS&H and Work Safety Administration in the country. The Team was given a comprehensive set of Terms of Reference with 3 main tasks: to produce a report on the LI

Continue – LABOUR INSPECTION SYSTEM REVIEW IN CHINA

system review with recommendations for improvement and a follow-up strategy to help strengthen labour inspection in China; to analyze LI training needs and propose a new HRD strategy, including a Trainer-Training programme and a Training Manual; and to present a concept for a long-term Development and Resource Mobilisation Strategy to enhance China's labour inspection system.

The mission undertook its work from 7 to 21 September. In Beijing, it held discussions with high-level representatives of the Labour Inspection Bureau, and the State Administration of Work Safety. During an 8-day field visit, numerous meetings were held with high-level LI representatives in 3 provinces at all levels, provincial, municipal, district/county, and even community. The Review Team also visited several enterprises in the company of local labour inspectors. At the end of the field visit, MOHRSS/LIB and the ILO organized a 2-day Meeting of Experts, at which the main recommendations of the Review were presented and discussed, and valuable feedback sought. At that same Meeting, the Review Team was given an opportunity to share and discuss major issues of modern international labour inspection system development, and to present best-practice examples on a range of issues from high-performance labour inspection systems in other market economy countries.

In its report, the Review Team presented a comprehensive set of Findings, covering both the Labour and OS&H inspection systems, including a detailed account of proceedings at meetings during the field visit to the three Provinces, in an effort to capture the great diversity of, sometimes highly innovative solutions, regulations, procedures and practice of LI at the operational level in China. The Team also drafted a set of Conclusions, some of which may have to be seen perhaps more as considerations rather than confirmed results, based on impression as much as on information. On the one hand, time and information constraints did not allow for a more in-depth analysis; on the other hand the Team did not want to lose sight of the



ILO/China LI system review team after debriefing with M. Yan Bao Qing, Director-General, Labour Inspection Bureau, Beijing, No. 09

many important and interesting issues raised in these meetings.

In the most important chapter of the Report, on Recommendations, the Team identified several major topics: Improving institutions; Improving law enforcement; Strengthening the 2N Network System; and Strengthening capacity building. Within these major issues, eight Key Recommendations were formulated as a Road Map for modernization of the labour inspection services, namely: Developing a comprehensive national LI strategy; Developing a national LI enforcement policy; Drafting a new LI law; and Implementing an integrated LIB structure in all provinces and at all levels.

Regarding the strengthening of the new "grass-roots" Network, the centre piece of China's future LI operational structure, the Report recommended that it should be given full support and implemented by all jurisdictions at all levels; and that unified technical criteria should be designed for the future country-wide information system. Finally, under Capacity Building, the Report recommended to set up a National Labour Inspection Training and Research Institute; and put in place an effective, sustainable Trainer-Training system. To this end, a separate Note on LIB Training Needs and a new HRD Strategy was also drafted.

In addition, the Report contained a select set of 28 "Priority" Recommendations. Together with the Key eight, they form the basis of a

Strategy Note for Labour Inspection System Development in China. This Note focuses on developing the new "Grass-roots" LI Concept, including a Workplace Information Management System, a Capacity Building Programme, and a new Logframe, (developed by ILO ADMITRA), a highly flexible instrument to design a proposed technical cooperation project.

The Report and its Annexes will serve as the background document for a high-level Symposium on Labour Inspection Strategy in China planned for the end of this year, and at which the parameters of a possible future National LI Strategy, supported by a long-term technical cooperation project between MOHRSS/LIB and the ILO, will be discussed. For reasons outlined in the Report, only a handful of the Recommendations address the situation and possible development needs of the State Administration of Work Safety and the regional Work Safety Administration Inspectorates. Perhaps the most important of these is that ILO and SAWS should discuss the feasibility of fielding a similar expert review also of the OS&H and WSA Inspection System in China.

LUXEMBOURG DECLARATION ON WORKPLACE HEALTH PROMOTION IN THE EUROPEAN UNION – VERSION OF JANUARY 2007



Workplace Health Promotion (WHP) is the combined efforts of employers, employees and society to improve the health and well-being of people at work.

