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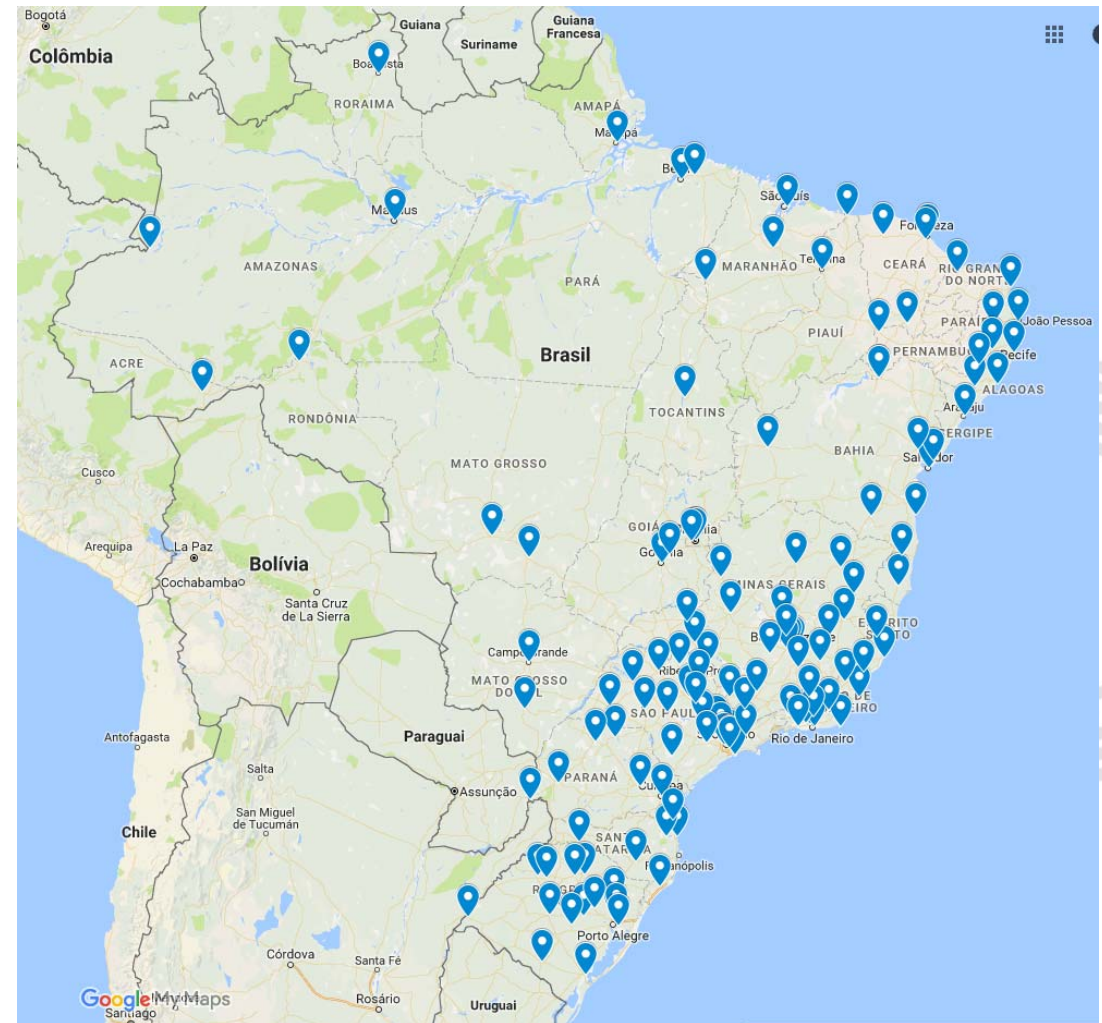
Labour Inspection in Brazil

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Quick Facts

- 2,300 Labour Inspectors
- 200,000 inspections per year
- Central office in Brasilia
- Regional offices in all 27 state capitals and some other major cities



LABOUR INSPECTION
SECRETARY

Department of 'Labour
Relations'

Department of
Occupational Health
and Safety

Wages

Working hours

Child Labour

Modern Slavery

Discrimination

Quotas of
apprentices and
people with
disabilities

OHS Regulations
(tripartite
formulation)

