PROJECT
THE EFFECTIVENESS OF THE LABOUR INSPECTION
SYSTEM AND OF SOCIAL DIALOGUE MECHANISMS
IS STRENGTHENED

WORKSHOP
HUMAN RESOURCES POLICY
OF THE STATE LABOUR SERVICE OF UKRAINE
WITH FOCUS ON LABOUR INSPECTORS
DISTRIBUTION MATERIALS

Kyiv, 6–7 February 2018

www.ilo.org/ukraine
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   Silvia Trufasila, Consultant on employment, social affairs and labour inspection

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   Silvia Trufasila, Consultant on employment, social affairs and labour inspection
Project
“The Effectiveness of the Labour Inspection System and of Social Dialogue mechanisms is strengthened”

Workshop
HRs policy in the State Labour Service

ILO Principles regarding Labour inspectorate
human resources

Kyiv-Ukraine, 6-7 February 2018
Arsenio Fernández Rodríguez
Technical Specialist on Labour Inspection,
Labour Administration and OSH

BASIC PRINCIPLES

➢ Criteria for determining the number of inspectors required
  ▪ Number, nature, size and situation of the workplaces liable to inspection;
  ▪ Number and the range of categories of workers employed in such workplaces;
  ▪ Number and complexity of the legal provisions to be enforced.

➢ Gender
  ▪ Article 8 of Convention No. 81 and Article 10 of Convention No. 129

➢ Qualifications required
  ▪ Recruitment and initial training: Art. 7 ILO C81 and 9 ILO C129
  ▪ Further training: art. 9 ILO C129
COMPOSITION OF LI STAFF

➢ Number of inspectors:
   ▪ Definition of labour inspector: Guide on LI statistics
   ▪ Article 10 of the Labour Inspection Convention, 1947 (No. 81)
   ▪ Ratio labour inspector per workers: just a benchmark

➢ Collaboration with specialists and technical advisers
   ▪ Article 9 of Convention No. 81
   ▪ Article 11 of Convention No. 129. Convention No. 81

STATUS AND CONDITIONS OF LI STAFF

➢ Stability and independence
➢ Remuneration
➢ Career prospects
➢ Physical safety of labour inspectors
   ▷ SLIC guide on prevention of violence against labour inspectors
OBLIGATIONS OF LABOUR INSPECTORS

Article 15 of Convention No. 81 and Article 20 of Convention No. 129

- Prohibition of any direct or indirect interest
- Professional secrecy
- Confidentiality of the source of complain

RESOURCES OF THE LABOUR INSPECTION

Article 11 C81 and arr. 15 C129

- Budgetary resources of the Labour Inspectorates
- Conditions of work of labour inspectors
  - Offices
  - Transport facilities and reimbursement of travelling expenses
- Use of new technologies
LIs WORKING CONDITIONS: EU TRENDS

- Increase of working time
- Wages reduction
- Verbal or physical violence against inspectors
- Psychosocial risks/stress
- Measure to counteract them:
  - Specific training
  - Telework
  - Remote working programme
  - Reduction of overheads

MS average annual salary and bonuses in 2008 and 2014 (in €)

LIs WAGES: EU TRENDS
INTERNATIONAL LABOUR ORGANIZATION

ILO Project
”The Effectiveness of the Labour Inspection System and of Social Dialogue Mechanisms is Strengthened”

Workshop
“Human Resources Policy of the State Labour Service with Focus on Labour Inspectors”
Kyiv, 6-7 February 2018

Silvia Trufasila
consultant
Employment, Social Affairs

Key findings and recommendations on the development of the State Labour Service human resources policies with special focus on labour inspection

Silvia Trufasila
Consultant,
Employment, Social Affairs, Labour Inspection
RECOMMENDATIONS
on the development of the State Labour Service human resources policies with special focus on labour inspection

KEY Findings regarding the SLS HR policies:

- ILO governance Conventions nos. 81/1947 and 129/1969 observance and enforcement;
- Need of a national HR strategy;
- Uniformly approached HR policies in the territorial divisions;
- HR Central coordination;
- HR Recruitment policy: Clear and precise selection criteria;
- Labour inspectors’ performance assessment;
- Deontology.

Why need a better implementation of the governance ILO Conventions Nos.81/1947 and 129/1969?

They establish the basis of labour inspection system and provide the source of authority for labour inspectorates.

They set up the common principles defining the role and the scope of labour inspection.

They contain guiding criteria which should be observed to give effect in law and in practice to the principles and values embodied.

Establish the field of legislation covered by labour inspection, its function and organization, the status, recruitment criteria, terms and conditions of service of labour inspectors, as well their powers and obligations.
Why need of a national HR strategy?

• To establish unitary HR policies supporting institutional progress over time;
• To develop thorough and fact-based HR needs and priorities;
• To develop clear, undifferentiated procedures to support HR policies;
• To engage and build coordination, agreement and good communication among key HR responsibles;
• To develop a roadmap and a plan to develop HR relevant policies to begin implementation of the future HR strategy.

Why need uniformity in approaching HR policies in the territorial divisions?

• To guarantee standard compliance and enforcement;
• To guarantee fairness, transparency in recruitment and selection, avoiding the double standards;
• To guarantee labour inspectors from the territorial divisions and central level equal treatment as regards their promotion perspectives both at central or territorial level.
**HR Central coordination:**

- The HR unit in the central authority should assume a strategic and coordinating role for the territorial HR units;
- Communicate values and show how things are performed in SLS;
- Keep territorial divisions in compliance and prevent misinterpretations;
- Document and implement best practices appropriate to SLS;
- Support management take decisions that are consistent, uniform and predictable;

**HR Recruitment policy:**

- **Design unitary, clear and precise national selection criteria/standard procedures aimed at:**
  - Selecting the best candidates with the right knowledge, aptitudes and skills required by the labour inspector’s job;
  - Use the Civil Service Law as a legal guidance regarding the candidate prerequisites and her/his deontological standards.
Why labour inspectors’ performance assessment is needed?