This can be achieved through a combination of:

- improving the work organisation and the working environment
- promoting active participation
- encouraging personal development

Introduction

Two factors provide the basis for the current activity in Workplace Health Promotion. The first, being the Framework Directive on safety and health (Council Directive 89/391/EC) which prepared the ground for a reorientation of traditional occupational health and safety (OHS) legislation and practice, and the second the increasing profile of the workplace as a public health setting.

A healthy, motivated and well-qualified workforce is fundamental to the future social and economic well-being of the European Union. The responsible European Commission's service has therefore supported an initiative to establish a European Network for Workplace Health Promotion.

This initiative is in accordance with Article 129 of the Treaty on European Union and the Programme of Community action in the field of public health (2003-2008). The European Network includes organisations from all 27 Member States, countries of the European Economic Area and Switzerland. They act as National Contact Offices (NCOs).

The objective of the network is to identify and disseminate examples of good practice of WHP by exchanging experience and knowledge. By doing this the Union is encouraging the Member States to place WHP high on their agenda and to incorporate workplace health issues in all respective policies.

Challenges for the working world in the 21st century

The world of work is undergoing major change - a process which will continue. Some of the key issues to be confronted are:

- globalisation
- unemployment
- increasing use of information technology
- changes in employment practice (e.g. short-term and part-time employment, tele-work)
- ageing
- increasing importance of service sector
- downsizing
- increasing number of people working in small and medium sized enterprises (SMEs)
- customer orientation and quality management

The future success of organisations is dependent on having well-qualified, motivated and healthy employees. WHP has a significant role to play in preparing and equipping people and organisations to face these challenges.

Workplace Health Promotion: an organisational investment for the future

Traditional OHS has significantly improved health in the workplace by reducing accidents and preventing occupational diseases. However, it has become obvious that OHS alone cannot address the wide range of issues mentioned above.

By promoting health in the workplace organisations will see a reduction in sickness related costs and an increase

in productivity. This results from a healthier workforce with increased motivation, higher morale and improved working relationships.

WHP is a modern corporate strategy which aims at preventing ill-health at work (including work-related diseases, accidents, injuries, occupational diseases and stress) and enhancing health-promoting potentials and well-being in the workforce.

Workplace Health Promotion: healthy people in healthy organisations

The workplace influences health and disease in various ways. Work can cause ill-health if employees have to work within health-damaging working conditions, the available skills are inadequate, or the mutual support from colleagues is lacking. At the same time work can be a resource for personal development and enhancement of personal skills.

WHP contributes to a wide range of work factors which improve employees' health. These include:

- management principles and methods which recognise that employees are a necessary success factor for the organisation instead of a mere cost factor
- a culture and corresponding leadership principles which include participation of the employees and encourage motivation and responsibility of all employees
- work organisation principles which provide the employees with an appropriate balance between job demands, control over their own work, level of skills and social support
- a personnel policy which actively incorporates health promotion issues
- an integrated occupational health and safety service.

Workplace Health Promotion: is evidenced-based and successful

WHP is based on multisectoral and multidisciplinary co-operation and can

Continue – LUXEMBOURG DECLARATION ON WORKPLACE HEALTH PROMOTION IN THE EUROPEAN UNION – VERSION OF JANUARY 2007

only be successful if all the key players are committed to it.

WHP can reach the aim “healthy people in healthy organisations” if it is oriented along the following guidelines:

1. All staff have to be involved (participation).
2. WHP has to be integrated in all important decisions and in all areas of organisations (integration).
3. All measures and programmes have to be oriented to a problem-solving cycle: needs analysis, setting priorities, planning, implementation, continuous control and evaluation (project management).
4. WHP includes individual-directed and environment-directed measures from various fields. It combines the strategy of risk reduction with the strategy of the development of protection factors and health potentials (comprehensiveness).

Priorities of the European Network for Workplace Health Promotion

The European Network for WHP coordinates the exchange of information and the dissemination of examples of good practice in Europe. Its member organisations have committed themselves to initiate networks at national level. All activities and priorities are based on the principle of subsidiarity and support the co-operation between the Member States.

In view of the future challenges and with the aim to expand health-promoting workplaces, the European Network for WHP regards the following priorities as a basis for future activities:

1. Increase awareness of WHP and promote responsibility for health with regard to all stakeholders.

2. Identification and dissemination of models of good practice.
3. Develop guidelines for effective WHP.
4. Ensure commitment of the Member States to incorporate respective policies.
5. Address the specific challenges of working together with SMEs
6. Develop supportive infrastructures at national level involving all relevant stakeholders, thus creating a lasting basis for the dissemination and incorporation of WHP.

