



International
Labour
Organization

ILO Curriculum on Building Modern and Effective Labour Inspection Systems

Module

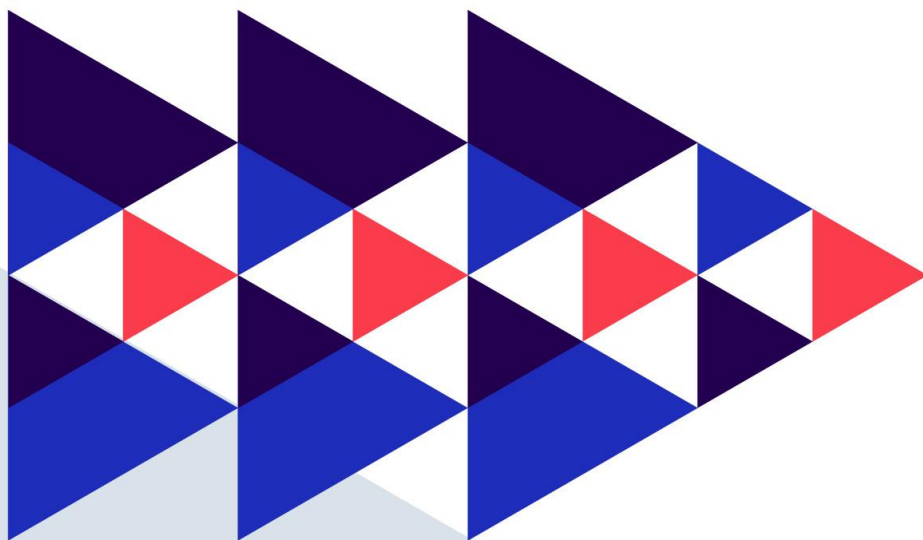
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► **Use of soft skills in labour
inspectors' work**

ILO Curriculum on Building Modern and
Effective Labour Inspection Systems

► Module **17**

Use of soft skills in labour inspectors' work



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▶ 1. Introduction

A. What are soft skills?

Soft skills, or interpersonal skills, are the skills that we use every day to interact with people. They are qualities, personality traits and social skills that everyone possesses to some degree. They have to do more with who we are than what we know. When you cultivate and develop strong interpersonal skills, you are more likely to be successful in your professional and personal lives.

Soft skills help us do our jobs. They allow us to use our technical skills and knowledge effectively and efficiently. In some professions, soft skills are as important as occupational or technical skills. The success of a lawyer, a doctor or a salesperson, for example, depends largely on their ability to interact with other people. The same can be said for the work of a labour inspector.

Soft skills include a wide range of capabilities. In this module, we will examine how these are used by labour inspectors in the course of their work, for instance in communicating, interviewing, solving problems and managing conflict. Other soft skills include negotiating, rapport-building, mentoring, self-awareness, empathy and patience.

B. Why are soft skills important for labour inspectors?

Labour inspectorates are part of government administration, and their main purpose is to ensure compliance with relevant labour legislation through inspection, the provision of information and advice, and – when necessary – enforcement. Labour inspectors contribute to the development of a culture of compliance and prevention in the world of work. They influence behaviour in all areas that fall within their competencies: industrial relations, wages, general conditions of work, occupational safety and health, and issues related to employment and social security.

Labour inspectors need well-developed soft skills to successfully interact with workers, employers, union representatives, employers' organizations, judges, prosecutors and other stakeholders. It is essential that they have strong soft skills in order to exercise their powers responsibly, ensure cooperation and promote a culture of compliance.

Training in soft skills for inspectors therefore targets the development of specific personal attributes, such as the abilities:

- ▶ to relate to other people and communicate with them;
- ▶ to motivate and persuade people;
- ▶ to gain others' confidence and ensure their cooperation; and
- ▶ to avoid conflicts and, when necessary, resolve them.

C. How to use this module

For this training module, we have identified some fundamental soft skills that labour inspectors need to master and have collected a set of materials that focus on the basic aspects of each skill. The module also includes, as background information, recommendations on how to put each of these skills into practice in day-to-day activities.

The skills that the module covers are:

- ▶ communication,
- ▶ influence,
- ▶ interviewing,
- ▶ report-writing,
- ▶ conflict management,
- ▶ decision-making, and
- ▶ ethical behaviour.

The discussion of each skill is accompanied by activities that should help labour inspectors to acquire it.

▶ 2. Communication

Being able to communicate well is not only a key skill for inspectors; it is one of the most important of all life skills. We communicate constantly – with our families, our friends, our colleagues, even strangers with whom we cross paths. Communicating is simply transferring information from one place to another. We can communicate in many ways: over the phone; in person; with an email, a pie chart or a poster; but also with a wink or a tone of voice, by clapping or folding our arms.

How well information is transmitted and received depends on how good our communication skills are. To improve these skills we must first understand how the *Sender-Message-Receiver* (SMR) model works, because all communication, regardless of the channel used or where it occurs, consists of certain defining elements.

Basically, any communication involves:

- ▶ a **sender** who wants to
- ▶ transmit a **message**
- ▶ to be **received** by another person,
- ▶ **coded** to be understood by both the sender and the receiver,
- ▶ using a certain **channel**.

Factors such as *context* and *distractions* have to be taken into account, as they can impact the effectiveness of communication.

Usually, the sender and the receiver exchange information rapidly – transmitting and “proofing” the message (checking to see that the receiver has understood the message as the sender intended).

Codes are words, signals, signs and rules that are used to transmit a message. Codes vary, but they all communicate something.

- ▶ We can use verbal or written *linguistic codes* to send messages. For this to work, both sender and receiver must understand the language being used. This applies also to variations of the language, for example variations in the style of verbal or written presentation, or the use of slang.
- ▶ We can communicate via *behavioural codes*. We are sending messages when we applaud, boo, are silent, raise an extended index finger over our lips, extend an arm with open hand and palm turned upward, and so on. Note that these behaviours are often culture-specific; people outside your own culture might not understand them as you intend them to.
- ▶ Signs or drawings communicate messages using *graphic codes*. Here, too, both sender and receiver must share a common understanding of the code's meaning.

The **ideal message** should be:

- ▶ clear, simple and to the point;
- ▶ coherent – not conflicting with or contradicting other messages or parts thereof;
- ▶ convincing: it should persuade the receiver of the validity of its content, and of any argument or proposition being made; and
- ▶ transparent: its meaning and the intentions behind it should be understandable or “see-able”.

Context refers to the situation in which a message is produced by a sender and interpreted by a receiver. The same message can be interpreted differently depending on its context. The situation, circumstances, physical location and timing are all contextual elements that affect the meaning of messages.

Distractions are hindrances to communication; they make it harder to access the information intended for transmission. Examples include too-small text in a printed document, cell-phone interruptions during a face-to-face conversation and even a person's emotional state. You must be aware that, because of *distractions*, messages deteriorate during their transmission. Take a look at the following sequence:

- ▶ what I want to say
- ▶ what I know how to say
- ▶ what I can say
- ▶ what I do say
- ▶ what is heard
- ▶ what is understood
- ▶ what is accepted
- ▶ what is remembered
- ▶ what is done

When we communicate, we choose not only what we say, but also how we say it. The sender chooses the channel by which his or her message is delivered and received. We communicate using verbal and non-verbal interactions (codes) via a range of channels. We often use multiple codes in the same communication. For example, in verbal communication we use language, but also tone of voice, pitch and body language. All these elements are essential to getting our messages across.

This is why having good verbal, non-verbal and listening skills is key to efficient communication.

A. Verbal communication

Verbal skills cannot be dissociated from other skills, such as non-verbal communication and listening skills. We use our verbal skills to determine the content of our messages, to choose certain words and arrange them in a particular way.

If you want verbal communication to be efficient, use these techniques (as senders or receivers of information):

- ▶ **choice of language** – identify your audience (intended receiver) to ensure the correct level / style of language used;
- ▶ **research** – know and understand the subject;
- ▶ **explain** – to clarify what is being said, obtain more information, or demonstrate that you are listening and trying to understand better;
- ▶ **reinforce** – using encouraging words reinforces openness;
- ▶ **paraphrase** – to show the other person what you have understood;
- ▶ **express feelings** – to demonstrate that you empathize with the other person;
- ▶ **summarize** – recap the most important facts;
- ▶ **validate** – acknowledging the significance of the orator and his/her efforts;
- ▶ **rephrase** – or put the message another way;
- ▶ **encourage** – to show interest in what the speaker is saying and to stimulate him/her to continue talking.

