

# LABOUR INSPECTION PRACTICE

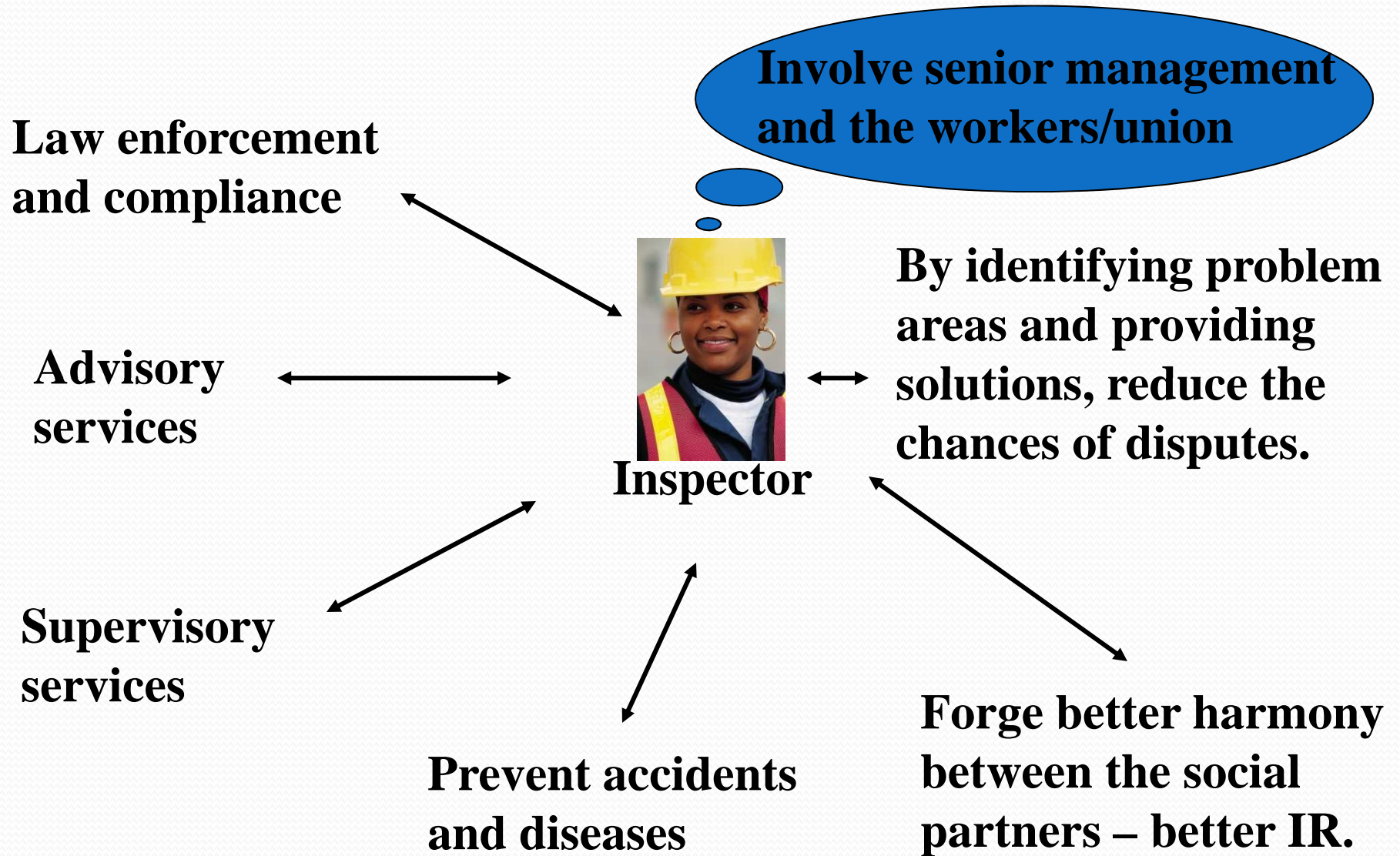
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## LABOUR INSPECTION PRACTICE

- Although moving away from **enforcement** to **advisory** and **supervisory services**, it is still the function of Labour Inspectors to ensure that laws to protect workers' terms of employment and working conditions are enforced and respected.
- **Law enforcement and compliance** are the responsibility of the Labour Inspectorate.
- To ensure best use of limited resources, inspections must be carefully planned and give priority to those enterprises most “at risk” and a lower priority to those where non-compliance is rare.
- Proper preparation is required for each inspection visit.