This declaration was adopted by all members of the European Network for Workplace Health Promotion at the network meeting held in Luxembourg on November 27-28, 1997. It was updated in June 2005 and January 2007.

THROUGH COOPERATION WITH INTERNATIONAL PARTNERS TOWARDS IMPROVEMENTS IN THE INSPECTION SURVEILLANCE IN THE REPUBLIC OF SRPSKA



Mr. Slavko Subotic,
General Director
Republic Administration for Inspection Activities
of the Republic of Srpska, Bosnia & Herzegovina

Under the auspices of the President of the Republic of Srpska Government, on 15th of June 2009, the Republic Administration for Inspection Activities of the Republic of Srpska signed the Cooperation Agreement with the Authority for Working Conditions of Portugal. The Agreement was signed by General Director Slavko Subotic on behalf of the Republic Administration

for Inspection Activities and Labour Inspector General Paulo Morgado de Carvalho on behalf of the Authority for Working Conditions of Portugal.

The signing of the Agreement established the cooperation in exchange of information and law enforcement on occupational health and safety and labour relations, exchange of labour inspectors, organisation of practical trainings, development of shared projects in the areas of labour and health and safety at work, and exchange of information on experiences in the implementation of EU Directives.

The official presentation of the Inspection Management System (IMS) was held on the same occasion. The IMS is an expert management system that fully supports all work processes of inspections in the Republic of Srpska with a special emphasis on the inspection surveillance planning

process based on risk assessment of irregularities and implementation of inspection check lists used for keeping records on controlled subject's compliance with regulations.

The Republic Administration for Inspection Activities of the Republic of Srpska has created conditions for the introduction of the quality system according to ISO 9001, ISO 17020 and ISO 27001 standards. The project should be financed by the Swedish Agency for International Development (SIDA). We are currently preparing this project in cooperation with the Swedish Board for Accreditation and Conformity Assessment (SWEDAC).

In cooperation with international partners the Republic Administration for Inspection Activities of the Republic of Srpska continues to work on the improvement of the inspection system in the Republic of Srpska.

THE "SAFE COMPANY" PROGRAMME IN THE CZECH REPUBLIC



Jirí Vala
Inspector
State Labour Inspection Office
Czech Republic

The Czech Republic as well as the other countries of the European Community tries to support activities which target risk prevention and, in so doing, reduce the number of occupational accidents. The new strategy of the European Union aims to reduce the number of occupational accidents by 25 % by 2012.

In 1996 the Minister of Labour and Social Affairs announced the launch of the "Safe Company" initiative in the Czech Republic. The guarantor of the "Safe Company" programme is the State Labour Inspection Office which, during its free consultancy and inspection visits in workplaces of legal subjects, meets the requirements of this programme.

The programme stems from the National Policy on Safety and Health at Work in the Czech Republic. Among other things the programme sets the requirement for supporting the implementation of occupational safety and health control systems in legal subjects. The "Safe Company" programme therefore helps to implement integrated safety control – safety management, which conforms to the legislative requirements of both the European Union and the Czech Republic. Meeting the requirements of the programme is the primary means of fulfilling the principle of giving equal priority to the economic, safety and health at work, as well as environmental protection in the management of a company.

The "Safe Company" programme, with exception to inspections on the adherence of regulations from

the European Union and the Czech Republic, endeavours to change employers' attitudes towards safety and health at work. For this reason, on top of safety and health promotion in workplaces, it focuses on continually highlighting the importance of the active involvement of employers. Additional emphasis is placed on changing employers attitudes, this means diverting attention away from formal assessments. In this way, companies move closer to the objective of acting safely. One of the employer's duties is to assess risks on the basis of the continuous identification of dangerous agents and processes in the work environment and work conditions. Where it is not possible to remove the risks, their duty is to take measures to minimize the risks to the safety and health of employees during their work. Thus, the word "minimize" can also come to mean "Safe Company".