- To measure the effectiveness of the inspectors’ interventions;
- To ensure a regular feedback on the performance of the labour inspectors’ work by means of adequate indicators of performance;
- To put in place a reward system based on the achievement of the objectives defined by the Work Plans and the indicators of performance;
- To motivate labour inspectors, diminish turnover, prevent unethical behaviour and corruption.

Deontology and anti-corruption

- Unethical behaviour and corruption may occur due to lack of motivation and low base salaries;
- Labour inspectors’ power and ability to positively influence behaviour at the work places depend on their CREDIBILITY;
- Deontological principles are part of the professional identity of labour inspectors, which are built around the principles and values derived from ILO Conventions nos.81 and 129 on the rights and the obligations of labour inspectors.
EU-ILO Project “Enhancing the labour administration capacity to improve working conditions and tackle undeclared work”

Human Resources policy of the Portuguese Labour Inspectorate

Антоніу Сантош / António Santos
Менеджер проекту / Project manager

www.ilo.org/UkraineEUProject
Goals

1. Present the Legal framework of the Portuguese Public Administration (PA) Human Resources (HR) policy
2. Highlight the main characteristics of the General Employment Law in Public Functions (GELPF)
3. Present the Portugal Labour Inspectorate (ACT)
4. Describe the main aspects of the HR policy of the ACT
Content

• Legal framework of the Portuguese PA HR Policy
• General Employment Law in Public Functions (GELPF)
• Portuguese Labour Inspectorate (ACT)
  ✓ Mission
  ✓ Organic
  ✓ Organizational chart and local branches
  ✓ Human Resources
• Portuguese Labour Inspectors (LI) HR Policy:
  ✓ Portugues LI activities, powers and professional status
  ✓ Recruitment & Selection
  ✓ Initial training/Internship
  ✓ Continuous training
  ✓ Performance Evaluation & Assessment
  ✓ Career & Promotion
Legal framework of the Portuguese PA HR policy

- General Employment Law in Public Functions (GELPF)
- Labour Code
- Specific regulations of special careers
  - Integrated management and performance evaluation system in PA (SIADAP)
  - PA worker’s regimen for work-related accidents and occupational diseases
  - PA worker’s vocational training regimen
  - Statutes of the personnel in charge of PA (PA leading positions)
General Employment Law in Public Functions

Not applicable to:

- Ministerial Cabinets
- Public companies
- Sectoral regulatory entities (Social Media, Electricity, Insurance, Bank of Portugal, etc.)
- Workers with special regimens: militaries of armed forces and national guard, workers with police functions of the Public Security Police, criminal investigation workers of the judicial police and personnel of the investigation and control careers of the foreign and border police
General Employment Law in Public Functions

Regulates, among other aspects:

- Type of **contract arrangements** for the exercise of public functions
- **Guarantees of impartiality** (exclusivity, incompatibilities and impediments regimens)
- **Recruitment and selection** procedures (public tender procedure for recruitment and selection of staff, requirements, selection methods, compensation, experimental period, etc.)
- General provisions on **career structuring and on remuneration**
- **Rights, duties and guarantees** of workers
- Organization, modalities and duration of **working time**. Annual leave, holidays, absences and licenses
- **Mobility** (functional; between categories, careers and institutions; and geographical)
- Exercise of **disciplinary power**
- **Extinction of the public employment bond** (on its term; disability, old age or 70 years retirement; by agreement; dismissal on disciplinary grounds; by the worker with pre-notice or just cause, etc.)
- **Collective bargaining**
General Employment Law in Public Functions

• Refers to the **labour code** and **complementary legislation** on the following **matters**:  
  ✓ Rights of personality, equality and non-discrimination, harassment and parenting  
  ✓ Workers with reduced capacity, with disabilities or chronic illness and student workers;  
  ✓ Promotion of occupational safety and health (OSH)  
  ✓ Committees of workers, unions, employers associations and workers' representatives for OSH  
  ✓ Collective conflicts peaceful resolution mechanisms

• **Assigns to the Portuguese labour Inspectorate the legal competencies** to promote occupational risk prevention policies, to improve the working conditions and to control and enforce the OSH legislation in PA
General Employment Law in Public Functions

Type of contract arrangements for the exercise of public functions:

**Employment contract in public functions**
- For general careers (with indefinite period or with a certain or uncertain resolution term):
  - Senior technicians
  - Technical assistants
  - Operational assistants

**Service commission**
- For leading positions:
  - Senior director (of 2nd and 1st degrees) – 5 years (CRESAP – PA R&S Commission)
  - Director of department – 3 years (External public tender)
  - Head of division – 3 years (External public tender)

**Appointment or nomination**
- For special careers (with the following competences):
  - Generic and specific missions of the armed forces
  - External representation of the State
  - Security information, criminal investigation and public safety
  - Inspection
Portuguese Labour Inspectorate

Mission

Improvement of working conditions

Promote

Compliance

Labour relations

Enforce

OSH

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**Portuguese Labour Inspectorate**

- A state central authority
- Integrates the direct administration of State under the Ministry of Labour, Solidarity, and Social Security
- Headed by an Inspector General assisted by 2 Deputy Inspector Generals
- Generalist: has competences in both labour relations (all sectors - excluding PA) and OSH (in all private and public sectors) issues
- Jurisdiction over the whole mainland territory
- Head Office in Lisbon and 32 local branches
### Portuguese Labour Inspectorate

