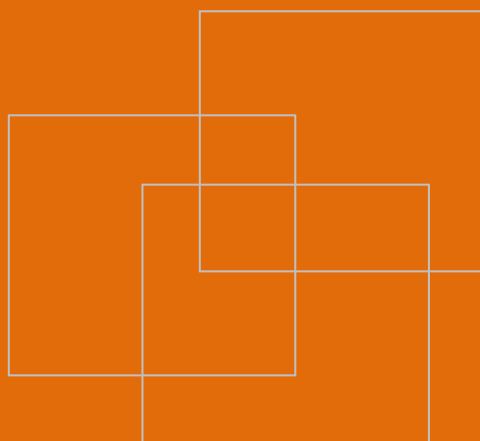




International
Labour
Organization

Labour Inspection in Arab States: Progress and Challenges

Working Paper



**International Labour Organization
Regional Office for the Arab States**

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First published 2014

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ILO Cataloguing in Publication Data

Labour Inspection in Arab States: Progress and Challenges / ILO Regional Office for Arab States = Beirut: ILO, 2014

ISBN 9789221292081 (web pdf)

ILO Regional Office for Arab States

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Foreword

Over the past decade, Arab states have made steady progress in improving their labour inspection systems in terms of regulations, human capacities, and use of technology. Yet, challenges remain in ensuring that comprehensive labour inspection systems are able to deal with changing economies, high levels of informality and deficiencies in labour rights.

Contrary to other regions, little information is available in the Arab states on labour administration and inspection systems. Hence, this working paper seeks to fill the knowledge gaps on this topic. The aim is to compile available information and provide a comparative overview of labour inspection systems in selected Arab countries, focusing on existing practices in Bahrain, Iraq, Jordan, Kuwait, Lebanon, Oman, occupied Palestinian territory (oPt), Qatar, Saudi Arabia, Syria, the United Arab Emirates (U.A.E.), and Yemen. The information contained in this working paper draws on country reports, desk reviews, online research and, where possible, interviews with key informants from labour inspectorates. It is intended as a reference compendium to be used towards improving labour administration and inspections across the region, while also generating new research on this topic.

This paper draws extensively on the guidebook *Labour Inspection, Gender Equality and Non-Discrimination in the Arab States*¹ and on preliminary information collected by Bilal Saab. Further research and writing was conducted by Emanuela Pozzan and Tina H. Oulie. Many people supported the realisation of this working paper. Special thanks go to Amin Al-Wreidat, Joaquim Pintado Nunes, Maria-Luz Vega, Siska Dubbert for their knowledge on the topic and to Ayla Ghaziri and Shezza Abboushi Dallal for collecting information; to David Cann, Myriam el-Kosseifi, Najiyah Menassa, and Reham Rached for assisting with editing work. Valuable support was also provided by ILO colleagues; Ali Dehaq, Aya Jaafar, Rasha El-Shurafa, and Tareq Abu Qaoud.

I would also like to express appreciation to officials from several ministries of labour: Rand Al Araj (Jordan), Abdelkarim Daraghme (oPt), and Ali Al-Nasiri, Nabil Al-Sohaybi and Tawfiq Damran (Yemen).

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¹ ILO, 2014a. *Labour Inspection, Gender Equality and Non-Discrimination in the Arab States: Guide Book*. Beirut. http://www.ilo.org/beirut/publications/WCMS_249296/lang--en/index.htm

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Introduction

In 1947, the International Labour Organization (ILO) adopted the Labour Inspection Convention (No. 81) and, in 1969, the Labour Inspection in Agriculture Convention (No. 129). These two Conventions, together with their associated Recommendations and other relevant international labour standards, have been of significant importance in the world of work as they set out a system of governance for labour administration and inspections. Effective labour administration systems are vital for good governance as they regulate labour matters, ensure the fulfilment of labour rights, and influence economic and social progress.

As an integral part of labour administration, labour inspections entail the promotion, supervision and enforcement of labour legislation and the principles of labour policy at the workplace. Labour inspections are designed to improve working and employment conditions, increase accountability of employers, ensure occupational safety and health, and boost competitiveness and productivity in the spirit of social equity. At the same time, labour administration and inspection systems can help stimulate economic growth by developing and implementing economic and social policies designed to produce higher employment rates, social cohesion and decent work for workers. Labour administration systems can also be instrumental in enforcing gender equality legislation and policy.

This working paper is based on information collected between 2010 and 2014. It relies on ILO labour inspection audits, occupational safety and health profiles, and comments on the application of International Labour Standards compiled by the ILO supervisory bodies. Where possible, the authors have consulted official government reports to the ILO related to the implementation of Convention No. 81. Additional information was collated from annual reports of the ministries of labour and other sources of public information, as well as interviews with officials. The extent of coverage, and depth of description, varies from one country to another depending on the material and data available. While attempting to address all fundamental principles and rights at work vis a vis the role that labour inspectors play, lack of information has limited a comprehensive overview. Hence, this compendium is not meant to be exhaustive but rather an attempt to compile current knowledge and available updated information. When appropriate, it incorporates elements from a recent ILO guidebook *Labour inspection, gender equality and non-discrimination in the Arab States* (2014).

After a short introduction on labour administration and inspection systems in the Arab region, the paper profiles twelve Arab countries. It highlights legislation pertaining to labour inspections, structure and the capacities of labour administrations and the recent progress in Bahrain, Iraq, Jordan, Kuwait, Lebanon, Oman, oPt, Qatar, Saudi Arabia, Syria, the U.A.E., and Yemen.² Finally, the working paper proposes a comparative analysis of recent trends, improvements and challenges, and a set of recommendations for the way forward.

² These countries are served by the ILO Regional Office for Arab States based in Beirut.

Brief overview of labour inspection systems in the Arab states

Globalized economies and societies require labour inspection systems that are flexible and adaptable to the changing dynamics of the world of work. Modern labour inspections no longer entail pure law enforcement and penalties; they rather prioritize prevention, protection and improvement of working conditions and environments. This change of focus requires a substantive transformation of traditional labour inspection systems in terms of labour inspectorates' mandates, means, skills and inspection methods.

Modern labour inspections ideally target all workers, including employees of small and medium sized establishments, self-employed, sub-contracted workers, and workers in the informal economy. Forms of home-based and domestic work, which constitute a large part of the global economy, pose challenges for traditional labour inspections to be conducted. Likewise, agricultural and Free Industrial Zone workers are rarely covered by labour laws and their workplaces are thus rarely inspected. In all the above-mentioned sectors, it is fairly common to find women in significant numbers.

To respond to these new dynamics, several countries have adopted innovative approaches and strategies, combining traditional labour inspection methods with new ones, in collaboration with other public bodies and social partners. This is in line with international labour standards regulating labour administration and inspection, which outline the following three key functions of the labour inspection systems:

- i. enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work;
- ii. provision of technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions; and
- iii. identification of defects or abuses not specifically covered by available legal provisions.

International labour standards regulating labour administration and inspection

- Labour Inspection Convention, 1947 (No. 81) and its Recommendation (No. 81)
- Labour Inspection (Agriculture) Convention, 1969 (No. 129) and its Recommendation (No.133)
- Labour Administration Convention, 1978 (No.150), and its Recommendation, 1978 (No.158)
- Protocol of 1995 to Convention (No. 81)

Almost all Arab countries presented in this working paper have ratified Convention No. 81, with the exception of Oman. Only Iraq, Jordan, and Lebanon have also ratified Convention No. 150; Syria is the sole country to ratify Convention No. 129, as illustrated in the table below.

Table 1: Overview of ratifications of Conventions 81, 129 and 150³

Arab country	Convention 81 Labour Inspection	Convention 129 Labour Insp. Agriculture	Convention 150 Labour Administration
Bahrain	11/06/1981	Not ratified	Not ratified
Iraq	13/01/1951	Not ratified	10/07/1980
Jordan	27/03/1969	Not ratified	10/07/2003
Kuwait	23/11/1964	Not ratified	Not ratified
Lebanon	26/07/1962	Not ratified	04/04/2005
Oman	Not ratified	Not ratified	Not ratified
oPt	n.a.	n.a.	n.a.
Qatar	18/08/1976	Not ratified	Not ratified
Saudi Arabia	15/06/1978	Not ratified	Not ratified
Syria	26/07/1960	18/04/1972	Not ratified
U.A.E.	27/05/1982	Not ratified	Not ratified
Yemen	29/05/1976	Not ratified	Not ratified

While there is room for more commitment towards international labour standards, it is important to highlight that a number of Arab states have started to engage in a modernization process of their labour administration and inspection systems. All countries have developed legislation related to labour inspections, taking into account characteristics of national economies – including, to a minor extent, the phenomenon of informal economy and labour migration, which are very prominent in the region. Yet areas related to social dialogue, human trafficking, child labour and gender equality remain poorly reflected in national legislation and therefore also in the role that labour inspectors can play vis a vis these fundamental principles and rights at work.

Levels of commitment to the modernization of labour inspection systems vary from country to country, reflecting different levels of development, political will, and availability of resources. Political instability and conflict remain an underlining characteristic of the region, and obstruct the development of strong institutions in a number of countries, particularly Iraq, oPt, Syria and Yemen at the time of writing this paper. Oil producing countries, notably countries of the Arabian Gulf, have intensified efforts to modernize their systems, largely benefitting from the introduction of information technology. A common feature of labour inspection systems in selected countries, however, is the limited attention paid towards issues of gender equality and non-discrimination. Labour inspectors lack the capacity to identify gender gaps, collect and analyse information on gender disparities, and take remedial action when necessary.

³ Adapted from ILO, 2014b. NORMLEX. Available at <http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:1:0::NO:::> accessed August 2014.

Modern labour inspections and gender equality

Labour inspections are vital in promoting gender equality in the world of work. Inspectors must be equipped with knowledge, attitudes and tools that help them recognize and address differing needs, expectations and experiences of working women and men, both in formal and informal economies. Modern labour inspection systems actively promote the recruitment of female labour inspectors as a step to addressing the needs of working women. They also provide the tools to all labour inspectors to understand the gender dimensions of how labour laws are applied.

ILO, 2014a. *Labour Inspection, Gender Equality and Non-Discrimination in the Arab States: Guide Book*, p.23.

In general, the Arab states covered in this paper recognize that the current human and material resources of their inspection systems are insufficient to carry out their functions effectively.⁴ They are also limited by the need to cope with pressing issues, such as the large-scale influx of migrant workers, refugees and displaced people, which have created new challenges for efficient labour inspections, the enforcement of labour standards, and the protection of these workers, - especially in times of crisis.

Over the last decade, several reforms have been promoted to strengthen the central authorities for labour inspection (e.g. Oman and Jordan⁵), to develop clear national labour inspection policies (e.g. Iraq), and to propose innovative wage protection and labour dispute management mechanisms through labour inspections (e.g. the U.A.E). However, coordinating different inspectorates and supervisory bodies, together with the transparent cooperation and consultation with social partners, remains a major challenge in most Arab states. More effort is needed to build an effective central authority for the labour inspection system in order to ensure coordination and cooperation within and outside the system. The establishment and implementation of policies is fundamental in ensuring compliance in a uniform and efficient way, that also takes into consideration the different needs of workers and employers.

In recent years, most Gulf Cooperation Council (GCC) countries⁶ have developed legislation to address working conditions during the hottest hours of the day. Restrictions during summer time are meant to protect workers, especially those in construction (often migrants), from occupational safety and health hazards. Employers who do not enforce the ban are subject to penalties and sanctions ranging from fines, restrictions on new work permits and, in some cases, shutdown of the establishment or even imprisonment. Under this regulation, labour inspectors in these countries are tasked with enforcing compliance.

⁴ ILO audits on national labour inspection systems and annual reports presented by member states for Conventions Nos. 81 and 129.

⁵ While labour inspection system reform in Oman focused on the central authority, the reform process in Jordan applied uniformly to the central authority and the 23 regional labour inspection departments spread throughout the country.

⁶ Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the U.A.E.

Table 2: GCC countries' legislation for working hours during summer 2014⁷

Country	Restriction period	Restriction daily hours	Legislation	Additional requirements
Bahrain	1 July 2014 - 31 Aug. 2014	12:00 - 16:00	Article 1 of Ministerial Resolution No. 3 of 2013	Information on summer time working hours clearly displayed; AC-buses provided for transportation.
Kuwait	1 June 2014 - 31 Aug. 2014	11.00 - 16.00	Ministerial Resolution No. 189/L of 20120 as amended by Ministerial Resolution No. 212/L of 2012	N/A
Oman	1 June 2014 - 31 Aug. 2014	12.30 - 15.30	Article 16/3-3 of Ministerial Resolution No. 286/2008 as amended by Ministerial Resolution No. 322/2011	Provision of cool drinking water; AC-buses for transportation.
Qatar	15 June 2014 - 15 Sept. 2014	11.30 - 15.00	Ministerial Resolution No. 16 of 2007	Information on summer time working hours clearly displayed.
Saudi Arabia	15 June 2014 - 15 Sept. 2014	12.00 - 15.00	Ministerial Resolution No. 3337 dated 14/05/2014	N/A
U.A.E.	15 June 2014 - 15 Sept. 2014	12.30 - 15.00	Announcement of the Ministry of Labour, 2014.	Information on summer time working hours clearly displayed; provision of shaded area for rest.

⁷ This table is adapted from DLA Piper, 2014. *Summer working hours in the GCC*. Available at <http://www.dlapiper.com/en/oman/insights/publications/2014/06/summer-working-hours-in-the-gcc/> accessed August 2014.

Country profiles

Bahrain

Labour inspection mandate, structure and organization

In 1976 Bahrain⁸ established the Labour Inspection Department, in charge of enforcing the Labour Law and related regulations. Hereunder, the Authority of Occupational Safety and Health Inspection is responsible for periodical inspections of establishments and for verifying the implementation of the provisions of the law⁹. The Authority checks on workers' health through medical laboratory testing and collect samples of potentially harmful substances used or handled in industrial operations. There is also a separate inspection system under the Labour Market Regulatory Authority, which is responsible for granting permits, documenting and inspecting the legal status of migrant workers.

Collaboration with social partners

The Bahraini Labour Law¹⁰ has ordered the creation of a Council of Occupational Safety and Health, which is presided over by tripartite partners, including the Minister of Labour, the Bahrain Chamber of Commerce and Industry, and the General Confederation Workers Trade Unions in Bahrain. This Council is tasked with following up the implementation of general occupational safety and health policies.

Staff and accessible expertise

Labour inspectors in Bahrain are civil servants appointed by the Minister of Labour. Article 173 of the Labour Law calls for the organization of “qualitative and specialized training sessions and programmes to improve the competence of the members of the Inspection Staff and the level of their performance and to provide them with the necessary technical experiences to guarantee the best occupational safety and health levels.”