## BENEFITS OF A WELL-PLANNED INSPECTION



## PREPARING FOR AN INSPECTION VISIT

**1. Collect background information-** location, contact person, number/details of workforce, nature of work process, chemicals and equipment used, IR, TU present, CBA, accident/disease records, complaints, breaches, etc.

**3. Prepare materials –** copies of law/regulations, previous inspection reports, LI identity card, checklist, IH equipment, floor plan/risk map/flow diagram, leaflets etc.



**Inspector**

**2. Type of inspection –**

- **routine** (eg. check compliance);
- **follow-up** ( to ensure that previous recommendations have been followed;
- **special** (eg. an accident).

**4. Confirm visit –** unless it is to be a surprise inspection. Arrange with management whom you wish to meet eg. OSH Committee, TU and senior management.

**5. Transport**



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**M1**

For a a factory/production plant a Flow diagram/chart is a very good tool for easy understanding of the stages involved and hence the hazards that may be encountered.

Michael, 22/10/2011

## CONDUCTING THE INSPECTION VISIT

**Upon arrival:**



**Inspector**

1



**Sometimes inspectors have difficulty in getting past security officers!**

**Use official status and the law.**

2

**Inform senior management.**

3



**Arrange meeting with key people to explain purpose of visit.**

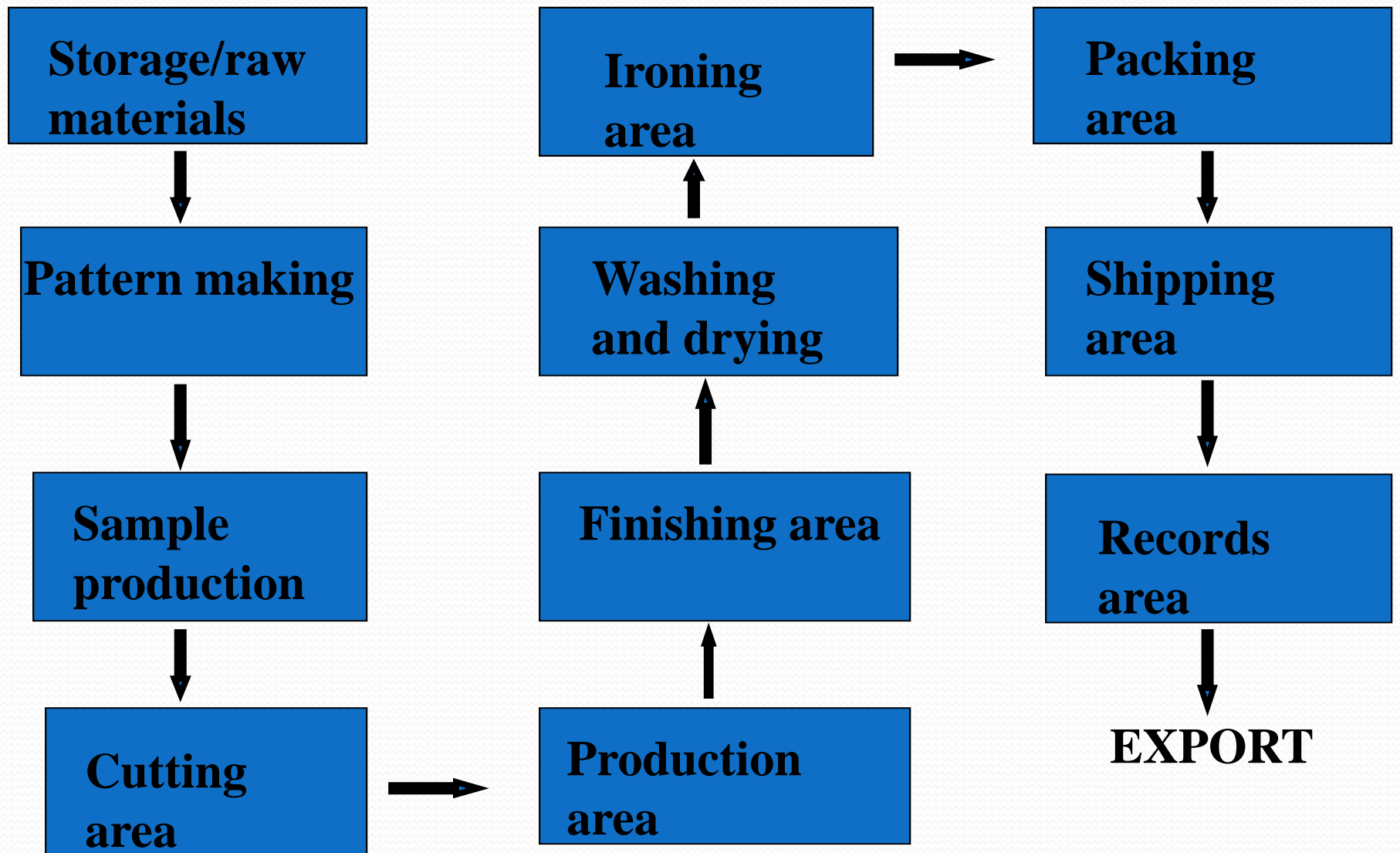


## THE INSPECTION

**Once the formalities are over, you can carry out the inspection:**

- ideally the inspector should be accompanied by a representative of management and workers, especially from a joint safety committee;
- the progress of the inspection depends on the type of inspection, its objective and background information;
- the inspector should familiarize him/herself with the production process/flow chart and, if visiting for the first time, develop a risk map if undertaking an OSH inspection;
- the inspector should systematically inspect the workplace using a checklist to ensure that no potential hazard is missed;