#### Human Resources (HR)

<table>
<thead>
<tr>
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<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Directors</td>
<td>44</td>
<td>43</td>
<td>44</td>
<td>38</td>
<td>32</td>
<td>43</td>
<td>43</td>
<td>-2.3</td>
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<tr>
<td>Labour inspectors (on effectiveness of functions)</td>
<td>402</td>
<td>384</td>
<td>371</td>
<td>359</td>
<td>343</td>
<td>308</td>
<td>307</td>
<td>-23.6</td>
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<tr>
<td>Technical officials</td>
<td>172</td>
<td>163</td>
<td>222</td>
<td>214</td>
<td>210</td>
<td>214</td>
<td>228</td>
<td>32.6</td>
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<tr>
<td>Computer technicians</td>
<td>8</td>
<td>9</td>
<td>9</td>
<td>9</td>
<td>11</td>
<td>11</td>
<td>11</td>
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<tr>
<td>Technical assistants</td>
<td>272</td>
<td>249</td>
<td>250</td>
<td>231</td>
<td>213</td>
<td>166</td>
<td>176</td>
<td>-35.3</td>
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<tr>
<td>Operational assistants</td>
<td>60</td>
<td>50</td>
<td>44</td>
<td>42</td>
<td>37</td>
<td>28</td>
<td>39</td>
<td>-35.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>958</td>
<td>898</td>
<td>940</td>
<td>893</td>
<td>844</td>
<td>770</td>
<td>804</td>
<td>-16.1</td>
</tr>
<tr>
<td>Employed population (thousands)</td>
<td>4,968.6</td>
<td>4,898.4</td>
<td>4,740.1</td>
<td>4,546.9</td>
<td>4,429.4</td>
<td>4,499.5</td>
<td>4,548.7</td>
<td>-8.5</td>
</tr>
<tr>
<td>Ratio of number of workers per labour inspector</td>
<td>12,360</td>
<td>12,756</td>
<td>12,777</td>
<td>12,665</td>
<td>12,914</td>
<td>14,609</td>
<td>14,817</td>
<td>18.1</td>
</tr>
</tbody>
</table>
Main activities

- Provide information and technical advice on the most appropriate way to comply with law
- Develop the actions necessary to assess and promote the improvement of working conditions
- Notify so that, immediately or within a prescribed period, are carried out at workstations the modifications necessary to ensure the compliance with OSH regulations
- Notify the adoption of immediate enforceable measures, including the suspension of work, in case of serious risk of injury to life, physical integrity or health of workers
- Conduct inquiries in cases of work-related accidents or occupational diseases
- Issue infraction notices and promote the administrative offenses proceedings
- Carry out joint surveys and give opinions on the scope of processes of industrial licensing
- Promote the collaboration of other bodies with competence in the field of working conditions
- Notify other entities of situations that fall within the scope of their competence
Main activities

- Draw up the reports, information and other documents resulting from the inspective action
- Instruct processes concerning administrative permits regarding the working conditions and relationships
- Develop information, opinions and studies of several nature within the framework of the competences of the Portuguese Labour Inspectorate
- Participate in working groups, committees and project teams and specific missions, to which has been designated
- Collaborate on the inspective activity programming and in the regional and interregional joint actions with other inspective bodies
- Coordinate and execute inspective actions of regional, inter-regional and national scope
- Instruct the administrative offenses proceedings entrusted to them
- Develop studies to support the programmatic decisions of the organs of direction of the ACT
- Advise the organs of direction of the ACT when prompted
Main powers

- To enter freely and without previous notice at any hour of the day or night in any workplace;
- To carry out any examination, test or enquiry;
- To take steps with a view to remedying defects observed at workplaces;
- To require alterations to workplaces, to be carried out immediately or within a specified time;
- To take immediate measures, with executory force, in the event of imminent danger to the health or safety of the workers;
- Get the collaboration and be accompanied by experts, technicians and representatives of trade unions and employers' associations;
- Ask for identification and questioning the employer, employees and any other person who is in the workplace, alone or before witnesses, with the option of reducing the written statements.
Portuguese LI

Main powers

- Request (with immediate effect or to late presentation), examine and copy documents and other records
- Make photographic records, video images and measurements
- Request information on the composition of products, materials and substances used in workplaces, as well as collect and take samples for analysis
- Request the demonstration of the work processes used
- Adopt necessary precautionary measures to prevent the destruction, the disappearance or alteration of documents, records and situations
- Notify the employer to adopt preventive measures in the field of occupational risk assessment
- Notify for appearance in the services witnesses, experts or other persons
- Notify the employer to make clear the amounts owed to workers or to social security
- Request the collaboration of police authorities
Portuguese LI Professional status

- Civil servants of definitive appointment
- Permanent availability (anytime of the day or night, including the weekly rest days and public holidays)
- Powers of public authority
- Subject to the legal provisions relating to secrecy of justice
- Must keep professional secrecy
- Must preserve the confidentiality of the source of any complaint or denunciation
- Right to an identity card which gives free pass to any workplace, when in the performance of their duties
• Subject to the civil servants legal regime of incompatibilities and, in addition, they are forbidden to engage in any activity that may affect their independence, exemption, authority or dignity of the function, in particular:
  ✓ Exercise their functions when are interested the spouse, relatives or the like in a straight line or to the third degree in the collateral line
  ✓ Engage in any branch of commerce, industry or service
  ✓ Exercise any own-account profession or any form of attorney or consulting
  ✓ Engage in any activity on behalf of others
  ✓ Serve in the management bodies of any associations (except on those that are representative of their professional interests, or foundations)
  ✓ **Exceptions:** teaching activity in educational establishments, or trainer (if duly authorized)
Portuguese LI

Recruitment & Selection – needs assessment

- ACT Strategic Plan
- ACT Annual Budget
- ACT Annual Plan of Activities
- ILO LABADMIN/OSH recommended ratio (1 LI per 10,000 workers)
Portuguese LI

Recruitment & Selection - procedure

• Admission into the career of senior labor Inspector must be preceded by the successful completion of an internship (i.e., with final average 14 or more values, on a scale of 0 to 20).