Moreover, the Labour Law states that the Authority of Occupational Safety and Health Inspection should be “formed of a sufficient number of inspectors enjoying qualifications and suitable experience”¹¹, but does not specify the number or types of qualifications required for inspectors are.

Assets

For many years, the work of inspectors was limited by a lack of transport and information technology resources. Inspection visits were conducted only in response to major incidents. However, with the vision to attract Bahraini citizens to the labour market, a market which

⁸ The information is mainly based on Government of Bahrain, 2010a; the *Labour Inspection Report* submitted to the CEACR 1 September 2010; CEACR 2011 (Bahrain), available at http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2333940 accessed August 2014; and Government of Bahrain 2010b, *Decent Work Country Programme 2010 -2013*. Available at <http://www.ilo.org/public/english/bureau/program/dwcp/download/bahrain.pdf>.

⁹ Bahrain Labour Law in the Private Sector, No. 36, 2012 (Article 173). Available at http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_190715.pdf accessed August 2014.

¹⁰ Ibid (Article 175).

¹¹ Ibid (Article 173).

currently employs a large number of expats, the Bahraini government has recognized the need to improve the service of labour inspectors and increase the number of workplaces inspected.

Prerogatives of inspectors

Labour inspectors have the right to enter private workplaces, scrutinize the registers of workers, and request any data or documents necessary for the execution of the inspection.¹² The Authority of Occupational Safety and Health Inspection may peruse the results of the technical and administrative reports related to serious accidents at work and examine the emergency plan and hazards analysis of the inspected establishment.¹³

Advice and sanctions

In cases of breaches of the Labour Law, establishments may be held criminally liable, and a fixed scale determines the fines that may be imposed. Based on reports submitted by the Authority, the Minister in charge of the Commercial Register can also order a full or partial closure of an establishment, such as in the case of imminent threats to safety and health of workers, or where the establishment has failed to draft an emergency plan, until flaws have been rectified.

Inspection and visits

In the months of July and August, one of the most important regulations that labour inspectors enforce in Bahrain is compliance with the work ban between 12:00 and 16:00. This regulation was put in place as a response to numerous cases of ill health due to over-exposure to heat (see Table 2).

In April 2014, a ministerial decree was issued to intensify inspections of worksites, labour camps and companies to ensure that workers are not being exploited. The decree makes it compulsory for companies, mainly in the construction sector, to follow safety regulations for their employees, protecting them from hazards. It stipulates that workers shall be transported to and from the worksite in air-conditioned (AC) vehicles to protect them from heat stroke during summer and to help increase their productivity.¹⁴

It was reported in national newspapers that in July 2014 more than 6,000 establishments were inspected to ensure adherence to the work ban and 107 violations involving approximately 400 employees were recorded. Over 50 companies were penalized with fines ranging from BD 500 to BD 1,000 (approximately USD 2,000). The same fines are also applicable to employers of domestic workers.

Gulf daily news, 2014. *Bahrain steps up site inspections*.¹⁴

¹² Labour Law No. 36 of 2012 (Article 177, 178, 179).

¹³ Labour Law No. 36 of 2012 (Article 174).

¹⁴ Gulf daily news, 2014. *Bahrain steps up site inspections*. Available at <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=374489> accessed August 2014.

Bahrain is currently working towards addressing the challenge of unregulated workers with no valid working permit. They are not currently under the purview of labour inspectors and therefore, risk severe hazards working in unsafe buildings.¹⁵ In its 2013 observation on the application of Convention No. 81 in Bahrain, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) expressed the hope that labour inspectors would not be used to arrest, imprison or repatriate workers. Instead they should enforce the legal provisions on working conditions and the protection of workers (Articles 2 and 3(1) of the Convention). The Committee also asked the Government to specify how the labour inspectorate monitors the way in which employers fulfil their obligations, such as the payment of wages and other benefits to foreign workers (including those who are in an irregular situation), particularly when these workers are subject to a deportation or expulsion order.¹⁶

Reporting

Annual reports are drafted by the Authority of Occupational Safety and Health Inspection, and include a list of establishments subject to inspection, the number of workers therein, the inspection visits made, violations registered, sanctions imposed, and the work injuries and occupational diseases discovered.

Innovation and progress

The Bahraini government has set strategic goals that include improving tools for inspections, training of labour inspectors, enhancing quality of advisory services, and increasing cooperation with labour unions on matters of occupational safety and health. These efforts seem to have generated some initial results as the reputation of Bahrain has improved, which implies that working conditions have improved and that more attractive job opportunities are available for Bahraini nationals. Progress has been registered on the enforcement of child labour laws¹⁷ by labour inspectors in the industrial sector while child labour outside that sector is monitored less effectively, although it is not believed to be significant outside family-operated businesses.¹⁸ Moreover, a new law to combat human trafficking was enforced in January 2008. The Government set up a Human Trafficking Victims Assessment Commission under the jurisdiction of the Social Development Ministry. A new National Human Trafficking Authority is also to be set up under the Interior Ministry. It will produce programmes to combat human trafficking and cooperate with others involved in similar activities.¹⁹ It is expected that synergies with the labour inspections department will be created.

¹⁵ Ibid.

¹⁶ CEACR 2013 (Bahrain), available at http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3087945 accessed August 2014.

¹⁷ The minimum age for employment in Bahrain is 16 years.

¹⁸ US State Department: Bahrain Country Reports on Human Rights Practices – 2007 (2008).

¹⁹ Government of Bahrain 2010b, *Decent Work Country Programme 2010 -2013*.

Iraq

Labour inspection mandate, structure and organization

Iraq established its Labour Inspection Department in 1936, and was one of the first countries in the region to enforce its labour laws. During the past decade, however, Iraq suffered turmoil that has led to a weakening of its institutions, including its labour inspectorates. Information available to date confirms that the Labour Inspection Department is currently made up of three divisions that separately cover procedures, inspections, and statistics.

The labour inspectorate is charged with enforcing the labour code and the law on pensions and social security for workers, including all instructions and decisions issued pursuant to the provisions of these pieces of legislation. The inspectorate also verifies “the observance of the terms of individual contracts of employment and to conduct inspections of any matters involving labour relations or the protection of workers.”²⁰

Collaboration with social partners

The Iraqi labour code states that inspections shall be performed by a committee which includes a qualified inspector, a trade union representative, and a representative of the employer. In case of emergency, the authorized inspector is allowed to carry out an inspection as necessary, but the inspector must convene the worker and employer representatives as soon as possible to participate in the follow-up of the inspection activities.²¹

Staff and accessible expertise

According to Article 119 of the Labour Law, labour inspectors shall hold “at least a higher education degree” and shall have “successfully [completed] a training session organized for this purpose by the labour service”.

Assets

In line with the ILO Convention No. 81 (Articles 2, 10 and 16), the Government initiated a registry for industrial and commercial establishments which employ waged workers subject to inspection. The ILO has requested that a registry also includes information on geographic distribution, number of male and female workers employed in the establishment, and activities performed.²²

Prerogatives of inspectors

Articles 117 and 118 of the Iraqi Labour Law²³ extend powers to the inspection committee to enter the workplace without prior notice during the working hours and upon the prior approval of the Director-General of Labour, enter any enterprise or factory after working hours if there are good reasons for doing so. Internal security forces shall assist inspection committees when so requested. Inspectors can undertake any examinations deemed

²⁰ Iraq Labour code (Act No. 71 of 1987). Available at <http://www.ilo.org/dyn/travail/docs/749/Labour%20Code%20of%201987.pdf> accessed September 2014.

²¹ Ibid (Article 116-117).

²² CEACR, 2012 (Iraq). *Direct Request*, available at http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2698542:NO

²³ Iraq Labour code (Act No. 71 of 1987).

necessary to ensure the absence of infractions, take samples for the purpose of analysis, and record notes from registries, personnel, and so on.

Advice and sanctions

Labour inspectors are required to record infractions, issue oral and written warnings to workplaces violating the labour laws and compile reports that can be transmitted to courts. The report of an inspector is considered sufficient for the courts of law to initiate action. In case of imminent danger, inspectors can take emergency measures that include the total or partial stoppage of work or the evacuation of the workplace.

Inspection and visits

In 2010, the Labour Inspection Department was reinforced through the establishment of 18 new inspection boards, distributed in Baghdad's geographical sectors. Between two and five inspection boards have been assigned to each sector. A total of 38 inspection boards carry out daily inspection visits to monitor compliance with the labour law. Each labour inspection board is provided with a car. In 2010, the department had performed more than a 1,000 inspection visits.²⁴

Innovation and progress

Due to the current political unrest in Iraq, it is problematic to verify the present state of the labour administration system.

Jordan

Jordan stands out for the significant measures it has undertaken to improve labour inspection operations over the past decade including the development of a National Labour Inspection Strategy titled "Towards a better inspection for the country's progress" in 2012. The strategy lists eleven steps to improve the labour inspection system in Jordan. These include: 1) conducting a survey of all companies subject to inspection; 2) risk assessment; 3) determining repeated inspection; 4) standardization of inspection services; 5) self-inspection and self-reporting; 6) system inspection; 7) incentives for companies and inspectors; 8) expanding coverage; 9) planning and management of resources; 10) training of staff and beneficiaries; and 11) inspection reports.²⁵

Labour inspection mandate, structure and organization

The modernization process of Jordan's labour inspection system started with the creation of the Directorate of Labour Affairs and Inspection, which merged the departments of Labour Inspection, Occupational Safety and Health, Child Labour and Labour Relations - and included a Complaints and Hotlines section. The new Directorate is tasked to provide strategic and technical guidance to the 23 field offices whose authority remains

²⁴ Government of Iraq, *Labour inspection report* submitted to the ILO, 8 September 2010.

²⁵ Ministry of Labour of Jordan, 2012. *Labour Inspection Strategy - Towards a better inspection for the country's progress*.

decentralized.²⁶ In the Aqaba Special Economic Zone, a separate labour inspection system is operational and controls work permits for migrants to ensure their legal employment status.

Labour inspections are regulated under the Jordanian Labour Law of 1996, which applies to all workers and employers in Jordan, with the exception of civil servants and municipal employees.²⁷ As it concerns domestic workers, cooks, gardeners and similar categories, their occupations are regulated by Decree No. 90, which demands that two labour inspectors investigate households upon receipt of a complaint or information alluding to a breach of labour law, and make follow up inspections in the case of violations.²⁸ The Ministry of Labour has up to seven inspectors assigned to inspect domestic work; however, the use of such authority is restricted and subject to the household's consent. In practice, therefore, domestic workers are rarely visited and their employers are rarely fined.²⁹

According to the Labour Law and internal Labour Inspection Standard Operating Procedures, labour inspectors are, among other duties, required to:

- i. verify the implementation of legal provisions that are related to working conditions and protecting the workers during their work;
- ii. provide technical information and consultation to employers and workers regarding the abidance with the legal provisions; and
- iii. assure occupational safety and health at work.

In the field of social security, enforcement is undertaken by the staff of the Social Security Corporation, a statutory body with a legal personality that enjoys financial and administrative independence. It is administered by a board chaired by the Minister of Labour. The Ministry of Health also plays an enforcement role through its Directorate of Occupational Health, and various regional health directorates. The directorates have a good number of inspectors located all over the country who perform occupational health and safety inspections as part of their public health responsibilities. In 2013, the Ministry of Health published regulations related to workers' dormitories. There are current initiatives to create synergies with labour inspectors to enforce this regulation.³⁰

Collaboration with social partners

According to the Labour Law and internal Labour Inspection Standard Operating Procedures, labour inspectors in Jordan are specifically tasked with encouraging cooperation between employers and workers. In practice, though, social partners are not involved in the process of design and formulation of the national labour inspection policy or in its implementation.

²⁶ ILO, 2011a. *Labour Administration and Labour Inspection*. Proc. of International Labour Conference, 100th Session, International Labour Office, Geneva, p. 14 and 63.

²⁷ Agricultural workers were included in the law in 2007, but they are still practically excluded, as relevant regulations or bylaws have not yet been issued.

²⁸ Government of Jordan, 2009. Regulation No. 90 of Domestic Workers, Cooks, Gardeners, and Similar Categories. *Official Gazette* 1 Oct. 2009, 4989th ed.: 5348.

²⁹ Human Rights Watch, 2014. Migrant Domestic Workers in Jordan. Available at <http://www.hrw.org/news/2011/10/12/migrant-domestic-workers-jordan> accessed in August 2014.

³⁰ ILO, 2013b. *Jordan moves to prevent fire risks in factories and dormitories*. Available at http://www.ilo.org/beirut/media-centre/news/WCMS_217684/lang-en/index.htm accessed August 2014.

Jordan has a National Labour Committee functioning as a consultative council for labour issues, but the topic of labour inspection is not dealt with in this forum.³¹

Staff and accessible expertise

Labour inspectors are public servants, initially appointed for a one-year probation period and subject to annual performance reviews. If their performance is inadequate for two consecutive years, their employment can be terminated. Labour inspectors need to have participated in at least one training course and need to undergo six months of field training, following their recruitment, in order to obtain full authority as a labour inspector. Labour inspectors must be university graduates, holding a Bachelor Degree as a minimum. University degrees in various disciplines, such as law, economics, psychology, sociology, medicine and engineering are accepted.

As of August 2014, there are 149 labour inspectors - 36 female and 113 male.³² The ILO CEACR has welcomed increases in the ratio of female staff, along with the creation of an inspectors' training centre. Staff have been trained on various issues related to labour inspection, and improvements have been made to the labour inspection guide. Jordan's progress has been made possible through the support of a number of international actors, including the ILO through the Labour Administration and Inspection Programme and the ILO Better Work Jordan Programme.³³

Assets

The logistic support provided to labour inspectors in Jordan has greatly improved during the last few years and is considered to be one of the best in the region. In 2012, the Ministry of Labour noted in its labour inspection strategy that their labour inspection system "suffer[ed] from a lack of human and non-human resources" and that it was important to ensure effective use of existing resources and assess the need for additional support.³⁴ In 2014, there were 22 cars with drivers available for inspections throughout the country. An additional 18 buses and 10 pick-ups are also available during inspection campaigns. Inspectors were equipped with 85 computers and 15 laptops and, along with their supervisors, they are provided with a mobile phone and monthly credit for official use.

With the help of the ILO, a National Training Centre for labour inspectors has been set up where extensive training is delivered. Training is provided on occupational safety and health, international labour standards, human rights, and on principles of inspection. Recently, more effort has been put in to strengthen the capacity of labour inspectors to address issues related to refugees and informal economy in light of the large presence of Syrian refugees in the country.

³¹ ILO, 2013a. Labour Inspection Country Profile for Jordan. Available at http://www.ilo.org/labadmin/info/WCMS_159113/lang--en/index.htm accessed September 2014.

³² Discussion with Ms. Rand Al Araj, Assistant of Head of Inspection Department, consulted in August 2014.

³³ ILO, 2013a. Labour Inspection Country Profile for Jordan.