B. Non-verbal communication

We communicate non-verbally all the time: with facial expressions, body language and posture. Even the physical distance we maintain between ourselves and those with whom we are speaking conveys a message. It is often stated that non-verbal communication makes up between 75 and 90 per cent of communication. We are often totally unaware of our non-verbal behaviour. Sometimes our non-verbal communication is subtle; sometimes it is quite obvious. The way we talk, stand and move says things about us; it reflects what is happening on the inside.

If you pay more attention to the non-verbal cues and signals you send and receive, your communication skills will improve.

Facial expressions: The face is perhaps the most important conveyor of emotional information. It can light up with enthusiasm, energy or approval; reveal confusion or boredom; or scowl with irritation or displeasure. The eyes are particularly expressive in conveying joy, sadness, anger and confusion.

Bodily movement and posture: Our bodily posture can give others an impression of warm openness or of cold rejection. For example, when someone faces us, sitting quietly with their

hands loosely folded in their lap, we sense that they are interested and full of anticipation. Arms folded over the chest conveys inflexibility. It is common to “mirror”, or replicate, the posture or position of the person we are communicating with. Mirroring indicates interest and approval; it reassures others of our interest in them and what they are saying.

Gestures: Gestures are also part of our day-to-day communication: we point; we wave; we use our hands to communicate all kinds of meanings. Gestures do not have the same meanings across all cultures and regions, so, when gesturing, take care to avoid misinterpretation.

Eye contact: Eye contact is an essential component of non-verbal communication. The way you look at someone can communicate many things, including interest, affection, hostility or attraction. Eye contact is important in maintaining the flow of conversation and in assessing the other person's response.

Para-language: Para-language is how we say what we say. It is our tone of voice, pace and volume. It is *the way we say something*, not *what we say*.

A sentence can convey entirely different meanings, depending on the stress on words and the tone of voice in which it is uttered. For example, the statement “I didn't say you were stupid” has six different meanings, depending on which word is emphasized.

The way we use para-linguistic codes such as tone, pace and volume is not always voluntary. For example, if we are nervous we tend to speed up; if we are bored we slow down or lower the pitch of our voice. To ensure effective communication, therefore, we must be attuned to – and in control of – our emotions.

- ▶ **Pace:** This is the speed at which you talk. Your receiver will not be able to assimilate or retain what you say if you talk too fast. On the other hand, if you speak too slowly people might get anxious. Varying your pace is good because it helps to highlight the importance of certain statements. Pauses can be used for dramatic effect, to allow time for reflection on the preceding statement or to get people's attention before communicating an important message.
- ▶ **Volume:** You need to project your voice so that the people to whom you are speaking can hear you clearly. You can vary how loudly you speak, raising or lowering the volume occasionally, to provoke interest in what you are saying.
- ▶ **Tone:** When speaking, try to convey information with as much vocal energy and enthusiasm as possible. This does not mean your voice should swoop and dive all over the place in an uncontrolled manner. However, you need to use tone (the music of your voice) to provoke interest and keep people engaged.

Personal space: Every culture has levels of physical closeness that are considered appropriate in different relationships. We tend to learn these as we grow up. If we get too close to someone, it might be seen as inappropriate or make them feel threatened. Keeping an appropriate distance is essential to making people feel comfortable.

With non-verbal messages we:

- ▶ reinforce what we say in words,
- ▶ convey information about our emotional state,
- ▶ provide feedback, and
- ▶ regulate the flow of communication, for example by signalling to others that they should stop speaking, or by giving them the floor when they wish to speak.

Be careful, because non-verbal communication can also contradict what you are trying to say.

It is important that you be aware that signs, signals, facial expressions and gestures have very different meanings in different cultures. For example, while nodding your head is a sign of agreement in some cultures, in others it conveys disagreement. In some cultures, eye contact is extremely important as a way of showing interest and attention; in others it is considered disrespectful.

The importance of consistency

We send mixed messages when our words say one thing, while our body says something totally different. What happens if we send mixed messages? We are judged more on our body language and facial movements than on our actual words. When communicating with someone, if your voice and body do not express the emotion you are trying to convey, the meaning of your words will be lost. Visualize someone with a clenched jaw, hard eyes, a steely voice and arms crossed over their chest telling you that they forgive you. Which language are you likely to believe? What you hear or what you see?

If messages are not consistent, we tend to believe the non-verbal signals rather than the words. When our messages are inconsistent, the listener may be confused or it may result in mistrust.

Evaluating non-verbal signals

It is important to be in control of your own non-verbal language, but also to be able to read other people's non-verbal signals to ensure you are communicating efficiently.

- ▶ **Facial expression:** What is their face showing? Is it inexpressive? Are they interested?
- ▶ **Posture and gestures:** Is their body relaxed or stiff? Are their shoulders tense and raised?
- ▶ **Eye contact:** Is there eye contact during the conversation? Is it overly intense, or just right?
- ▶ **Voice:** Does their voice project warmth, or interest? Does it sound natural?

Examples of body language with possible meanings for sender and receiver

Example of body language	Possible meaning(s)
direct eye contact (when speaking)	honest (or faking honesty)
direct eye contact (when listening)	attentive, interested, attracted
widening eyes	interested, imploring, inviting
rubbing eye or eyes	disbelieving, upset, tired
blinking frequently	excited, under pressure
raising an eyebrow (eyebrow "flash")	greeting, recognizing, acknowledging
tight-lipped smile	secretive, withholding feelings
smile - tilting head, looking up	playful, teasing, coy
laughter	relaxed
forced laughter	nervous, cooperative
biting lip, grinding teeth, chewing gum	tense
smoking, sucking thumb, chewing pen or pencil	self-comforting
biting nails	frustrated, suppressing feelings, anxious
nodding head slowly	listening attentively
nodding head fast	impatient
holding head level	neutral, alert
holding head high	superior, fearless, arrogant
tilting head downward	not confident, submissive, respectful
shaking head	in disagreement
pronounced head shaking	in strong disagreement
head down (in response to a speaker or proposition)	negative, disinterested
head down (while performing an activity)	defeated, tired
tilting chin up	proud, defiant, confident

crossed arms (folded arms)	defensive, reluctant
crossed arms with clenched fists	defensive and hostile
gripping own upper arms	insecure
holding arms behind body with hands clasped	confident, authoritative
holding handbag/papers in front of body	nervous
adjusting cuff, watchstrap, tie, etc.; using an arm across the body	nervous
palm(s) up or open	submissive, truthful, honest, imploring
palm(s) up, fingers pointing up	defensive, giving an instruction to stop
palm(s) down	authoritative, strong, dominant
hand(s) on heart (left side of chest)	seeking to be believed
pointing finger (at a person)	aggressive, threatening, emphatic
pointing finger (in the air)	emphatic
clenched fist(s)	resistant, aggressive, determined
cracking knuckles	comforting self, seeking attention
interwoven, clenched fingers	frustrated, negative, anxious
rubbing hands together	anticipating, relishing
clamping hand(s) over mouth	suppressing emotions, shocked
touching nose while speaking	lying or exaggerating
stroking chin	thoughtful
hand supporting chin or side of face	evaluating, tired, bored
resting chin on thumb, index finger against face, pointing up	evaluating
scratching neck	doubtful, disbelieving
hand clasping wrist	frustrated
hand(s) on hip(s)	confident, ready, available

sitting with legs uncrossed – both genders	open
sitting with legs parallel and together (mainly females)	proper
sitting with crossed legs – both genders	cautious, disinterested
sitting with ankles locked	defensive
standing with splayed legs	aggressive, ready for action
standing with legs crossed (scissor stance)	insecure, submissive, engaged

C. Listening

Listening is an essential component of communication. It is the ability to receive and interpret messages that are communicated to us. If we do not actively listen, messages do not get across or are misinterpreted and communication breaks down.

There are differences between hearing and listening. Hearing is passive; it involves being aware of sounds, whereas listening is active; it requires focus. Listening means paying attention not only to the message itself, but also to how it is conveyed – the other person's choice of language and how they use their voice and body. In other words, to listen you must be attentive to both verbal and non-verbal messages.

Listening requires high levels of concentration and energy. It demands that we set aside our own thoughts and agendas, put ourselves in another's shoes and try to see the world through that person's eyes. True listening requires that we suspend judgment and attempt to understand another's frame of reference, emotions and attitudes. Listening to understand is, indeed, a difficult task!

Why we don't listen:

- ▶ We have too many thoughts running through our brains and can't switch them off immediately.
- ▶ We get distracted.
- ▶ We are inclined to interrupt.
- ▶ We want to defeat the speaker's arguments.
- ▶ We think we know what s/he is going to say.
- ▶ We classify information as irrelevant or uninteresting.
- ▶ We find things difficult to understand.
- ▶ We draw conclusions before listening to the whole idea.
- ▶ We ignore information that we do not like.