• The admission to the internship for access to the career of senior labour inspector has to result from a public tender procedure

• Internal (to the PA) or external

• Published on official journal, public employment website and LI website

• Very bureaucratic procedure ➔ the selection can take from 2 to 5 years ... plus 1 year for completion of the internship
Portuguese LI

Recruitment & Selection – tender notice

- Number of vacancies (including the ones reserved for people with disabilities)
- Function concerned, category, remuneration and the service or local branch concerned and its address
- Term of the tender, procedures to formalize the application and applicable legislation
- General and specific requirements, phases of the process and selection methods (and their weights)
- Selection and tie-break criteria
- Type of subsequent contract arrangement (employment contract in public functions, service commission or appointment/nomination) - if the internship is concluded successfully
- Places and dates of for the application of the selection methods
- In case of written tests, the subjects and bibliography
- Procedures for publicizing and contest the results of each phase
<table>
<thead>
<tr>
<th>Selection method</th>
<th>Weights</th>
<th>Parameters/Classification</th>
</tr>
</thead>
</table>
| **IWT – Individual written test of knowledge** (Eliminatory if below 9,5) | 35%     | • Subjects: laws (constitutional, penal, administrative, labour and social security offenses, community, OSH regulations, etc.), OSH best practices, labour inspection legal framework;  
• Level of academic and professional knowledge and general and specific technical skills;  
• Clarity, syntax, spelling, punctuation.  
(0-20)                                                                                                                                                                                                                                                                                                                                                          |
| **CE - Curriculum evaluation** (Eliminatory if below 9,5) | 25%     | • Academic background (required: 18; above:20)  
• Vocational training in the relevant fields (until 12 hours: 0,5 points; until 30 hrs: 1; until 60 hrs: 1,5; until 120 hrs: 2; more than 120 hrs: 3,5)  
• Professional experience (in inspective activity, labour law, OSH, administrative offenses proceedings, in the area of academic background): until 3 years: 2 points; 3 to 8: 3; more than 8: 4.                                                                                                                                                                                                 |
| **PS - Psychological screening** (Eliminatory if 8 or lower) | 10%     | • Level of adequacy to the function (Favorably preferable: 20; Fairly favorable: 16; Favorable: 12; With reservations: 8; Not favorable: 4)                                                                                                                                                                                                                                                                                                                                 |
| **PSI - Professional selection interview**              | 30%     | • Professional Fitness;  
• Level of Motivation;  
• Ability of Expression and Communication;  
• Interpersonal Relationship skills and Team Spirit;  
(Excellent: 19 or 20; Very good: 17 to 18; Good: 14 to 16; Enough: 9,5 to 13; Insufficient: less than 9,5)                                                                                                                                                                                                                                           |
<p>| <strong>Final classification</strong>                               |         | <strong>CF = (0, 35 x IWT) + (0,25 x CE) + (0,10 x PS) + (0,30 x PSI)</strong>                                                                                                                                                                                                                                                                                                                                                                                                                  |</p>
<table>
<thead>
<tr>
<th>Phase</th>
<th>Duration</th>
<th>Respons.</th>
<th>Subjects/activities</th>
<th>Evaluation methods (0-20)</th>
</tr>
</thead>
</table>
| 1st Theoretical | 4 months       | Internship jury and trainers           | • Mission, tasks, competences and labour inspection legal and institutional framework  
• Working conditions  
• Safety and health at work  
• Gesture and professional ethics  
• Methods and instruments of inspective action | Simple arithmetic average of the grades obtained in each of the 3 individual written tests (eliminatory if the average grade is below 10) |
| 2nd Practical  | 8 months       | Internship jury and pedagogical advisors | Performance of the labour inspectors functions, under the guidance of senior labour inspectors (pedagogical advisors) but without the public authority powers:  
• Inspection visits and work-related accidents and occupational diseases inquiries,  
• Issuance of the appropriate inspection procedures (infraction notices, improvement notices, suspension notices, warning notices, etc);  
• Industrial licensing surveys  
• Provision of information and technical advices, etc | Practical assessment form, based in:  
• Reports of the inspective actions  
• Quality and appropriateness of the proposed inspection procedures  
• Reports of other activities  
• Behavior  
• Inspective gesture |
| 3rd Final report | Until 15 days after the last practical activity | Internship jury                     | Individual elaboration and presentation of a final report on a labour inspection related issue. | • Structure and presentation mode  
• Creativity  
• Capacity for analysis, synthesis and written expression |

The trainees are ordered according to the final classification of the internship (simple arithmetic average of the grades of each phase). Those with an average of less than 14 are not approved.
## Continuous training – some topics