³⁴ Ministry of Labour of Jordan, 2012. *Labour Inspection Strategy - Towards a better inspection for the country's progress*.

Prerogatives of inspectors

Inspectors are ensured access to work premises during working hours, to labour-related registers, statements, or any other documents, and to samples of used and produced substances. Following a complaint, especially complaints of excessive overtime, inspectors are permitted in the Qualified Industrial Zones, even after working hours.

Advice and sanctions

Labour inspectors have judicial authority, which enables them to take legal actions against employers who have not rectified a reported violation within seven days. Inspectors may also issue fines, and the Minister may close down an establishment until an infraction has been remedied or until a court decision is taken in this respect. The Labour Law includes criminal sanctions up to a maximum sentence of three months imprisonment, and administrative sanctions such as blacklisting, removal from the Golden List, or turning down requests for the use of migrant workers.³⁵

In 2006, Jordan launched the “Golden List” aimed not only at improving compliance with the Labour Law within the apparel sector, but also at going beyond it in social compliance issues. Employers abiding with the code of ethics and conduct set by the Golden List are rewarded with benefits and facilitation.

ILO, 2013a. Labour Inspection Country Profile for Jordan.

Inspection and visits

Labour inspectors carry out several types of inspection visits: routine visits, follow-up visits and special visits in response to complaints or occupational accidents. Special visits may also be made to verify the eligibility of companies to join the Golden List and to verify an employer’s need for migrant workers. The results of inspection visits are documented in reports. The Ministry of Labour also conducts regular inspection campaigns, jointly with the Administration of Residence and Borders, which is part of the Public Security Directorate (police force), in order to detect illegally employed migrant workers and impose sanctions on their employers.

In addition, the Directorate of Labour Affairs and Inspection is charged with monitoring private employment agencies and verifying that foreign workers hold work permits. Labour inspectors check only the living conditions of migrant workers employed in the factories of the Qualified Industrial Zones which are part of the Golden List.

Reporting

With regard to reporting, the Ministry of Labour considers self-reporting to be an essential component of their strategy and employers and workers are requested to jointly take part in the process. Based on the reports submitted by companies selected for self-reporting, the labour inspectors assess the need for further inspection. Moreover, the actual inspection reports are regarded as the “main output”. The aim has been to develop new models of

³⁵ ILO, 2013a. Labour Inspection Country Profile for Jordan.

reporting for the different types of inspections and make these available electronically. The Directorate of Labour Inspection issues monthly reports based on reports compiled from inspectorates and field offices and it is also obliged to issue comprehensive annual reports covering all aspects included in Convention No. 81.³⁶

Innovation and progress

Jordanian initiatives applauded by ILO CEACR include strengthening legal measures against employers who violate the rules, publishing the relevant black-list, and rating enterprises according to their achievements in providing better working conditions and services to their workers on the Golden List.³⁷ In 2006, a free hotline serving migrant workers in multiple languages was installed. The hotline registered 892 complaints in 2013.³⁸

Kuwait

Mandate and functions and role of central authority

In recent years, the Government of Kuwait has established the Labour Inspection Management division under the Ministry of Social Affairs and Labour. The division is divided into two departments - the inspection unit and the supervision unit, which deals with salaries.

Assets

Most recently, Kuwaiti authorities have created a database, which includes information on employers to verify their compliance to the Labour Law with regard to working conditions and salary levels. This database is used as a tool by the Labour Inspection Management to resolve labour conflicts.³⁹

Prerogatives of inspectors

According to Article 134 of the Labour Law for the Private Sector,⁴⁰ labour inspectors have access to establishments during official working hours in order to inspect their records, and can request information related to workers. Inspectors are permitted to test and take any samples of materials for laboratory analysis.

Advice and sanctions

Labour inspectors are in a position to write violation tickets to employers. They may submit violation tickets to the competent court in order to impose penalties according to the law.

³⁶ Ibid.

³⁷ CEACR, 2011 (Jordan). *Observation*, available at http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2324700:NO

³⁸ Discussion with Ms. Rand Al Araj, Assistant of Head of Inspection Department, consulted August 2014.

³⁹ Government of Kuwait, 2010. *Labour Inspection report submitted to the ILO*.

⁴⁰ Kuwait Labour Law for private sector. Available at <http://www.kuwaitlaborlaw.com/private-sector-kuwait-labor-law-detailed/> accessed June 2014.

Inspection and visits

Kuwait has recently been working to improve the quality of its labour inspection visits with new and more effective methods for inspection and guidance, in the attempt to lift the level of labour inspection to international standards.⁴¹

Labour inspections have become more rigorous in relation to the ban on outdoor work between 11:00 and 16:00 from June to August to protect the country's street cleaners, gardeners and construction workers from the potentially fatal effects of working in direct sunlight during the hottest part of the day. Since 2010 a hotline for residents to report violations is operational.

The National World, 2011. *Kuwait criticized for failing to implement heat ban*, available at: <http://www.thenational.ae/news/world/middle-east/kuwait-criticised-for-failing-to-implement-heat-ban#ixzz3BPZWGtl5> accessed August 2014.

Reporting

Kuwait is developing a mechanism to register and communicate judicial decisions on contraventions reported by the labour inspectorate, in order to fine those responsible in accordance with the law. The aim is to include statistical data on judicial decisions in the annual labour inspection report.⁴²

Innovation and progress

A new system for paying salaries directly to bank accounts of workers, including domestic workers, is in progress. Nevertheless, there is still a large need to enhance the capacity of labour inspectors to verify compliance with occupational safety and health standards and to increase employers' knowledge of safety and risk mitigation measures in sectors carrying the highest safety and health risks, such as industrial accidents.⁴³

Lebanon

Labour inspection mandate, structure and organization

The Department of Labour Inspection, Prevention and Safety is the central authority of labour inspection in Lebanon.⁴⁴ It acts as a regional department in charge of labour inspection activities within the capital of Beirut while, for the eight Lebanese provinces, all labour inspection activities are decentralized. Labour inspection in Lebanon is mainly regulated by the Decree No. 3273 of 26 June 2000 on Labour Inspection. Inspections are considered a tool for supervising compliance with the Lebanese Labour Law and its

⁴¹ CEACR (Kuwait), 2012. *Direct Request*, available at http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2698607:NO accessed August 2014.

⁴² CEACR, 2012 (Kuwait), *Direct Request*.

⁴³ Ibid.

⁴⁴ Most information related to Lebanon is based on ILO, 2010c. *Labour Inspection Profile for oPt*, available at http://www.ilo.org/labadmin/info/lang--en/WCMS_150914/index.htm accessed September 2014 and on ILO, 2010d. *Lebanon Labour Inspection Audit*.

regulations regarding conditions of employment and protection of workers, including occupational safety and health and child labour. The labour code is applicable to all workers and employers except domestic workers, agricultural workers, public servants, and enterprises limited to family members.

Labour inspectors are also involved in settling collective labour disputes, the control of work permits for foreign workers, monitoring compliance with protection and safety measures in family enterprises, along with the work of private employment agencies. Labour inspectors examine hours of work, periods of rest, wages, safety, hygiene, health care, occupational diseases and accidents, emergencies and work, and the employment of young people.

Additional responsibilities of the Department of Labour Inspection, Prevention and Safety include:

- i. collecting labour market data related to labour inspections for submission to the division of statistics;
- ii. licensing the operation of machines in factories and institutions in Beirut, in accordance with regulations;
- iii. investigating occupational diseases and work related injuries; and
- iv. organizing awareness-raising programmes on labour issues and occupational safety and health in coordination and cooperation with relevant departments in the Ministry of Public Health.

Collaboration with social partners

Social partners in Lebanon are not involved with labour inspection activities.⁴⁵ Labour inspectors monitor the compliance of trade unions and professional associations with relevant laws and regulations.

Staff and accessible expertise

Labour inspectors are civil servants who acquire full authority upon recruitment. Generally, labour inspectors require a bachelor's degree in law or equivalent; health inspectors require a bachelor's degree in medicine; and safety inspectors require a bachelor's degree in engineering. At times, they undergo short training on civil servants' obligations and responsibilities, communication and on labour legislation. Most inspectors go directly to on-the-job training by accompanying senior inspectors during field visits. However, labour inspectors do not undergo any type of appraisal or evaluation of their activities or performance. Low salaries and lack of compensation for incurred expenses

In 2013, the Ministry of Labour appointed six social workers tasked with counseling migrant domestic workers and employers during disputes, as well as inspecting cases of conflict. Despite Ministerial Decree No. 7429, which ensures their mandate, progress on this initiative is considered slow.

ILO, 2013d. *Social workers to mediate between employers and migrant domestic workers in Lebanon*, available at http://www.ilo.org/beirut/media-centre/news/WCMS_220432/lang--en/index.htm accessed August 2014.

⁴⁵ ILO, 2010. Available at: http://www.ilo.org/labadmin/info/WCMS_150914/lang--en/index.htm accessed September 2014.

may demotivate and hinder inspectors from carrying out their work as necessary.

In general, labour inspectors are under-trained and lack the knowledge and practical experience needed to conduct high-quality inspections. The shortage in the number of labour and occupational safety and health inspectors is one of the underlying causes of the poor coverage of inspection services in Lebanon. As of September 2013, Lebanon had 61 male and 33 female labour inspectors.

Assets

There is no registry or database of existing enterprises or an organized documentation system. All information is recorded manually on paper, and labour inspectors have very limited telecommunication facilities or access to computers and the internet. They are not provided with any form of transport and the monthly allowance they receive barely covers three inspection visits. Additional transport expenses incurred are not reimbursed, despite being in breach of Article 11 of the Labour Law, which specifies the right to proper transportation. Moreover, labour inspectors' performance is hindered by an absence of systematized information on enterprises in the country, coupled with a lack of secretarial and logistic support.

Furthermore, the Ministry of Labour does not have any system for notifying, investigating or documenting occupational injuries and diseases. This task is partially carried out by the National Social Security Fund, which is legally obliged to keep records of occupational injuries and diseases of the insured, although this provision is not in force. Interestingly, the National Social Security Fund that carries out inspection services to verify social security contributions employs a good number of well-qualified inspectors. A proper collaboration and coordination between the Ministry of Labour and the National Social Security Fund could be a real asset in expanding, improving and integrating inspection services in Lebanon.

Prerogatives of inspectors

Labour inspectors are allowed to freely enter all enterprises under their supervision during hours of work without prior notice; they can carry out any search, tests or investigation; question the employer or workers at the enterprise and view records or other documents. The inspector can also take samples from materials and products for analysis. In all cases, labour inspectors are obliged to maintain confidentiality and to not visit enterprises where a potential conflict of interest may arise.

Advice and sanctions

Labour inspectors have a guiding role to play in providing employers and employees with technical information and advice on labour legislation and matters of hygiene and safety. In cases where violations are detected during an inspection, a warning letter is issued by the inspectors. Only the Minister of Labour is in a position to take more severe measures. If violations related to the illegal employment of foreign workers occur, the Labour Law authorizes inspectors to penalize employers without any notice. As for occupational safety and health violations, regardless of their seriousness, the law stipulates that a notice period shall be given prior to any penalty. Settlements are not accepted by the Ministry of Labour in

case of certain violations, such as hindering inspection activities or illegal employment of foreign workers.

Inspection and visits

There are two types of inspection visits - periodic inspections and urgent inspections which are mainly complaint-based. Each inspector in Lebanon is assigned a certain geographical area, which s/he is required to cover for a period of six months. Inspectors rotate randomly every six months and visits are carried out according to an annual labour inspection programme.⁴⁶

According to internal records of 2010, the Ministry of Labour had:

- ✓ inspected 12,721 enterprises, employing approximately 300,000 workers;
- ✓ conducted 2,000 routine inspection visits per year at national level; and
- ✓ issued warning letters to 75 per cent of the visited enterprises.

Coverage of inspected enterprises remained less than 2 per cent in the country and only 0.5 per cent of warnings resulted in penalizing employers or imposing fines. The enormous number of complaints registered in the Ministry of Labour exceeded its capacity to handle them.

ILO, 2010d. *Lebanon Labour Inspection Audit*.

Reporting

The Department of Labour Inspection, Prevention and Safety is responsible for compiling and documenting the inspection reports and data received from labour inspectors in the central and regional inspectorates.

occupied Palestinian territory

The longstanding Israeli occupation has contributed to the fragile labour market governance system of the oPt which continues to struggle to provide workers with decent working conditions - in part due to its weak legal and institutional framework.

Labour inspection mandate, structure and organization

As it concerns labour inspections,⁴⁷ the General Administration of Inspection and Labour Protection (GAILP) is composed of four main departments dealing with occupational safety and health, working conditions, awareness and guidance, and juvenile labour. There are also twelve inspection and labour protection departments and sections at the regional level, distributed in the labour offices all over the West Bank. The GAILP is mainly responsible for setting the national labour inspection and occupational safety and health plans and the

⁴⁶ ILO, 2010d. *Lebanon Labour Inspection Audit*.

⁴⁷ Information provided in this assessment applies only to the West Bank and most of it is based on ILO, 2011c. *Rapid Assessment of the Labour Inspection System in the Occupied Palestinian Territories*. Presented information was also revised by Abdelkarim Daraghme from the Palestinian Ministry of Labour in July 2014.

supervision of their implementation, collecting and documenting statistics on labour inspection activities and issuing relevant reports.

A series of articles in Palestinian Labour Law No. 7 (2000) governs the work of GAILP. Article 110 specifies the duties of labour inspectors, including monitoring compliance with the Labour Law, advising employers and workers with technical information and guidance in respect to the enforcement of its provisions, and providing reports on contraventions and shortfalls in the implementation of the Labour Law.

GAILP has in recent years expanded cooperation and coordination with other institutions, and built alliances with several ministries, including the Ministries of Social Issues, Health, Education and Justice, as well as with other international organizations and private sector groups.

Collaboration with social partners

Progress in the area of occupational safety and health is expected soon in light of the recent establishment of a National Occupational Safety and Health Committee. In 2011, a Ministerial decision was issued, appointing this committee to promote policy advice and coordination on occupational safety and health under the Tripartite Labour Relations Committee. The committee is chaired by the Minister of Labour and with memberships from related line ministries, workers' and employers' representative organizations, civil society organizations, and academia. Since 2011, the Committee's main objective has been to develop the national occupational safety and health profile for oPt that will form the basis for developing the national policy framework for occupational safety and health. A draft ministerial decree requiring the establishment of occupational safety and health committees and investment in competent staff at enterprise level is under consultation.

Staff and accessible expertise

Palestinian Labour Law No. 7 (2000) dictates that GAILP shall be composed of well-qualified inspectors who make an oath to conduct this work in accordance with high ethical principles. Since 2010, the ILO has been working with labour inspectors across the oPt to improve their capacities in identifying, reporting and addressing various issues, with special attention to occupational safety and health standards. These have generally been poor, especially in the construction sector. The current Labour Law does not require companies to employ specialized occupational safety and health staff, or to establish occupational safety and health committees at enterprise level.