The word "safe" can be understood in different ways. Many of us come into contact with cleaning agents in households on a daily basis without realizing that some of them may contain dangerous chemical agents. The dangerous nature of the product is given on the packaging in the form of a pictogram and information on its hazardousness. The fact that the chemical agent was purchased in a shop may lead many to underestimate the risks of handling it. Nonetheless, the chemical agent remains hazardous. We can only attempt to remove or minimize the hazard by implementing preventive measures. In this case the handling of the chemical agent should be in accordance with directions for use.

In 2009 changes to the "Safe Company" programme were initiated in response to the up-to-date requirements for the system management of health and safety at work, requirements of legal regulations with regards to safety and health and to the requirement to reduce accident incidence rates. Changes to the "Safe Company" programme, including changes in the method for carrying out of an inspection targeted more at inspections in the workplace, should contribute to achieving improvements in safety and health in legal subjects.

In 2009 nearly twenty "Safe Company" certificates have been awarded to legal subjects in the Czech Republic. Some legal subjects have been receiving this award once again. This pleasant result and the continuing trend in the increasing number of possessors of the "Safe Company" certificate in the coming years is primarily the result of the promotion of this programme by the regional labour inspectorates during their inspections of legal subjects. The State Labour Inspection Office provides the functional framework for the successful implementation of this system.

Thanks must also go to the Czech Environmental Inspectorate, hygiene authorities and the fire brigade who are also involved in this programme.

NEW PRACTICE OF THE NATIONAL LABOUR INSPECTORATE IN POLAND



Mirosława Kamińska
Chief Specialist, Supervision and Inspection
Department
Chief Labour Inspectorate, Warsaw, Poland

In connection with the forthcoming European Football Championships EURO 2012, the National Labour Inspectorate has prepared a special programme of prevention and inspection activities for the period 2008-2012 under the slogan "building in safety". The aim of the campaign is to implement intensified supervision of compliance with labour law regulations during investments for the EURO 2012 that is the construction of 6 football stadiums, underground car parks, enlargement of airports, construction and modernization of railway and bus stations, tramway routes, construction or reconstruction of transportation routes to stadiums, construction of emergency medical centres. Prevention activities are focused on investors, designers and entrepreneurs involved in preparing investments and construction works for the EURO 2012.

Every District Labour Inspectorate in Poland has designated labour inspectors whose task is to coordinate the National Labour Inspectorate's activities connected with the above investments.

The campaign's implementation has been divided into three phases: communication-training phase during preparation of the investment and inspection-supervision phase during implementation of the investment and when the completed facility is opened for public use.

Up to date the actions undertaken by the Polish NLI with regard to carrying out the campaign "building in safety" indicate that the adopted assumptions work very well and are positively appraised by both the investors and contractors. Preventative nature of the campaign is met with satisfaction as it is the opportunity to maintain regular contact with a labour inspector supervising a given construction site, which consists in consulting work safety issues. Periodical meetings with investors, designers, management of construction sites and contractors are organized in order to discuss occupational safety and health problems which appear during a given phase of the investment, including results of workplace inspections.

Combination of prevention and inspection activities has led to the fact that for the last two years no fatal accidents have taken place on construction sites under the NLI's

supervision. Work organisation is also improving, while the function of an OSH coordinator responsible for all workers engaged in the same workplace is gaining more importance.



HEALTH AND SAFETY EXECUTIVE (HSE) INITIATIVES TO PREVENT SLIPS AND TRIPS

Alison Wellens
Head of Slips, Trips and Falls Team
Health and Safety Executive, UK

Slips and trips at work account for over a third of all major injuries reported to the Health and Safety Executive (HSE). The consequences of these accidents can be devastating.

In 2008, HSE launched its Shattered Lives campaign, which aimed to raise awareness of the impact of a slip or trip at work and encourage people to take action to prevent these injuries.

The campaign targeted those sectors where slips and trips are most prevalent e.g. catering. It used striking visual images and a Slips and Trips e-learning Package (STEP) was

Continue – HEALTH AND SAFETY EXECUTIVE (HSE) INITIATIVES TO PREVENT SLIPS AND TRIPS

launched to encourage action in the workplace. HSE and Local Authority Inspectors got actively involved in the campaign through targeted inspections; notably through the construction intensive inspection initiative. Using real scenarios helped bring the campaign to life.

