

► Final report

Meeting of experts for the tripartite validation of the technical guidelines on general principles of labour inspection

(Geneva, 13-16 December 2021)

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► Introduction

1. The Meeting of Experts for the tripartite validation of the technical guidelines on general principles of labour inspection was held in Geneva from 13 to 16 December 2021, as decided at the 341st Session of the Governing Body (GB.341/INS/16(Rev.1)).
2. The Meeting was attended by eight experts from Governments, eight experts nominated by the Employers' group and seven experts nominated by the Workers' group of the Governing Body. There was one observer from official and non-governmental international organizations.
3. The purpose of the Meeting was to review and adopt a set of guidelines on general principles of labour inspection, based on a draft prepared by the Office.
4. The Secretary-General of the Meeting, [F] Ms Vera Paquete-Perdigao (Director, ILO Governance and Tripartism Department), introduced the background of and rational for the preparation of the guidelines, which provided constituents with detailed technical guidance on key principles contained in the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Labour Inspection Recommendation, 1923 (No. 20), in the context of contemporary practices and challenges.
5. She highlighted the importance of labour inspection as a core element of the ILO's work and fundamental pillar of labour administration. The ILO was committed to strengthening labour administration and labour inspection as relevant elements of the human-centered approach to the future of work.
6. The Officers of the Meeting were:

Chairperson:	Mr Jukka Takala (Finland)
Vice-Chairpersons:	Mr Guilherme Candemil (Government, Brazil)
	Mr Kris de Meester (Employer, Belgium)
	Mr Willem van Veelen (Worker, Netherlands)
7. The Chairperson [M] recalled that the purpose of the meeting was to validate a set of guidelines on general principles of labour inspection.
8. The Deputy-Secretary General of the Meeting [M], Mr Joaquim Pintado-Nunes (Chief, LABADMIN/OSH) introduced the proposed Guidelines on general principles of labour inspection, noting that the outline closely followed the structure and provisions of the Convention No. 81, and the Convention No. 129.
9. The guidelines consisted of six main parts, namely: (1) scope and function of the labour inspection system; (2) structure and organization; (3) policy, planning and monitoring; (4) labour inspectors' status and careers; (5) powers and methods of inspection; and (6) enforcement measures.
10. The Government Vice-Chairperson [M] highlighted that labour inspection was crucial to guarantee labour rights around the world. There was a need to provide constituents with clear guidance on the implementation of the principles contained in the Convention No. 81 and Convention No. 129.
11. Governments present at the Meeting were committed to fulfilling their obligations and to engage in constructive dialogue with social partners to achieve consensus and validate a strong set of guidelines. He expressed appreciation to the ILO for its efforts to modernize labour inspection and for ensuring that the guidelines were up to date and fit for purpose.

12. The Employer Vice-Chairperson [M] said that the Employers' group was looking forward to developing guidelines that would be practical, up to date and relevant for both developed and developing countries. Labour inspection needed to be part of overall policies and strategies to improve working conditions. For example, it needed to be aligned with the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), to ensure that it contributed to working conditions in a meaningful way.
13. The Guidelines should address the needs of workers and employers and find the right balance between the enforcement and the advisory roles of labour inspectors.
14. First, the Guidelines should promote the advisory role of labour inspectors to guide small, medium, and micro enterprises to ensure that the systems to close compliance gaps were in place. The dissemination of labour inspection instructions and criteria must be amplified to facilitate their application. Sanctions should only be a last resort.
15. Second, labour inspection needed to be practical, modern, and relevant to contemporary labour practices and challenges.
16. Third, labour inspection must collaborate with social partners, including through private compliance initiatives, information sharing and training initiatives. In a context of financial and human resource challenges, those initiatives could complement the public role of labour inspection. Social partners could also assist in identifying challenges and barriers when applying labour law.
17. Fourth, labour inspectors should embrace information technologies and artificial intelligence and the opportunities they provided in expanding advisory services, increasing efficiency, improving prioritization, and reducing the administrative burden.
18. Fifth and finally, labour inspectorates should benefit from adequate human resource policies that include performance appraisal. Inspectors should be equipped with necessary skills, technical knowledge, and soft skills. Diversity in profiles, including work experience in private sector, should be encouraged.
19. The Worker Vice-Chairperson [M] reminded the meeting that the guidelines were meant to provide detailed guidance on the general principles of labour inspection, to fill the void left by the recommended withdrawal of Recommendation No. 20. He thanked the Office for the draft guidelines and said that it was a good basis for the tripartite discussions that would take place during the week.
20. The draft guidelines covered all workers and all workplaces, which was in line with ILO Labour Inspection instruments, in particular Convention No. 81 and Convention No. 129. This reflected prior tripartite discussions that confirmed the crucial role that labour inspectorates played in realizing the strategic objectives of the ILO and the Decent Work Agenda, in particular for women, young workers, migrant workers, home workers, domestic workers, informal economy workers and workers in insecure forms of employment.
21. The Worker Vice-Chairperson noted the increasing availability of technology in the world of work, including advances in technology that improve the effectiveness and efficiency of labour inspection. However, despite these technological advances, it was important to recognize that physical, regular, and unannounced visits remained crucial to the mandate and function of labour inspectorates. In addition, the increasing use of technology posed several dangers that should be guarded against, including workplace surveillance that impacted on workers' privacy and undermined the legal protection of workers. Finally, in this regard, it was noted that a technical and digital divide existed amongst states and that care should be taken to ensure that the deployment and use of technology were both innovative and appropriate.
22. The Worker Vice-Chairperson emphasized the key role of labour inspectors in ensuring that businesses and workplaces adopted measures to avoid, prevent and/or mitigate workplace