<table>
<thead>
<tr>
<th>Subjects</th>
<th>• Inspective gesture and respective ACT’s inspection activity guidelines</th>
<th>• Risk situations in the inspective activity</th>
<th>• Temporary Work</th>
<th>• Occupational risk prevention management</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Occupational exposure to asbestos</td>
<td>• Business crisis situations</td>
<td>• Work-related accidents inquiries</td>
<td></td>
<td>• Computer system supporting the inspective activity</td>
</tr>
<tr>
<td>• Machinery and work equipment</td>
<td>• Biological Risks</td>
<td>• Safety in agriculture, farming and forestry</td>
<td></td>
<td>• Intervention in the aquatic environment/operations at sea</td>
</tr>
<tr>
<td>• Physical risks - optical radiation</td>
<td>• Information and technical advice service</td>
<td>• Undeclared work</td>
<td></td>
<td>• Communication and interpersonal skills</td>
</tr>
<tr>
<td>• Administrative offenses proceedings</td>
<td>• Chemical risk assessment</td>
<td>• Self-protection measures against risk of fire in buildings</td>
<td></td>
<td>• Safety in civil aviation</td>
</tr>
<tr>
<td>• Psychosocial risks</td>
<td>• Manual handling of loads</td>
<td>• OSH in construction</td>
<td></td>
<td>• Electrical risks</td>
</tr>
</tbody>
</table>

Source: [www.iio.org/ukrain.eu Projekt](http://www.iio.org/ukrain.eu Projekt)
Performance assessment

Based on and Integrated Management and Performance Evaluation System for the PS (SIADAP)

**Mission letter (ML)**
- Contains the objectives to be achieved by the ACT senior managers in their 5 year service commission
- Based on ML, the annual objectives, indicators and targets of the ACT are laid down

**SIADAP 1 - Evaluation and Accountability Framework (QUAR)**
- Official form for the annual performance assessment of each PA organization
- Sets the annual strategic and operational objectives (broken down into effectiveness, efficiency and quality objectives), indicators and respective targets
- Assesses their achievement degree and the overall performance of the ACT

**SIADAP 2 – Evaluation of middle managers (MM) / Business Units (BU)**
- It reflects the distribution, in cascate, of the overall objectives, indicators and targets by each MM/BU
- Each MM/BU is evaluated on the basis of the degree of achievement of 3 to 5 result objectives and the level of demonstration of a minimum of 5 competencies
- Result objectives/competencies valuation: Not attained/Not demonstrated: 1 point; Attained/Demonstrated: 3 points; Exceeded/Demonstrated at a high level: 5 points
- Weights: Results: minimum of 75%; Com+petencies: maximum of 25%
- Final performance classification: Relevant: 4-5; Adequate : 2-3,9999; Inadequate: less than 2
- Relevant performance can be object of “excellence recognition”
SIADAP 3 – Evaluation of the staff (e.g. LI)

Portuguese LI Performance assessment

- It reflects the distribution, in cascade, of the objectives, indicators and targets of the MM/BU by its LI
- Each LI is evaluated on the basis of the degree of achievement of 3 to 5 result objectives and the level of demonstration of 7 competencies (orientation towards results; orientation for the public service; expertise and experience; adaptation and continuous improvement; responsibility and commitment to public service; interpersonal relationship; and teamwork and cooperation).
- Result objectives/competencies valuation: Not attained/Not demonstrated: 1 point; Attained/Demonstrated: 3 points; Exceeded/Demonstrated at a high level: 5 points
- Weights: Results: minimum of 60%; Competencies: maximum of 40%
- Final performance classification: Relevant: 4-5; Adequate: 2-3,9999; Inadequate: less than 2
- Relevant performance can be object of “excellence recognition”
Portuguese LI

Performance assessment – SIADAP 1 (QUAR)

| QUADRO DE AVALIAÇÃO E RESPONSABILIZAÇÃO - 2016 | Última actualização: [aaaa/mm/dd] |
| Serviço: AUTORIDADE PARA AS CONDIÇÕES DO TRABALHO |

Missão: Promoção da melhoria das condições de trabalho através da a fiscalização do cumprimento das normas em matéria laboral e o controlo do cumprimento da legislação relativa à segurança e saúde no trabalho, bem como a promoção de políticas de prevenção dos riscos profissionais no âmbito das relações laborais privadas.

| Objectivos estratégicos (OE): |
| OE 1 - Promover a redução dos acidentes de trabalho |
| OE 2 - Reforçar o acompanhamento das situações de crise empresarial |

<table>
<thead>
<tr>
<th>Objectivos operacionais</th>
<th>Ano 2014 Resultado</th>
<th>Ano 2015 Resultado</th>
<th>Ano 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Meta</td>
<td>Tolerância</td>
<td>Valor Crítico</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EFICACIA (40%)</th>
</tr>
</thead>
</table>

| OB 1 |
| Ponderação de 20% |

| Ind 1 |
| Realizar ações para promoção das condições de trabalho dignas e seguras, priorizando o acompanhamento das entidades com acidentes de trabalho mortais e graves, bem como as com trabalhadores com doenças profissionais confirmadas |
| Peso | 50% |

| Ind 2 |
| Percentagem de entidades com acidentes de trabalho mortais e graves ocorridos no ano anterior, acompanhadas pela ACT no ano em curso |
| Peso | 50% |

| Peso | 50% |

| OB 2 |
| Ponderação de 20% |

| Peso | 50% |

<p>| Peso | 50% |</p>
<table>
<thead>
<tr>
<th>Regional Service</th>
<th>Ind. 1 WL</th>
<th>Ind. 2 OSH</th>
<th>Ind. 3 Camp</th>
<th>Ind. 4 CC</th>
<th>Ind. 5 TR</th>
<th>Ind. 6 Inform.</th>
<th>Ind. 7 Processin Sanctions</th>
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<tbody>
<tr>
<td>CL Baixo Vouga</td>
<td>1.005</td>
<td>1.005</td>
<td>89</td>
<td>134</td>
<td>22.337</td>
<td>31.200</td>
<td>975</td>
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<tr>
<td>CL Barreiro</td>
<td>309</td>
<td>309</td>
<td>27</td>
<td>41</td>
<td>6.873</td>
<td>9.600</td>
<td>300</td>
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<tr>
<td>UL Lit Baixo Alentejo</td>
<td>619</td>
<td>619</td>
<td>55</td>
<td>82</td>
<td>13.746</td>
<td>19.200</td>
<td>600</td>
</tr>
<tr>
<td>UL Braga</td>
<td>1.082</td>
<td>1.082</td>
<td>96</td>
<td>144</td>
<td>24.055</td>
<td>33.600</td>
<td>1050</td>
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</table>
AVALIAÇÃO DO DESEMPENHO
TRABALHADORES (SIADAP 3)
FICHA DE AVALIAÇÃO