The campaign also raised awareness of existing guidance on minimizing slip and trip risks; particularly the importance of installing the right flooring and purchasing the right footwear. HSE research on the mechanics of slipping and the slipperiness of flooring materials has been consolidated in the Construction Industry Research Information Association (CIRIA) document, "Safer surfaces to walk on - reducing the risk of slipping" which is now an industry standard for purchasing flooring.



www.hse.gov.uk/shatteredlives/index.htm
www.hse.gov.uk/slips/architects.htm
www.hse.gov.uk/shatteredlives/construction

THE ROLE OF OCCUPATIONAL RISK ASSESSMENT IN SHAPING THE QUALITY OF WORKING CONDITIONS



Karolina Głowczyńska-Woelke
 Specialist, Supervision and Inspection
 Department Chief Labour Inspectorate,
 Warsaw, Poland

The issue of occupational risk assessment is an element combining two types of activities carried out by the National Labour Inspectorate in Poland: supervision-inspection and prevention. Their basic objective is to eliminate or effectively manage occupational hazards in a workplace and improve

the quality of working conditions. Said improvement relates to three areas: working environment, organization of work and workstations as well as attitudes of the working population.

With regard to the working environment the changes are obvious and are usually first to take place in the form of reduced negative effects of physical, chemical and biological factors existing in the workplace.

As results from the experience of the National Labour Inspectorate the situation becomes more difficult along with changes introduced in the organization of work and workstations. A good example of that trend is the outcome of last year's inspections of selected ergonomic risk factors connected with assembly works. The results show that half of employers failed to identify hazards connected with the manner in which work is performed, i.e. forced body position, highly repetitive tasks, as well as manual handling of loads. Due to incomplete risk

assessment it was impossible to apply appropriate preventative measures. On the other hand, labour inspectors also encountered workstations equipped with work tables of adjustable height which were not adjusted to the operators. This shows that not only thorough identification of hazards and provision of risk reduction measures, but also appropriate use of these measures provide the possibility to create comfortable working conditions.

Regarding changes in the attitudes of the working population, they are the result of actions following occupational risk assessment, e.g. training for managerial staff who are the leaders of safe work as well as effective functioning of risk management system. A manifestation of this is for instance avoidance of risk taking by workers and taking appropriate care of working tools and equipment. Achieving success in this group of actions is particularly difficult however it produces long-term effects in the framework of shaping working conditions.

CAMPAIGN AGAINST DEATH ON CONSTRUCTION SITES – DO NOT NEGLECT HAZARDS DURING WORK AT HEIGHTS



Paweł Rozowski
Vice-Director of Prevention
and Promotion Department
Chief Labour Inspectorate, Warsaw, Poland

In July 2009 in the largest Polish cities there appeared billboards with the slogan *“Do not neglect hazards. Work safely at heights”*. At the same time national TV channels and radio stations broadcast advertisement spots drawing attention to the problem of work-related accidents in construction. The Polish Labour Inspectorate says “stop!” to death on construction sites.

Advertisements addressed to the general public are a part of a broader project – a three-year nationwide communication and inspection campaign “Work safety in construction – falls and slips” implemented in the framework of the National Strategy for Occupational

Safety and Health for the period 2009-2012. The aim of undertaken actions is to reduce the number of workplace accidents and promote safe work standards in construction sector, where according to the data of the Social Insurance Institution nearly 80 thousand entities run economic activity and engage workers on the basis of contracts of employment and civil law contracts.

In the period 22 June – 22 July 2009 the 1st and 2nd channel of the Polish public television and the ESKA commercial radio station broadcast the advertising spots and in the period 1-15 July 2009 in 8 large Polish cities – Warsaw, Wrocław, Poznań, Cracow, Lublin, Łódź, Gdańsk and Silesian metropolis – selected due to the largest number of construction investments – billboards were put up with the campaign’s slogan *“Do not neglect hazards. Work safely at heights”*. The campaign has been repeated in the autumn thanks to financial support of the Social Insurance Institution.

At the same time the National Labour Inspectorate in Poland is implementing a programme of prevention titled “Safe construction site”, whose aim is to improve working conditions and fully adjust workplaces to existing regulations. The target group of the programme are employers who can

enrol in it by contacting a relevant district labour inspectorate before an inspection is carried out in their company. After training, the employers participating in the programme, with the assistance of a labour inspector, verify whether work in their company is performed in compliance with regulations and in a safe manner. Next they conduct an occupational risk assessment and undertake actions aimed at eliminating or reducing the identified hazards – by investing in improved work organization, and if necessary, indispensable collective protection equipment. The programme is concluded with the final evaluative audit. The companies which acquire positive results are not covered by workplace inspections planned for the nearest future.¹

¹ With the exception of cases of immediate hazard to life and health of workers, complaints, and workplace accidents.