Moreover, workers' pre-placement and periodic medical examinations, stipulated in the Labour Law, are not usually conducted. This is partially due to lack of inspections and absence of an effective enforcement strategy, but also to the lack of qualified physicians and specialists capable of conducting such examinations. In the oPt there are no occupational physicians or occupational health specialists, and possibly less than five occupational hygienists exist. As a result, a very small percentage of workers undergo relevant medical examinations.⁴⁸

⁴⁸ ILO, 2011c. *Rapid Assessment of the Labour Inspection System in the occupied Palestinian territory*, p.24.

Despite having recently increased the total number of labour inspectors to 56 (43 men and 13 women),⁴⁹ it is estimated that at least 250 inspectors are needed to ensure better protection of workers.

Assets

Little progress has been made in the use of technology. Currently, labour inspectors have access to computers and internet in the central GAILP but only partial access in the governorates. Labour inspectors use checklists, and information is then transferred to the electronic system developed as a personal initiative of some inspectors in the Ramallah Labour Inspectorate.⁵⁰ Some of the regional labour inspectorates keep simple electronic databases, only for the enterprises visited by inspectors under their purview, while other inspectorates keep such databases manually, using paper files.

Despite the circumstances, oPt has managed to improve the legal framework governing labour inspections over the past decade. This has increased the presence of labour inspection centres in different geographical areas and allowed for more attention to occupational safety and health issues. Nevertheless, understaffing, financial resources, and lack of technical expertise remain areas that will continue to require improvement. The ILO is currently supporting GAILP to better respond to issues related to occupational safety and health, inspection procedures, discrimination and child labour.

Prerogatives of inspectors

As stipulated by Article 111 of the Labour Law, labour inspectors are entitled to inspect workplaces without prior notice to the employer, to freely enquire about working conditions, access registers and documents and take samples of materials.

In 2013, 5,460 workplaces received verbal warnings, 344 received written warnings, 65 workplaces received financial penalties, 32 workplaces were permanently closed, two were temporarily closed, and ten machines were stopped.

Discussion with the Palestinian Ministry of Labour in July 2014.

Advice and sanctions

Inspectors report on violations and make written warnings, while offering advisory services. Since there are no specific penal sanctions under the Palestinian Labour Law, the majority of labour inspection visits (more than 90 per cent) result in advice and guidance or verbal warnings.

Inspection and visits

Between 2012 and 2013, GAILP has conducted inspection campaigns in the construction, services and industry sectors in cooperation with workers' and employers' representation. Yet, only 4.4 per cent of establishments subject to inspection were actually inspected in 2013. As indicated by GAILP, there was some improvement in inspection operations relating to the mapping of violations and their follow-up in 2013.⁵¹ In addition, a system of Public

⁴⁹ ILO, 2014a. *Labour Inspections, Gender Equality and Non-Discrimination in the Arab States*, Beirut, p.27.

⁵⁰ ILO, 2011c. *Rapid Assessment of the Labour Inspection System in the occupied Palestinian territory*, p.17.

⁵¹ ILO, 2014c. *The situation of workers of the occupied Arab territories*. Geneva, p.33.

Safety Committees, with a mandate of monitoring health, safety, and environmental protection standards in public places, as well as workplaces, exist in each of the governorates.⁵²

Reporting

Every year between 600 and 700 work injuries are recorded in oPt. In 2013, 20 fatal injuries were registered, the majority in the construction sector. It is estimated that only 28.2 per cent of workers among inspected enterprises in the West Bank have insurance for work-related injuries.⁵³

Innovation and progress

Progress has been noted in reference to the implementation of the minimum wage. While compliance with the minimum wage remains weak, labour inspectors are paying attention to female-dominated sectors, notably the care and textile sectors where wages are very low. Due to the limited scope of labour inspections, follow-up inspections on minimum wage compliance are largely based on individual complaints, and many women are hesitant about complaining for fear of losing their jobs. This is indeed an area of inspection that needs to be improved.

Recently, GAILP has started to look into issues related to gender equality. A small number of labour inspectors were trained in a regional workshop organized by the ILO in Jordan in 2013 on labour inspections, gender equality and non-discrimination in the workplace. It is hoped that this effort will soon be scaled up.

Oman

Labour inspection mandate, structure and organization

The Labour Division of the Ministry of Manpower in Oman embarked on the establishment of a Labour Inspection Department in 2007. Responsibilities of the divisions for Labour Inspection, Occupational Safety and Health, Labour Dispute Settlement, Labour Services, Trade Unions, and the Office of Joint Inspection were all placed under the authority of the centrally coordinated General Directorate of Labour Care. All different divisions now work together to enforce the Labour Law, and ensure adequate health and safety conditions for workers, and legal employment of foreigners in all workplaces.⁵⁴

http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_242965.pdf

⁵² ILO, 2011c. *Rapid Assessment of the Labour Inspection System in the Occupied Palestinian Territories*, p.26.

⁵³ Ma'an News Agency, 2014. *PA: over 700 workers hurt on job in 2013*, available at: <http://www.maannnews.net/eng/ViewDetails.aspx?ID=694289> accessed August 2014.

⁵⁴ ILO, 2011b. *Labour Inspection Country Profile: Oman*, available at http://www.ilo.org/labadmin/info/WCMS_150276/lang--en/index.htm accessed August 2014.

Duties of the Labour Inspection Department of Oman include:

- conducting field visits to private sector establishments to ensure their implementation of laws and ministerial decisions;
- studying applications of establishments that wish to acquire expatriate workers and preparing detailed reports about the establishment's status and needs for foreign staff;
- assessing applications for opening procurement offices for renewing licences for workers;
- validating reports about "run-away" expatriate workers; and
- authenticating expatriate workers' contracts and approving assignments.

Ministry of Manpower of Oman, 2014. *Inspection Department*, available at <http://www.manpower.gov.om/portal/En/InspectionDept.aspx> accessed August 2014.

Usually, labour inspectors do not deal with individual labour disputes, but for collective disputes inspectors might either handle them directly or refer them to the Department of Labour Dispute Settlement. Armed forces, public security organizations, the state administrative apparatus, and government units are not subject to labour inspection. Also, members involved in family businesses and domestic workers are excluded.⁵⁵

Efforts to improve coordination with other relevant departments have also been made. The Department of Labour Inspection works closely with the employment division and the Joint Inspection Office regarding illegal work of foreign workers and monitoring the implementation of the *Omanization* policy.⁵⁶ It also responds to requests from the Department of Labour Dispute Settlement and collaborates in part with the Ministry of Health and Public Authority for Social Insurance on issues related to occupational injuries. In general, recording and reporting on occupational injury or disease, remains limited. The Omani social security system maintains records of reported injuries, but this system covers only nationals and does not cover foreign workers.

Collaboration with social partners

The Department of Labour Inspection is gradually becoming more involved in issues related to workers' and employers' organizations, however this involvement remains at an early stage since representation of workers and employers in the country is only developing.

⁵⁵ Ibid.

⁵⁶ 'Omanization' is a policy enacted by the government of Oman in 1988 aimed at replacing expatriate workers with trained Omani personnel. The Sultanate of Oman sets quotas for various industries to reach in terms of the percentage of Omani to foreign workers. Companies which reach their government mandated goals are given a "green card", meaning they receive press attention and preferential treatment in their dealings with the government. Several Universities have been opened by the Sultanate to train Omani workers. http://www.moh.gov.om/en/nv_menu.php?o=hr/HRDPolicy.htm&SP=1 accessed August 2014.

Staff and accessible expertise

Inspectors are civil servants, and their hiring and evaluation are aligned with the civil service system. Inspectors holding university degrees are granted full inspection authority on an individual basis, while junior inspectors, who are intermediate college graduates, have partial inspection authority. The Ministry of Manpower has invested extensive efforts in training inspectors to build their legal, technological, and language skills.

As of 2013, the Labour Inspection Division employs 226 male and 22 female inspectors⁵⁷ charged with the duties of ensuring appropriate working conditions in compliance with Oman's Labour Law.

Prerogatives of inspectors

Inspectors with full authority hold the right to inspect all enterprises and workplaces, as well as view any documents or items that are considered relevant for inspectional purposes.⁵⁸ They can enter workplaces and audit books, records and documents, interview workers and employers and formulate relevant reports.

Advice and sanctions

Among the tasks mentioned above, the Department of Labour Inspection also raises awareness of employers and workers on their legal duties and rights, and advises them on how best to comply with the labour legislation.

When a violation is identified, inspectors first provide advice on compliance to employers. Then they issue verbal and, eventually, written warnings that may be repeated, but they rarely go beyond that. In case an inspector decides to sanction an employer who has not responded to warnings, the penalty is referred to the Public Prosecutor, who gives the violator more time to rectify the situation. It is rare that the Public Prosecutor lets such cases proceed to the court. However, penalties stipulated by the Omani Labour law may be financial, administrative or penal.

Inspection and visits

Inspectors perform different types of inspections according to quarterly plans prepared by the department.

Innovation and progress

Advocacy material on occupational safety and health has been developed and distributed to workers and employers to raise awareness of preventing work injuries and diseases. A Labour Relations Office has been established at Muscat International Airport to provide information to incoming foreign workers on their legal rights and duties, and operates 24 hours per day.

⁵⁷ ILO, 2014a. *Labour Inspection, Gender Equality and Non-discrimination in the Arab States* – Guide Book, Beirut, p.28.

⁵⁸ ILO, 2011b. *Labour Inspection Country Profile: Oman*. Available at http://www.ilo.org/labadmin/info/WCMS_150276/lang--en/index.htm accessed August 2014.

Qatar

Labour inspection mandate, structure and organization

The Ministry of Labour is the body of the Qatari government⁵⁹ charged with the responsibility of upholding the Labour Law and labour-related legislation. According to Article 136 of the Qatari Labour Law, a labour inspection administration department is responsible for the protection of workers and enforcing adequate measures to guarantee fair working conditions.

According to the Qatari government, the justice system and the labour inspectorate collaborate extensively in recording and handling violations of the law through an exchange of information, data and statistics. The Ministry of Labour has an office at the judicial courts to assist with the registration of court decisions and incorporate relevant statistics in their annual labour inspection reports.

Additionally, the inspectorate operates in close cooperation with the Occupational Safety and Health department to monitor statistics of industrial accidents and cases of occupational disease, although this collaboration has experienced shortcomings.⁶⁰

Staff and accessible expertise

As of 2013, the inspectorate comprised 150 inspectors, of which six were women, and 33 operated under the domain of Occupational Safety and Health.

Assets

As of 2010, all inspectors are provided with Personal Digital Assistants that are meant to enhance reporting techniques and equip them with electronic lists of standards and goals for workplaces - augmenting capacity, accuracy, and efficiency. Information recorded onto the Personal Digital Assistants contributes to a larger database that connects all inspectors to information on workplace conditions.⁶¹

Prerogatives of inspectors

According to section 7 of Ministerial Order No. 13 of 2005, prior inspection notice should not be given to an enterprise under any circumstance. The ILO supervisory bodies have, in line with Article 12 of Convention No. 81, requested an amendment to the regulation, so that inspectors can notify an enterprise of their visit in advance *on certain occasions* thus providing ample opportunity for the procuring of required documents. In order to further

⁵⁹ This section is mainly based on the labour inspection report submitted to ILO in 2010; CEACR, 2014a (Qatar). *Direct Request*, available at

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID,P11110_COUNT_RY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3148183,103429,Qatar,2013 accessed August 2014; CEACR, 2012 (Qatar). *Observation*, available at

http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:2698608,103429,Qatar,2011 accessed August 2014; CEACR, 2014b (Qatar). *Observation*, available at

http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3148179,103429,Qatar,2013 accessed August 2014.

⁶⁰ CEACR, 2014a (Qatar).

⁶¹ Government of Qatar, 2010, Labour Inspection report submitted to the ILO in 2010.

comply with Convention No. 81, ILO supervisory bodies have requested that confidentiality be maintained in instances of complaints from any employees involved.⁶²

Advice and sanctions

With regard to domestic and migrant workers, the Ministry of Labour has, on several occasions, reiterated the need to ensure that recruitment agencies ensure that working conditions are just and legal. In fact, inspections of agencies have led to the closure of several enterprises. However, discontent with the inspectorate's response to grievances regarding conditions of migrant workers (domestic or otherwise) has remained prevalent. Reports by organizations, such as Amnesty International, have documented the inadequate response of labour inspectors, attributable to insufficient resources and inefficient systems. Numerous cases of arduous and inhumane working conditions remain uninspected due either to mishandling or because the Labour Law does not cover certain professions.⁶³

Inspection and visits

As of 2013, the number of workplaces liable to inspection was estimated at 44,912. In 2012, the number of inspections recorded was 46,624.⁶⁴

In the wake of the decision to host the 2022 World Cup, the government issued a statement concerning a decision to augment the number of migrant labourers in construction. Simultaneously, a rise in accidents during working hours was reported. In early 2014, the number of trained labour inspectors was increased by 30 per cent. 11,500 spot checks were conducted in the first months of 2014.

World Cup 2020 workers standards revealed in Qatar

<http://www.constructionweekonline.com/article-26501-world-cup-2022-worker-standards-revealed-in-qatar/1/print/> accessed August 2014.

Reporting

In efforts to remedy grievances and shortcomings of the labour inspection system, ILO supervisory bodies have requested the Qatari Government to issue reports on developments regarding annual inspections, and penalties. Additionally, the Ministry of Labour has worked to develop its information technology to support the system.

Despite attempts at collaboration between the justice system and the labour inspectorate in recording and handling Labour Law violations, ILO CEACR noted that the annual labour inspection reports for 2012 and the first half of 2013 “did not contain information on the number of infringements reported to the judicial authorities nor information on the number of Labour Law violations and the legal provisions to which they relate”. The inspectorate's cooperation with the Occupational Safety and Health Department in monitoring relevant statistics has also experienced shortcomings in documenting accidents and diseases. The

⁶² CEACR, 2012 (Qatar).

⁶³ Amnesty International, 2014. *My sleep is my break' Exploitation of migrant domestic workers in Qatar*, London.

⁶⁴ CEACR, 2014b (Qatar).

same annual reports also show discrepancies in recorded and actual reports of incidents, suggesting a need for more consistent and accurately recorded inspectorate findings.⁶⁵

Saudi Arabia

Labour inspection mandate, structure and organization

The Assistant Under Secretariat of the Ministry of Labour in Saudi Arabia⁶⁶ is responsible for Inspection and Labour Relations, which is under the Deputy Minister for Labour Affairs. The Under Secretariat includes the Department of Labour Inspection and the Department of Occupational Safety and Health. The labour inspection system is composed of a central authority and a regional authority, represented by labour inspectorates in the 37 regional labour inspection offices, which are distributed over the 13 regions.