MINISTÉRIO
Ministério da Solidariedade, Emprego e Segurança Social

SERVIÇO
Autoridade para as Condições do Trabalho

NIF 6 0 0 0 8 3 3 4 9

(A preencher pelo avaliador)

Avaliador MARIO RUI ALMEIDA E COSTA

Cargo Subdirector

NIF 1 3 4 9 5 0 2 9 1

Avaliado JOAO DOMINGOS MATIAS MARQUES TAVARES

categoria / Carreira Inspector Principal

Unidade Orgânica Unidade Local de Setubal

NIF 2 0 6 4 9 4 6 8 8

Período em avaliação 01-01-2015 a 31-12-2016

1. OBJETIVOS DA UNIDADE ORGÂNICA

Descrição dos objetivos da unidade orgânica

### 2. PARÂMETROS DA AVALIAÇÃO
#### 2.1 RESULTADOS
(A preencher no início do período de avaliação)

<table>
<thead>
<tr>
<th>DESCRIÇÃO DO OBJETIVO</th>
<th>DETERMINAÇÃO DOS INDICADORES DE MEDIDA E CRITÉRIOS DE SUPERAÇÃO</th>
<th>AVAILAÇÃO</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Objetivo</strong></td>
<td>Objetivo 1 - Promover, controlar e fiscalizar o cumprimento das normas em matéria laboral e promover a melhoria das condições de trabalho. Nota (indicadores 1 e 2): Não são considerados procedimentos inspetivos, para este efeito, as notificações para apresentação de documentos. Para que sejam contabilizadas as ações inspetivas com informações (ainda que sem procedimentos) é necessário que as mesmas respaldem o contexto e instaurar do relatório da atividade inspetiva.</td>
<td><strong>Objetivo superado</strong> (Punificação 5) <strong>Objetivo atingido</strong> (Punificação 3) <strong>Objetivo não atingido</strong> (Punificação 1)</td>
</tr>
<tr>
<td><strong>Indicador de medida</strong></td>
<td>Indicador 1 - Número de ações inspetivas em matéria de relações laborais desenvolvidas em empresas locais de trabalho, com visita e procedimento inspetivo e/ou informação registada. Meta: (RL) 82</td>
<td>Fonte de verificação - SINAI</td>
</tr>
<tr>
<td><strong>Critério de superação</strong></td>
<td>Supera se for &gt;= 140% Meta (Atinge &gt;=100% Meta e &lt; 140% Meta)</td>
<td></td>
</tr>
<tr>
<td><strong>Indicador de medida</strong></td>
<td>Indicador 2 - Número de ações inspetivas desenvolvidas em matérias de SST em empresas / locais de trabalho, com visita e procedimento inspetivo e/ou informação registada. Meta: (SST) 82</td>
<td>Fonte de verificação - SINAI</td>
</tr>
<tr>
<td><strong>Critério de superação</strong></td>
<td>Supera se for &gt;=140% Meta (Atinge &gt;=100% Meta e &lt; 140% Meta)</td>
<td></td>
</tr>
<tr>
<td><strong>Objetivo</strong></td>
<td>Objetivo 2 - Desenvolver ações inspetivas específica no âmbito do caminhos nacionais, bem como nos setores da construção civil e transportes rodoviários.</td>
<td></td>
</tr>
<tr>
<td><strong>Indicador de medida</strong></td>
<td>Indicador 3 - Número de estabelecimentos visitados no âmbito do caminhos nacionais. Meta: (Camp. 9</td>
<td>Fonte de verificação - SINAI</td>
</tr>
<tr>
<td><strong>Critério de superação</strong></td>
<td>Supera se for &gt;=140% (Atinge &gt;=100% Meta e &lt;140% Meta)</td>
<td></td>
</tr>
<tr>
<td><strong>Indicador de medida</strong></td>
<td>Indicador 4 - Número de estabelecimentos visitados com notificação para tomada de medidas e/ou suspensões. Meta: (CC) 12</td>
<td>Fonte de verificação - SINAI</td>
</tr>
<tr>
<td><strong>Critério de superação</strong></td>
<td>Supera se for &gt;=140% (Atinge &gt;=100% Meta e &lt;140% Meta)</td>
<td></td>
</tr>
</tbody>
</table>
### 2.2 COMPETÊNCIAS

(A preencher no início do período de avaliação)

<table>
<thead>
<tr>
<th>N.°</th>
<th>DESIGNAÇÃO</th>
<th>AVALIAÇÃO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Competência demonstrada a um nível elevado (Pontuação 5)</td>
</tr>
<tr>
<td>1</td>
<td>ORIENTAÇÃO PARA RESULTADOS</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>ORIENTAÇÃO PARA O SERVIÇO PÚBLICO</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>CONHECIMENTOS ESPECIALIZADOS E EXPERIÊNCIA</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>ADAPTAÇÃO E MELHORIA CONTÍNUA</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>INICIATIVA E AUTÔNOMIA</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>RESPONSABILIDADE E COMPROMISSO COM O SERVIÇO</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>RELACIONAMENTO INTERPESSOCIAL</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>TRABALHO DE EQUIPA E COOPERAÇÃO</td>
<td></td>
</tr>
</tbody>
</table>