CONSTRUCTION DIVISION REFURBISHMENT INTENSIVE INSPECTION INITIATIVE



Philip White
Chief Inspector of Construction
HSE, UK

In the 4th quarter of 2008/09, the Construction Division (CD) of the Health and Safety Executive carried out a third national enforcement initiative targeting the refurbishment sector motivated by the continuing poor record of industry performance in this sector. More accidents happen in refurbishment, maintenance & repair than any other sector of construction in Great Britain, accounting for 52% of all construction fatalities in 2007/08. And, 92% of refurbishment/repair sites where fatal accidents occurred were small sites; this compares with 60% of all sites involving a fatal accident being small. Reducing the incidence of fatalities, injury and ill health arising from work on small construction sites is a key objective and priority for the CD.

The initiative included joint working with other non-construction inspectors within HSE and built on the success of two previous falls and "good order" inspection initiatives that targeted construction refurbishment in 2006-08.

The purpose of the initiative was to reinforce CD's message to the construction industry that poor risk control in relation to the issues of falls from height and trips (the causes of the majority of fatal, major and over 3-day injuries) are unacceptable and liable to result in enforcement action being taken. The aim of the initiative was to:

- Achieve an improvement in industry standards.
- Increase awareness of HSE's expectations of the industry.
- Demonstrate that CD is prepared to use the enforcement tools at its disposal.
- Gain information on good practice.
- Increase the confidence of non-CD inspectors in tackling common construction health and safety risks.

The initiative also sent the same message in relation to poor control of the risks associated with asbestos removal, linking with, and supporting, two other HSE campaigns:

Phase 2 of the "Shattered Lives" media campaign - aimed at raising awareness of slips, trips and falls from height, and promoting action to minimise these risks; and The "Hidden Killer" campaign - aimed at raising awareness of the risks of exposure to asbestos.

The programme of inspection visits was publicised through radio and newspaper advertisements that were scheduled to coincide with the initiative as it was implemented regionally. The headline target for the initiative was that we achieved at least 1,500 site visits. The success of the initiative was seen in the final results with significant local publicity and interest being achieved with high

numbers of sites and contractors seen. There were 1,860 site inspections carried out during the campaign, significantly exceeding the target of 1,500. Additionally, strong enforcement action was taken with 418 enforcement notices served and 11 prosecutions being considered.

IMPROVEMENT OF THE WORKING CONDITIONS IN THE CONSTRUCTION INDUSTRY, EXTRACTIVE INDUSTRY AND DOCKWORKS



Leandros Nicolaides
Chief Inspector and Director of the
Department of Labour Inspection
Cyprus

In November 2008, the implementation of a project under the framework of the Transition Facility fund of the European Union was completed. The title of the project was "Technical Assistance for the improvement of the capacity of the Cyprus Competent Authority, the Social Partners and the workers of the Construction Industry, Extractive Industry and Dockworks on Safety and Health at Work issues".

The aim of the project was to enhance the capacity of the Department of Labour Inspection for the enforcement of the legislation in the Construction Industry, Extractive Industry and Dockworks and also to enhance the capacity of the public services and the private enterprises in the above fields so as to effectively comply with the legislation. The project was undertaken by a Consortium of 3 organisations, namely the Hellenic Institute of

Occupational Health and Safety (ELINYAE), the German Social Accident Insurance (DGUV) and the German Institute for Statutory Insurance and Prevention in the Construction Industry (BG BAU).

The results of the project include the preparation of Good Practice Guides, the training of Officers and Inspectors of the Department of Labour Inspection, as well as the training on safety and health at work issues of 2,000 persons (out of total 40,000 employees in the involved sectors) from the public and private sectors in the above mentioned fields.

All the above Guides as well as the training material in Greek language which was prepared and used for the training programmes are published at the webpage of the Department of Labour Inspection:
www.mlsi.gov.cy/dli.