Labour inspection activities are regulated by the Labour Law issued by Royal Decree No. M/51 on 27th September 2005, and its bylaws, mainly the Executive Regulation for the Control and Regulation of Labour Inspection Activities (2006), which applies to all workers, with the exception of an employer's family members, domestic workers, sea workers, agricultural workers, non-Saudi short-term workers, and players and coaches of sports clubs and federations.

The functions of labour inspectors include monitoring, implementation of the Labour Law, and providing employers and workers with technical information and guidelines on compliance.⁶⁷

Collaboration with social partners

According to the Executive Regulation for the Control and Regulation of LI Activities (Article 9) of 2006, labour inspectors should assist workers and employers to improve their relations and productivity in order to create stable labour relations.

Staff and accessible expertise

Inspectors are recruited as public servants and usually undergo theory training for two weeks, which focuses mainly on the Labour Law, code of conduct of public servants, computer skills, and ILO conventions ratified by the country. This is followed by practical field training, usually for six months, under the supervision of senior colleagues. At the end of training, the trainee's performance is evaluated. If satisfactory, the inspector undertakes an oath and acquires the status of judicial police member.

⁶⁵ CEACR, 2014a (Qatar).

⁶⁶ Information on Saudi Arabia is based on the ILO labour inspection audits of 2011 and 2013.

⁶⁷ Since 2012, a five-year planning strategy seems to have been developed however the ILO could not verify this information.

According to recent ILO data, there are 176 active labour inspectors and 45 occupational safety and health inspectors in the Ministry of Labour, including central and regional levels.⁶⁸ Approximately 10 per cent of labour inspectors are female, while there are no female occupational safety and health inspectors. Female inspectors are assigned exclusively to visits women-dominated enterprises and workplaces. There are sufficient number of support staff; however, no interpretation service is currently provided.

In 2011, there was an estimated one labour inspector per 42,600 workers and one occupational safety and health inspector per 203,500 workers in Saudi Arabia. The ratio of sworn inspectors authorized to initiate legal procedures was only one labour inspector per 70,000 workers and only one occupational safety and health inspector per 388,000 workers.

ILO, 2011d. *Labour inspection audit for Saudi Arabia*, p.40.

No specific academic qualification is required for labour inspectors or for occupational safety and health inspectors. In general, the profession of labour inspector is not highly aspired to. Labour inspectors do not have a specific profile, and there are no explicit selection criteria for recruitment. There is no career development system and economic reward is minimal with no form of incentives or extra allowances for transportation and communication. Transportation is only partially provided and the lack of appropriate vehicle insurance puts labour inspectors in a position of liability in case of damage or accident. It is all the more alarming that labour inspectors are also exposed to health and safety hazards while performing inspections as they are not properly equipped and protected.⁶⁹

Assets

Overall, office activities are computerized at the central level but not in the field. The Ministry of Labour has a comprehensive electronic database of enterprises and computers are widely used in labour inspection activities. All labour inspectors have access to computers and internet, but the inspection activities are only partially computerized, as the information obtained during field visits is manually documented using checklists. Information is entered into the electronic system at a later stage.

Prerogatives of inspectors

Inspectors have access to any firm subject to the provisions of the Labour Law at any time, without prior notice. They can interview employers (or their representatives) and workers, review all books, records and other documents, take and examine samples of materials used or handled.

Advice and sanctions

Responsibility lies with the inspector to decide what action to take against the employer concerned. The sanctions stipulated in the Saudi Labour Law are mostly financial, ranging

⁶⁸ In 2012, the Ministry of Labour committed to recruit 1,000 new labour inspectors. The ILO was not able to verify if this information is correct.

⁶⁹ ILO, 2011d. *Saudi Arabia Labour Inspection Audit*, p.21.

from 500 to 30,000 Saudi Riyals (about 134 to 8,022 USD). These fines are doubled if the same violation is repeated within 90 days or if the employer fails to rectify it within the given time notice. Closure of establishments is rare and limited to protecting against occupational hazards and preventing major industrial accidents. In practice, most sanctions are administrative, and usually result in denial of new or renewed work permits for migrant workers.

Inspection and visits

Labour inspections are planned by the regional labour offices on a weekly basis. Inspectors are required to perform a certain number of visits, usually three per day, regardless of the size, number of employees or nature of work of the enterprises being inspected.

Labour inspection visits are classified as either comprehensive inspection visits, follow-up inspection visits, special visits in response to a complaint or accident, or occupational safety and health inspection visits. Most inspection visits target migrant workers, who comprise a large portion of the labour force in Saudi Arabia. In this case, the role of the labour inspector is mainly to verify their legal status and conditions of employment. The activities of labour inspectors do not undergo any form of appraisal or evaluation.

Reporting

Labour inspectors are tasked with reporting and recording violations. No specific information is available on this.

Syria

Since 2011, Syria has been undergoing a political crisis that has resulted in social unrest and degenerated into a civil war, coupled with deterioration of national institutions. Information presented in this section dates to 2010 and is mainly based on the ILO labour inspection profile of Syria and an ILO labour inspection audit conducted in 2009.⁷⁰ Only minimal updates are available at this point in time.

Labour inspection mandate, structure and organization

The Ministry of Social Affairs and Labour (MOSAL) is the main authority administering labour affairs and social matters, including labour inspection. MOSAL is comprised of a labour inspection system for industrial and commercial sectors under the Central Directorate of Labour; and a labour inspection system for agriculture that operates out of the Central Directorate of Agricultural Relations. The General Organization for Social Insurance (GOSI), also under MOSAL, is responsible for social insurance and occupational safety and health services, including inspection, in all workplaces in all sectors.⁷¹ Such responsibilities overlap with those of the Directorate of Agricultural Relations of MOSAL. The main structure of

⁷⁰ The information on Syria is in large part based on ILO, 2010b. *Labour Inspection Country Profile for Syria*, available at http://www.ilo.org/labadmin/info/WCMS_150918/lang--en/index.htm accessed August 2014 and ILO, 2009. *Labour Inspection Audit: Syria*.

⁷¹ The MOSAL labour inspectors became responsible for occupational safety and health inspections with the new Syrian Labour Law No. 17 of 2000.

MOSAL is decentralized and is represented in the 14 regional departments by a regional Directorate of Social Affairs, which has social, employment and inspection functions.

The Syrian Labour Law and Social Insurance Law apply to all workers, except domestic workers, employers' family members, and agricultural workers. The latter are covered by the Agricultural Relations Law, while domestic workers have only recently been regulated by a new law on domestic work, brought into force in May 2014.⁷²

Collaboration with social partners

Social partners are represented at a national level in various labour and employment committees but are less involved in labour inspection processes.⁷³ Nevertheless, all labour and occupational safety and health inspectors are instructed not to conduct any inspection visit unless accompanied by a representative of the General Federation of Syrian Trade Unions.⁷⁴ Moreover, the Syrian Labour Law, No. 17 (2010), has included provision for the establishment of a National Tripartite Committee on occupational safety and health.

Staff and accessible expertise

All inspectors are civil servants and as such, recruitment is regulated by the civil service system. Newly recruited labour inspectors are trained shortly by accompanying other colleague inspectors during inspection visits, sometimes followed by an assessment, based either on a verbal test or on the general impression of the direct supervisor. There is no system for monitoring and evaluating the performance of labour inspectors.

Whereas "labour inspectors" have bachelor degrees, so-called "labour controllers" have lower academic qualifications. Nevertheless, inspectors and controllers have exactly the same functions and responsibilities. All the social insurance inspectors have degrees in law, and the occupational safety and health inspectors in engineering or science. In 2009, the Labour Inspection in the Industry Department reported having a total of 63 inspectors (55 male and 8 female) while the Directorate of Agricultural Relations reported having 23 labour inspectors in total (17 male and 6 female).¹

Assets

In MOSAL, there is no database or any form of registry of existing enterprises in the private sector, except manual files of the already inspected enterprises kept in each regional labour inspection department. Inspectors operate with a limited number of computers and most labour inspections are conducted using public transportation; inspectors are provided with an allowance for transportation.⁷⁵

⁷² The Daily Star, 2014. New law to regulate domestic worker marker, 21 May 2014. Available at <http://dailystar.com.lb/News/Middle-East/2014/May-21/257210-new-law-to-regulate-domestic-worker-market.ashx#axzz3ApxC6wAx> accessed in August 2014.

⁷³ ILO, 2010b. *Labour Inspection Country Profile for Syria*, available at http://www.ilo.org/labadmin/info/WCMS_150918/lang--en/index.htm accessed August 2014.

⁷⁴ ILO, 2009. *Labour Inspection Audit: Syria*.

⁷⁵ ILO, 2009. *Labour inspection audit: Syria*.

Prerogatives of inspectors

As stated in Article 251 of the Syrian Labour Law, inspectors can access and inspect all workplaces during working hours without prior notice. They can access books and files, and request documents or any necessary information from employers or their representatives. They can interview workers and employers in the firm, separately or in the presence of witnesses, about any issue related to compliance with the applicable laws. They can take samples of substances used or handled for analysis, provided that the employer or the representative is informed of the samples taken. Finally, inspectors can recommend immediate action in case of imminent danger to the health and safety of workers.⁷⁶

Labour inspectors monitor enforcement of the Labour Law and the Agricultural Relations Law and, as such, they are considered judicial police officers, as per the code of penal procedures. Inspectors can take legal action against employers who violate the Law and can issue notices, warnings, and contravention reports. They can also recommend the shutdown of the licensed or unlicensed firm, and the seizure of the sponsorship/guarantee.

Agricultural labour inspectors monitor the implementation of the provisions of the Agricultural Relations Law, particularly matters of working hours, wages, medical care, leave, child labour, women's work and individual and collective work contracts. They also monitor technical measures and precautions concerning work with agricultural equipment and machinery, as well as the health conditions of farmers' and workers' dormitories, which are normally provided by the employers. Finally, they investigate serious occupational injuries and diseases and work on ensuring the protection of workers against work-related hazards.

Advice and sanctions

Labour inspectors also provide technical information and legal advice to employers and workers about how to comply with the law and strengthen cooperation and mutual relations. Upon each visit, inspectors submit detailed reports with comments and recommendations about appropriate follow-up measures.

In case of violation, inspectors issue verbal warnings and take the employer's signed commitment to remove the violation within an agreed period of time. If the employer does not implement requested measures, labour inspectors issue written warnings via the directorate of labour.

In 2009, fines related to the employment of minors in Syria did not exceed 500 SYP (11USD) and the maximum available was only 1,000 SYP (22USD), according to Decree No. 24 (2000). In cases of extreme violation, decisions to suspend production are to be taken by the Minister of Social Affairs and Labour. Sanctions under the Agricultural Relations Law No.56 (2004) range from fines of 500 SYP to 1,000 SYP, and sometimes they may be doubled, depending on the violation.

ILO, 2009. *Labour inspection audit: Syria*.

⁷⁶ Syria Labour Law No.17, 2010. Available at http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_145645.pdf accessed September 2014.

Inspection and visits

Inspection activities, both central and regional, are carried out according to plans approved by the Minister. Inspection visits by the central and regional occupational safety and health departments of GOSI are planned on a monthly basis, and the procedures followed by inspectors are the same as those in the labour inspection departments at MOSAL.

Almost all inspections are conducted in teams or committees of two or more inspectors, jointly with representatives from trade unions.

United Arab Emirates

Labour inspection mandate, structure and organization

The Inspection Affairs Sector in the U.A.E.⁷⁷ is under the Ministry of Labour which has four central organizational units: the Administration of Labour Inspection, the Administration of Occupational Safety Health, the Wages Protection Office and the Administration of Guidance. The Inspection Affairs Sector is based in the headquarters of the Ministry of Labour, in the Emirate of Dubai, and has a second office in the Emirate of Abu Dhabi. There are three regional labour administrations, which have specific sections of inspection. There are also five Labour Support Units run by labour inspectors and supervised by the Administration of Guidance, among the newly developed workers' residential cities.

Although the Labour law does not technically exclude Free Economic Zones, they are, in practice, fully excluded from labour inspection and each zone is subject to its own law. Furthermore, the U.A.E. Labour Law excludes from its scope of application domestic workers, workers in agriculture, public sector, and members of the Armed Forces, Police and Security.

Labour Support Units are charged with the following functions: raising workers' awareness on the Labour Law, their rights and duties through workshops, seminars and brochures; receiving workers' comments and complaints; and, referring workers to the relevant departments and authorities.

The tasks of the Administration of Labour Inspection include:

- conducting all types of inspection campaigns, in collaboration with other relevant government institutions, to ensure continuous monitoring of enterprises' compliance with the legal provisions;
- assessing the level of compliance with the Federal Labour Law, and its executive regulations;
- completing procedures related to violators and settlement of their records;
- investigating and following up on all cases referred by other administrations and concerned authorities;

⁷⁷ The information related to the U.A.E. is based mainly on ILO, 2010a. *Labour Inspection Country Profile for U.A.E.* available at http://www.ilo.org/labadmin/info/WCMS_150919/lang--en/index.htm accessed in August 2014 and ILO, 2010e. *Rapid assessment of the labour inspection system in the U.A.E.*

- ensuring the removal of violations and taking appropriate measures against violators; and
- preparing related statistics and plans and reporting to the Executive Director of Inspection Affairs on relevant issues.⁷⁸

The Administration of Occupational Safety and Health organizes periodic inspections of enterprises in all sites and sectors, to ensure compliance with the occupational safety and health legal provisions and monitor conditions and living standards in the workers' dormitories. It also conducts some awareness-raising initiatives.

The Wages Protection Office organizes periodic inspection visits to monitor payment of wages and is responsible for settling labour disputes related to wages.

The Administration of Guidance of the Ministry of Labour supervises the development of awareness-raising materials, and their dissemination. It conducts field visits for guiding workers and employers on labour policies and compliance with the law, and advises and educates workers, employers and residents through the media and awareness-raising workshops, in collaboration with other relevant departments and institutions.

Labour inspection procedures and practices are not standardized in the U.A.E.; they differ among Emirates and also among labour offices within the same Emirate. Coordination and collaboration among institutions seems to be limited despite the stipulation of several agreements with the Ministry of Interior, the Higher Commission for the Specialized Economic Zones, and the Health Authority of Abu Dhabi and Municipalities.

Collaboration with social partners

Workers and employers are not involved in labour inspection activities at any level.

Staff and accessible expertise

Inspectors must pass a special professional examination after completing a training period of at least three months. The Ministry of Labour organizes special training courses for labour inspectors on different topics. In practice, however, labour inspectors are poorly trained and often lack the technical skills required to conduct quality inspections. Inspectors are considerably underpaid compared to local government staff and there is no career development system, which results in a very high turnover rate among inspectors.

As of September 2013, the U.A.E. Inspection Department employed 266 male and 86 female inspectors⁷⁹, which is not considered sufficient to inspect the 16,985 workplaces registered in the country.