How to listen:

- ▶ Create a comfortable environment.
- ▶ Focus on what the other person is saying.
- ▶ Show consideration for the speaker.
- ▶ Maintain eye contact.
- ▶ Maintain an open posture.
- ▶ Acknowledge that you are listening by nodding; saying "uh, uh", "yes", "mmm"; smiling; and giving positive cues.
- ▶ Ask for clarification, if needed.
- ▶ Summarize or paraphrase to ensure you have understood.
- ▶ Pay attention to non-verbal messages.
- ▶ Try to understand the speaker's emotions.
- ▶ Try to hear what is not being said.
- ▶ Listen for ideas – not just words.
- ▶ Pay attention to how the ideas are expressed.
- ▶ Put emotions aside.
- ▶ Be patient.
- ▶ Allow silences.
- ▶ Keep listening, even if you think you have heard it before.
- ▶ Keep listening, even if you disagree with what you are hearing.
- ▶ Smile.

How not to listen:

- ▶ Do not lead mental arguments.
- ▶ Do not talk.
- ▶ Do not judge.
- ▶ Do not interrupt.
- ▶ Do not daydream.
- ▶ Do not stereotype.
- ▶ Do not argue.
- ▶ Do not digress or focus on other problems.

- ▶ Do not fidget, look at phone, watch, doodle, play with pen, play with hair, etc.
- ▶ Do not have inappropriate posture.
- ▶ Do not allow yourself to be distracted.
- ▶ Do not use inappropriate expressions.
- ▶ Do not change the topic.

Your attitude and body posture needs to say: "What you are saying is very important. I am totally present and want to understand you".

Understand the relationship between the sender and receiver of information

In order to understand the total meaning of a message, we must be able to understand both the *content* of the message and the *feelings* associated with it. We are often more comfortable dealing with content than with feelings (i.e. our relationship with the speaker), particularly when feelings are intense. What do we feel for this person? Do they irritate us? Do we like them? Do we trust them? Strong feelings about the speaker can lead to an escalation of intense emotions. It may be necessary to deal directly with a relationship issue by openly acknowledging and naming the feelings involved, and having an honest discussion about them, prior to moving on to substantive issues. If we leave the emotional aspect of communication unaddressed, we risk missing important information about potential problems, as well as derailing the communication process.

A good orator:

- ▶ is energetic and enthusiastic,
- ▶ speaks clearly,
- ▶ is convincing,
- ▶ uses a pleasant, conversational tone,
- ▶ projects his/her voice well,
- ▶ does not rush words,
- ▶ looks sincere and credible,
- ▶ has good posture and a professional appearance,
- ▶ wears clothes suited to the occasion,
- ▶ distributes weight evenly between both legs,
- ▶ uses gestures to emphasize and clarify points,
- ▶ does not fiddle with hair, clothes, glasses, fingers,
- ▶ does not send mixed messages with body language,
- ▶ looks confident and relaxed,
- ▶ stays calm under pressure,

- ▶ stays positive,
- ▶ looks at audience,
- ▶ manages time well,
- ▶ listens to his or her audience, also reading their body language.

Exercises



Exercise

TITLE	<i>Elements of communication</i>
AIMS	<ul style="list-style-type: none">✓ Participants will learn to isolate different elements of communication.✓ Participants will be able to identify ways in which verbal and non-verbal parts of the same message can contradict each other, rendering meaning unclear.
TASK	<ul style="list-style-type: none">✓ Ask participants to discuss, in their groups, whether the following messages are clear, consistent and transparent:<ul style="list-style-type: none">- A sign on the wall says: "Smoking is not allowed".- A supervisor, looking out the window, says: "Yes, this is a top priority".- Your boss screams: "I am not mad!"- The HR manager says: "Not following the rules has consequences".- With her arms crossed and an irritated gesture, a worker answers: "Thank you for your feedback, it has been very useful".- In plenary, a representative from each group will share the outcomes of its discussion.
TIME	10 minutes

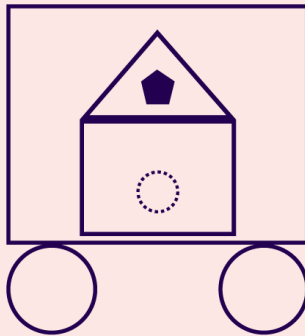


Exercise

TITLE *Verbal communication*

- AIMS**
- ✓ Participants will develop their ability to send messages clearly and concisely.
 - ✓ They will gain an awareness of the extent to which others' perceptions of the same thing can differ from ours.
 - ✓ They will understand some challenges involved in transmitting messages.

- TASK**
- ✓ Divide participants into groups of four or five. Give one volunteer from each group a copy of the drawing below and ask him or her to describe it aloud to the rest of his or her group, who must draw what is described. Give participants three minutes to describe and draw. Those drawing may not ask any questions of the person speaking. Hang all the drawings next to the original drawing. See how different they are.



- ✓ For the plenary, discuss the following questions:
 - Are the drawings very different from the original? Why?
 - How did you feel whilst completing the exercise?
 - How could you have done a better job?

Those participants who described the drawing should respond to the following questions:

- How did you describe the drawing?
- Did you start by framing the picture, and then provide the details? Or the other way around?
- Did you give your group visual references by mentioning objects that would be familiar to them?

TIME 20 minutes

▶ 3. Influence

Labour inspectors exercise their authority as public officials with certain responsibilities. For example, they have the powers to enter workplaces; conduct investigations, tests and interviews; and take steps to ensure the remediation of failures to comply with regulations, to ensure that workers' safety and health is not jeopardized. These powers must be exercised responsibly.

Labour inspectors often need to persuade employers to change certain behaviours, or workers to act in a certain manner, in order to ensure compliance with legislation. One of the core responsibilities of labour inspectors is to provide advice on how the law should be respected and implemented in the workplace.

Because giving advice is part of their daily routine, it is essential that inspectors master influencing skills. Inspectors need to be able to motivate and persuade people, to gain their confidence and inspire them to cooperate.

A. How to influence

To influence someone you first have to be a good communicator. You must master verbal and non-verbal communication.

People are more willing to cooperate when they feel acknowledged, understood and appreciated. They might even agree to something they wouldn't previously have done if they feel that they are making a positive choice.

Having a friendly demeanour, being approachable, showing an interest in their activities/challenges is a good way of engaging with employers and workers. If an inspector is able to create a relationship – albeit a professional relationship – with employers and workers, it should be easier to influence them to carry out the required actions. On the other hand, if you are unfriendly, shouting at employers and workers, your chance of influencing them to alter their behaviour will be near zero.

So, although inspectors may be able to enforce the law on employers by imposing sanctions or threatening their imposition, it is more effective and sustainable to obtain compliance through persuasion.

Before advising someone and attempting to influence their behaviour, you need to clearly identify your objectives:

- ▶ Whom do I want to influence?
- ▶ What do I want them to do?
- ▶ How, when and where do I want them to do it?

Basic actions to influence people:

- ▶ Inspire trust.
- ▶ Be enthusiastic.
- ▶ Gain respect.
- ▶ Establish your expertise.
- ▶ Be confident of your abilities.
- ▶ Demonstrate willingness to learn from them.
- ▶ Make sure you understand your own viewpoint – know your facts.
- ▶ Speak in the affirmative.
- ▶ Avoid giving orders.
- ▶ Listen to their opinions.
- ▶ Ask them to share their concerns.
- ▶ Show concern about the challenges they face.
- ▶ Understand how they feel, and why.
- ▶ Point out mistakes in a positive way.
- ▶ Praise them for accomplishments.
- ▶ Explain what you are trying to achieve and why.
- ▶ Explain how a goal is realistic and achievable.
- ▶ Show them all the benefits of an idea.
- ▶ Describe the negative impact of the idea not being followed.
- ▶ Highlight the incentives (what is in it for them).
- ▶ Make others feel as if your idea belongs to them.
- ▶ Show how to implement your idea, and give examples.
- ▶ Avoid embarrassing them.
- ▶ Do not be afraid to agree with them.

Conversely, behaving/acting in the opposite way will greatly reduce an inspector's ability to influence employers and thus limit the actions available to them.

