

LABOUR INSPECTION



► What is labour inspection?

Public function of labour administration that ensures **application of labour legislation at workplaces**, through **preventive, educational and enforcement measures**

► Labour inspection primary duties

1. To **secure enforcement of legal provisions on work conditions** (working time, wages, safety and health etc.)
2. To **provide technical information and advice to employers and workers** on the most effective ways to comply with legal provisions

3. To **notify the competent authority of defects or abuses** not covered by legislation

Other duties cannot compromise the discharge of these primary duties or prejudice the authority and impartiality of labour inspectors

► Sectors of activity covered



► Organisation and staffing

1. Under the supervision and control of a central authority
2. With sufficient no. of labour inspectors, considering:
 - importance of duties (e.g., no. and size of enterprises, no. of workers, no. and complexity of legal provisions)
 - means available
 - practical conditions of inspection visits
3. Inspection visits should be as frequent and thorough as needed to ensure compliance

4. Labour inspection is to be notified of work-related accidents and occupational diseases
5. Employers' and workers' representatives should be notified of inspector's presence, unless that prejudices the inspection visit
6. Qualified technical experts and specialists should be involved in inspection work
7. Labour inspection should cooperate with other public and private entities engaged in similar activities

8. Labour inspection officials should cooperate among each other and with employers, workers and their organizations
9. Composed by public officials whose status and conditions ensure employment stability and independence from changes in government and improper external influences
10. Integrates both men and women

Labour inspectors' recruitment and working conditions

1. Selected only on the basis of their qualifications
2. Inception and continuous training
3. Suitably equipped and accessible local offices
4. Necessary transport facilities
5. Reimbursement of travelling and incidental expenses

Powers

1. To enter freely any workplace without prior notice at any hour of day or night
2. To enter by day any premises when there are reasons to believe it is liable for inspection
3. To carry out examinations, tests or enquiries, in particular:
 - interrogate the employer or the staff, alone or with witnesses, about application of legal provisions
 - require any books, registers or other documents on work conditions, and copy them or make extracts from them
 - demand the posting of notices as required by legal provisions
 - take or remove samples of materials and substances for analysis

4. Take steps to remedy defects observed in a building, equipment or working methods which might threaten workers' safety and health
5. Make or to have made orders to protect worker's safety and health (without prejudice of employer's right to appeal), including:
 - alterations to equipment or premises, within a specified time limit
 - measures with immediate executory force, in case of imminent and serious danger

Labour inspectors' obligations

1. Integrity, independence and impartiality
prohibition from having any direct or indirect interest in the enterprises under supervision
2. Professional secrecy
not to reveal, even after leaving service, any manufacturing / commercial secret or working process
3. Confidentiality of a complaint source
to keep confidential the source of a complaint and to abstain from revealing that a visit resulted from a complaint
4. Professionalism and competency
to perform the duties with the highest standards of professionalism

Advice and enforcement

- To ensure application of legal provisions enforceable by labour inspectors, legislation should provide for:
1. The discretionary power of labour inspectors to give warning or advice or to initiate legal proceedings
 2. Prompt legal proceedings without previous warning against those who violate legal provisions
 3. Penalties for violations of legal provisions and for obstructing labour inspectors' work and their effective enforcement

Reporting duties

1. Labour inspectors / local inspection offices submit reports on their activities to central inspection authority
2. The central inspection authority publishes annually a general report on the activities under its control, including on:
 - relevant laws and regulations
 - staff of the labour inspection
 - relevant statistics on:
 - workplaces liable to inspection and the number of workers employed
 - inspection visits
 - violations and penalties imposed
 - work-related accidents and their causes
 - occupational diseases and their causes

► Main applicable International Labour Standards

- [Convention No. 81](#)
- [Protocol of 1995](#)
- [Recommendation No. 81](#)
- [Convention No. 129](#)
- [Recommendation No. 20](#)
- [Recommendation No. 133](#)

► Additional resources

- [Background paper](#)
- [Power point presentation](#)
- [Ukrainian Labour Inspection Legal Framework. Analysis and Recommendations](#)