Obs: A descrição de cada competência e os comportamentos a ela associados constantes das listas de Competências reforçam-se ao padrão médico exigível de desempenho

(Competência Demonstrada)

O avaliador, em: 12/03/2015
Firmado: Rui Almeida e Costa

O avaliado, em: 12/03/2015

### 3. AVALIAÇÃO GLOBAL DO DESEMPENHO

<table>
<thead>
<tr>
<th>PARÂMETRO DA AVALIAÇÃO</th>
<th>A</th>
<th>B</th>
<th>C(AxB)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PONTUAÇÃO</td>
<td>PONDERAÇÃO</td>
<td>PONTUAÇÃO PONDERADA</td>
</tr>
</tbody>
</table>

### AVALIAÇÃO FINAL - MENÇÃO QUALITATIVA

<table>
<thead>
<tr>
<th>DESEMPENHO</th>
<th>RELEVANTE</th>
<th>DESEMPENHO ADEQUADO</th>
<th>DESEMPENHO INADEQUADO</th>
</tr>
</thead>
</table>

### 4. COMUNICAÇÃO DA AVALIAÇÃO AO AVALIADO

Tomei conhecimento da avaliação em reunião de avaliação em:

[Signature]

O avaliado, _______________________________________<br>
Observações: ______________________________________
Portuguese LI Senior LI career & promotions

- **Principal top labour inspector (PTLI)**
  - Internal tender among TLI with at least 3 years of service (each with SIADAP mark of 4-5 and “excellence recognition” or 5 years with a mark of 4-5)

- **Top labour inspector (TLI)**
  - Internal tender among PLI with at least 3 years of service (each with SIADAP mark of 4-5 and “excellence recognition” or 5 years with a mark of 4-5)

- **Principal labour inspector (PLI)**
  - Internal tender among LI with at least 3 years of service (each with SIADAP mark of 4-5 points)

- **Labour inspector (LI)**
  - Successful completion of the internship (final average no less than 14 in a scale of 0-20) and obtention of a mark allowing the occupation of an existing vacancy

- **Labour inspector trainee**
  - Access through a successful participation on the internship public tender

Unfortunately, the promotions in the Portuguese PA are frozen since August 2005 (Law No. 43/2005, of 29 August)
Useful links:

- Example of an internal public tender notice, for the recruitment of labour inspectors: https://dre.pt/application/file/a/67250357
- Example of an external public tender notice, for the recruitment of labour inspectors: https://dre.pt/application/file/105316455
- CRESAP (Public Administration Recruitment and Selection Commission): http://www.cresap.pt/
- Regulatory Decree No. 47/2012, of 31 July, which approves the organic of the Portuguese Authority for Working Conditions (ACT): https://dre.pt/application/file/179157
- Decree-Law No. 102/2000, of 2 June, which approves the Statute of the Portuguese General Labour Inspectorate: https://dre.pt/application/file/291556
Useful links:


- Joint Ministerial Order No. 371/2004, of 22 June, approving the regulation of the initial training stage for entrance into the senior labour inspector career: [https://dre.pt/application/file/a/1722311](https://dre.pt/application/file/a/1722311)


- Regulatory Decree No. 20/2001, of 22 December, which defines and regulates the labour inspector career: [https://dre.pt/application/file/536927](https://dre.pt/application/file/536927)

- Decree-Law No. 112/2001, of 6 April, which establishes the framework and defines the structure of the inspection careers of the public administration: [https://dre.pt/application/file/a/362383](https://dre.pt/application/file/a/362383)
EU MS practices on recruitment procedures and assessment of the candidates

Silvia Trufasila
Consultant,
Employment, Social Affairs, Labour Inspection

Different approaches depending on:

• Professional standards applied,
• The continuously changing working conditions,
• New technologies,
• Budget.

Common approaches:

• Recruit the most motivated and the best qualified candidates for the labour inspector job.
EU MS practices on recruitment procedures and assessment of the candidates

Legal basis for recruitment

Common trends:

- National legislation regulating the labour inspectorates of each MS,
- Special Orders or rules on the methods of recruitment (Poland/Order no19/2011, UK, Belgium, France),
- MS Public Servant Laws*.

*The process is made in respect of the Public Servant Law but it does not constitute an examination subject but a legal guidance for the whole recruitment process.

Methods of recruitment:

- Labour inspectorates and/or their respective training centers: Poland, Romania, Spain, France;
- Special bodies in charge with recruitment and professional development of the state employees (SELR – Belgium, CS Commissioners’ Assessment Centre, UK).
EU MS practices on recruitment procedures and assessment of the candidates

Principles of recruitment:
- Fair and open competition,
- Selection on merit.

Requirements of the labour inspector’s position:
- University education,
- Prior work experience (not mandatory in all MS),
- Commitment, strong communication and negotiation skills, capacities to influence change at all levels, analytical skills, drive, determination, good planning skills, decisiveness, ability to make effective decisions.

The recruitment process:
- Qualification commissions appointed by the district Chief Inspector (phase one: written examination) and the National Chief Inspector (phase two and three interview and final assessment of competences and skills) Poland, Romania;
- Standard assessments contain scores 1-5 (PL), 1-10 (RO).

Complex recruitment processes:
- France - 7 phases examination: score 16,
- Belgium – 2 complex modules,
- UK – two phases: Registration(two online tests) and Assessment: lasts one day and consists of 4 tests on the following competences: (1) changing and improving, (2) making effective decisions, (3) leading and communicating, (4) collaborating and partnering, (5) delivering at pace.
How to measure inspectors performance?