Exercises



Exercise

TITLE	<i>First steps first</i>
AIMS	<ul style="list-style-type: none"> ✓ Participants will develop their communication skills by practising clearly explaining their thought processes to others. ✓ They will improve their ability to persuade others and to use arguments effectively.
TASK	<ul style="list-style-type: none"> ✓ Ask participants to arrange the following actions in chronological order. Give them only one minute. <p>STEPS OF A LABOUR INSPECTION</p> <ul style="list-style-type: none"> - impose a sanction - plan the visit - review documentation - prepare an improvement notice - write the report - conduct a follow-up visit - meet the employer - meet the workers - prosecute - visit the workplace <ul style="list-style-type: none"> ✓ Once the minute is over, divide participants into pairs. They should attempt to convince their partners that the order in which they have placed the actions is correct. ✓ Allow the pairs two minutes to attempt to convince each other, before discussing the following questions as a class: <ul style="list-style-type: none"> - Were you convinced by your colleague's logic? - How did your colleague try to convince you? - Did you feel that you were listened to? - How did you try to convince your partner? ✓ Collectively discuss impressions of the activity.
TIME	30 minutes



Exercise

TITLE	<i>The dream workplace</i>
AIMS	<ul style="list-style-type: none"> ✓ Participants will improve their communication skills. ✓ They should develop negotiating skills that will enable them to influence social partners. ✓ They will practise persuading others and using arguments.
TASK	<ul style="list-style-type: none"> ✓ Give each participant a sheet of paper and ask them to draw their dream workplace in three minutes. ✓ After they have finished their drawings, divide them into groups. Each person has one minute to describe and explain their dream workplace to their group. ✓ Once each participant has spoken, the members of the group, working together, should draw a workplace where they would all feel comfortable. Only allow them five minutes of drawing time. ✓ Have a representative from each group describe its workplace to the whole class. ✓ As a plenary, ask participants how their team negotiated. Specifically... <ul style="list-style-type: none"> - Who was most persuasive? - What techniques did each person use in order to include elements of their individual workplace in the group workplace? - How did they feel during the activity? - Did their colleagues listen to them? Did they collaborate and create a comfortable environment, or were they more interested in achieving their own objectives?
TIME	30 minutes

▶ 4. Interviewing

Labour inspectors use interviews to gather information (for example, during inspections to ascertain whether there is compliance with labour legislation on a particular site) or to deal with specific situations (for example, they may have to investigate an accident or complaint). Interviews may be formal and documented/recorded (taking account of national legislation), but on other occasions they are informal – simple conversations that take place at a workstation, in a break area, or even outside a company's premises.

In many cases, the people whom inspectors need to interview, be they workers or employers, may be unwilling to provide the information that inspectors need. They may fear retaliation or sanctions, or simply not want to provide information to a representative of the government.

Good interviewing skills are a useful tool: they help labour inspectors to overcome these obstacles and obtain the information they need.

To be a good interviewer, it is essential to have strong communication skills. Verbal, non-verbal and active-listening skills are crucial to making interviewees feel that they are in a safe environment where they can speak openly and without fear.

In addition to the information provided here, further information on interviewing skills and the questioning of interviewees can be found in the ILO publication *Investigation of Occupational Accidents and Diseases – A Practical Guide for Labour Inspectors*.

A. General strategies for conducting an effective interview

Preparing for the interview

To ensure a successful interview, you must have clear objectives.

You should therefore consider the following questions:

- ▶ What do you need to know? (What do you already know?)
- ▶ Who may have the information? (Is it one person or several? Are there other sources from which to obtain it?)
- ▶ How will you obtain the information that you want from your interviewee(s)? (Informal interview? Group interview?)

and prepare questions for the interviewee(s) that will elicit the required answers.

You will need to consider such issues as when to conduct the interview, the venue, the length of the interview, who needs to be present, who you will allow to be present, etc.

The interview

Generally, interviews should follow a similar structure:

1. **Identification.** You should tell the interviewee who you are and what you are trying to do. The first minutes are very important as they set the tone for the whole interview. If you create a good impression from the start, it will make it easier for you to gather information. Explain why you want to conduct the interview and assure your respondent of its confidentiality, if appropriate.
2. **Rapport.** Try to establish mutual appreciation. It is good to establish confidence and trust by having a friendly talk, when this is appropriate. To ensure cooperation, it is important to encourage the interviewee.
3. **Questions.** Usually, you will ask your questions in a conversational manner, using terms with which the interviewee is familiar. Questioning is a four-step process that involves:
 - a. asking the question;
 - b. receiving the response;
 - c. evaluating the response (for truth and/or consistency; this may be done later);
 - d. recording the response (in some cases, inspectors will be able to take notes during interviews; on other occasions, they will not, as note-taking might make respondents feel uncomfortable).

Start with general questions and move towards more specific ones. Your questions should always:

- ▶ be simple,
 - ▶ be clear,
 - ▶ be phrased positively (avoid negative questions beginning with "You haven't..."),
 - ▶ be asked one at a time,
 - ▶ require only one answer.
4. **Closure.** You may want to summarise the answers and ensure that you have understood things correctly. Close by thanking the interviewee(s) for their time and cooperation.

Types of questions

There are different types of questions that you can use in interviews. They each serve different purposes and are suited to different interview techniques. The important thing when preparing your interview is that your questions elicit the information you need.

Open questions: Open questions allow for longer answers. They usually begin with "What", "Why", "How", "Describe", "Tell me", etc. For example: "What happened?"; "How did everyone else react?"; "Describe what you saw".

Closed questions: This type of question necessitates only very short factual answers. Closed questions tend to be easy to answer. They can require a "yes" or "no", or a choice from among

options (“Did you come to work in your car or by bus?”), or a specific piece of information (“How old are you?”). Closed questions are good for establishing basic facts.

Leading questions: Questions of this kind usually suggest a desired answer or point respondents towards a particular answer, and should not be asked. You are likely not to obtain balanced and objective answers to leading questions. For example, “Do you think your supervisor is respectful?” may lead the interviewee to respond that he is not, whereas “How is working with this supervisor?” does not imply any judgement. Avoid leading questions, as the respondent may provide the answer s/he thinks you want, regardless of the reality.

Funnel questions: This technique involves asking a series of questions, each one a bit more restrictive than the previous one. You start with very general questions and end with closed questions. For example, “Tell me about last Monday. What did you see that morning in the factory? Were there a lot of workers there? Was the supervisor there?” Funnelling can help you gather more detail about a situation.

Rhetorical questions: These generally do not require answers. They can be used to provoke thought or to break the ice. For example, “Who doesn't want a raise?”

When interviewing, make sure that you:

- ▶ take time to put the interviewee at ease,
- ▶ are courteous and professional,
- ▶ listen attentively,
- ▶ pay attention to all aspects of communication (verbal and non-verbal),
- ▶ show interest in the other person,
- ▶ give your full attention,
- ▶ stay focused,
- ▶ remain neutral and non-judgemental,
- ▶ choose words that the interviewee is familiar with,
- ▶ create a supportive environment,
- ▶ are respectful,
- ▶ do not lead responses,
- ▶ clarify answers, if necessary,
- ▶ are sensitive,
- ▶ are mindful of the time.

When interviewing, make sure you do not:

- ▶ interrupt the interviewee while they are talking,
- ▶ comment on what they are saying before they have finished their statement,
- ▶ talk too much,
- ▶ ask several questions at once,
- ▶ state your opinion,
- ▶ use very technical language,
- ▶ speak too quickly,
- ▶ answer questions for the interviewee,
- ▶ blame them for what has happened,
- ▶ argue,
- ▶ rush the interviewee,
- ▶ create any hostility,
- ▶ make assumptions.

Documenting/recording the interview

Inspectors will have to follow national legislation and the inspectorate's standard operating procedures when documenting/recording interviews. The level of detail and methodology followed will vary, depending on whether the interview is formal or informal. In both cases, however, a record in some form will be needed.

For an informal interview, the inspector may simply record the name of the interviewee and summarize the salient points of the interview in his or her notebook. For a formal interview (perhaps during an accident investigation), it may be necessary to record in detail on a statement form the name of the interviewee, their status (job title), how long they have been employed by the enterprise, and what they saw and knew. This statement will then have to be signed by the interviewee to confirm it to be the truth. For a cautioned interview, when the inspector believes there has been a violation of legislation, the interviewee will need to be cautioned and a taped record may be allowed/needed, again depending on national legislation and/or the inspectorate's standard operating procedures.

If, as is often the case, inspectors are permitted to take notes during the interview, it is good practice to inform the interviewee that the interviewer will be doing so and why (to ensure the inspector gathers all the important information from the interviewee), so that this does not come as a surprise.

After an interview, the interviewer may also want to record any observations relating to the interviewee, any thoughts on how the interviewee behaved, and views on the accuracy of the

information obtained. The inspector may also want to reflect on how he or she performed in the interview, as a way of learning from the experience.

B. Strategies for interviewing specific categories of workers (e.g. children, migrants)

Labour inspectors sometimes have to interview special categories of workers, who need to be interviewed in a certain way. Such is the case, for example, with children and migrants.