OHS Inspections

Administrative
appeals

National School of
Labour Inspection

Administrative
support

Planning

Regional Offices

**A single body of generalist
labour inspectors**

Refrigerator Manufacturer



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Pre-inspection scenario



Ranked 5th for
Occupational diseases



1 fatal accident at work



1st place for
accidents at work

Inspection

- September 2 and 3, 2014
- 03 Labour Inspectors
- Without prior notice
- 16-hour inspection at the workplace
- Talks with dozens of workers (chosen by the Inspectors and without the presence of managers)
- Conversations with managers and engineers
- Inspection of machinery and equipment
- Document analysis
- Various photographs and filming
- **High risk of accidents was encountered**



Which measure to adopt?

- Guidance
- Improvement notice
- Agreement between company and Inspection for regularisation
- Fine
- Machinery constraint notice
- Removal of the worker (child labour)

Constraint notices issued for 46 machines



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First reactions

- CEO visit at the inspection team's hotel
- Well-paid inspectors
- Admission of inspectors through a public selection process based on objective criteria
- Current anti-corruption agencies



First reactions

- Appeal to the courts to annul the prohibition notices
- Training of the Inspectors by the National School of Labour Inspection
- Extensive data collection capacity (conversation with workers, photos, videos, document analysis, workplace inspection)
- Measure justified with the data collected (statistics on accidents and diseases)



Political Pressure

- The Mayor of the town met with the State Superintendent (Head of the Regional Office)
- The Senator met with the Minister of Labour
- Politicians put pressure on the Director of Occupational Safety and Health
- Inspectors have the autonomy to make decisions during their inspections
- Job stability for inspectors
- Regional and National Labour Inspection Directorate composed of Inspectors
- Occupational Safety and Health Standards made by a three-party committee (employees, employers and government)
- Inspectors do not reside in the town
 - Less subject to political pressure
 - Social ties in the community





Results

- The company invested in enhancing the safety of its machinery
- Significant reduction of risks
- Serious accidents were eliminated
- Increased perception of the risks among local companies

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Enforcement Strategies

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Thoughts on the case of the Refrigerator Manufacturer

It was a successful case, but:

- Would a similar outcome be possible without the need for such serious measures?
- Labour Inspection did not reach any other factories in the region because of the limited number of inspectors

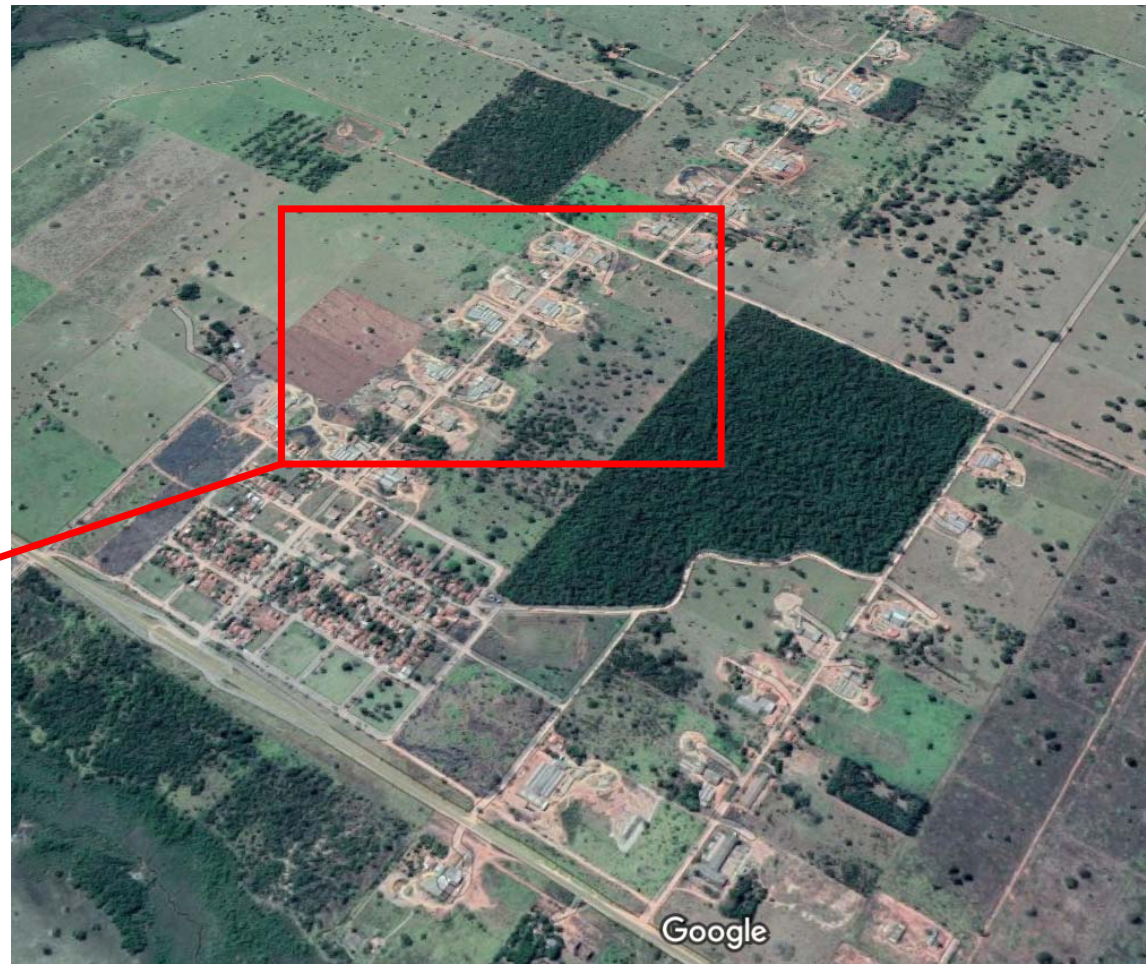
The outcomes of inspections are not always good...



