



Governing Body

340th Session, Geneva, October–November 2020

Institutional Section

INS

Date: 30 October 2020

Original: English

Nineteenth item on the agenda

Reports of the Officers of the Governing Body

Eighth report: Representation alleging non-observance by Portugal of the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Occupational Safety and Health Convention, 1981 (No. 155)

1. By a communication dated 5 October 2020, the Union of Labour Inspectors (SIT) made a representation to the International Labour Office under article 24 of the ILO Constitution alleging non-observance by Portugal of the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Occupational Safety and Health Convention, 1981 (No. 155). A summary of the representation is contained in the appendix.
2. In accordance with article 1 of the Standing Orders concerning the procedure for the examination of representations, as revised by the Governing Body at its 291st Session (November 2004), the Director-General acknowledged receipt of the representation and informed the Government of Portugal accordingly.
3. Pursuant to article 2(1) of the Standing Orders, the Director-General brought the representation before the Officers of the Governing Body, who, according to paragraph 3 of the same article, shall report to the Governing Body on the receivability of the representation. Article 2(2) lays down the conditions for the receivability of a representation. In the light of these conditions, the following observations can be made in the present case:

- (a) the representation was communicated to the International Labour Office in writing;
 - (b) it emanates from an industrial association of workers;
 - (c) it makes specific reference to article 24 of the ILO Constitution;
 - (d) it concerns a Member of the Organization;
 - (e) it refers to Conventions to which the Member against which the representation is made is a party;¹
 - (f) it indicates in what respect it is alleged that the Member against which it is made has failed to secure the effective observance within its jurisdiction of the said Conventions.
4. Taking into account the above conditions, the Officers of the Governing Body consider that the representation is receivable in terms of article 2(2) of the Standing Orders. According to article 2(4) of the Standing Orders, the Governing Body, in reaching a decision on the receivability of the representation, on the basis of the report of its Officers, shall not enter into discussion of the substance of the representation. In accordance with article 3(1), if the Governing Body decides that the representation is admissible, it shall set up a tripartite committee to examine it, composed of members of the Governing Body chosen in equal numbers from the Government, Employers' and Workers' groups.

► Draft decision

5. **In the light of the information contained in document GB.340/INS/19/8, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was receivable and to set up a tripartite committee to examine it.**

¹ Portugal ratified Convention No. 81 in 1962, Convention No. 129 in 1983 and Convention No. 155 in 1985.

► Appendix

Summary of the representation

1. By a communication dated 5 October 2020, the Union of Labour Inspectors (SIT) submitted a representation under article 24 of the ILO Constitution alleging non-observance by Portugal of the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Occupational Safety and Health Convention, 1981 (No. 155).
2. The SIT alleges that the Government violated Conventions Nos 81, 129 and 155 through the adoption of Decree No. 2-B/2020 of 2 April 2020 and Decree No. 2-C/2020 of 17 April 2020, and measures taken pursuant to the Decrees. These Decrees foresee the requisitioning of 150 technical inspectors from various state inspectorates to reinforce temporarily the capacity of the labour inspectorate, the Working Conditions Authority (ACT), in the context of the impact of the COVID-19 pandemic on labour relations including relating to furlough, termination of employment and occupational safety and health (OSH). The union indicates that the use of inspectors (from, for example, the education, agriculture, taxation and game inspectorates) without specific knowledge and expertise on labour matters weakens the work of the ACT. The complainant states that the five-day virtual training on labour law, OSH and labour inspectorate-specific procedures provided to these technical inspectors was insufficient and that this constitutes a violation of Article 7 of Convention No. 81 and Article 9 of Convention No. 129, on the recruitment and training of labour inspectors. The SIT further alleges a violation of Article 9 of Convention No. 155, which requires the enforcement of laws and regulations concerning occupational safety and health by an adequate and appropriate system of inspection. The union indicates that these measures have resulted in a decrease in the quality of the inspections and have undermined the authority and credibility of the ACT. Finally, the SIT indicates that as at 31 July 2020, some of the requisitioned inspectors had returned to their previous jobs, but 42 such inspectors remained working at the ACT.