Some general tips:

- ▶ When the interviewer is “matched” with the interviewee, the latter feels more at ease. Sex, physical appearance, dialect, etc. can be matched in this way.
- ▶ When a trusted or familiar person introduces the interviewer, the interviewee is more likely to cooperate.
- ▶ Confidentiality must always be observed.
- ▶ Treating the interviewee with respect is essential.
- ▶ Special attention needs to be given to the length, language and format of the interview.
- ▶ Sometimes focus groups are effective for discussing a particular subject or problem.

Children

When interviewing children, bear in mind that not all questions can be asked in the same way. How you question them will depend on their age, background and so on. A child may be more at ease if he/she is interviewed along with one of his/her siblings or friends. To obtain cooperation, building a good rapport with children is essential. You will need to break the ice with some activities or games. Children should be interviewed out of sight of the employer. They might get tired or bored in long interviews, so it is best either to keep your interview short or to hold several sessions. It is important to be able to cope with difficult situations, and you should be trained for this. These interviews may touch on very sensitive issues that could be upsetting for children, who may need immediate comfort. When interviewing child workers, always remember that it is not the child who is violating the law, but the employer.

Above all, keep in mind that:

- ▶ the security of the child being interviewed is a priority;
- ▶ you need to be sensitive to the child's emotional state at any given time before, during, and after the interview;
- ▶ you must be deeply aware of the consequences of your questioning;
- ▶ you should respect the child's right to speak (what is said, how it is said, how much is said);
- ▶ you should equally respect the child's right not to speak.

Migrant workers

When interviewing migrant workers it is important to consider multicultural factors. To start with, do you and the worker share a common language in which to communicate? If not, you will need an interpreter (in some instances, formal interpreters may be needed; in others, a work colleague may suffice). Be clear with the interviewee as to the purpose of the interview. Bear in mind that migrant workers who do not have all their papers may fear that, as a consequence of them talking to you, local migration regulations will be applied and will have a negative impact on them. Even when you have an interpreter, it is very important that you be especially careful with your non-verbal communication, to ensure that your gestures and body language are appropriate in your interviewee's culture.

Inspectors should also be aware that they may have to interview people who are under psychological or emotional stress. Imagine, for example, the trauma experienced by someone who has just been involved in an occupational accident, or the grief of the family members or co-workers of a worker who has died as a result of such an accident. Other situations may be less dramatic, but nevertheless also cause individuals to feel vulnerable. They may, for example, fear retaliation, loss of their job, discrimination or harassment. And bear in mind that people who do not fall into these particularly vulnerable categories may still be very sensitive, and this must be recognized and respected during interviews.

C. Other considerations

Time. Sometimes interviews take place during announced visits; in other cases, during unannounced visits. If the inspection is announced, it is easier to make arrangements before arriving; if it is unannounced, the people you need to interview may not be available. In any case, they may feel threatened by your presence. Being respectful, and understanding their work and time limitations, may encourage interviewees to be more welcoming and accommodating.

Place. Find a quiet place to talk. Sometimes this will be somewhere private, so to ensure confidentiality and eliminate distractions. On other occasions, it will be somewhere public to make the interview more informal and possibly eliminate other communication barriers.

Proximity. Physical distance from people, and how it makes them feel, are things that we should always consider. Do not get so close to the interviewee as to make them feel uncomfortable, nor sit or stand so far away as to give the impression that you do not care. The appropriate distance varies from culture to culture.

Flexibility. Although you should have some pre-planned questions to ask during the interview, you must also allow questions to flow naturally, prompted by information provided by the respondent. You should not insist on asking specific questions in a particular order. In fact, the flow of the conversation will dictate what questions are asked and what are omitted, as well as the order of the questions. Be open to slight deviations from the topic, which may make it necessary to rearrange the questions or come up with new ones. Also, note that you may not need

to ask every one of your prepared questions; often a respondent's reply to one question will give you the answers to other questions you intended to ask.

Exercises



Exercise

TITLE *Different questions, different answers*

AIMS

- ✓ Participants will gain a better awareness of the different types of questions that can be used in an interview.
- ✓ They will understand why particular types of questions are better suited to different situations.
- ✓ They will develop their ability to phrase questions in different ways according to circumstances.

TASK

- ✓ In their working groups, participants are required to list the advantages and disadvantages of using five different types of questions (open, closed, leading, funnel and rhetorical) in interviews. They should also illustrate the advantages and disadvantages of each type by imagining scenarios in which each type of question would be appropriate, and ones in which each type of question would be counterproductive or not lead to the desired results.
- ✓ A representative from each group will then share the outcomes of its discussion in a plenary session.

TIME 30 minutes



Exercise

TITLE	<i>Can these be improved?</i>
AIMS	<ul style="list-style-type: none"> ✓ Participants will be able to say why particular types of questions are useful in different situations. ✓ They will develop their ability to phrase questions well.
TASK	<ul style="list-style-type: none"> ✓ In groups of three, participants will read the following questions and decide whether they are well phrased. If they are not, participants should redraft them to make them better. <ul style="list-style-type: none"> - Do you think that the relationship between management and workers in your factory is good? - What do you think about the level of your wages? - You don't pay full maternity benefits to all entitled workers, do you? - How often do workers have health checks, where do they have them and who pays? - What are some of the key areas that need to be improved in your factory? - Does your factory have overtime? If yes, how many overtime hours a week do workers accumulate on average at the moment? - How often does your factory practise emergency evacuation drills? - Do you know what to do in case of an emergency? If so, what? - Do you know who the first aid officers are in your factory? - How much money do you send back to your family each month? How do you send it to them? - Do workers have good relationships with their supervisors at your factory? - Do you think the quality of food in your canteen is bad? Why? - Do you discuss factory-level issues with workers and ask their opinions about things? ✓ A general discussion should follow the small-group discussions, giving the participants the chance to share their alternative formulations (and the reasons they chose them).
TIME	30 minutes

▶ 5. Report-writing

A. Good writing skills for labour inspectors

Writing skills are an important part of communication. Good writing skills enable us to communicate our written messages with clarity. Labour inspectors have to write many types of reports on a day-to-day basis. Depending on the type of the report, they will be read by different people: supervisors, social partners, attorneys and judges. The production of well-written reports is part of the service expected of a labour inspector. Error-free reports increase the credibility of an inspector's work. If an inspection report is poorly organized, does not communicate facts accurately, clearly and concisely, or has spelling, typographical, grammatical or punctuation errors, the work will appear careless. Questions will then arise regarding the proper care that was taken in conducting the visit, investigation or other activity to which the report relates. Unless inspectors master writing skills, their individual credibility will be questioned.

It is common for labour inspectorates to have developed report templates to make labour inspectors' work more efficient and ensure consistency across regions. Reports usually follow a standard format, whereby the inspector provides information in response to specific questions, but there is also a narrative format, requiring the inspector to describe specific situations, such as accidents, visits, complaints and so on.

Here are some steps to help you in drafting narrative reports:

1. List the items that will be included.
2. Put the items in order to create an outline of the document.
3. Gather all the information needed to back up the various points or to illustrate them.
4. Expand on each item.
5. Write a short summary to include as an introduction.
6. If any action needs to be taken, make sure it is stated.
7. Proofread the document.

Some tips:

- ▶ If you work with a laptop, use the spellchecker and grammar checker.
- ▶ If you write by hand, keep a dictionary nearby.
- ▶ Proofread your report carefully, at least twice!
- ▶ Nothing keeps your writing skills up to standard better than reading!

i. Accuracy

Accuracy is one of the most important elements of any document. Accuracy means conformity to facts and faithful descriptions of situations. This requires that, when the report is drafted, the facts are described as precisely and in as much detail as possible.

To be accurate, remember to include all relevant information (what, where, when, why, who, to whom, whose, how, how much, etc.). The objective is to provide the complete picture to someone who was not there.

An accurate story can only be documented by collecting accurate data. To be able to write a useful report, it is therefore essential to first carry out a thorough assessment, investigation, visit or interview. To recall what was seen and done, and then communicate it in writing, you will have to pay attention to detail. Paying careful attention and observing are essential!

Inspectors should always ensure that they distinguish between fact and opinion when including information in their reports. For example, if the temperature in a workplace was measured it can be recorded as a fact; if you just thought the workplace was hot or cold, this is an opinion.

Remember that reports, as sources of factual information, are used as evidence in court and impact the outcomes of trials, so writing accurately is essential.

So, it is essential to:

- ▶ be objective,
- ▶ only include facts crossed-referenced to statements that can be corroborated,
- ▶ provide detail,
- ▶ avoid ambiguity by using explicit language.

ii. Clarity

Any report you write should be clear and easy to understand. It should not be confusing. A person should not have to read it twice to understand what you are trying to convey. You do not need to impress your reader with a huge vocabulary, and you definitely do not want him or her to need a dictionary to make sense of the document!