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Brick Factories



Brick Factories

- Approximately 30 small factories
- High turnover of owners
- Low economic means
- High informality
- Child labour
- Accidents at work, including fatal ones

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Brick Factories - Inspection

- 3 teams of Inspectors
- Removal of children at work
- Job contract formalisation
- Imposition of fines
- Further inspections on different dates;
- “Holiday - Labour Inspection Day”
- Practices are resumed after inspections are completed;



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Inspections and fines are not always effective...

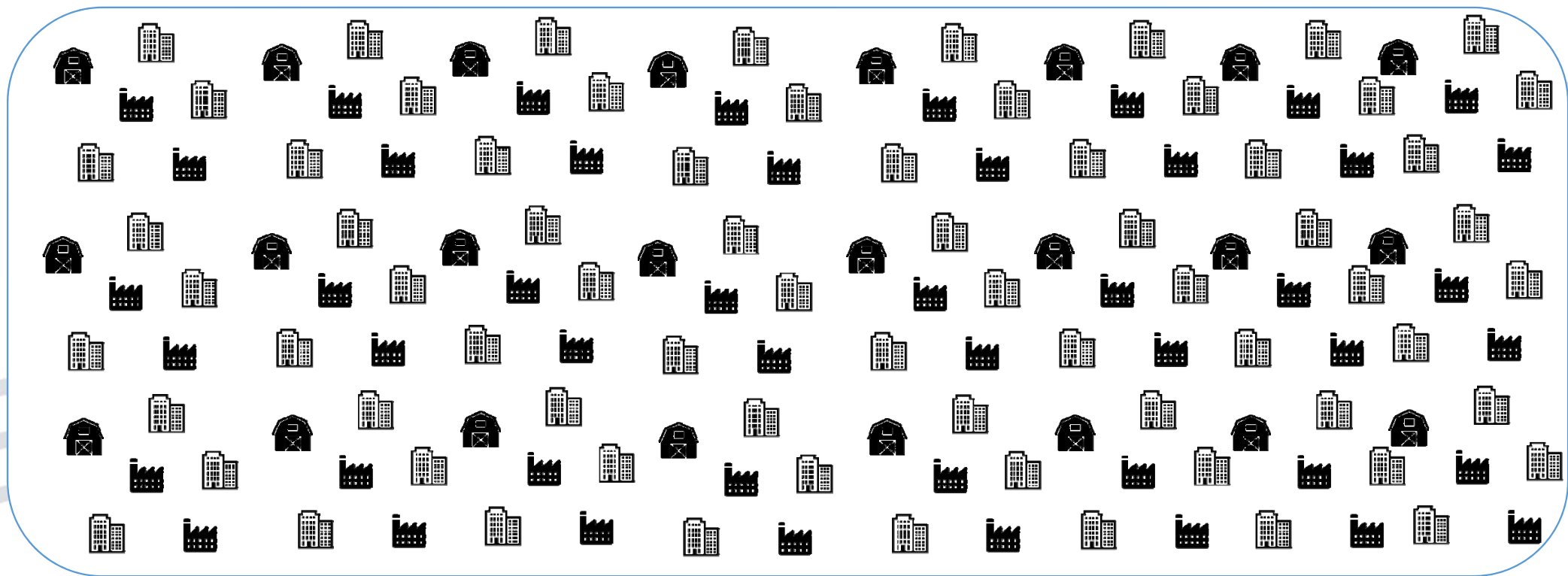
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Labour Inspection must ensure that **Everyone** abides by the Law.





