

Labour Inspection Country Profile: Luxembourg

Labour Inspection Structure and Organization

Name of institution that manages work issues

[The Ministry of Labour and Employment](#) is the main authority responsible for labour and employment affairs.

Department(s) responsible for Labour Inspection

The Inspectorate of Labour and Mines (ITM) is part of the Ministry of Labour and Employment and is responsible for enforcing legislation relating to working conditions and occupational safety and health. The ITM is divided into the following areas: general administration (including legal issues and organization, personnel and training, budget and information technology), working conditions, health and safety (including the issuance of operating permits), and cooperation with customs (<http://www.itm.lu/itm>).

Law that covers organization and functional composition

Act of 21 December 2007 on the reform of the Inspectorate of Labour and Mines

Scope of labour inspection

Labour inspectors are responsible for ensuring the implementation of legal, regulatory and administrative provisions relating to working conditions and the protection of employees in the exercise of their profession, such as provisions relating to hours of work, wages, safety, health and welfare, the employment of children and young people, equality of treatment between men and women, protection against sexual harassment and other related issues.

They also oversee the implementation of collective bargaining agreements. Inspectors provide information and advice to employers and workers concerning the most effective ways to comply with the law and they bring to the attention of the Government the gaps or deficiencies not specifically covered existing legislation, regulations or administrative provisions. Inspectors are also called upon to monitor the marketing and use of certain industrial equipment such as lifts, boilers, pressure vessels and gas appliances.

Local divisions

There are three regional inspection offices based in Diekirch, Luxembourg City and Esch-sur-Alzette.

Programming and communication

The ITM works closely with a number of other government departments and agencies with an interest in health and safety in the workplace, including the Association of Insurance Against Accidents, the Ministry of Health, the Ministry of Public Service and Administrative Reform, the Standing Committee and any approved organizations designated by the Minister of Labour and Employment to conduct inspections and investigations in their area of expertise including pressure vessels, lifts, noise and industrial hygiene.

Human Resources and career development

Permanency of inspectors

Labour inspectors are civil servants with protection against dismissal.

Background required

Labour inspectors need to have a university degree. Newly hired labour inspectors receive training on various subjects including: general information on the structure and organization of the ITM, responsibilities and powers of inspectors, legal training (administrative law, criminal law and occupational safety and health), psychosocial training and specialised training (transport, construction, hazardous installations and substances). Inspectors also receive practical training.

Inspectors are given the opportunity to attend seminars on soft skills required to perform their inspection duties such as effective communication skills. They also participate in technical courses organized by labour inspectorates in other EU member states, mainly in Germany and France.

Visits and functions

Types of visits

Labour inspectors perform planned visits as well as visits that arise from complaints submitted to the Office or due to accidents. Visits are not previously announced to the employer.

Role of preventive measures

From time to time, the ITM organizes short inspection campaigns in different sectors in order to promote compliance with legal provisions and provide information on health and safety standards prevailing in the industry as well as the problems that may arise in practice. Recent campaigns have addressed the construction sector, hazardous materials, inventory and management of risks in enterprises, tobacco strategies in enterprises and the prevention of stress at work.

The Inspectorate also develops brochures that deal with general working conditions. An online service is also available at the national level to provide advice and assistance to employees and employers and answer any questions that may arise regarding national legislation.

Planning of labour inspection visits

A system to evaluate companies according to the degree of risk present in a particular workplace and the number of workers is currently under development to help inspectors select workplaces to include in their annual planning.

Registries and reporting of accidents/diseases at work

Any accident occurring at the workplace must be notified to the ITM. Fatalities and accidents likely to incapacitate a worker for more than 13 weeks must be reported immediately. All other accidents are to be reported within seven days.

Sanctions and administrative processes

When labour law violations are detected, inspectors make verbal recommendations. In cases where it appears that the employer is not willing to comply, these recommendations are confirmed in writing.

Social dialogue and labour inspection

There is a Standing Committee in place since 2003 with a tripartite structure, which comprises representatives from the Minister of Labour and Employment, representatives of employers and workers, unions and the ITM. Its function is to advise the Minister of Labour and Employment on labour issues in general, but it also monitors the status and trends in labour law enforcement. Meetings are held on a monthly basis.

ILO Conventions ratified

Luxemburg ratified Convention No. 81 in 1958 and Convention No. 129 in 2008.