It is important to consider to whom the report is addressed. In some cases inspectors' reports will be used only by other inspectors, while in others they may be used by the company of which improvement is required, or by workers' representatives. Content and style may differ accordingly.

In order to write clearly, it is important to:

- ▶ use simple language,
- ▶ avoid jargon,
- ▶ write short sentences,
- ▶ use the active voice and avoid the passive voice,

- ▶ pay attention to grammar and spelling,
- ▶ make sure you structure your document,
- ▶ reference legislation.

It is useful to say out loud what you are going to put in writing, then ask yourself: can this be put more simply?

iii. Conciseness

To be concise means to be brief in form but comprehensive in scope. In other words, to say a lot in the fewest possible words. You need to be efficient in your writing. This does not mean that you should leave out important information; it just means that you should choose your words carefully. Your report may need to be long, but bear in mind that sometimes reports are long because they contain a lot of non-essential information. Long reports are very demanding of labour inspectors' time; if inspectors have to peruse long reports, they have less time to dedicate to other important tasks.

To be concise, you need to first of all get rid of any irrelevant information. Decide what information and details are essential, and do not include the rest.

Secondly, make sure your writing is not redundant. For example, "at 2 p.m. in the afternoon" is redundant. You need only say "at 2 p.m." or "at 14:00".

It takes time to write a short report. A common quote is: "If I had had more time, I would have written a shorter letter", and this is certainly true! Remember, however, that a short, concise report is far more useful for the reader, and that is whom the report is for!

To be concise you should:

- ▶ include all the important details,
- ▶ omit irrelevant information,
- ▶ use the fewest words possible.

iv. Coherence

When we talk about coherence, we mean ensuring that the data we provide is consistent. This implies that, whenever possible, evidence should to be triangulated, i.e. we need to support our facts by providing information from different sources. Some examples of different sources are documents, worker and management interviews, and photographs.

There are other factors to which you should pay attention when drafting your reports:

- ▶ It is important to be as gender-neutral as possible. When referring to a specific worker, you will need to mention their sex, but try to avoid sexist language. Sometimes using plurals, avoiding pronouns or simply finding more adequate words are good alternatives to the use of sexist vocabulary. Approaches differ depending on the language. Here are some examples of alternatives for specific terms in English:

Sexist Language	Alternatives
mankind	people
best man for the job	best person for the job
man-made	manufactured
ten man-hours	ten staff-hours
an inspector should be patient with his clients	inspectors should be patient with their clients (or: an inspector should be patient with clients)
give each worker a badge as soon as he is ready	give each worker a badge as soon as they are ready

- ▶ Avoid race-centric language. If there is no need to make reference to ethnic or racial background, do not do so.
- ▶ If you are writing about people with disabilities, be on the lookout for demeaning language. Focus on the person, not the disability. For example, instead of “disabled” use “person with disabilities”.

Exercises



Exercise

TITLE *Report-writing*

AIM ✓ Participants will reflect on the purpose of inspection-visit reports and determine what elements are essential to them.

TASK ✓ Ask participants to prepare, in their working groups, a list of the basic elements that should be included in an inspection-visit report.

✓ Groups should write their lists, once finalized, on flipchart paper.

✓ When all the groups are ready, have them affix their lists to the wall.

✓ Give participants time to see what elements other groups have included.

✓ Spend a couple of minutes discussing why certain information has not been included, or collectively create a consolidated list (depending on the time available).

TIME 15 minutes



Exercise

TITLE	<i>Be more specific!</i>
AIM	<ul style="list-style-type: none"> ✓ Participants should gain an appreciation of the importance of providing detail and avoiding ambiguity when preparing reports.
TASK	<ul style="list-style-type: none"> ✓ Ask participants, working on their own, to read the following ten sentences and propose alternative drafting to provide more detailed, specific descriptions. <ol style="list-style-type: none"> 1. The worker was threatened. 2. Foreign workers were at the residence. 3. The first-aid kit contained some supplies. 4. Bottles were labelled. 5. Some workers were at the door. 6. Underage workers listened to him give instructions. 7. They were there. 8. We arrived early. 9. Management said that this had happened only on some occasions last year. 10. We picked it up in the morning. ✓ Once participants have completed the task, have them share their new drafting with a partner. ✓ After their pair discussions, participants should get into their working groups to discuss what they did, or what they could still do, to make the sentences more informative. ✓ For a plenary, have participants read out several redrafted versions of each sentence, and discuss whether some are better than others – and, if so, why?
TIME	30 minutes

▶ 6. Conflict management

Because of the nature of their jobs, labour inspectors often have to deal with conflicts. They have to enforce legal requirements and administrative measures, impose sanctions and fines, investigate accidents, and prohibit the use of unsafe machinery and systems of work. Inevitably, these actions make people uncomfortable, dissatisfied and sometimes even violent. It is therefore essential that labour inspectors master conflict management and problem-solving skills to be able to carry out their daily enforcement and advisory functions appropriately.

A. Identifying perceptions, positions and needs

Conflict is a natural part of any relationship, and part of many decision-making processes. Conflict in itself is neither good nor bad; it is the way in which we manage conflict that is positive or negative. The problem is that we tend to confuse the way we handle a conflict – screaming, fighting, etc. – with the conflict itself. Conflict is simply an expression of disagreement. All conflicts are different, so there are no universal formulas for their resolution.

It is very important to understand that conflicts are really caused by parties' different perceptions of a given situation. A labour inspector may see an infraction that should be corrected, while the employer may see that there are other priorities in the workplace that need his or her attention. It does not matter who is right or wrong. In reality, no one may be right or wrong, but the situation needs to be dealt with. We usually perceive *our* behaviour as correct, and view the situation in terms of one party winning and the other losing. However, this approach only worsens the conflict.

How can a labour inspector manage a conflict better?

First of all, it is important that the inspector be able to identify the positions and needs of the parties in conflict. Positions are usually clearly stated, but we can be aware of a party's position without understanding the background to a situation and without exploring the party's reasons or needs. Needs are the key to a situation: they are what really motivates our action. However, needs are sometimes hidden and we may have to work hard to identify them.

To help identify needs, you should ask yourself the following questions:

- ▶ What is this person's role in the workplace?
- ▶ What authority do they have?
- ▶ What are their concerns?
- ▶ What pressures do they face?
- ▶ What resources do they have?
- ▶ What lies behind what they are telling me?

B. Dealing with anger

“Anger management” is a term used to describe the skills that you need to recognize that you, or someone else, is becoming angry, and to take action to deal with the situation in a positive way. Anger is a normal human emotion. We all feel angry from time to time, and it can be healthy to let ourselves feel this emotion! But, if not managed well, anger can make us behave inappropriately. Managed in healthy ways, anger can actually be a positive thing – a red flag indicating that something is wrong, a catalyst for change, a good self-motivator. Handled poorly, anger can cause health and relationship problems.

Here are some tips for managing **your own anger**.

- ▶ Count to ten.
- ▶ Take a break.
- ▶ Breathe deeply.
- ▶ Identify the emotion you are feeling, whether anger, frustration, humiliation.
- ▶ Identify it early.
- ▶ Acknowledge and accept the emotion.
- ▶ Identify the cause of the emotion.
- ▶ Separate the emotion from the issue or problem, and deal separately with each.
- ▶ Check your expectations.
- ▶ Be realistic.
- ▶ Do not react spontaneously — act strategically.
- ▶ Change your anger into energy.
- ▶ Be aware of your communication style.
- ▶ Watch for facial expressions.
- ▶ Check your tone of voice.
- ▶ Choose your words carefully.
- ▶ Moderate your language.
- ▶ Be assertive, but not aggressive.

When labour inspectors are well prepared for a difficult conversation, chances are that the situation will have a more positive outcome, and it may be handled more easily than initially expected. When the inspector has planned the conversation, he/she knows:

- ▶ what the objectives of the conversation are;
- ▶ what he/she is going to say;

- ▶ how he/she is going to say it;
- ▶ how the other person could react.

There are situations, though, when unplanned difficult conversations take place, often fuelled by anger. Labour inspectors often have to manage potentially stressful situations, when conversations cannot be postponed.

Here are some tips for managing **the anger of others**.

