

Labour Inspection Structure and Organization

Name of institution that manager work issues

The Ministry of Social Affairs and Labour (MOSAL) is responsible for the poverty reduction, social protection and all issues concerning labour and employment.

Department(s) responsible for Labour Inspection

The MOSAL consists of 4 general administrations, two of which have responsibilities over labour inspection: the General Administration of Labour Inspection (GALI), and the General Administration of Occupational Safety and Health (GAOSH).

The Civil Defence Authority under the Ministry of Interior also conducts preliminary inspections at the stage of licensing the new enterprises to ensure that the safety and health requirements are fulfilled, routine periodic inspections, and inspection upon the employers' request for guidance, and advocacy on safety and health matters or for certification, as required by a third party.

The General Corporation for Social Insurance (GCSI) has a separate inspection system to ensure that the enterprises to which the Social Insurance Law applies comply with it and contribute to the social security fund.

Laws that cover organization and function

Labour Law 5/1995 and its amendments cover the private sector.

Civil Service Law, 19/ 1991 regulates employment in the public sector.

Civil Law 14/2002.

Trade Unions Law 35/2002.

Law 43/2005 for Wages and Salaries.

Insurance and Wages Law 25/1991.

Social Security Law 26/1991.

Rights of the Child Law 45/2002.

Law of Chambers of Commerce and Industry No29/2003.

Current reforms

The MOSAL has been restructured four times since 1990. These changes have had negative repercussions on the performances and capabilities of the Ministry. There is currently an ILO inter-regional technical cooperation project "Enhancing Labour Inspection Effectiveness" to strengthen the labour inspection services.

Scope of Labour Inspection

Labour inspectors supervise the application of labour legislation and regulations, of contracts and agreements, and of all instruments issued by the Ministry. Agricultural workers (who form the majority of the workforce), domestic workers, temporary workers, employers' dependants and the public servants are excluded from the application of the labour law.

Local Divisions

The GALI has twenty labour inspection administrations within the labour offices in the governorates of the country.

Programming and communication

There is no national labour inspection policy or strategy. Labour inspection plans are prepared every year on a sectoral or geographical basis. The plans determine the sector or the area to be inspected each month of the year, but they do not specify the enterprises to be inspected. The activities of the labour inspectors at the regional level are not planned, but decided randomly on daily basis without any supervision by the central authority. Each of the departments of MOSAL works without any form of institutional relations among other departments.

There is no cooperation or coordination between the MOSAL and the GCSI concerning inspection.

Human Resources and career development

Permanency of inspectors

Labour inspectors are recruited as civil servants. There is currently no system for monitoring and evaluating the performance of labour inspectors.

Selection process, background required and training

The labour inspectors must be of Yemeni nationality, medically fit and qualified for the vacancy applied for. Labour inspectors, as the rest of civil servants, are not tested before appointment, but they remain under probation for a period of 6 months. 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. Their performance is evaluated by the judgment or opinion of the direct supervisor or director. There is no clear system for such an evaluation.

Background required

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

Visits and functions

Types of visits

Inspectors may enter any workplace at any time during working hours, observe ongoing operations, examine documents, take samples to ensure that no violation of the provisions of labour legislations, is being committed. The high-risk sectors, mainly the SMEs, which form about 88 per cent of the existing enterprises in the country are not visited by the labour inspectors.

The male labour inspectors do not usually inspect the workplaces where the employees are predominantly women, and such places are inspected by female inspectors. However, due to the shortage of female inspectors, sometimes other female staffs of MOSAL are delegated inspection responsibilities to conduct required inspection in such places.

Most of the available labour inspection resources and activities are directed to the oil and gas sector, where there are higher levels of compliance but is targeted because of its importance to the national economy and the large number of foreign workers it employs in comparison with the other sectors. These inspections have special procedures and activities are carried out in teams from representatives of different Ministries. The activities of these teams take the form of missions, each of which extends to one to two weeks during which oil companies in a region or an oil field are targeted. Those companies provide the transportation, lodging and meals for the whole team for the duration of the mission.

Role of preventive measures

Among the OSH functions of the MOSAL, is to provide employers with advocacy and guidance concerning OSH matters, organize OSH training courses and awareness raising programs.

Programming

Each inspector is required to submit to the director his daily plan prior to departing the office on inspection visits. The plan specifies the geographical sector that will be inspected without a need to specify any enterprise.

Registries and reporting of accidents /diseases at work

MOSAL does not 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.

Among the functions of the MOSAL is to collection and analysis of data related to OSH; work injuries and occupational diseases and identifying means of their prevention, but currently is does not have any system for notifying, investigating and documenting occupational injuries, which are underreported and the occupational diseases, which are not reported at all.

Sanctions and administrative processes

In case of violations, the labour inspectors may issue a written warning, which may be followed by final warning and penalty, if the employer does not respond to the inspector's instructions in rectifying the situation and removing the violations. In this case, the employer is called to the social affairs and labour office in order to pay the fine. If the employer does not willingly arrive, the officer may write to the judicial police requesting a summons of the employer.

Labour and OSH inspectors, in relation to closing down or suspending operations in instances of serious violations, are limited to requesting a ministerial decision for temporary suspension of any machine considered as a source of hazards for a period not exceeding one week. The minister should refer the matter to the Arbitration Committee if suspension needs to be extended. The employer may appeal against such a decision.

Thirty per cent of the penalties collected by the employers is deducted by each regional labour office, 10 per cent of which is paid to the inspectors as an additional allowance. Social dialogue and labour inspection

The responsibilities of workers and employers' organizations are increasing, but their actual involvement in labour issues is still very limited. They lack the knowledge and experience to strongly represent their members, especially the workers' organization who are still in the early stages of their formative phase.

Social dialogue and labour inspection

The involvement of the workers and employers' organizations in the labour inspection activities is very limited. The lack of cooperation between the employers is one of the main difficulties and challenges faced by the labour inspectors.

ILO Conventions ratified

Yemen ratified Convention No. 81 in 1976 but has not ratified Convention No. 129.