

Labour administration and inspection key to good global governance

The importance of strong and effective labour administration and labour inspection systems in the context of economic and social development is recognised in the Constitution of the ILO, the Declaration of Philadelphia and the ILO Declaration on Social Justice for a Fair Globalization. The same principles have been further developed by numerous ILO Conventions, Recommendations and other instruments. ILO Online spoke with Giuseppe Casale, Director of the ILO's Labour Administration and Inspection Programme (LAB/ADMIN).

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The Global Jobs Pact adopted by the International Labour Conference (ILC) in 2009 in response to the global economic crisis, highlights labour administration and inspection as importance areas in responding to the crisis and in promoting economic and social development. This is why the Governing Body of the International Labour Office (ILO) decided at its June 2010 session to have a general discussion on labour administration and labour inspection during the 100th session of the ILC.

What is labour administration?

Giuseppe Casale: For the ILO, *labour administration* is defined as public administration activities in the field of national labour policy. A *labour administration system* covers “all public administration bodies responsible for and/or engaged in labour administration – whether they are ministerial departments or public agencies.

Basically, labour administration helps to make Decent Work a reality. It is a major source of information for governments, employers and workers. It is also an active intermediary in the prevention and settlement of labour disputes as well as an informed observer of the societal trends by virtue of its special links with the social partners. In many countries, labour administration is responsible for an increasing part of public expenditures, particularly in the areas of social security and job creation. It also ensures, through labour inspection, that there is fairness and a “level playing field” for workers and employers.

What are the relevant ILO standards related to labour administration?

Giuseppe Casale: The key ILO standards on labour administration are ILO Convention No. 150 and its accompanying Recommendation of 1978. These standards provide the basic international legal framework for the proper functioning of any labour administration system. In addition, there are several other relevant instruments such as the Labour Inspection Convention, the Labour Inspection (Agriculture) Convention, the Labour Statistics Convention, and the Tripartite Consultation Convention.

What is labour inspection?

Giuseppe Casale: For the ILO, the role of labour inspection is to secure the enforcement of a country's labour laws dealing with such matters as conditions of work and the protection of workers' health and safety. Labour inspection is one of the core functions of any system of labour administration. It has always been central to the ILO's mandate, ever since the organization was founded in 1919.

The range of topics that labour inspectors cover may vary from one country to the next, but generally includes the promotion of occupational safety and health; the protection of wages and social security entitlements; the promotion of fundamental labour rights such as freedom of association and non-discrimination; as well as the proper functioning of industrial relations and social dialogue. In carrying out their work, labour inspectors have a direct impact on a country's socio-economic development by reconciling workers' protection and safety with productivity and competitiveness.

What are the relevant standards in labour inspection?

Giuseppe Casale: As I already mentioned, international standards in this area include the Labour Inspection Convention No. 81, and its Recommendation as well as the Labour Inspection (Agriculture) Convention No. 129 and its Recommendation. Other Conventions have provisions dealing with labour inspection such as the Convention on Occupational Safety and Health and the Working Environment, 1981 (No. 155), the Convention on the Promotional Framework for Occupational Safety and Health, 2006 (No. 187) and the Convention on the Inspection of Seafarers' Working and Living Conditions 1996 (No. 178).

More particularly, ILO Convention 81 defines the three main functions of labour inspectors: to secure the enforcement of the law; to advise employers and workers; and to provide information to the competent authorities. It also sets out their powers, such as the power to enter the workplaces, to carry out inquiries, to ask questions, to examine documents and take samples; or to make orders with a view to remedying defects and to decide whether it is appropriate to give a warning and provide advice, or to launch or recommend legal action. In return, inspectors are required to respect certain obligations: they cannot have any direct or indirect interest in the enterprises under their supervision and they must not reveal trade secrets of the enterprises they inspect nor the source of any complaint.

What have been the challenges experienced by labour administration and inspection?

Giuseppe Casale: The main challenges for labour administration include the sometimes limited policy-making capacity of labour ministries. This is often due to a lack of human and financial resources, limited access to reliable sex-disaggregated data or inadequate information technology. National labour inspection systems also may lack a central authority, which tends to result in a less efficient mechanism for ensuring labour law compliance. Added to this, the growth of private labour inspection initiatives threatens the public role of the ministries and labour inspectorates. Other challenges for labour inspectors include weak administration, new forms of employment, undeclared work and new technologies and work processes.

Did the recent economic and social crisis have an impact on labour administration and inspection services?

Giuseppe Casale: The deteriorating economic conditions caused by the crisis led many countries to adopt rescue measures. This increased the role and profile of labour administrations as key crisis response institutions, especially in dealing with layoffs, unemployment benefits and job creation programmes. On this last point, public employment services (PES) are an example of how one of the earliest and most traditional features of labour administration has had to adapt and reorganize its functions to a changing labour environment. However, the activities of labour administration and inspection systems have not been immune from the current trend towards fiscal consolidation and the adoption of austerity measures.

As a result, labour ministries, including public employment services and labour inspectorates, have been increasingly subjected to spending cuts, creating an additional challenge for already burdened labour administration systems.

What measures has the ILO taken to strengthen these services?

Giuseppe Casale: The 2008 ILO Declaration on Social Justice for a Fair Globalization recognized the need to "strengthen the ILO's capacity to assist its Members' efforts to reach the ILO's objectives in the context of globalization" and identified labour administration and inspection, through tripartism and social dialogue, as areas of critical importance for achieving this goal.

My department (LAB/ADMIN), which was created in April 2009, reflects the ILO's continued commitment to building capacity of labour administration systems to implement the ILO Decent Work Agenda through the elaboration and implementation of labour policies. We also work to strengthen labour inspection systems so that they may become modern and effective tools for good governance. This means establishing and strengthening the legal and institutional framework of labour administration and labour inspectorates. It also means ensuring an effective coordination of the various administrations and agencies dealing with social matters and policies.

Importantly, this is done through the consultation and participation of workers and employers. LAB/ADMIN leads the ILO's work on technical support and advisory services in labour administration and inspection,

mobilizing expertise from across the Office and working through networks covering different technical sectors and regions to enhance assistance to constituents.