Depending on their level of education, seniority and years of service, labour inspectors are classified as “assistant labour inspectors”, “labour inspectors” or “labour inspector first”. The law does not stipulate any qualification or experience for the selection and recruitment of

⁷⁸ The U.A.E. Labour Law (Article 39), Federal Law No.8 (1980).

⁷⁹ ILO, 2014a. *Labour Inspections, Gender Equality and Non-Discrimination in the Arab States*, Beirut.

labour inspectors and there are no clear profiles for labour inspectors, or selection and recruitment criteria.

Assets

The Ministry of Labour has a comprehensive database of enterprises and workers in the private sector. This database is updated regularly and is available to all labour inspectors. All inspection offices are equipped with computers connected to the internet, but inspection activities are only partially computerized, as the information obtained during field visits is manually documented by inspectors using specific checklists. The data is entered into the electronic system once inspectors return to their offices.⁸⁰

Since 2009, all enterprises have been legally required to pay wages of both national and migrant workers through banks and other financial services providers. This system allows the Ministry of Labour to have a comprehensive wages database and an electronic wages payment monitoring mechanism for enterprises within the country. This system also allows the timely detection of delays in payment of salaries and enables it to subject non-complying companies to sanctions.

Inspectors travel to site visits using public transportation; this is facilitated by an agreement between the Ministry of Labour and the public transport company.⁸¹

Prerogatives of inspectors

Labour inspectors in U.A.E. have the authority to enter the premises of any firm without prior notice within working hours. They can undertake all necessary examinations to assess compliance with laws and regulations, interview employers and workers and take samples and copies of any relevant material.

Advice and sanctions

In case labour inspectors detect any violations of the Labour Law, a report documenting the offense must be submitted to the labour department, which in turn will take necessary action against the responsible party. The Labour Law on the regulation of labour relations provides for penalties imposed on employers, which can include a fine, the closure of an undertaking and the revocation of the right to recruit workers.

Inspection and visits

- ✓ periodic routine visits;
- ✓ follow-up inspection visits;
- ✓ work volume inspection visits (to verify actual need of workers for enterprises applying for hiring migrant workers);
- ✓ inspection of private recruitment agencies;
- ✓ wages protection inspection visits;
- ✓ occupational safety and health visits;

⁸⁰ ILO, 2010e. *Rapid assessment of the labour inspection system in the U.A.E.*, p.22.

⁸¹ Ibid.

- ✓ joint inspection campaigns (for detection of undocumented migrant workers, and for inspecting occupational safety and health standards in workers' dormitories);
- ✓ afternoon inspection visits (cf. prohibition of work between 12:30 and 15:00 during summer); and
- ✓ nationalization inspection visits (to verify actual need of migrant workers for enterprises employing more than 100 migrant workers).⁸²

Reporting

The Health Authority of Abu Dhabi has been working on the development of a fully computerized comprehensive system for reporting occupational injuries. Although the law requires employers to report any occupational diseases and work-related injuries to the Ministry of Labour on a quarterly basis, in practice the latter are under-reported, while occupational diseases are never reported.⁸³

Innovation and progress

The MOL has established a fully computerized hotline service, which receives complaints and enquiries from national and migrant workers in 13 languages. The toll-free hotline is operated 15 hours daily from Saturday to Thursday. The hotline received 527,521 calls in 2009.

ILO, 2010e. *Rapid assessment of the labour inspection system in the U.A.E.*, p.28.

In conclusion, it should be noted that the U.A.E. has made significant steps in modernizing the labour inspection system over the past few years. The Inspection Department has designed a 3-year strategic plan aimed at developing effective methods to measure faults in workplaces and creating effective motivation strategies, similar to the Golden List in Jordan. Attention is also being devoted to empower the guidance system and to enhance cooperation with international organizations. Finally, the plan aims at building an effective database to enhance labour inspections; using new methods as self-evaluation, smart inspection, the *e-Natwasal* and *Ratiby* service (see box), and salary protection.

⁸² ILO, 2010. *Rapid assessment of the labour inspection system in the U.A.E.*

⁸³ ILO, 2010e. *Rapid assessment of the labour inspection system in the U.A.E.* p. 30.

'e-Natwasal' is an online service portal, where workers can access their own employment details. In 2011, more than 571,000 workers holding labour cards reviewed their contracts via e-Natwasal service; 432,000 workers without labour cards also accessed their employment details through the portal. The online portal also allows workers to report complaints such as delayed salary payments via **'Ratiby'** (my salary) service. If salaries are delayed by more than 15 days, workers can post complaints.

Similarly, the portal allows employers to access special reports on labour card statistics, various facilities offered to enterprises, status of visas, bank guarantees, etc. The service also allows authorities to access transactions via Tasheel service, including requests for temporary work permits, renewal of commercial licences, etc.

Emirates 24/7, 2010. *One million people use e-Natwasal service*, available at <http://www.emirates247.com/news/emirates/one-million-people-use-e-natwasal-service-2010-12-12-1.328233> accessed August 2014.

Yemen

Labour inspection mandate, structure and organization

The responsibility of enforcing adherence to all labour related legislation within Yemen's labour force falls under the Ministry of Social Affairs and Labour (MOSAL),⁸⁴ namely under the mandate of the General Administration of Labour Inspection (GALI), and the General Administration of Occupational Safety and Health (GAOSH). GALI is decentralized with the presence of twenty labour inspection administrations within the labour offices in each governorate. Collaboration between the different departments is limited.

In terms of tasks, labour inspectors supervise the application of labour legislation and regulations applying to workers covered by the Labour Law, with the exception of agricultural workers (who form the majority of the workforce), domestic workers, temporary workers, employers' dependants and public servants. The Ministry of Interior is tasked with conducting inspections prior to the establishment of a new enterprise with the aim to ensure that basic occupational safety and health requirements are fulfilled.

There is a separate inspection system under the General Corporation for Social Insurance tasked with ensuring that enterprises comply with the Social Insurance Law.

⁸⁴ Information has been reviewed by Nabil Al-Sohaybi, Deputy Minister for Labour Force, Ali AL-Nasiri, Deputy Minister of Labour Relations, and Tawfiq Damran, Director General of Labour Inspection in June 2014. Information also largely builds on the ILO, 2010c. *Labour inspection profile: Yemen*, available at http://www.ilo.org/labadmin/info/WCMS_150921/lang--en/index.htm and CEACR, 2013 (Yemen), available at http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3081924:NO accessed August 2014.

Collaboration with social partners

Although the responsibilities of social partners are increasing, their engagement in labour issues remains very limited in general, as well as for labour inspection activities. The trade unions in Yemen are still in the early stages of their formative phase and need strengthened capacities to effectively represent their members. Among employers there is little collaboration, which is one of the main challenges that labour inspectors are facing.⁸⁵

Staff and accessible expertise

Recruited as civil servants, inspectors are not tested before appointment, but they remain under trial for a 6-month period. The newly recruited labour inspectors do not undergo any formal training, but they accompany their senior colleagues as trainee inspectors for practical training for variable periods of time. There is currently no system for monitoring and evaluating the performance of labour inspectors,⁸⁶ nor any specific code of conduct to abide by. In general, labour inspectors in Yemen are insufficiently trained and lack the knowledge and experience for the effective discharge of their functions.

As of 2013, the Yemeni inspectorate comprises 80 males and nine females, and workplaces are assigned to inspectors based on the predominant gender of the employees. The number of inspectors has significantly risen since 2012, when there were 41 male inspectors under GALI and 18 inspectors - of which seven were female - under GAOSH. Due to the shortage of female inspectors, sometimes other untrained female staff of MOSAL are delegated responsibilities to conduct inspection in such places.

Discussion with representatives of the MOSAL, June 2014 and ILO.

http://www.ilo.org/labadmin/info/WCMS_150921/lang--en/index.htm accessed August 2014.

The law does not require any qualification or training for labour inspectors, but in practice all labour inspectors in MOSAL are university graduates, either in law or public administration.

Assets

The functionality of the labour inspectors is limited by inadequate access to transportation, computers, Internet, and logistical support. All information is collected manually and work-related expenses incurred by inspectors are not reimbursed. Only inspectors under GAOSH have access to some equipment for the monitoring of physical pollutants in the workplace, such as noise, illumination, heat and moisture.

Prerogatives of inspectors

Inspectors are entitled to inspect workplaces during working hours, observe on-going operations, review documents, and collect samples to ensure compliance with labour

⁸⁵ ILO, 2010c. *Labour inspection profile: Yemen*.

⁸⁶ Ibid.

legislation.⁸⁷ The national Labour Code does not, however, include the power of labour inspectors to interrogate employers or workers.⁸⁸

Advice and sanctions

Inspectors may issue a written warning in case of violations, which may be followed by a final warning and penalty, if the employer does not rectify the situation. In this case, the employer is called to the social affairs and labour office in order to pay the fine. In case of severe violations, only a ministerial decision can determine suspension or closure of an establishment. Of the penalty payments collected, 30 per cent is deducted by each regional labour office, 10 per cent of which is paid to inspectors as an additional allowance.

Inspection and visits

Lack of planning is a major challenge. MOSAL does not have a comprehensive national labour inspection policy or strategy, only annual inspection plans that are prepared on a sectoral or geographical basis. At regional level, labour inspections are decided randomly on a daily basis without any supervision by the central authority.

In practice though, the high-risk sectors, mainly small and medium enterprises (which form the majority of existing enterprises in the country) are never visited by the labour inspectors.⁸⁹ Instead, labour inspectors are more active in conducting inspections in the oil and gas sector. Inspections are carried out in collaboration with representatives from the Ministry of Oil and Mineral Resources and the Passports Department.⁹⁰ Inspection missions can take up to two weeks, oil companies are notified prior to inspection visits and requested to make arrangements for accommodation and food, in view of the lack of these amenities on the ground.⁹¹

Reporting

As for mechanisms for reporting occupational injuries and diseases, MOSAL currently does not have a system in place for notifying, investigating or documenting cases. Nor does MOSAL have any form of registry of the enterprises operating in the country. Sometimes manual files for the inspected enterprises are kept in the regional inspectorates.

⁸⁷ Ibid.

⁸⁸ CEACR, 2013 (Yemen).

⁸⁹ ILO, 2010c.

⁹⁰ From CEACR, 2013 (Yemen).

⁹¹ ILO, 2010c.

Comparative analysis of labour inspection systems in Arab states

As previously highlighted, labour administration and inspection systems at present operate in a fast changing economic, social and political environment. New patterns of production, work organization, employment structures and relationships require effective labour administration and inspection systems. Labour migration, outsourcing, extended global supply chains and an increasing informal economy call for modernized inspection systems able to expand their scope and deal with new and increasing challenges in the world of work.

Following the country profiles covered in the previous section, a comparative analysis is suggested here below. The aim of this analysis is to highlight areas of progress and good practice and to reflect on the remaining challenges to be addressed. The analysis touches upon the following areas: 1) adherence to international labour standards and national legal systems related to labour inspections with information on scope of labour inspections; 2) new trends in labour administration and inspection institutions; 3) labour inspectors' profile and capacities; 4) types of visits; 5) attention to gender equality and non-discrimination; 6) institutional collaboration and interaction with social partners; and 7) awareness-raising programmes, sanctions and preventive measures. The writers recognize that this analysis is weak in covering all fundamental principles and rights at work, however this is reflection of the very poor information available in the region.

1. Labour inspection, international labour standards and national legal systems – scope of labour inspections

With the exception of Oman, all countries mentioned in this paper have ratified ILO Convention No. 81. Only Syria has ratified Convention No. 129, while Iraq, Jordan and Lebanon are signatories to Convention No. 150. Principles of Convention No. 81 have been translated into national labour laws which all establish the authority of a labour inspectorate under different authorities within the Ministry of Labour, or, in some countries, the Ministry of Social Affairs and Labour or Ministry of Manpower as in the case of Oman. In general, labour inspectors ensure compliance with the provisions of the Labour Law, particularly those related to employment terms, wages, and protection of workers during the conduct of their work.

Depending on organizational arrangements within the Ministry of Labour, some labour inspectors are specifically tasked to inspect matters related to the health and safety of workers; otherwise this task falls under the auspices of general labour inspectors. In all cases, labour inspectors have the right to enter workplaces (in some cases subject to prior authorization), interview workers and employers, review records, and collect samples of materials. In most countries, employers or their representatives shall be notified during an inspection visit, unless labour inspectors consider that such a notification may be prejudicial to the performance of their duties as provided for in Article 12(2) of Convention No. 81.

Recent improvements in laws and regulations related to labour inspections have been taken forward in the oPt where Labour Law No.7 (2000) has included more provisions for occupational safety and health and has resulted in the establishment of a National Occupational Safety and Health Committee tasked to enforce compliance on this issue. The new Syrian Labour Law, No.17 (2010), has included a provision for ensuring the stability of labour inspectors, expanding inspectors' mandate to include occupational safety and health, and for the establishment of a National Tripartite Committee on occupational safety and health.

What remains very sensitive in the region is the fact that the majority of current labour laws do not cover all workers. Entire categories of workers such as domestic and agricultural workers and, at times, workers in Free Industrial Zones are excluded. With the exception of Jordan and Iraq, domestic workers - the majority of whom are migrant women - are not subject to provisions of the Labour Law. Thus their working conditions are not inspected, leaving room for abuses. With regard to Free Industrial Zones, these are mainly present in Jordan and the U.A.E. In Jordan, significant progress has been made with the inspection of these Zones, while in the U.A.E., despite Free Industrial Zones being covered by the Labour Law, they are practically subject to a parallel monitoring system detached from the main labour inspectorate.

Limitation in the scope of inspection systems in these countries poses questions on the capacities of referral systems, which are currently very weak at reaching out to workers who are not protected. In this respect, while there is currently some consideration in the region being given to how to expand labour inspections to all categories of workers, only minor improvements have been noted. Jordan and Lebanon have started to address these issues in their labour inspection systems, and the GCC countries are also exploring solutions. Issues related to inspections to detect child labour and human trafficking are only partially taken into consideration due to the limited capacities of inspectors to reach out to informal establishments where the incidence of these phenomena is higher.

Table 3: Categories of workers excluded from the Labour Law

Country	Categories
Bahrain	Domestic workers, agricultural workers, enterprises limited to family members and the officials.
Iraq	No exclusion.
Jordan	Civil servants and municipal employees.
Kuwait	Workers cover under other laws and domestic workers.
Lebanon	Public and municipality employees, enterprises limited to family members, domestic workers and certain categories of agricultural workers.
Oman	Members of armed forces and public security, civil servants, members of family enterprises and domestic workers.
oPt	Civil servants and local administrations' employees, domestic workers and employer's family members.
Qatar	Government employees, members of the public security forces, persons

	who work in temporary jobs for periods of less than four weeks; family members of the employer, domestic workers, persons employed as domestic help in private homes such as drivers, governesses, cooks, gardeners and similar workers, and persons employed in small enterprises which use mechanical devices, and which usually employ less than six workers.
Saudi Arabia	Employers' family members, domestic workers, sea and agricultural workers, no foreign short-term workers, and players and coaches of sports clubs and federations.
Syria	Domestic workers and members of family of the landlords. ⁹²
U.A.E.	Domestic workers, workers in agriculture, workers of the public sector, members of the Armed Forces, and members of the police and security.
Yemen	Agricultural workers, domestic workers, temporary workers, and civil servants.