What options do we have?

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Slaughterhouses in Mato Grosso do Sul

- Thoughts on the case of the refrigerator factory
- 40 slaughterhouses
- Notification (Risk Analysis)
- Manual detailing key issues in the industry and how to address them
- Seminar – Occupational Health and Safety Issues in the Sector
 - Slaughterhouses
 - Trade Unions
 - Employers' associations
 - Occupational safety and health professionals (engineers, doctors, etc.)
- Inspection of some slaughterhouses



Slaughterhouses in Mato Grosso do Sul

- Gained momentum through the efforts made
- Greater awareness of the risk of breaking the law
- Technical barriers were reduced
- Stakeholders involved
 - Unions – information on working conditions and denunciations
 - Employers' associations - dissemination of technical information
 - OSH professionals - technical alignment
 - Manufacturers of slaughterhouse machines – technology enhancement
- More companies reached
- Fewer resources used
- Use of less burdensome measures to begin with



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Types of Inspection / Audit

- Workplace Inspection
- Employer notified to present documents at the Ministry of Labour's Office
- Employer notified to submit scanned documents via the internet
- Employer notified to comply with obligations: no need to send documents (verification using the database)
- Use of data made available to the government without notification to the employer;



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Civil Engineering and Construction Works in Dourados

- Heavily audited sector
- The same problems were found in several inspections (improper scaffolding and concrete mixers)
- Situation persisted, despite prohibition notices and fines
- Only a few companies owned most of the equipment and offered renting services
- Agreement between rental companies and Inspection for regularisation



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In Addition to the Direct employer

- Machinery and equipment manufacturers
- Public bodies outsourcing services
- Financial Institutions
- Mother companies in the chain of production



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Child Labour on the Streets of Rio de Janeiro

- This activity is listed as one of the Worst Forms of Child Labour
- Children/adolescents are properly identified
- Communication to local government agencies, to follow the child/adolescent and his/her family.
- Joint work between companies and training organisations for the adolescent to be hired as an apprentice (a professional training programme for young persons involving training and practical activities in companies)



14 Factors behind Complying with Standards

1. Risk* that violations will be reported to the Labour Inspectorate
2. Risk* that the company will be inspected
3. Risk* that the violation will be detected if there is an inspection
4. Criteria* for the selection of companies to be inspected as a priority due their failing in abiding by the rules
5. Risk* that the violation, once detected, will be sanctioned
6. Severity* of the sanction (including speed in the application and other consequences of the sanction)

* Risk not necessarily real but perceived as such by employers

Adapted from: Parker, Christine, and Vibeke Lehmann Nielsen. "Compliance: 14 questions." *REGULATORY THEORY* (2017): 217.



14 Factors behind Complying with Standards

7. Existence of other stakeholders that influence compliance with labour standards (trade unions, business associations, other companies, business partners, clients, investors, NGOs, etc.)
8. Knowledge and clear understanding of labour standards by employers
9. Capability of employers to comply with labour standards (including time, expertise, resources, management systems, etc.)
10. Employers' respect for the Labour Inspectorate and its procedures / Employers' relationship with the Labour Inspectorate;

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14 Factors behind Complying with Standards

11. The importance of complying with labour standards for the employer's business model
12. Employers' perceptions of the costs and benefits of complying with labour standards
13. The employers' degree of acceptance as to labour standards (basic principles and specific obligations)
14. Belief in the importance of complying with labour standards, regardless of agreeing with specific rules or not

Adaptado de: Parker, Christine, and Vibeke Lehmann Nielsen. "Compliance: 14 questions." *REGULATORY THEORY* (2017): 217.