risks to health and safety and that they created an environment in which the rights and protections of workers were respected. This included respect for and adherence to collective bargaining agreements.

- 23.** In conclusion, the Worker Vice-Chairperson welcomed the opportunity to develop and adopt guidelines that recognized the role of training and continuous education, recruitment, career development and professionalism of labour inspectors. He underlined the importance of ensuring that labour inspectorates were able to exercise the requisite power to secure compliance through effective enforcement measures for the protection of all workers.

► Consideration of the draft guidelines¹

Introduction

24. The Introduction was adopted without change.

Objective

Paragraph 1

25. The Employer Vice-Chairperson proposed to insert the text “meeting of experts from 13-16 December 2021 on” to the paragraph immediately after “International Labour Organization”. Since this was the first reference in the text to the guidelines, it was appropriate to include a reference to the meeting of experts.
26. The Worker Vice-Chairperson opposed the amendment of the Employer Group and argued that it changed the meaning of the sentence.
27. The Employer Vice-Chairperson asked the Office to clarify whether the paragraph was a reference to the guidelines itself, or to the process of its validation. If it were a reference to the former, the group would consider withdrawing the proposal.
28. The Deputy-Secretary General confirmed that the paragraph referred to the guidelines itself rather than to the process.
29. Considering the response from the Office, the Employer Vice-Chairperson withdrew the amendment.
30. The paragraph was therefore adopted without change.

Paragraphs 2 and 3

31. The paragraphs were adopted without change.

Paragraph 4

32. The Employer Vice-Chairperson proposed to replace “lowering such standards or extending” with the word “altering”.
33. The Government Vice-Chairperson and the Worker Vice-Chairperson supported the amendment proposed by the Employer Vice-Chairperson.
34. The amendment was therefore adopted, and the paragraph was adopted as amended.
35. The Objective was adopted as amended.

¹ All references and number of sections etc. refer to the original draft submitted to the meeting, except for the “Introduction” and “Objective” sections, which did not contain numbered paragraphs.

Chapter 1. Scope and function of the labour inspection system

1.1. Mandate of labour inspection

Paragraphs 1.1.1 and 1.1.2

36. The paragraphs were adopted without change.

1.2. Functions of labour inspection

Paragraphs 1.2.1 and 1.2.2

37. The paragraphs were adopted without change.

Paragraph 1.2.3

38. The Employer Vice-Chairperson proposed that the word “indivisible” be added before “complementary and instrumental”, to ensure that all the functions of labour inspection were considered by labour inspectors, and to avoid situations in which they focused only on enforcement to the exclusion of other functions.
39. The Government Vice-Chairperson supported the proposal by the Employer group.
40. The Worker Vice-Chairperson did not support the proposal, indicating that the word “indivisible” did not add anything new to the paragraph. He argued that in practice, labour inspectors always considered all the tools available to them and did not immediately resort to the imposition of penalties.
41. The Employer Vice-Chairperson said that it was not common practice for labour inspectors to consider all the tools available to them, and therefore it was important to stress the indivisibility of functions.
42. The Worker Vice-Chairperson pointed out that the current text excluded reference to one important function of labour inspection, namely, to notify competent authorities of any defects or abuses not specially covered by existing legal provisions.
43. In response, the Employer Vice-Chairperson suggested that all functions of labour inspection be included in the text.
44. The Chairperson asked the Office to propose a revision to the text that was clear and aligned with Convention No. 81.
45. The Deputy-Secretary General suggested the inclusion of a specific reference to the provision in the Convention that related to all the functions of labour inspection. He proposed removing the reference to “enforcement and information and advice functions” from the text and replacing it with “The main functions of labour inspection as defined in Article 3(1) of Convention 81”.
46. The proposal of the Office was accepted by all three groups, and the paragraph was adopted as amended.

Paragraph 1.2.4

47. The Employer Vice-Chairperson noted a few grammatical issues in the text. The Employer group suggested that “information” and “advice” were separate functions and should therefore be referred to in the plural. The Chairperson asked the Office to clarify.

48. The Deputy-Secretary General stated that referring to these as separate functions and therefore in the plural was more in line with Article 3(1) of Convention No. 81.
49. The paragraph was therefore adopted subject to grammatical correction by the Office.