ECONOMIC INCENTIVES FOR BUILDING CONTRACTORS

Within the framework of its activities on safety and health at work issues and to increase the motivation for improving safety and health in the construction works field, the Department of Labour Inspection implemented a State Aid Scheme during the last three years 2006 to 2008 entitled "State Aid Scheme for Upgrading Contractors' Equipment".

The Scheme was implemented in cooperation with the Cyprus Productivity Center, the Council for the Registration and Control of Building Contractors and Contractors for Civil

Engineering Works and the Cyprus Scientific & Technical Chamber.

In total, 421 small and medium registered Contractors were benefited with the total amount of €2.8 millions for the purchase of scaffolding systems, manufactured according to the European Standards and also for the purchase of cranes and lifting platforms with CE marking.

The main objective of the Scheme, which was the upgrading of the Cyprus Industry scaffolding systems and the placement on the market of scaffolding

systems that are manufactured in Cyprus according to the European Standards, was achieved. Also, the results of the Scheme include the upgrading of equipment for work at height of a significant number of small and very small Contractors.

DEVELOPMENT OF A SAFETY AND HEALTH CULTURE AMONG THE STUDENTS OF THE ENGINEERING BACHELOR AT THE UNIVERSITY OF LUXEMBOURG



Paul Weber
IALI Secretary General
Director Labour and Mines Inspectorate
Luxembourg

The Faculty of Science, Technology and Communication has offered since 2005 courses on safety and health of young workers at the workplace to all its students of the "Engineering Bachelor".

This 40-hour training addresses two major themes, namely:

- the development of an integrated prevention system establishing a culture of well-being of workers,
- the prevention of the risk of accidents in various industry and service sectors.

Awareness of cultural change at work, of prevention of psychosocial hazards and work related accidents, of European and national legislation on working conditions, of systems for preventive organizing, of financial and economic benefits of prevention, of the path of success through greater creativity and of a culture of "inter-being" of young workers, is the study topic of the first part of the training given by Associate Lecturer Paul WEBER.

In the second part, given by Associate Lecturer Pierre LORENT, the awareness of accident hazards in large and small enterprises, risk assessment and analysis, and the selection of prevention measures enable the students to implement a prevention strategy against hazards and risky situations introduced by host presenters.



Pierre Lorent
Coconstruct Manager
Belgium

The training focuses also on the audit of working conditions, on ergonomics and sustainable development.

Under the guidance of Engineers Manou BIS, André HUBERTY and Johny EWERTZ, the students complete an audit of working conditions in the nine workshops of the Central Workshop of the Department of Public Works, located in Bertrange, thus putting into practice the teachings of Paul WEBER and Pierre LORENT. At the closing

session of the study cycle the students present this practical tutorial to a panel of examiners composed of industry professionals and professors. They undergo a written examination on the theoretical parts.

We thank the Luxembourgish Highways Department to have enabled these students of the Engineering Bachelor to discover the daily realities of working life and have exchanges with their elders.



CONTRACTORS' SYMPOSIUM HOSTED IN 2009 BY THE OCCUPATIONAL SAFETY AND HEALTH AGENCY OF TRINIDAD AND TOBAGO



Colin Gaskin
Head, Construction Unit
The Occupational Safety and Health
Authority and Agency
Trinidad

Statistics from the Occupational Safety and Health Agency of Trinidad and Tobago (TTOSHA) have revealed that a large percentage of fatal injuries on construction sites involved small firms. A contractors'

symposium was consequently hosted by TTOHSA in January and March of 2009 to educate, inform and sensitize this target group to critical Occupational Safety and Health related matters. The theme of this event was *"Small Steps to Big Change: Transforming the Workplace, Changing the Culture."*

There was an overwhelming response by the public to this initiative and participant feedback indicated that it was a tremendous success. This was the largest event ever hosted by TTOSHA. A multi-stakeholder Planning Committee, comprised of a

collection of experienced, qualified and knowledgeable persons in the construction industry was established by TTOSHA to host the event.

Presentations delivered by professionals in the field were of the highest standard. Appropriate emphasis was placed on trenching/excavation and work at heights which are particularly high-risk and gave rise to a significant number of fatalities on construction sites from 2005-2008. This technical training was intended to improve the ability of the target group to deal with their operating environment. TTOSHA's safety pamphlets/brochures were also freely disseminated.



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