- ▶ Identify the emotion they might be feeling, i.e. anger, frustration, humiliation.
- ▶ Identify it early.
- ▶ Identify the cause of the emotion.
- ▶ Acknowledge the emotion of the other party.
- ▶ Treat them with respect.
- ▶ Show empathy, not sympathy.
- ▶ Be positive, not negative.
- ▶ Remain calm; respond strategically, not emotionally.
- ▶ Listen openly.
- ▶ Acknowledge facts.
- ▶ Focus on needs rather than positions.
- ▶ Avoid creating more anger.
- ▶ Do not be reactive.
- ▶ Do not react defensively.
- ▶ Do not tell them they have no reason to be angry.
- ▶ Do not deny their emotion or cut them off.
- ▶ Do not argue.
- ▶ Do not blame.
- ▶ Do not interrupt.
- ▶ Encourage the other party to acknowledge their emotion and to talk about it.

C. Hostile situations

Labour inspectors sometimes have to handle violent situations in the course of their work. In some cases, they merely face verbal abuse; in others, threats or even physical violence. Dealing

with these types of situations can be dangerous and challenging. It is important to find a way to deal with the stress associated with the situation, and to take appropriate action. Although you might not be able to change the attitude of the person who is being abusive, it is important to respond in a manner that does not aggravate the situation and that can lead to a positive outcome for all parties involved.

You should try to assure the employer that you are not there to close the company down, nor to cause any unnecessary harm, and that cooperation can create win-win outcomes. When explaining an employer's obligations under the law, you could also explain some of the benefits the visit will produce. For example, you could explain how the work will contribute to better labour relations, increase productivity or reduce the incidence of occupational accidents or diseases.

In extreme cases of obstruction or hostility, the first priority should always be your personal safety. Do not take unnecessary risks if you consider that you are in danger. In some cases, this might mean abandoning the visit and informing your supervisor and the appropriate law enforcement officials before taking any further action. If you are planning to visit a workplace where you suspect you will face hostility, you might undertake the visit with a fellow inspector or even arrange to be accompanied by a police officer. Hostile employers who obstruct inspectors' work should be reminded, in a non-threatening manner, that legal proceedings could be taken against them for obstruction.

Exercises



Exercise

TITLE	<i>Common sources of conflict</i>
AIM	✓ Participants will become familiar with common sources of conflict and identify possible root causes.
TASK	<ul style="list-style-type: none">✓ Provide each participant with four Post-it notes (two of one colour, and two of another).✓ Ask them to individually answer the following questions on their Post-its.<ul style="list-style-type: none">- What are two common sources of conflict between employers and inspectors? (on one colour)- What are two common sources of conflict between employers and workers? (on the other)✓ Collect all the Post-its and sort them by colour on the board. As a whole group, discuss the most common conflicts that have been identified.✓ Ask several participants to share personal experiences of conflicts they have faced, and to provide insights on how they resolved them.
TIME	<ul style="list-style-type: none">✓ 3 minutes for individual answering✓ 15 minutes for group discussion



Exercise

TITLE	<i>Perceptions as a source of conflict</i>
AIMS	<ul style="list-style-type: none"> ✓ Participants should recognize that perceptions are a source of conflicts. ✓ They will be able to identify solutions to conflicts that arise from differences in perception.
TASK	<ul style="list-style-type: none"> ✓ Show participants a glass containing water to half its capacity. Then ask: <ul style="list-style-type: none"> - Who considers that the glass is half empty? - Who considers that the glass is half full? - Who is right? ✓ Participants will read the following case study in their working groups and answer the questions that are included below. <p>Case study: You arrive at a factory where workers are complaining about the quality of the water. Workers believe that the water in the factory is making them sick. They distrust the information that the management gives them about the quality checks done on the water. You have verified that the management has performed the regular quality checks, and had acceptable results. Despite this, workers are still making an issue of the water quality.</p> <ul style="list-style-type: none"> - What do you think the management should do to solve this conflict? - What could you suggest they do? <p>Tip for facilitators: Note that managers tend to spend more time trying to prove to workers that their perception is wrong (in this case, for example, they might publish the audit, figure out who has been spreading the rumours, etc.), rather than actually trying to solve problems. Sustainable solutions might include asking the workers what they want, involving workers in the sampling process, carrying out medical check-ups of workers to identify the real cause of their illness, etc.</p> ✓ After the group work, group representatives will share their recommendations to management on how to solve the conflict.
TIME	45 minutes



Exercise

TITLE *How would you react?*

AIMS

- ✓ Participants will identify appropriate reactions to situations likely to make people angry.
- ✓ They will improve their awareness of different strategies to manage angry impulses.

TASK

- ✓ Ask each participant to think about how they would react in each of the following situations:
 - You arrive at a workplace just before a visit is scheduled to start and you drop your coffee, spilling it all over your shirt.
 - As you are touring a factory, a worker in a forklift almost runs you over.
 - After waiting for over an hour to interview an employer, you are told that they cannot receive you and that you must come back tomorrow.
 - An employer gets personal and starts insulting you.
 - An employer becomes aggressive and physically threatens you.
 - Workers come to you and disrespectfully ask you to leave the workplace because you are putting their jobs at risk. One of them grabs your folder from your hands and throws it on the floor, scattering your papers everywhere.
- ✓ In plenary, discuss different possible reactions and different ways to handle anger.

TIME 15 minutes

▶ 7. Decision-making

A. Making decisions as a labour inspector

Labour inspectors have to make decisions in their day-to-day work. They need to choose from a number of possible courses of action. Labour inspectors are trained in the legal aspects of their work and the different situations that may arise, but there will be occasions when the law is unclear or can be implemented in different ways, or when inspectors simply need to use their judgment to make a decision. For example, it is up to inspectors to determine how best to ensure that the law is observed, whether by giving advice, issuing warnings or pursuing legal proceedings, or a combination of these measures. The choice should ideally match the level of non-compliance, the nature of the workplace concerned and the specific circumstances of the inspection activity.

There is some room for individuality. Inspectors are human beings with personalities, not robots, and inspectors will not necessarily make the same decision under similar circumstances. However, while a certain amount of discretion is inevitable¹ and important to ensure that enforcement is not purely mechanical, labour inspectorates should ensure consistency in the application of national legislation. Reference documents such as guidelines and protocols are generally developed to ensure that labour inspectors can apply labour inspection enforcement policy consistently. When the words “shall” or “must” are used in law, generally there is no room for discretion.

It is also important to note that labour inspectors, like other public officials, need to take decisions solely in light of the public interest. They may not make decisions in order to gain any financial or material benefit for themselves, their families or their friends. When making decisions, inspectors must always act in good faith, without malice, prejudice or personal bias.

It is important that all discretionary acts be:

- ▶ compliant with the law,
- ▶ objective,
- ▶ impartial,
- ▶ proportional,
- ▶ fair, and
- ▶ independent.

¹ Article 17 (2) of the [Labour Inspection Convention, 1947 \(No. 81\)](#) states “It shall be left to the discretion of labour inspectors to give warning and advice instead of instituting or recommending proceedings.”

When making a decision using discretion, it is important to:

- ▶ establish that you have the authority to make the decision,
- ▶ follow all relevant procedures or guidelines,
- ▶ gather as much information as possible,
- ▶ have sufficient supporting evidence,
- ▶ reflect only on relevant considerations,
- ▶ list available options,
- ▶ weigh up the possible outcomes of each option,
- ▶ think about who will be affected,
- ▶ identify how the decision affects other people,
- ▶ find out how similar situations have been resolved in the past, and
- ▶ make sure your position is in accordance with the law and the inspectorate's enforcement policy.

Exercise



Exercise

TITLE	<i>Making decisions</i>
AIM	✓ Participants will identify appropriate criteria to use when selecting companies to inspect.
TASK	✓ In their groups, participants will list and discuss the different criteria they use when selecting businesses to target for inspection visits. For example, they may choose to target companies with a record of previous violations, high numbers of employees, or high numbers of accidents or incidences of disease; companies with very old facilities or operating in hazardous sectors; those without trade union membership, etc. ✓ A representative from each group will share the outcomes of its discussion.
TIME	20 minutes

▶ 8. Ethical behaviour

Ethical behaviour is a sensitive topic, and talking about it is not an easy task. Nevertheless, labour inspectors are public officials, and it is therefore essential to address unethical behaviour and corruption and to ensure that labour inspectors' behaviour is – and is perceived to be – ethical, honest and professional.

Even in countries where corruption in the labour inspectorate is entrenched and tends to be socially tolerated, most people believe that corruption is not acceptable and that it undermines the integrity of the inspectorate. This perception hinders efforts to ensure labour law compliance. Experience suggests that only a minority of labour inspectors engage in unethical practices. However, the misbehaviour of a few can have a negative effect on the entire system, which is why it is important to have meaningful disciplinary penalties for ethical violations by public servants.

Many labour inspectorates have developed codes of practice that set out ethical principles and define professional behaviour and integrity. In 2008 the International Association of Labour Inspection (IALI) adopted the *Global Code of Integrity for Labour Inspection* to encourage and promote the professionalism of labour inspection worldwide. The Code provides a framework intended to encourage countries to discuss and adopt their own codes, which should reflect common principles while being suited to local conditions.