Paragraph 1.2.5

50. The paragraph was adopted without change.

Paragraph 1.2.6

51. The Employer Vice-Chairperson suggested removing “and” after “range” and adding “impact and efficiency” after “accessibility”. He explained that information and communication technologies should also result in increased impact, effectiveness, and efficiency.
52. The Government Vice-Chairperson and Worker Vice-Chairperson agreed with the proposal from the Employer group.
53. The Worker Vice-Chairperson suggested that the phrase “and communication” be added before “technology systems”.
54. The Government Vice-Chairperson and Employer Vice-Chairperson agreed with the proposal from the Worker group.
55. The Employer Vice-Chairperson suggested the following additional amendments to the paragraph: to replace “reduce” with “reducing the”; to insert “assisting the” before “planning”; and to replace “inspectorate” with “inspection activities”.
56. The Government Vice-Chairperson and Worker Vice-Chairperson agreed with the proposal from the Employer group.
57. The paragraph was adopted as amended.
58. The Employer Vice-Chairperson proposed to add a new paragraph after paragraph 1.2.6 to read as follows:

Inspectorates can also play an important role in making compliance information available to employers and workers in an easily accessible and reliable form, to clarify up to date obligations on pay, hours of work, etc., as set out in 1.2.1(i) and (ii).
59. The words “and workers” were added by the Employer Vice-Chairperson as a sub-amendment to the original proposal.
60. The Worker Vice-Chairperson suggested deleting the reference “to employers” because then it would be clear that it is meant also “for workers”. In addition, he proposed deleting “to clarify up to date obligations on pay, hours of work, etc.”, since the examples were not exhaustive. The part of the text reading “set out in 1.2.1(i) and (ii)” could be retained.
61. The Government Vice-Chairperson and Employers’ Vice-Chairperson agreed with the proposals from the Workers’ group.
62. The Chairperson recommended that the new paragraph be added to the existing paragraph 1.2.6 and not included as a separate paragraph. This proposal was accepted by all groups.
63. The paragraph 1.2.6 was adopted as amended.

1.3. Scope of labour inspection

Paragraph 1.3.1

64. The Worker Vice-Chairperson proposed adding the phrase “or legal provisions enforceable by labour inspectors” after “national legislation” in the chapeau of the paragraph to align the text with articles 17 and 18 of the Convention No. 81.
65. The Deputy-Secretary General stated that the reference to “legal provisions” in Article 27 of Convention No. 81 included arbitration awards and collective agreements in addition to laws and regulations.
66. Considering the clarification provided by the Office, the Employer Vice-Chairperson suggested that the amendment by the Workers’ Group be replaced by the reference to “according to Article 27 of Convention 81” after “national legislation in the chapeau of the paragraph.
67. This proposal was accepted by the Government and Worker Vice Chairpersons.
68. The Employer Vice-Chairperson introduced a proposal to delete clause (i) that referred to “enforcement of collective bargaining agreements” because this was one of many fundamental principles at work already covered under clause (e) of the paragraph. He also informed the meeting that the Employer group did not support the amendment suggested by the Government group to add “according to national legislation” after “enforcement of collective bargaining agreements”.
69. The Deputy-Secretary General noted that the new reference to Article 27 of Convention 81 in the chapeau of the paragraph obviated the need for clause (i) since Article 27 included a reference to “collective agreements”.
70. The explanation by the Office was accepted by all groups and it was agreed to delete clause (i) in its entirety. The amendment by the Government Group thus fell.
71. The Government Vice-Chairperson suggested the inclusion of a new clause that referred to the “informal economy”, given the importance that the ILO placed on the transition from the informal to the formal economy and the important role that labour inspection played in that regard.
72. The proposal was supported by the Employer and Worker Vice-Chairpersons.
73. The Chairperson suggested that the new clause “informal economy” replace the previous clause (i) that referred to “collective agreements”.
74. The paragraph was adopted as amended.

Paragraph 1.3.2

75. The Employer Vice-Chairperson proposed that the phrase “where possible and consistent with the resources and priorities of government” be inserted after “vital that,” in the first line of the paragraph. He asserted that not all countries were at the same level of development, and that it was therefore important to qualify the responsibility placed on countries to establish formal data collection mechanisms.
76. The Government Vice-Chairperson did not support the amendment proposed by the Employer group and argued that it weakened the text and weakened the labour inspectorate itself. He urged the Employer group to withdraw the proposal.
77. The Worker Vice-Chairperson requested that the amendment of the Worker group be considered together with the proposal from the Employer group to facilitate the finalization of a coherent and integrated paragraph. The Worker Vice-Chairperson proposed that some

examples of “formal mechanisms” be added to the paragraph to facilitate greater understanding. He therefore proposed adding the following text after “formal mechanism”:

(such as institutional memorandum of understanding or other form of agreement or participation in cross-institutional committees or working groups that would allow effective sharing of information across organizations such as ministries, other authorities, social partners and research institutes).