- during the visit, the inspector should examine all relevant documents (eg. accident book) and talk to the workers preferably alone in case of victimization.

**EXAMPLE: PRODUCTION PROCESS WALK-THROUGH FOR A TYPICAL GARMENT FACTORY**





## SAFETY AND HEALTH INSPECTION

- Supervising safety and health standards is a principal function of labour inspection (ILO Convention No. 81).
- \* Even where no national standards exist (and thus enforcement is not possible), it is the inspector's duty to give the best possible advice and recommendations.
- Some equipment can only be inspected by people with the requisite technical qualifications (eg. boilers).
- The inspector should use an occupational safety and health checklist as he/she follows the production process.
- Even though many inspectors will not have any industrial hygiene equipment, they can still use their senses and simple "rules of thumb".

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**M2**

Advice and recommendations can be based on ILO Conventions and/or international standards such as OSHA, or the HSE where applicable, if local stds. do not exist.

Michael, 22/10/2011

## THE CLOSING MEETING

**After the inspection and examination of records, the inspector should hold a closing meeting:**

- The employer should be encouraged to invite worker representatives.
- He/she should **summarize** the general standard of working conditions in the workplace and what needs improvement.
- He/she should **discuss** unsafe/unhealthy conditions outlining all apparent violations and possible legal consequences.
- He/she should **prioritize** areas of concern from a health and safety perspective.
- He/she should **suggest** measures to be implemented or suggest the need to call in specialist advice (eg. boilers, ventilation).  
M4
- He/she should have an agreement with the employer, of the grace period allowed for implementing the measures, and the intention to follow up.
- He/she should **offer** advisory services to the social partners.