2. New trends in labour administration and inspection institutions

Despite major constraints related to level of development, political situation and economic performance, the region has recently witnessed national efforts towards the enhancement of labour administration and labour inspection systems. Leading this process of modernization are Jordan, Kuwait, Oman and U.A.E. These countries have made a commitment towards a reform of the system with some strategic planning, better human capacities and the use of technology. At a different level, also Bahrain, Qatar and Saudi Arabia have improved their scope of labour inspections and initiated a process of increasing internal capacities, revisions of their strategies and better provision of advisory services. As for countries where the economic and political situation remains very delicate such as Iraq, Lebanon, oPt, Syria and Yemen improvements seem to take longer. Among these countries, oPt has nevertheless made some efforts recently, especially in the field of occupational safety and health.

Most countries in the region have recently undergone processes of restructuring that, at times, have resulted in greater effectiveness of the system and, at other times, (e.g. Yemen), have not led to major improvements. Most countries have opted for a certain level of decentralization, such as Iraq, Jordan, Kuwait, Lebanon, oPt and Syria. Yet, there remains a need for a strong central system able to collect information and design appropriate policies and tools, particularly in Oman and the U.A.E.

New trends in approaching labour inspections in the region are mainly based on the introduction of new technologies for computerized processing of information. This is very much the case of Qatar, Kuwait, and the U.A.E and, to a certain extent, also Jordan and Bahrain, where services are provided to ensure that salary payments are processed electronically via banks, so as to avoid complaints in delayed payment of salaries.

⁹² Agricultural workers are covered by the Agricultural Relations Law.

In terms of human resources and assets, a number of countries have made important investments. Oman, Saudi Arabia and the U.A.E. have recently hired more labour inspectors and improved their recruitment and training processes. Bahrain and Jordan have reinforced the capacities of the labour inspection system in terms of transportation and communication as well as the quality of training offered to newly appointed inspectors.

In general, most countries presented in this paper have increased their awareness on issues related to labour migration. Even though labour inspectors in most of these countries are not mandated by the law to inspect some worker categories (e.g. domestic workers), it can be noted that there is an increasing understanding of the need to respond to this issue. Initiatives like the Golden List in Jordan have been welcomed, as they provide an opportunity to increase the monitoring of working and living conditions in the garment sector, which often employs female migrants from developing countries, mainly from Asia.

3. Labour inspectors profile and capacities

Status, recruitment and qualifications of labour inspectors vary from country to country. In Bahrain, Jordan, Oman, Saudi Arabia, Syria and Yemen labour inspectors are civil servants as stated in their laws and thus follow the recruitment processes and requirements established for the general civil service system. For the other countries this working paper could not verify their official status. Qualifications of labour inspectors also differ from country to country. In Jordan, for instance labour inspectors must have a university degree. In other countries the particular requirements depend on their functions, as in Saudi Arabia and Syria. It has been noted that in oPt and Yemen some specific qualifications (e.g. related to occupational safety and health) do not even exist.

Variations are also evident in the type and duration of training provided to labour inspectors. On the one hand, labour inspectors do not undergo any formal training; they accompany their senior colleagues as trainee inspectors for variable periods of time. This is the case in Lebanon, Saudi Arabia and Yemen. On the other hand, Jordan, Oman and the U.A.E. have invested efforts in training labour inspectors. Labour Law in the U.A.E. stipulates that labour inspectors shall pass a special professional examination after completing a period of training of at least three months, and that the Ministry of Labour shall organize special courses for training labour inspectors on different topics. Likewise, in Oman training has been prioritized by the Ministry of Manpower, which now provides a full training course on national labour law, computer and communication skills, knowledge of human trafficking, forced labour, trade union issues, occupational safety and health and public prosecution.

As for the performance evaluation systems of labour inspectors, it is still very weak in the region and, at times, left to the judgment or opinion of the direct supervisor or director. Only Jordan and Oman have put in place a system of performance evaluation for labour inspectors.

Underlying the limited capacities of labour inspectors to perform their work in most of these countries, including those that have made progress, is the lack of financial and asset resources available. The ILO estimates that all countries have a significant lack of labour inspectors compared to the number of registered workplaces, but particularly in oPt, Saudi

Arabia and the U.A.E. It is acknowledged that most countries have increased the number of labour inspectors and, in some cases, increasing number of women have been appointed. However, it can be concluded that the number of labour inspectors is not sufficient for the needs of these countries.

Table 4: Number of labour inspectors in Arab states

Country	Female	Male	Total
Jordan	36	113	149
Lebanon	33	61	94
Oman	22	204	226
oPt	13	43	56
Qatar	22	226	150
Saudi Arabia	159	17 (approximately)	176
Syria	8	55	63
U.A.E	86	266	352
Yemen	9	88	97

Furthermore, in the case of Lebanon and oPt, transportation is not provided and labour inspectors are not reimbursed for expenses incurred. Also computers, phones and database software are limited in numbers and effectiveness. Iraq, Kuwait, Saudi Arabia and the U.A.E. are among the countries with databases of enterprises and workplaces which can be consulted by labour inspectors. Manual entry of information is still performed in Lebanon, oPt, and Saudi Arabia.

4.Types of visits

Types of visits vary among selected countries, although the most common approach is reactive, implying that the majority of inspections are carried out in response to complaints or major incidents. This is very much the case in Bahrain and Lebanon, while in Jordan and Saudi Arabia a more comprehensive system has recently been developed, whereby visits are organized according to a system of routine visits, follow-up visits, and special visits initiated in response to complaints. Clearly, the number and quality of visits depend on the assets available to labour inspectorates, such as transportation, communication, numbers of staff and their qualifications. In a drive to lift the level of labour inspection n to international standards, Kuwait has recently been working to improve the quality of its labour inspection visits with new and more effective methods for inspection and guidance. The U.A.E. has a very sophisticated system for visits, ranging from routine visits to “nationalization” inspection visits.

It has been noted that in most GCC countries, inspection visits are often used to control visas and papers of foreign workers, thus expanding the role of labour inspectors to responsibilities beyond their area of competence. The ILO CEACR has repeatedly referred to its indications in paragraph 78 of the 2006 General Survey on Labour Inspection, which specifies that the primary duty of labour inspectors is to enforce the provisions on working conditions and the protection of workers and not to enforce immigration law. Also, the function of verifying the legality of employment should have as its corollary the

reinstatement of the statutory rights of all workers if it is to be compatible with the objective of labour inspection. The Committee emphasized that this objective can only be met if workers are convinced that the primary task of the inspectorate is to enforce the legal provisions relating to conditions of work and the protection of workers.

Planning, programming and reporting cycles are fundamental for an overall effective system of labour inspection. However, this area seems to be only weakly developed in most countries. From this review, it emerges that Oman, Syria, the U.A.E. and, to a certain extent, Jordan engage in medium to long-term planning, while most of the other countries do not seem to have specific planning and programming structures in place. Moreover, the majority of these countries display weakness in collecting and analysing the kind of data necessary for effective planning.

5. Attention to gender equality and non-discrimination

Information available⁹³ from the Arab countries selected for this paper clearly indicates that insufficient attention has been directed towards issues of gender equality and non-discrimination in the workplace. Despite the increasing presence of women in the labour force especially in the Gulf countries and the large presence of female foreign workers engaged mainly in the domestic, care and hospitality sectors, labour inspection systems remain weak in addressing female workers' issues. It seems that none of the countries concerned have developed either gender equality indicators for inspection or a system to measure and monitor the progress of agreed objectives.

With the exception of Jordan, where extensive training was offered to the department of labour inspections by the ILO, labour inspectors are not very familiar with issues related to discrimination, such as detecting cases of sexual harassment, denied maternity leave and termination of contract due to pregnancy. Labour inspectors do not inquire or report on issues related to gender wage gaps, or differences in social security benefits and family allowances. Part of this is due to the fact that labour laws in these countries do not elaborate on discrimination issues, leaving room for inspection to neglect this problem.

As previously noted, it is common in the region not to protect whole categories of workers such as domestic, agricultural, contributing family workers and employees in the Free Industrial Zones, the majority of whom are women. Only Jordan has made some progress on this front by regulating domestic work and assigning up to seven labour inspectors to inspect homes where domestic workers are employed, as well as putting in place a system of inspection in the Qualified Industrial Zones. Lebanon has also assigned some social workers under the inspection department to address issues related to domestic workers, although this is not totally operational yet. Yemen and Saudi Arabia have assigned some female labour inspectors to specifically report on workplaces where men cannot enter.

A note of concern relates to the poor capacities of occupational safety and health inspectors, whose training and qualifications may not always be relevant to the required tasks. For example, they may not be knowledgeable enough on issues related to maternal health or

⁹³ ILO, 2014a. *Labour Inspections, Gender Equality and Non-Discrimination in the Arab States*, Beirut.

the hazards faced by women in specific work sectors. Globally, the health hazards faced by female workers have been generally overlooked because occupational safety and health standards and exposure limits to hazardous substances are based on the male population.

Nevertheless, slight improvement has been witnessed in the recruitment of female labour inspectors in most countries. This is an important development, as labour inspectors not only act as enforcement agents, but can also raise awareness among women about their rights as workers. The policy to assign suitably trained female inspectors to deal with the special issues associated with female workers is an important improvement. Moreover, a greater presence of women in the labour inspectorate encourages the recruitment, training and promotion of female inspectors, and greater gender awareness within the inspection system.

6. Institutional collaboration and interaction with social partners

Collaboration with other departments within the Ministry of Labour or with other external institutions depends upon structural arrangements and the capacities of the inspectorates. In most cases, there is some level of collaboration with occupational safety and health inspectors and labour inspectors when these departments are separated. As with Jordan, there are instances of collaboration with the Ministry of Health. While a certain level of collaboration and cooperation is present in most of the reviewed countries. This is an area for further development and should be more actively pursued by all labour inspectorates.

Lebanon for instance, would benefit from greater synergies with the National Social Security Fund to facilitate expanding, improving and integrating inspection services in the country. Some countries have signed cooperation agreements with relevant institutions; however, results on this front are still limited. Such is the case in the U.A.E. where Memoranda of Understanding have been signed with the Ministry of Interior, Higher Commission for the Specialized Economic Zones, Health Authority of Abu Dhabi and Municipalities.

Collaboration between labour inspectorates and employers and workers' organizations is also included in the legal framework of some countries (e.g. Syria and Lebanon). However, in general this area of collaboration is very weak and reflects the long-standing deficit in social dialogue in the region with countries such as Saudi Arabia, Qatar and the U.A.E. still not allowing workers to unionize. Some improvements on this are evident in Bahrain where some collaboration between labour inspectorates and the federation representing workers has taken place.

7. Sanctions and preventive measures

Modern labour inspections have moved away from pure enforcement of immediate penalties and are now more focused on prioritizing prevention, protection and improvement of working conditions and environments. Indeed, an appropriate mix of preventive and enforcement measures should be adopted. To a certain extent, countries in this review have started to imbed in their labour inspection systems a combination of sanctions and awareness-raising initiatives. Most countries have sanctions for employers not implementing the law. Yet in the majority of the cases, sanctions are not very dissuasive, fines are modest

and labour inspectors are not mandated with significant power of action. Only in Jordan has this recently been more strictly regulated.

In general, countries presented here have partially integrated awareness-raising into their labour inspection systems. However, the level of coverage and intensity of awareness-raising programmes and campaigns is largely dependent on the level of development of the country, institutional capacities and leadership. In Jordan, oPt, and Yemen, awareness-raising on labour laws is mainly linked to external funding and is therefore carried out on an ad hoc basis. Nevertheless, successful efforts have been witnessed in Jordan. Extensive support has also been provided by the ILO programme *Better Work Jordan*, which helped conduct campaigns on wages, occupational safety and health, sexual harassment, and other related issues.

Awareness-raising is also part of the mandate of the labour inspectorates in Lebanon, Oman and Syria. In Lebanon, awareness-raising programmes on labour issues and occupational safety and health are often carried out in coordination and cooperation with the relevant departments in the Ministry of Public Health. In Syria, labour inspectors are tasked with raising awareness among employers and ensuring that workers are registered and contributions duly paid.

Of relevance are also the information campaigns in Oman and the U.A.E., where labour inspectorates are tasked to raise awareness among employers and workers about their legal rights and duties, and advise them on the best means of compliance with the labour legislation. Both countries have developed and disseminated materials, such as booklets and brochures, related to labour inspections, laws and policies. These initiatives aim to advise and educate workers, employers and residents through media and awareness-raising workshops, in collaboration with other relevant departments and institutions.

A number of countries have established hotlines to address inquiries and complains. Jordan, Lebanon, Oman, Saudi Arabia and the U.A.E. for example, provide this service. In some countries, such as Jordan, Oman and the U.A.E. the service is available in several languages to meet the needs of a multi-cultural labour force. In Oman a 24-hour Labour Relations Office has been established at Muscat International Airport, and provides information to incoming foreign workers on their legal rights and duties.

Information around the summer ban on working during hours of extreme heat in the Gulf countries has been made widely available and the websites of all ministries of labour in the region currently provide some basic information on their rules and regulations in relation to labour rights. Nevertheless, awareness-raising activities reflect the limited capacities of the labour inspectorates and limited scope of the labour laws in this region and are, therefore, limited in their outreach.

Conclusions

Throughout the world, labour administration and inspection systems have a specific role to play in enforcing labour laws and providing information to workers and employers about their rights and responsibilities. The ultimate goal of this work is to protect workers, enable and promote sound industrial relations (including mediation and dispute resolution), to promote decent employment and better workplace practices, ensure compliance with labour standards, and improve the functioning of the labour market.

Labour inspection systems, particularly those in developing countries, face numerous challenges that are common to labour administrations as a whole. Among these challenges the need to increase financial resources, to have more duly qualified inspectors, better equipment and training, and improved recruitment procedures stand out. The performance levels of the labour inspection systems across the Arab States vary greatly depending on multiple factors, such as available resources, the level of security, the political and economic situation, and so forth. As presented here, Jordan, Oman and the U.A.E., together with Kuwait, have recently initiated a path of modernization for their labour inspection systems, and this is starting to show results. Bahrain, Qatar and Saudi Arabia have more recently engaged on a similar process. As for the other countries - Iraq, Lebanon, oPt, Syria and Yemen - the performance levels of their labour inspection systems reflect issues of prolonged political instability, and lack of resources. During the past decade the ILO has engaged with some of these countries in strengthening the labour inspection system. Upon request, the ILO might be in a position to offer more advisory services and technical support.