78. The Employer Vice-Chairperson supported the proposal of the Worker group.
79. The Deputy Secretary-General proposed that, considering the objection of the Government group to the reference to resources, the reference to “where possible” be retained, but that the meeting consider deleting the reference to “consistent with the resources and priorities of government”.
80. The Government Vice-Chairperson and the Worker Vice-Chairperson agreed with the proposal by the Office. The Employer Vice-Chairperson also supported the proposal on the assumption that the phrase “where possible” indeed referred to resources and other necessary conditions.
81. The amendment by the Workers Group to include “and investigations” after “research” was accepted in the singular, namely “and investigation”.
82. The paragraph was therefore adopted as amended.

Paragraph 1.3.3

83. The Worker Vice-Chairperson sub-amended his original amendment “or to the application of legal provisions enforceable by labour inspectors” after “national legislation” and suggested that like paragraph 1.3.1, the phrase “in line with Article 27 of Convention No. 81” be inserted after “national legislation”. In addition, he proposed that “safety” be added to the text before “health”.
84. The Government and Employer Vice-Chairpersons supported the Worker group proposals.
85. The Employer Vice-Chairperson noted that since the paragraph referred to “Preventive control of new establishments, plant, substances and processes”, the Employer group recommended that the following sentence be added to the end of the paragraph:

In some countries, regulation of hazardous materials and operations may lie with areas of government, such as specialist regulators for particular industries, for nuclear materials, or for hazardous chemicals. In such situations occupational safety and health regulators should agree cooperative arrangements with these specialist regulators, identifying and respecting differing functions and responsibilities.
86. The Worker Vice-Chairperson agreed with the proposal of the Employer group but suggested that the text could be improved by replacing “some countries” with the phrase “in situations where”.
87. The Government and Employer Vice-Chairpersons agreed with the proposal put forward by the Worker group.
88. The paragraph was adopted as amended.
89. Chapter 1 was adopted as amended.

Chapter 2. Structure and organization

2.1. Organization of the labour inspection system

Paragraphs 2.1.1, 2.1.2 and 2.1.3

90. The paragraphs were adopted without change.

Paragraph 2.1.4

91. The Employer Vice-Chairperson suggested that to strengthen national inspection policies and strategies, it was important to involve social partners. He therefore suggested adding the following sentence to the end of the paragraph: "Such policies should be formulated only after suitable cooperation, consultation and engagement with social partners." Upon further reflection, he decided to remove the reference to "only" from the proposal.
92. The Worker Vice-Chairperson agreed in principle with the proposal but suggested that the word "suitable" be replaced with "meaningful".
93. The Government Vice-Chairperson suggested that the words "cooperation" and "engagement" be removed from the proposed text.
94. In response, the Employer Vice-Chairperson indicated that he agreed with the proposals of the Government and Worker groups but suggested that the phrase "and having sought engagement" be added to the paragraph after the word "consultation".
95. The Government and Worker Vice-Chairpersons agreed with the proposal put forward by the Employer Vice-Chairperson.
96. The paragraph was adopted as amended.

New paragraph

97. The Employer Vice-Chairperson introduced a new paragraph that read as follows:

Operational policies and priorities of labour inspectorates should be determined based on needs, risks, and levels of complaint or noncompliance, and be undertaken proportionately and consistent with the rights and interests of both workers and employers.

98. The previous paragraph referred to the establishment and application of a national policy and strategy. The proposed new paragraph listed the key elements that needed be considered when shaping the policy.
99. The Worker Vice-Chairperson could not accept the reference to "levels of complaints" because that should not be a basis for the development of policies and strategies and would limit the mandate of labour inspectors.
100. The Employer Vice-Chairperson pointed out that the number of complaints could highlight the existence of a problem but agreed to drop the reference to "levels of complaints".
101. The Government Vice-Chairperson could accept the first part of the paragraph up to "non-compliance" but objected to the remaining part because it would interfere with the independence of labour inspectorates.
102. The Employer Vice-Chairperson agreed to remove both "levels of complaints" and the last part of the sentence ("and be undertaken proportionately and consistent with the rights and interests of both workers and employers") as proposed by the Government Vice-Chairperson.

103. The Worker Vice-Chairperson [M] supported the sub-amendment proposed by the Employer group.

104. The new paragraph, after paragraph 2.1.4, was adopted as amended.

2.2. Collaboration and cooperation

Paragraph 2.2.1

105. The Worker Vice-Chairperson proposed to delete “preferably” from the paragraph.

106. The Employer Vice-Chairperson and the Government Vice-Chairperson supported the amendment.

107. The Employer Vice-Chairperson introduced an additional amendment and suggested adding examples of institutionalised forms of collaboration at the end of the paragraph. The following text was proposed: “such as protocols and memoranda of understanding between areas of government, which should be published.”

108. A sub-amendment by the Employer Vice-Chairperson suggested replacing the words “should be published” by “should be made publicly available”.

