



## Governing Body

312th Session, Geneva, November 2011

GB.312/POL/6

Policy Development Section  
*Social Dialogue Segment*

**POL**

### SIXTH ITEM ON THE AGENDA

## Labour administration and labour inspection: Follow-up to the general discussion at the 100th Session of the International Labour Conference

### Overview

#### Summary

In light of the general discussion of the Committee on Labour Administration at the 100th Session of the International Labour Conference (June 2011), this document proposes an action plan for the Office as a follow-up to the resolution and conclusions on labour administration and labour inspection adopted by the Conference.

#### Policy implications

None.

#### Legal implications

None.

#### Financial implications

The proposed organization of a tripartite meeting of experts in the next biennium to examine private compliance initiatives is subject to funding approval by the Governing Body.

#### Decision required

Paragraph 17.

#### Follow-up action required

None at present.

#### Author unit

Labour Administration and Inspection Programme (LAB/ADMIN).

#### References to other Governing Body documents and ILO instruments

Labour Inspection Convention, 1947 (No. 81), and its Protocol of 1995; Labour Inspection (Agriculture) Convention, 1969 (No. 129); and Labour Administration Convention, 1978 (No. 150).

GB.312/INS/3/1, GB.306/LILS/6(&Corr.).

Resolution concerning labour administration and labour inspection, June 2011.



## Background

1. The need for sound labour administration and inspection systems has been a priority for the ILO since its inception. The creation of the Labour Administration and Inspection Programme (LAB/ADMIN) in April 2009 reaffirmed this commitment and responded to the needs expressed by constituents and to a renewed ILO vision for improving national systems of labour administration and inspection. In recent times, the subject of labour administration and labour inspection has risen in prominence, both nationally and internationally. This is especially the case given the social challenges brought about by the economic crisis and its serious and ongoing repercussions on the functioning of labour institutions.
2. Since 2009, the Office has made important inroads in improving national capacity through the design and implementation of several global products and the provision of technical assistance. LAB/ADMIN has led the ILO's technical work and advisory services in labour administration and inspection, mobilizing relevant expertise across the Office and working through networks across technical sectors and regions to deliver assistance to constituents. This work has been supported by a group of donors (e.g. Canada, France, Italy, Norway and the United States) whose contributions have made it possible to implement programmes to strengthen and modernize national systems of labour administration and inspection.
3. Against this backdrop, at its 308th Session, in June 2010, the Governing Body placed an item on labour administration and labour inspection on the agenda of the 100th Session (2011) of the International Labour Conference, highlighting the need for a discussion on good practices aimed at developing the capacity of constituents and at prioritizing the ILO technical services offered in this field.
4. The resulting discussion led to the adoption of a resolution and a set of conclusions.<sup>1</sup> In particular, the conclusions underlined the main approaches to be pursued by the Office to build, foster and maintain efficient national labour administration and inspection systems. The conclusions stress, particularly:
  - the pivotal role of labour administration, including public employment services, in achieving decent work and good governance and the need to promote the ratification and effective application of the relevant international Conventions to achieve these goals;
  - the need to enhance national capacity through the design of technical assistance programmes and projects, including strategies to promote compliance with and the application of labour legislation to all workers, along with a better use of existing resources;
  - the need to strengthen consultation with, and the capacity of, workers and employers and their organizations with regard to labour administration and inspection policies and services, in particular promoting tripartite dialogue to address challenges related to labour law compliance; and
  - the need to develop a technical cooperation portfolio to support the Office in the delivery of technical assistance to member States and to improve the coordination and exchange of information in the areas of labour administration and inspection within and outside the Office and across the multilateral system, through regional networks.

<sup>1</sup> ILO: *Report of the Committee on Labour Administration, Provisional Record No. 19*, International Labour Conference, 100th Session, Geneva, 2011.

## **ILO action plan on labour administration and inspection**

5. In light of the resolution and conclusions of the Committee on Labour Administration adopted by the Conference, the Office proposes the following action plan as a follow-up to the Conference general discussion.

### **(1) Promotion of the ratification and effective application of the relevant international labour standards**

6. These include, in particular, the Labour Inspection Convention, 1947 (No. 81), and its Protocol of 1995; the Labour Inspection (Agriculture) Convention, 1969 (No. 129); and the Labour Administration Convention, 1978 (No. 150). These two interlinked objectives will be carried out by means of advocacy, including through national labour administration and labour inspection needs assessments and through research and analysis of legislative gaps in non-ratifying countries. These efforts will complement the Office's plan of action (2010–16) towards widespread ratification and effective implementation of the governance Conventions.<sup>2</sup>

### **(2) Development of strategies and tools to deliver technical assistance to constituents**

7. In order to deliver the most effective technical assistance to constituents, the Office must have at its disposal the most up-to-date strategies and tools for strengthening national labour administration and inspection systems. These will be developed or improved building on the findings of national labour administration and inspection needs assessments and in consultation with the tripartite constituents.

8. Among the tools used by the Office, the recently developed training materials on labour administration and labour inspection<sup>3</sup> will continue to be central to developing the capacity of government officials and employers and workers based on international labour standards. The materials will be further adapted and translated for additional national contexts and will be complemented by the development of distance and self-study materials to make greater use of limited resources, widen geographic coverage and provide more flexible training options and opportunities for constituents.