1. **Statistics** (used to create indicators)
   They are a powerful resource which reflects how effective labour inspectors work is and provide valuable information on the work environment and the needs of workers and employers.

MS established databases on the specific inspection work indicators:

- Inspection visits and enforcement activities,
- Number and type of inspections conducted (routine visits, investigating complaints, follow-ups, special visits or awareness campaigns);
- No of inspection visits correlated to the no of inspectors – productivity indicators;
2. **Methods to improve performance:**
   - Training and development;
   - Different sustainable appraisal systems;
   - Connecting pay to performance (incentives).

3. **EU MS practices on incentives:**

   - **Portugal**: a labour inspector’s wage is made up of the basic pay, annual bonuses, productivity and performance pay, allowances and compensations (transportation costs or using their own car).
   - **Slovenia**: the gross wage, 0,5% yearly-average supplement on active employment, daily allowances, extra payment for productivity and performance.

   - **Spain**: annual bonuses are divided into 14 installments, 12 attached to the monthly pay and 2 payable in July and December. Seniority (12 years of service) adds a 4% and performance bonus about 20% of the basic salary. Daily and car allowances.

   - **Romania**: extra payment for productivity and performance of 15-20% of the gross salary are attached to the monthly pay. Other bonuses: 5-25% for the length in service, daily and car allowances.

   - **Austria, Belgium, Cyprus, France, Germany and Italy**: 13th month bonuses are typically set by branch or national agreement.
EU MS practices on training

Different approaches depending on:

• Professional standards applied,

• The complexity of new industrial processes, new technologies and mental stress,

• The continuously changing working environment,

• Outsourcing and cross border labour relations,

• Freedom of movement and work inside EU,

• Budget.
EU MS practices on training

Other differences:

- Learning methods,
- Duration: some months up to 2 years (UK, Austria, Germany, some Scandinavian countries),
- Examination procedures and appointment to the job.

Common approaches:

- Train the qualified candidates before they proceed to practice as labour inspectors,
- Put heavy emphasis on initial, on-going and tailor-made training,
- During the training period labour inspectors are remunerated.

EU MS practices on training

Why initial training is a key process?

- Helps inspectors understand the principles and values of the job;
- Make sure that inspectors understand the law, and
- Understand how to impart prevention techniques,
- Helps inspectors understand the behavior and organization of work places they will inspect,
- Helps them recognize violations of regulations on labour relations, OSH and others,
- Provides inspectors with practical bureaucratic paper work necessary to document their work,
- Helps them understand how to impose sanctions or initiate legal proceedings.
**EU MS practices on training**

**Initial training procedures:**

**Poland:**

- **Stage 1:** 5 months theoretical training (Wroclaw training Center),
- **Stage 2:** 2 months practical training in a labour inspectorate,
- **Stage 3:** an internal examination, the successful candidates continue their training.
- **Stage 4:** 3 weeks of theoretical training,
- **Stage 5:** 5 month of practical training
- **Stage 6:** **The State examination** which gives candidates the right to practice.

**Spain:**

**Stage 1:** 9 months, preliminary training (opposition phase), made up of the selective training courses (480 teaching hours) delivered at “Labour Inspection School”; a second part: focused on using IT, the 3rd is a 5weeks practice stage,
- **Stage 2:** assessment of the trainees knowledge and skills;
  - A jury made of 14 members (at least 7 must be labour inspectors);
  - Candidates qualify by getting scores of 400 points (opposition phase 200 points, selective training 160 and oral exam 40 points).
EU MS practices on training

France:
Phase 1: 15 months of initial training (INTEFP, National LI Institute for Training)
Phase 2: examination before a jury, the successful candidates are appointed to labour inspector positions,
Phase 3: 3 months of specialization at the INTEFP.

Czech Republic:
256 hours of initial training ending with 10 inspection visits and a final exam.

United Kingdom: a complex process encompassing 2 years: the new recruits will join the regulator’s training program for new inspectors, accredited by: The National Examination Board for OSH (NEBOSH).
Focus of the training: legal knowledge necessary to inspect, investigate and enforce, technical training, practical issues as analyzing situations, judge legal compliance and corrective measures needed.
Final exams: successfully completing the Diploma is a precondition to employment with HSE.
“EU MS practices on applying deontological principles to prevent unethical behaviour and corruption”

- Deontological principles are part of the professional identity of labour inspectors, which are built around the principles and values derived from ILO Conventions nos. 81 and 129 on the rights and the obligations of labour inspectors.

- Labour inspectors’ power and ability to positively influence behaviour at the work places depend on their CREDIBILITY.
EU MS practices on applying deontological principles to prevent unethical behaviour and corruption

EU MS Common national approaches:

• Laws on public administration: clear procedures on hiring, promoting and replacement of civil servants;

• Strong anti-corruption legislation and specialized enforcement bodies (e.g. Romania: ANI, DNA and DGA.)

• Laws on the conflict of interest;

• Codes of ethical conduct.

“EU MS practices on applying deontological principles to prevent unethical behaviour and corruption”

• EU MS Institutional Approaches (labour inspection):

Ethical values and deontological principles are assessed during recruitment, introduced since the initial training and cultivated during the professional life:

• Impartiality
• Independence
• The power to make decisions
• The duty to inform
• Confidentiality of claims
• Professional secrecy
• Integrity
“EU MS practices on applying deontological principles to prevent unethical behaviour and corruption”

**Codes of conduct and ethics:**

- To promote modern ethical and professional standards of good practice;
- To serve as a foundation for credible and consistently professional behaviour;

“EU MS practices on applying deontological principles to prevent unethical behaviour and corruption”

**Other measures aimed at supporting consistent professional behaviour:**

- Continuous training and development,
- Standard work procedures,
- Disciplinary commission.