109. The Government Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.

110. The paragraph was adopted as amended.

Paragraph 2.2.2

111. The Employer Vice-Chairperson proposed adding “avoid multiplicity of inspections” before “ensure coordination”.

112. The Government Vice-Chairperson and Worker Vice-Chairperson supported the proposed amendment.

113. The Worker Vice-Chairperson introduced a sub-amendment to add “so to seek to” before “avoid multiplicity”.

114. The Employer Vice-Chairperson and the Government Vice-Chairperson supported proposed sub-amendment.

115. The paragraph was adopted as amended.

Paragraph 2.2.3

116. The Employer Vice-Chairperson proposed adding “as to avoid any disruption to business continuity” at the end of the paragraph.

117. The Worker Vice-Chairperson and the Government Vice-Chairperson did not support the amendment because cooperation and coordination implied that inspectors would take all factors into account when conducting joint inspections, including possible disruption to production.

118. The Employer Vice-Chairperson clarified that the amendment introduced intended to improve coordination between the labour inspectorate and other enforcement agencies and was not meant to place limitations on the work of individual inspectors. He introduced a sub-amendment to replace “avoid” with “minimize”.

119. The Worker Vice-Chairperson did not support the sub-amendment and reiterated that coordination implied that the inspectors would prioritize effectiveness and efficiency in

conducting joint inspections. There was no need to make express reference to business continuity.

- 120. The Employer Vice-Chairperson pointed out that businesses were subject to different inspections from different inspectors that inevitably impacted on business continuity. As a compromise, he suggested amending the original proposal to read “to avoid unnecessary multiplicity of inspections”.
- 121. The Government Vice-Chairperson and Worker Vice-Chairperson supported the sub-amendment.
- 122. The paragraph was adopted as amended.

Paragraph 2.2.4

- 123. The Worker Vice-Chairperson withdrew the first amendment that suggested adding “and performs similar activities” after “functions and objectives”. He introduced a new amendment to add “preventive services; social partners” after “judicial bodies”. Preventive services were not mentioned anywhere in the guidelines but were present in several countries.
- 124. The Employer Vice-Chairperson agreed to add “social partners” but not “preventive services”. Labour inspectorates should be independent and at the service of employers and workers. In many cases, labour inspectorates used preventive services for inspection purposes, which was not appropriate.
- 125. The Government Vice-Chairperson supported the amendment submitted by the Workers’ group.
- 126. The Worker Vice-Chairperson agreed that preventive services should not replace the work of labour inspectorates. They should focus on sharing knowledge, advice, and research.
- 127. The Employer Vice-Chairperson agreed with the Worker Vice-Chairperson’s interpretation. However, the paragraph made specific reference to entities that shared functions and objectives with the labour inspection.
- 128. The Worker Vice-Chairperson introduced a sub-amendment to add “some” before “functions and objectives” to ensure that labour inspectorates could decide which functions would apply.
- 129. The Government Vice-Chairperson supported the sub-amendment submitted by the Workers’ group. He added a further sub-amendment to add “respecting the power and competence of each organization” at the end of the paragraph.
- 130. The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the sub-amendment.
- 131. The Employer Vice-Chairperson introduced an amendment to add “migration authorities” before “the police”. He withdrew the amendment to add “specialist regulators of industries or particular hazardous or regulated activities or products” because that point was already covered in another part of the text.
- 132. The Government Vice-Chairperson supported the amendment.
- 133. The Worker Vice-Chairperson did not support the addition of “migration authorities” to avoid entering into discussions on legal and illegal migration. He therefore introduced a sub-amendment to add “labour” before “migration authorities” to ensure that the paragraph only pertained to labour migration and not all forms of migration.
- 134. The Government Vice-Chairperson and Employer Vice-Chairperson agreed with the proposed sub-amendment.
- 135. The paragraph was adopted as amended.

Paragraph 2.2.5

- 136.** The Employer Vice-Chairperson introduced an amendment to add the following text at the end of the paragraph: “At all times employers should be properly informed of the objectives of any visits or compliance activities, and in particular where there is concurrent or joint visitation of workplaces employers should be informed as to why multiple authorities are involved.”
- 137.** He argued that employers should be informed of the reasons for joint inspections.
- 138.** The Worker Vice-Chairperson introduced a sub-amendment to specify that worker representatives should also be informed, and to make it clear that the paragraph would not apply to unannounced visits. The sub-amendment read as follows:
- Where appropriate, worker and employer representatives should be properly informed of the objectives of any visits or compliance activities, and in particular where there is concurrent or joint visitation of workplaces. Employers and workers representatives should be informed as to why multiple authorities are involved except where unannounced visits are undertaken.
- 139.** The Government Vice-Chairperson did not support the sub-amendment because he considered it in contravention of Article 15 of Convention No. 81 since it impacted on the independence of labour inspections.
- 140.** The Employer Vice-Chairperson clarified that the proposed amendment did not relate to information about complaints but about providing reasons for joint inspections. However, since the topic of sharing of information by labour inspectorates was covered in another part of the text, he would raise this concern when the relevant part of the text was discussed. He therefore withdrew the amendment.
- 141.** The paragraph was adopted without change.