<sup>2</sup> Adopted by the Governing Body in November 2009 (see GB.306/LILS/6(&Corr.), Appendix). This work will likewise complement the implementation of the plan of action (2010–16) to achieve widespread ratification and effective implementation of the occupational safety and health instruments (Convention No. 155, its 2002 Protocol and Convention No. 187) adopted by the Governing Body in March 2010 (see GB.307/10/2(Rev.), Appendix I).

<sup>3</sup> LAB/ADMIN, in collaboration with the International Training Centre of the ILO, Turin, has developed training modules on labour administration, a training curriculum for labour inspectors, as well as guidelines for employers and workers on the role and functioning of labour inspection systems.

9. The strategies designed by the Office will pay particular attention to the promotion, application and enforcement of labour legislation for workers in the public sector and for vulnerable workers, especially those in the informal and rural economies, for domestic workers,<sup>4</sup> and for workers in export processing zones, ever mindful of the 2009 Conference conclusions concerning gender equality at the heart of decent work.<sup>5</sup>

### **(3) Building knowledge on labour administration and inspection**

10. In order to offer constituents the most up-to-date tools and technical assistance, the Office must continue to study trends, developments and good practices in labour administration and inspection. Priority will be given to research linked to the wider knowledge management strategy of the ILO in areas of interest to constituents as identified in the conclusions of the Conference Committee on Labour Administration. These include: the use of government procurement in advancing compliance with labour standards; training methodologies and content on labour administration and inspection; the interface between labour administration and migration regulatory frameworks; and the action of labour inspection in relation to new forms of employment relationships.
11. More specifically, work will be undertaken to promote national tripartite dialogue to consider the challenges of labour inspection and enforcement related to the growth of new forms of employment, noting the Employment Relationship Recommendation, 2006 (No. 198), as an instrument to help address disguised employment relationships.
12. Subject to funding availability, the Office will also organize an international tripartite meeting of experts in the next biennium to examine the issue of private compliance initiatives in response to the growth of private labour auditing worldwide and the Committee's conclusion that such private measures risk undermining the public function of labour inspection.

### **(4) Exchange of good practices**

13. Following the research carried out on labour administration and inspection, the Office will develop a strategy to disseminate this knowledge among constituents. This will include building a collection of good practices, trends and developments to be made available online<sup>6</sup> and integrated into the Office's wider knowledge management strategy. This knowledge resource will be further enhanced by a targeted communications strategy to raise awareness among governments, employers and workers about the prominent issues in the area of labour administration and inspection and the key resources and services available from the Office.

<sup>4</sup> Strategies on labour inspection and domestic work will be developed in coordination with the Conditions of Work and Employment Programme (TRAVAIL), see GB.312/INS/3.

<sup>5</sup> ILO: *Report of the Committee on Gender Equality, Provisional Record No. 13*, International Labour Conference, 98th Session, Geneva, 2009.

<sup>6</sup> [www.ilo.org/labadmin](http://www.ilo.org/labadmin).

14. Moreover, the Office will encourage and facilitate the exchange of good national practices, including through the design of a methodology to improve the collection and analysis of basic national gender-disaggregated data to allow for cross-country comparisons and the benchmarking of inspection services and activities. This work will include the promotion and exchange of good practices on: transparent staff recruitment and selection; career development and training for labour administration officials and labour inspectors; and decent working conditions for labour administration and inspection staff, including personnel security and protection.

**(5) Fostering partnerships and horizontal cooperation**

15. By creating and reinforcing existing partnerships with national and international institutions dealing with labour administration and inspection, the Office will leverage the Organization's influence and improve the impact and sustainability of its technical assistance. To this end, the Office will encourage international cooperation and exchanges, including through South–South and horizontal cooperation, as well as through partnerships across the multilateral system and regional networks supported by the ILO, in order to build broad alliances and a community of expertise.

**(6) Improving the Office's capacity and internal coordination in respect of labour administration and inspection**

16. LAB/ADMIN leads the ILO's work on technical support and advisory services to strengthen national systems of labour administration and labour inspection. As the unit entrusted with the follow-up to the resolution and conclusions of the Conference Committee on Labour Administration, LAB/ADMIN will work to develop a technical cooperation portfolio to meet the requests of governments and social partners and to strengthen national labour administration and inspection services in line with Decent Work Country Programmes. The ILO should endeavour to secure adequate resources for LAB/ADMIN to perform this work, while improving overall coordination within the Office on these technical matters as an essential means to reinforce collaboration and policy coherence.

17. *The Governing Body may wish to:*

- (a) approve the action plan outlined in paragraphs 6–16;*
- (b) subject to the availability of funding, approve the holding of a tripartite meeting of experts in the next biennium, as set out in paragraph 12, to examine private compliance initiatives in the light of international labour standards; and*
- (c) request the Director-General to:*
  - (i) take steps to give effect to the Conference conclusions on labour administration and labour inspection in a coordinated and efficient manner at headquarters and in the field, and report to the Governing Body, upon request, on progress and results achieved; and*

- (ii) take such decisions as necessary to ensure the effective implementation of the action plan, including through strengthening LAB/ADMIN's capacity to meet these objectives.*

Geneva, 29 August 2011

*Point for decision:* Paragraph 17