Moving forward

Legislation

With the exception of Oman, most countries presented in this paper have ratified Convention No. 81. Generally, however, ratification of international labour standards in the Arab states remains low. It is recommended that countries with a large agricultural sector, such as Yemen, take into consideration the ratification of Convention No. 129 and, in general, most of these countries should also consider ratifying Convention No. 150 and align their national legislation with the provisions of these conventions. Overall, labour laws in this part of the world still exclude a large number of workers, especially those in agricultural and domestic work. Revising labour laws to make them more inclusive should be prioritized in all these countries.

Strong authority

Restructuring labour inspection systems has taken place in a number of the reviewed countries. Some countries have merged different entities and others have opted for a decentralized system. Overall, countries have embedded their labour administration systems within their Ministry of Labour, Ministry of Social Affairs and Labour, or Ministry of Manpower, with a clear distinction between labour inspections and occupational safety and health inspections. It is recommended that countries, for those that have not done so, consider establishing a strong labour and occupational safety and health administration. The administration should be independent in terms of finance and management, and should be provided with appropriate resources.

Where not established, a national labour inspection, as well as a national occupational safety and health strategy and policy, should be implemented in coordination with employer and worker organizations. Occupational safety and health departments should be provided with the equipment necessary for monitoring and evaluating the physical and chemical pollutants in the workplace.

A strong authority would also be in the position of developing effective labour dispute settlement and management mechanisms.

Human resources and capacities

An effective system of labour inspection at the national level, carried out by professionally trained, qualified and adequately resourced inspectors, who are independent of inappropriate external influences, benefits both employers and workers.

Despite significant improvement in this area, unless already in place, all countries are recommended to:

1. Increase recruitment of labour and occupational safety and health inspectors, both women and men.
2. Improve selection criteria in order to promote a recruitment process based on qualifications of the applicants.

3. Develop clear job descriptions for labour and occupational safety and health inspectors in order to clarify their duties and responsibilities and to limit them to labour inspection functions.
4. Improve the quality of training offered to labour inspectors upon recruitment. Labour inspectors should be knowledgeable of international labour standards, national labour legislation, and occupational safety and health principles. Training should equip labour inspectors with practical skills in communication, planning, time management, mediation and reconciliation. Training should also include an understanding of collective bargaining, gender equality, and issues related to discrimination in the workplace. Appropriate training kits should be developed, as well as comprehensive operational procedures for labour inspectors. On-the-job training, currently in place in a number of reviewed countries, should be more structured in order to provide the new inspector with strong skills and understanding of all labour inspectorate functions.
5. Offer periodical refresher training for labour inspectors to ensure that inspectors remain up-to-date with new technologies, industrial processes and changing economies.
6. Conduct training for labour inspection directors in order to strengthen their skills on management, international standards, and modern labour inspection procedures.
7. Consider investing in pools of trainers or in a training centre to ensure that labour inspectors and their managers are provided with sufficient capacities to carry out their functions.
8. Consider establishing a Human Resource Development unit tasked to encourage continuous inspection training, and develop policies that will facilitate monitoring and evaluating inspectors' performance.
9. Motivate labour inspectors through establishing career development systems and incentive systems based on performance evaluation. When good inspection practices are performed, build a system of recognition and reward to motivate labour inspectors and encourage them to improve their performance. A fair system of promotion and increasing salaries and allowances can help to retain existing inspectors and attract good candidates.
10. Consider enlarging the authority of labour inspectors in order to allow them to perform their jobs more effectively.
11. Ensure that transport is made available to all inspectors and that transportation costs are not borne by labour inspectors.
12. Provide labour inspectors with interpretation services to allow communication with foreign workers.
13. Enhance checklists and forms used by labour and occupational safety and health inspectors with the aim of making inspection visits more effective, and collecting more information about working conditions and degree of compliance with legislation.

Information and communication technology

In their efforts to adapt and modernize, labour administration and labour inspection systems should take advantage of progress in information and communication technologies to improve their internal working methods and expand the range and accessibility of services

for constituents while maintaining thorough inspections. A variety of online, mobile phone and networking technologies have the potential to increase efficiency and reduce costs, improve transparency, facilitate the collection and analysis of labour statistics, and assist with the dissemination of information about labour laws and policies.

Countries should aim to establish databases on enterprises and workplaces that are connected to a central system, allowing information to be made available to labour inspectors.

Technology could also facilitate annual reports on labour inspection, and occupational safety and health, as mandated by Convention No.81. A number of the countries profiled here have been very weak in providing this information. The ILO has made recurrent requests for countries to strengthen their reporting systems. Of relevance is also the need to establish an integrated documentation, investigation, and notification system for occupational injuries and diseases. More information should also be made available on services and activities performed by labour inspectors in Free Economic Zones, especially in the GCC countries.

Gender equality

Labour administration can contribute to the promotion of gender equality through a number of practical steps. It is recommended that countries develop gender equality indicators as part of the inspection process, and create systems for measuring and monitoring the progress of agreed-upon objectives.

Labour inspectors can also use their position, beyond their role as enforcement agents, to raise awareness about women's rights under labour law. The policy to assign suitably trained female inspectors to deal with issues associated with women in the workplace is positive. It can be useful to have a number of labour inspectors who specialize in sectoral labour protection issues, such as textiles and domestic services, for example. Moreover, the presence of women in the labour inspectorates helps to encourage the recruitment, training and promotion of women inspectors and foster a greater awareness of gender issues in the inspection system.

Labour inspectors can provide a crucial role in identifying gender gaps, and collecting and analyzing information on gender disparities. When it falls into their purview, inspectors should take remedial action, and provide the necessary information to various actors as part of their interventions. Such actions may help to promote gender equality and create more decent working opportunities for women.

Knowledge exchange and collaboration

Significant progress has been made in the region on improving labour inspection systems. Nevertheless, levels of commitment in this regard vary substantially from country to country. It would be beneficial for all countries included in this review to exchange information and share their knowledge about good practices, challenges and opportunities.

National consultations with employer and worker organizations should also be taken into consideration, as well as involvement with other key institutions. Upon request, the ILO might be able to offer advisory services and technical support. In general, it is recommended that greater cooperation and collaboration, both within the same authority and with external institutions, is fostered.

Appendix 1: Legislation covering labour inspection in the Arab States

Bahrain

- Decree N°73/2005, with respect to renaming and organising the Ministry of Social Affairs, *English Translation of the Official Gazette*, 2005-11-30, N°2715, pp. 1-2.
- Decree N°29/2005, with respect to the Re-Organisation of the Ministry of Social Affairs. *English Translation of the Official Gazette*, 2005-05-11, Issue. N°2686, pp. 29-30.
- Decree N°28/2005, with respect to the Re-Organisation of the Ministry of Labour. *English Translation of the Official Gazette*, 2005-05-11, Issue N°2686, pp. 28-29.
- Decree N°5/1995 of the Minister of Labour and Social Affairs to reorganize the Ministry of Labour and Social Affairs. *Al-Jarida Al-Rasmiya*, 1995-03-29, Vol. 48, N°2157, pp. 11-12.
- Order N°4/1994 of the Ministry of Labour and Social Affairs on occupational classification and description. *Al-Jarida Al-Rasmiyah*, 1994-01-26, Vol. 47, N°2096, pp. 5-6.
- Order N°8/1976 by the Minister for Labour and Social Affairs presenting the functions of the sections and units of the Ministry of Labour and Social Affairs. *Al-Jarida Al-Rasmiya*.
- Ministerial Order N°29/2013, organizing labour inspections in establishments and workplaces, and regulating inspections carried out at night and during non-official working hours. *Al-Jarida al-Rasmiya*, 2013-06-13, N°3108, P. 29 - P. 36, *Legislation on-line in Arabic, Eastlaws Database, Cairo, Egypt (consulted on 2014-02-25)*.
- Ministerial Order N°74/2007, with respect to inspection on entities subject to the provisions of the Law Regulating the Labour Market. *English Translation of the Official Gazette*, 2008-01-17, N°2826, pp. 25-30. *Al Jarida Al Rasmiyya*, 2008-01-17, No.2826, pp. 34-38.
- Resolution N°1 of 2008 with respect to operational regulations of the Board of Directors of the Labour Fund. *English Translation of the Official Gazette*, 2008-07-03, No. 2850, pp. 11-20.

ILO,NATLEX,http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=BHR&p_classification=07&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY,accessed August 2014.

Iraq

- Code N°8/2006, Ministry of Labour and Social Affairs. *Al Waqaai Allragia Gazette*, 2006-12-28,N°4030,*Printed Separately in English*, 6 pages.
- Instructions N°3/1989, Divisions and tasks of headquarters of Ministry of Labour and Social Affairs, *Alwaqai Aliraqiya*, 1989-02-06.
- Revolutionary Command Council Resolution N°551, *Alwaqai Aliraqiya*, 1987-08-17, No. 3163.
- Revolutionary Command Council Resolution N°243 promulgating Law No. 29 of 1987 on the Ministry of Labour and Social Affairs, *Alwaqai Aliraqiya*, 1987-05-04, p. 3148.
- Law N°19/1986 of the Ministry of Youth. *Alwaqai Aliraqiya*, 1986-02-24, N. 3086.
- Second Amendment to the Instructions N°1/1985, *Alwaqai Aliraqiya*, 1986-12-29, N°3130.
- Law N°76/1984, first amendment to the law of Ministry of Labour and Social Affairs, N°195/1978, *Alwaqai Aliraqiya*, 1984-09-03, N°3009.
- Regulation to amend the Regulation respecting labour inspection in industry and commerce, N°11/1958.N°43*Al-Waqayi'u al'Iraqiya*, 1968-09-12.

- Regulation N°1/1987 on the Central Statistical Organisation, *Alwaqai Aliraquiya*, 1987-01-26, N°3134.

ILO,NATLEX,http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=IRQ&p_classification=07&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY, accessed August 2014.

Jordan

- Labour Law, issued by the Royal decrees N.8/1996 and N. 35/2003.
- Regulation of Occupational Safety and Health for Establishments Governed by the Labour Law. Issued by Ministerial decision N °286/2008.
- Ministerial decision N°11/2008, concerning the approval of the “Guide to Labour Inspection”.
- The Civil Service statute, statute N°30/2007: Contains provisions with respect to the public service.
- The Regulation of Labour Inspectors, regulation N°56/1996: Elaborates on the structure, functions and duties of labour inspection.
- The Regulation of Organizing the Private Offices of bringing and Employing Non-Jordanian domestic workers, regulation N°3/2003: Regulates the licensing and the operation of private employment agencies.
- Regulation N°53/1996, to amend the regulations of the administrative organization of the Ministry of Labour. *Al-Jarida Al-Rasmiya*, 1996-10-16, No. 4159, p. 3470.
- N°38/1994, *Ministry of Labour Administration Regulations*, *Al-Jarida Al-Rasmiya*, 1994-09-17, N°3993, pp. 2133-213.
- N°53/1992, *Ministry of Labour Organization and Administration Regulations*, *Al-Jarida Al-Rasmiya*, 1992-12-01, No. 3866, pp. 2495-2496.
- Regulations N° 56/1996 concerning labour inspection, promulgated under article 7 of the Labour Code Act N° 8 /1996 and its amendments In particular 2010 . *Al-Jarida Al-Rasmiya*, 1996-10-31 N°4161, pp. 3663-3665, *Regulations On-line*, Ministry of Labour, Jordan (PDF).

ILO,NATLEX,http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=JOR&p_classification=07&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY , accessed August 2014.

Kuwait

- Order N°104/1995 of the Ministry of Social Affairs and Labour to amend certain provisions of Ministerial order N°41/1995 to restructure the High Consultative Commission for Labour Affairs.
- Ministerial Decree N°215/ 2006 on the Creation of a Committee to facilitate the work between the Ministry of Social Affairs and Labour, the General Authority for Industry and the General Authority for the Occupational Safety and Health Environment. *Statistical Compilation of Employment in the Private Sector 2006*, 2006, pp. 254-255.
- Ministerial Order N°110, to establish an inspection service dealing work permits in the manpower Protection Directorate and to define its powers and duties. *Al-Kuweit al-Yaum*, 1979-09-02.
- Ministerial Order concerning the formation of a commission for referring violations of the Labour Law N°38/1964 concerning labour in the national sector and the implementing of ministerial orders, to the competent authorities. *Business Laws of Kuwait*, pp. 4.9/89-90.
- Ministerial Order N°46, respecting the powers and duties of the officials appointed by the Ministry of Public Health to supervise compliance with labour laws, orders and regulations relating to occupational health. *Al-Kuweit al-Yaum*, 1980-02-12.
- Decree N°75/26, respecting the powers and duties of officials responsible for enforcing labour legislation.

Al-Kuwait Al Yaum, 1975, No. 1062.

ILO, NATLEX, http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=KWT&p_classification=07&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY accessed August 2014.

Lebanon

- Lebanese Labour Law of 1946 and its amendments in particular 1962.
- Decree N°3273/26 June 2000 on labour inspection.
- Decree N°112/ 12 June 1959 regarding status of public officials.
- Order N°161/1 of 18 February 1999 concerning the re-evaluation of transport indemnities.
- Decree N° 128/2 of 17 of February 2001 relating to the elaboration of inspection programmes.
- Decree N° 8986 of 29 of September 2012 and its amendment relative to the article N°2 of the decree N° 9931 of 27 of July 1962 fixing the application conditions of the dispositions of the articles 77 to 82 of the Labour Code. *Argus de la législation libanaise*, 2012, Vol. 58, N° 4, p. 9.
- Decree N° 3273 on labour inspection. *None official English translation*, 2000, 3 p.

ILO, NATLEX, http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=LBN&p_classification=07&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY accessed August 2014.

Oman

- Labour Law, issued by the Royal decree N° 35/2003.
- Regulation of Occupational Safety and Health for Establishments Governed by the Labour Law. Issued by Ministerial decision 2 N° 86/2008.
- Ministerial decision N° 11/2008, concerning the approval of the "Guide to Labour Inspection".
- Sultani Decree N° 76/2004 on Determining the Terms of Reference of the Ministry of Manpower and the Adoption of Organizational Structure. *Al Jaridah Al Rasmiyah*, 2004-07-17, N° 771, pp. 8-10.
- Royal Decree N° 29/2001 promulgating the Statistical Law. Decree on-line in English, *Ministry of National Economy, Oman (PDF)*

ILO, NATLEX, http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=OMN&p_classification=07&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY accessed August 2014.

oPt

- N° 7/2000, "Palestinian Labour Law": Regulates Labour issues in the OPT.
- N°21/1960, "Labour law" : Applicable in the West Bank.
- N°16/1964, " Labour Law": Applicable in the Gaza Strip.

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