Paragraph 2.2.6

- 142.** The Employer Vice-Chairperson proposed to add words “to the extent provided for in national law and practice” after the words “should allow,”.
- 143.** The Government Vice-Chairperson and the Worker Chairperson supported the proposed amendment.
- 144.** The paragraph was adopted as amended.

Paragraph 2.2.7

- 145.** The Employer Vice-Chairperson introduced the following amendments to the paragraph: to replace the word “participation” with “collaboration”; to replace “adopt” with “take”; and to add the article “the” before the words “organization of campaigns”.
- 146.** The Government Vice-Chairperson and the Worker Vice-Chairperson supported the proposed amendment.
- 147.** The paragraph was adopted as amended.

Paragraph 2.2.8

- 148.** The paragraph was adopted without change.

Paragraph 2.2.9

- 149.** The Worker Vice-Chairperson proposed an amendment to the paragraph in the form of a footnote to be added after the words “where present”. The footnote read as follows: “The term

‘where present’ means where trade unions or other workers’ representatives exist in the workplace or enterprise.”

- 150. The Government Vice-Chairperson and the Employer Vice-Chairperson agreed with the proposed amendment.
- 151. The paragraph was adopted as amended.

New paragraph

- 152. The Employer Vice-Chairperson recommended the addition of a new paragraph that read as follows:

Appropriate consideration should be given to specific and unique characteristics of SMEs and micro enterprises when inspection is undertaken and active cooperation with employer representative organizations at national or local level prior to such inspections should be envisaged.

- 153. He explained that it was important to recognise the unique and specific characteristics of those enterprises.
- 154. The Worker Vice-Chairperson proposed adding “workers in the informal economy and in insecure forms of work” and deleting “and active cooperation with employer representative organizations at national or local level prior to such inspections should be envisaged”.
- 155. The Employer Vice-Chairperson asked if alternative wording could be found for the phrase “insecure forms of work”.
- 156. The Government Vice-Chairperson proposed retaining “workers in the informal economy” and deleting “and in insecure forms of work”.
- 157. The Employer Vice-Chairperson and Worker Vice-Chairperson agreed with the proposal of the Government group.
- 158. The new paragraph, after paragraph 2.2.9 was adopted as amended.

Paragraph 2.2.10

- 159. The Employer Vice-Chairperson suggested deleting the word “and” after “auditing”, and to add “and private compliance initiatives” following the word “monitoring”.
- 160. The Worker Vice-Chairperson expressed some discomfort with the reference to “private compliance initiatives,” and asked the Employers’ group to reconsider.
- 161. The Employer Vice-Chairperson proposed replacing “private compliance initiatives” with “other compliance initiatives”.
- 162. The Government Vice-Chairperson and the Worker Vice-Chairperson agreed with this proposal.
- 163. The paragraph was adopted as amended.

Paragraph 2.2.11

- 164. The Employer Vice-Chairperson proposed two additions to the paragraph, namely, to add the adjective “an independent” before “a public prerogative”, and to add the sentence “noting however that penalties are not the only means to secure compliance” to the end of the paragraph to denote that penalties constitute just one tool in the labour inspectorate’s toolbox.
- 165. The Worker Vice-Chairperson disagreed with the proposal to add a reference to “penalties” since it was implied that labour inspectors have a wide range of powers at their disposal.

- 166.** The Government Vice-Chairperson supported the view of the Worker Vice-Chairperson and suggested that it would be more appropriate to consider the amendment when the issue of enforcement was discussed.
- 167.** The Employer Vice-Chairperson agreed with the proposal and withdrew the proposed text related to penalties. He suggested, however, that the addition of the adjective “an independent” be retained.
- 168.** The Government Vice-Chairperson and the Worker Vice-Chairperson agreed with this proposal.
- 169.** The paragraph was adopted as amended.
- 170.** Chapter 2 was adopted as amended.

Chapter 3. Policy, planning and monitoring

3.1. Labour inspection policy

Paragraph 3.1.1

- 171.** The paragraph was adopted without change.