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**M4**

While the inspector holds the right to tell the employer the period given for corrective action, a participative, instead of an authoritative approach should be employed first, ensuring that the employer's input into the agreed period. If there is no agreement then the inspector can utilise this right

Michael, 22/10/2011

**REMEMBER!!!!!!!!!!**



**Enforcement**



**Advice**



**Inspector**

- **THE INSPECTOR MUST BALANCE THE DUAL FUNCTIONS OF ENFORCING THE LAW AND PROVIDING ADVISORY SERVICES.**
- **THE MODERN APPROACH TO LABOUR INSPECTION IS MOVING AWAY FROM ENFORCEMENT TO PROVIDING ADVICE.**



## AFTER THE INSPECTION

Once the inspection has finished and the inspector has returned to the office, he/she prepares to write an **inspection report**. However, before writing the report, he/she must:

- **consult** with technical colleagues and undertake any **research** (eg. **MSDS**);
- **refer to** information from previous visits and any IH data;
- **examine** notes, checklist, risk map etc;
- **decide** priorities and what action to take for each problem. In some countries this may involve the issuance of notices;
- **confirm** what action is required by law and those in which only advice can be given as there are no appropriate regulations;
- **decide** whether or not to issue a warning letter where there is a clear breach and the grace period. Such action usually requires consultation with superiors in the Dept. and follow set standards; and
- **add** findings/data to the file on that enterprise.

## THE INSPECTION REPORT

The **main purpose** is to convey information as a basis for action by the workplace **and** by the inspectorate.



- The normal practice is for the inspection report to be kept in-house, namely in the Department, with the enterprise and other parties concerned being notified of the relevant matters by letter and a modified report. This ensures confidentiality.
- The inspector should distinguish between FACT and OPINION and remain OBJECTIVE!



## **FORMAT AND CONTENT OF REPORT**

- **General information on the enterprise:**
  - Name
  - Legal status (Company, partnership, etc)
  - Relation to other companies (subsidiary to MNC)
  - Nature and description of the business
  - Location and address
  - Contact person, telephone and fax numbers
  - Number/classification of workers
- **Working conditions**
  - Hours of work, wages, rest periods and holidays
  - Safety and healthy conditions (checklist, risk map, etc)
  - Rating of enterprise in terms of hazards





- **Industrial relations**

- Existence of a trade union (freedom of association)
- Existence of a CBA (obtain a copy)
- Existence of a consultative committee or workers' committee
- Existence of a joint health and safety committee
- Frequency of industrial disputes at the enterprise

- **Inspection details**

- Nature of the inspection (routine, special)
- Nature of any contraventions/breaches
- Priority areas for attention
- Action to be taken on each priority area

**The report would identify the inspector, then be signed/dated.**

**REMEMBER – ANOTHER INSPECTOR MAY VISIT NEXT!**

## MAIN POINTS TO BE INCLUDED IN AN OSH REPORT

- **Where the problems exist:**
  - clearly identify exact location where problem exists.
- **Analysis and assessment:**
  - provide concise evaluation of the seriousness of the problem, and if possible quantify risk by providing measurements. M3
- **State the degree of consequences:**
  - explain what may happen if nothing is done.
- **Refer to the appropriate legal provision:**
  - in each section, reference must be made to the relevant piece of legislation. Where none exists, but there are clearly recognized norms/standards eg. OSHA, this **MUST** be stated.
- **Provision of preventive measures:**
  - give examples/suggestions on preventive measures.

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**M3**

Michael, 22/10/2011



- **Time factor/limit for implementation:**

- give a realistic period of time for the employer to make the changes. Remember, if you consider that there is an imminent danger to health you can “shut down” that process. The important issue is to allow sufficient time and then to follow up to see that the changes have taken place to your satisfaction.

- **Report distribution:**

- the report should be sent to:

- the employer or his/her representative;
    - the (health and) safety committee;
    - the safety and health officer; and
    - workers’ safety representatives.