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Labour Inspection Planning

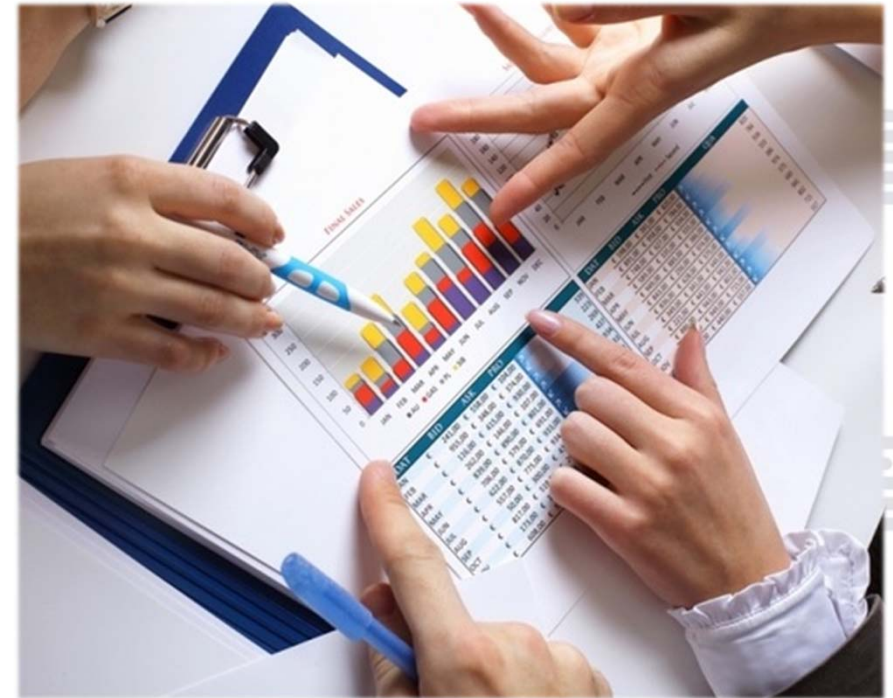
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Planning

Head of the Occupational Safety and Health Inspection Service - June 2014

- What are the main sources of accidents, illnesses and deaths due to work?
- What are the most effective enforcement strategies for each of these issues? (e.g. construction sector vs refrigerator factory)



Work Organisation Model



Whistle-Blowing

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Work Organisation Model



- Child labour on a banana plantation
- Informal work at a stationery store



- Late payment of wages in a restaurant
- Accident at work in a brick factory



- Work accident at a butcher's shop
- Long hours of work in a bank



- Late payment of wages in a construction company
- Child labour on a street market



- Informal work in a restaurant;
- Excessive journey in a Bank;

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Planning based on Information obtained from Whistle-Blowers

- Extent of the issue X Number of complaints
 - Reporting in person → geographical concentration
 - Most complaints are related to wages
 - Some of the violations are rarely reported
 - Safety and health conditions at work
 - Child labour
- Lack of focus
- Lack of specialised training of the Inspectors
- Inspection in the workplace as the only strategy to enforce the law
- Accurate identification of problems
- Meeting unions and workers' expectations

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Planning based Topics or Economic Sectors

- Greater focus
- Specific enforcement strategies according to the problem
- Monitoring of results
- Data-based Planning and Statistics
 - Poor statistics for some problems
 - Data may not be available
 - Data may not be reliable
- Information obtained from whistle-blowers as a secondary source of information;
- Brazil - Planning is based on topics or economic sectors; however, the culture inside the Labour Inspectorate is still strongly reactive, which means that action is still taken mainly based on information from whistle-blowers;



Examples of Priority Topics or Sectors

- Fighting child labour
- Fighting modern slavery
- Fighting informality on the labour market
- Checking the quotas of apprentices and people with disabilities are respected
- Work in rural areas
- Construction industry
- Slaughterhouses
- Machinery and equipment
- Ergonomics

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Thank you

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