Paragraph 3.1.2

- 172.** The Employer Vice-Chairperson suggested adding “as a key component of their work” to clause (b) after the word “establishments”.
- 173.** The Government and Worker Vice-Chairpersons agreed with the proposal.
- 174.** Clause 3.1.2. (b) was adopted as sub-amended.
- 175.** The Worker Vice-Chairperson suggested adding a new clause related to unannounced visits. The Office suggested that it would fit better under the discussion of Chapter 5 of the guidelines. The Worker Vice-Chairperson agreed to withdraw it from consideration under Chapter 3.
- 176.** The Government Vice-Chairperson pointed out that the word “management” in clause (d) was misspelt, and the Employer Vice-Chairperson suggested adding a reference to “SMEs” after the phrase “large establishments”.
- 177.** The Government and Worker Vice-Chairpersons agreed with the proposal of the Employer group.
- 178.** Clause 3.1.2. (d) was adopted as sub-amended.
- 179.** In respect of clause (g), the Worker Vice-Chairperson made several suggestions. He recommended the removal of “and” before “abusive”; the inclusion of the phrase “and dereliction of duty” after “behaviours”; and the replacement of the word “considered” with the word “investigated” as well as “; and” at the end of the clause.
- 180.** The Government Vice-Chairperson was not in favour of including a reference to “dereliction of duty” since he considered the reference to “integrity measures” in the text to be sufficient.
- 181.** To achieve consensus, the Deputy Secretary-General proposed “violation of statutory duties” in lieu of “dereliction of duties”. All groups agreed with the proposal by the Office.
- 182.** The Employer Vice-Chairperson proposed the inclusion of the word “prevent and” before “protect” at the beginning of the clause.
- 183.** The proposal was accepted.
- 184.** Clause 3.1.2. (g) was adopted as sub-amended.

185. A new clause was proposed by the Worker Vice-Chairperson. It read as follows:

procedures, after consultations with the most representative workers' and employers' organizations, for securing the full cooperation of employers and workers and their organizations in promoting a high standard regarding conditions affecting the safety and health of workers and the application of legal provisions enforceable by labour inspectors (Paragraph 20 of Recommendation No. 20).

186. The inclusion of the new clause was supported by both the Government and Employer Vice-Chairpersons.

187. An additional new clause proposed by the Government Vice-Chairperson, namely "measures to ensure the personal safety of labour inspectors during their visits of establishments" was withdrawn since he considered the matter more relevant for discussion under subsequent chapters of the guidelines.

188. The entire paragraph and all its clauses were adopted as amended.

3.2. Planning and programming

Paragraph 3.2.1

189. Since "vulnerable groups" were not homogeneous across countries, the Employer Vice-Chairperson recommended that labour inspectorates should assess levels of compliance and risks pertaining to vulnerable groups to ensure the implementation of effective protection measures. To that end, he suggested adding "assess levels of compliance and risks to compliance, and to" after "mandate and powers to". In addition, he recommended adding "where needed" after "such workers".

190. While both the Government and Worker groups agreed with the inclusion of the phrase "assess levels of compliance and risks to compliance, and to", the Worker Vice-Chairperson recommended that the reference to "where needed" be removed since it weakened the protection afforded to vulnerable groups.

191. The Employer Vice-Chairperson agreed to remove "where needed" but suggested replacing it with "accordingly".

192. The Government and Worker Vice-Chairpersons supported this proposal.

193. The Employer Vice-Chairperson introduced an amendment to delete "a more proactive" before "approach" and to replace it by "an". The Government and Worker Chairpersons agreed with the proposed amendment.

194. The proposal was accepted.

195. The paragraph was adopted as amended.

New paragraph

196. The Worker Vice-Chairperson proposed a new paragraph related to the use of qualitative and quantitative indicators. The Office suggested that the issue of indicators was covered in paragraph 3.3.2 and that it was more appropriate to be discussed there. The Worker Vice-Chairperson agreed to withdraw the proposal.

Paragraph 3.2.2

197. The paragraph was adopted without change.

Paragraph 3.2.3

- 198.** The Government Vice-Chairperson noted that labour inspection planning should take regional specificities into account, and therefore recommended that the phrase “should be coordinated by the central authority taking into consideration the regional specificities” be added to the text after “annual planning”.
- 199.** The Employer and Worker Vice-Chairpersons agreed with the proposal.
- 200.** The paragraph was adopted as amended.

Paragraph 3.2.4

- 201.** The Employer Vice-Chairperson suggested the following addition to the paragraph:

There can also be significant value in inspectorates’ publicly announcing the industries and areas of risk that they will target in an upcoming period, which can, via (joint) targeted information and training campaigns, serve as a spur to increased compliance even prior to any inspection activities.

- 202.** The Worker Vice-Chairperson supported the new text but suggested that “where appropriate” be added to the text after “publicly announcing”.
- 203.** Both the Government and Worker Vice-Chairpersons supported the suggested change to the text proposed by the Employer group.
- 204.** The paragraph was adopted as amended.

Paragraph 3.2.5

- 205.** The Employer Vice-Chairperson suggested minor amendments to the text, namely the removal of “the” before the second reference to “information”, and the addition of “where available” after “technology systems”.
- 206.** The Government and Worker Vice-Chairpersons supported the proposed amendment.
- 207.** The paragraph was adopted as amended.

3.3. Monitoring and evaluation

Paragraph 3.3.1

- 208.** The paragraph was adopted without change.

Paragraph 3.3.2

- 209.** The Worker Vice-Chairperson introduced an amendment to replace “should” with “must” before “be coupled”.
- 210.** The Government and Employer Vice-Chairpersons both supported the amendment.
- 211.** The paragraph was adopted as amended.