When all members of the labour inspectorate operate according to the principles of independence, impartiality and integrity, labour inspectors are trusted and respected. If you want to influence people, you need to live the kind of life that people can respect and look up to.

Labour inspectors and social partners should always report unethical behaviour to ensure that the profession as a whole does not suffer due to the dishonourable actions of a few individuals.

A. Independence, impartiality and integrity

As Article 6 of the Labour Inspection Convention, 1947 (No. 81) specifies, public official status confers on labour inspectors independence, which must be complete in respect of both changes of government and improper external influences. The independence and impartiality of inspectors are essential conditions if employers and workers are to have full confidence in their objectivity and neutrality in applying the law.

Sometimes the resources allocated to labour inspectors are insufficient to enable inspection functions to be discharged properly. Budgetary constraints result in insufficient staffing, inadequately trained personnel and poor conditions of service, which mean that inspectors' independence and integrity cannot be fully guaranteed.

Corruption is found in many, if not all, countries, and is a symptom of inefficiency in the management of public goods and services. Corruption is not good for Member States, as it reduces their revenues and gives them an unsavoury reputation. In many cases, corruption is

hidden and, in the absence of direct complaints, it is unlikely that evidence of malpractice will ever emerge.

Despite these challenges, inspectors have to adopt the highest standards of professional integrity, and ensure their actions are guided by a set of values and principles that include trustworthiness, honesty and courtesy. This implies a prohibition on accepting gifts or services from employers or workers. Integrity guarantees the credibility of public inspectors and their actions and decisions.

B. Conflicts of interest

Inspectors are prohibited from having any direct or indirect interest in the undertakings under their supervision. Both ILO Conventions on labour inspection, No. 81 and the Labour Inspection (Agriculture) Convention, 1969 (No. 129), set forth this prohibition, in Article 15 (a) and Article 20 respectively. In most countries, this prohibition is also set out in the conditions of service of civil servants and in special provisions.

Most countries' laws stipulate that labour inspectors shall be prohibited from having any direct or indirect interest in the enterprises they oversee. These laws are applicable to inspectors either by virtue of their status as public officials, or under the specific provisions determining the functions of labour inspectors. The notion of "interest" must be defined in national legislation and must cover such situations as:

- ▶ participation in the management of the enterprise, either directly, or through an intermediary,
- ▶ the holding/purchase of shares or financial involvement, and
- ▶ an interest in the use of a patent or brand name.

The definition should include any situation that could be reasonably perceived as likely to have an undue influence on the discharge of inspectors' functions.

C. Confidentiality

During their inspections, inspectors have access to information that employers have a legitimate interest in keeping confidential. Inspectors thus have a further obligation not to reveal any manufacturing or commercial secrets or working processes that may come to their knowledge in the course of their duties. This obligation remains binding even after they have left the service. This obligation of confidentiality is set out in Article 15(b) of Convention No. 81 and Article 20(b) of Convention No. 129.

As public officials, inspectors are normally bound by a general obligation of confidentiality, or secrecy, under the provisions governing public service, and also very frequently by the specific provisions applying to the functions of labour inspectors. The obligation of confidentiality is enshrined in certain countries in the oath that inspectors swear before taking up their duties.

Certain countries' national legislation allows exceptions to the obligation of secrecy, relating essentially to cases where the communication of information to the police or judicial authorities, among others, is necessary to prosecute a violation.

Confidentiality also has other implications, which are set out in Article 15 (c) of Convention No. 81 and Article 20 (c) of Convention No. 129. Labour inspectors are obliged to treat as absolutely confidential the source of any complaint, and must not inform the employer, or his or her representative, that an inspection visit was made as a result of the receipt of such a complaint. Compliance with this obligation is a prerequisite for the effectiveness of labour inspection. Without confidentiality, workers might hesitate to turn to the labour inspectorate for fear of reprisals.

Ensuring confidentiality also includes not giving the media any confidential information regarding cases you are working on. This includes not posting information on social media. If, however, you unexpectedly face questions from the media, you may refer them to your communications or press officer (if such a person exists) or to any official statement that has already been made on the matter. Be mindful, also, of any internal rules established by your labour inspectorate on speaking to the media. If you do respond to questions, treat the members of the press respectfully and with professionalism, and be sure to protect the interests of the parties involved and the integrity of the labour inspection system when giving your answers.

D. Courtesy and respect

Everyone has been taught good manners, to be civilized, attentive and "on best behaviour". Good manners means considering other people's feelings – and this is a life skill. So, in your day-to-day activities as an inspector, remember to be respectful and considerate with everyone you interact with. Labour inspectors need to respect people, regardless of their role or status, gender, race and political opinions, and not subject them to abuses of power. They must approach people and issues with an open mind and with tolerance.

Labour inspectors must remember to:

- ▶ dress appropriately for the occasion,
- ▶ be punctual for appointments,
- ▶ turn off or put cell phones in silent mode during meetings or interviews,
- ▶ speak politely, without using rude words,
- ▶ not interrupt people when they are speaking,
- ▶ not talk while other people are talking,
- ▶ keep the volume of their voices low,
- ▶ greet people politely,
- ▶ address people appropriately,

- ▶ show interest while in meetings and interviews,
- ▶ say *please* and *thank you*,
- ▶ apologize when necessary,
- ▶ smile.

Even when you are in the presence of someone who lacks good manners, make sure that your behaviour is appropriate at all times. It is likely that they will take their cue from you. Also be aware that good manners are not noticed as much as bad manners, and any discourtesy could jeopardize cooperation.

It is important that during inspection visits, labour inspectors be mindful of the work activities in progress. Inspectors should not interfere with or interrupt normal business operations, unless they are required to do so for valid reasons. Respecting the working environment is one basic way that labour inspectors can win the trust and respect of employers and workers.

E. Building trust

Trust is an essential pillar of interpersonal skills, but trust is easier to lose than it is to build. Building trust is easier than rebuilding trust; in other words, once trust has broken down, it is difficult to regain.

Labour inspectors must win the trust of stakeholders. In some cases, a labour inspector will be able to work on this over a period of time, but generally there will only be one opportunity for the inspector to obtain the trust of an employer or worker. There really will not be second chances, and this is why the aforementioned communication, interviewing and conflict-management skills are key – to ensure that trust and cooperation is established from the start.

Essential actions to build trust include:

- ▶ performing all duties and obligations competently,
- ▶ ensuring consistency,
- ▶ honouring commitments,
- ▶ if you cannot honour commitments, providing explanations,
- ▶ showing concern and respect for others,
- ▶ being sincere,
- ▶ being dependable,
- ▶ being accurate and transparent with information,
- ▶ demonstrating an ethical approach,
- ▶ staying objective, impartial and fair,
- ▶ not having double standards.

To build trust, it is also essential that labour inspectors become familiar with the local economic situation and relevant business practices. Having a good understanding of the enterprises you are visiting will help not only to build trust with the employer, but will also improve your ability to properly assess working conditions and give appropriate advice.

Exercise



Exercise

TITLE	<i>Acceptable or unacceptable?</i>
AIMS	<ul style="list-style-type: none"> ✓ Participants will develop their sense of ethical professional behaviour by examining specific situations. ✓ They will identify behaviours that are unacceptable for labour inspectors, and understand why.
TASK	<ul style="list-style-type: none"> ✓ Ask participants to read the following scenarios: <ol style="list-style-type: none"> 1. While examining some equipment, a labour inspector suggests to the employer that the “best” or “highest quality” verifications are done by a certain institute. 2. A labour inspector on an inspection visit is asked by the employer to show some flexibility in the light of the employer’s good track record. 3. A labour inspector stops by the shops owned by the employer he has been visiting. He takes a few items. “I will pay you for these in a few days’ time” says the inspector. 4. A labour inspector arrives at a worksite to perform a routine visit. As lunchtime approaches, the inspector is seen to walk off the worksite with the employer, engaged in a very friendly chat. After lunch, the employer and the inspector cheerfully walk back onto the worksite together. 5. After a labour inspection visit, an employer offers a labour inspector transportation to assist him to get back to the central inspection office. ✓ Then, in their working groups, participants should discuss the questions below with respect to each scenario: <ul style="list-style-type: none"> - Is this behaviour acceptable from an ethical standpoint? Why or why not? - What should the labour inspector do to remedy the situation? - How should the other involved parties react? ✓ A representative from each group will share the outcomes of its discussion. ✓ Ask participants to share ethical dilemmas that they have faced, and how they dealt with them.
TIME	20 minutes