Paragraph 3.3.3

- 212.** The Employer Vice-Chairperson introduced an amendment to add the following sentence to clause (a): “Social partners should be associated with and contribute to the monitoring and evaluation of institutional performance;” He noted that social partners could add value to the monitoring and evaluation process of labour inspectorates.
- 213.** While the Worker Vice-Chairperson supported the proposed amendment, the Government Vice-Chairperson pointed out that monitoring and evaluation of inspection activity was the

prerogative of the labour inspectorate and indicated that he could not support the proposed amendment.

- 214. In response, the Employer Vice-Chairperson introduced a sub-amendment that removed the reference to “be associated with and” but retained “social partners should contribute to the monitoring and evaluation of institutional performance”.
- 215. The Government Vice-Chairperson agreed with the sub-amendment.
- 216. The paragraph was adopted as amended.
- 217. The entire paragraph and all its clauses were adopted as amended.

3.4. Labour inspection reports

Paragraph 3.4.1

- 218. The Employer Vice-Chairperson proposed an amendment to replace “the basis” with “important”. While in an ideal world periodic reports would be available on time, those reports were often submitted late.
- 219. The Worker Vice-Chairperson did not support the amendment. He argued that the word “important” did not carry the same weight as “the basis”.
- 220. The Deputy-Secretary General suggested replacing “the basis” with ‘of ‘critical importance’ to address the concern of the Workers group.
- 221. All three groups accepted the proposal.
- 222. The paragraph was adopted as amended.

Paragraph 3.4.2

- 223. The Chairperson suggested adding “Appropriate” at the beginning of the paragraph before “information and communication technologies” to improve the language.
- 224. The Employer Vice-Chairperson did not agree with the suggestion and instead introduced an amendment to add “where available” after “information and communication technologies”. The availability of those technologies depended on the country context.
- 225. The Worker Vice-Chairperson agreed with the addition of “where available” and introduced an amendment to delete “, without imposing an administrative burden” at the end of the paragraph.
- 226. The Employer Vice-Chairperson agreed with the amendment of the Workers’ group.
- 227. The Government Vice-Chairperson agreed with both amendments.
- 228. The paragraph was adopted as amended.

Paragraph 3.4.3

- 229. The Employer Vice-Chairperson introduced an amendment to add the following sentence to the end of the paragraph:

Continuous reporting using ICT technologies embedded in the procedures of inspectorates can offer more immediate and accurate reporting that can be interrogated to develop an even deeper understanding.

- 230. The Worker Vice-Chairperson introduced a sub-amendment to delete “continuous” and to delete “that can be interrogated to develop an even deeper understanding” as this was superfluous.

231. The Government Vice-Chairperson and the Employer Vice-Chairperson agreed with the sub-amendment.

232. The paragraph was adopted as amended.

Paragraph 3.4.4

233. The Employer Vice-Chairperson introduced two amendments. The first was to replace “is” after “visit” by “should be a key” in the second sentence so that the sentence would read: “The outcome of the inspection visit should be a key part of the inspectorates’ institutional memory”. The second amendment proposed to replace “done” before “according to” by “prepared and recorded” in the last sentence.

234. The Government Vice-Chairperson and the Worker Vice-Chairperson did not object to the proposed amendments.

235. The paragraph was adopted as amended.

Paragraph 3.4.5

236. The Employer Vice-Chairperson reminded the meeting that inspection reports would come in different stages. They should at least contain preliminary information or findings. The process could be assisted by ICT. He suggested to replace “findings” by “preliminary findings or concerns of the inspector” and to add “a process which can be assisted by ICT technologies” at the end of the second sentence.

237. The Worker Vice-Chairperson disagreed with the inclusion of “preliminary” as the significance was not clear, and findings should be updated once additional information had been collected. Final reports were the most important and should be submitted as soon as possible. He also stated that the paragraph was about findings and not the concerns of the inspectors.

238. The Government Vice-Chairperson supported the amendments proposed by the Employers’ group.

239. The Employer Vice-Chairperson clarified that the preliminary findings referred to findings on site. Those findings should always be related even if follow-up investigations were done.

240. The Government Vice-Chairperson said that preliminary reports were already prepared in certain cases before the final report was prepared. The Governments’ group could therefore accept that that practice would be reflected in the paragraph.

241. The Deputy Secretary General, responding to the Chairperson’s request for clarification, proposed the inclusion of “final” before “individual inspection report”.

242. The Government Vice-Chairperson, the Employer Vice-Chairperson and the Worker Vice-Chairperson accepted the proposal by the Office.

243. The amendment to include “, a process which can be assisted by ICT technologies” at the end of the second sentence, was not accepted and was removed from the text”.

244. The Worker Vice-Chairperson introduced an amendment to the end of the paragraph to add the sentence “When completed the report should be shared with the employer and, where they exist, workers’ representatives at the workplace” as this was common practice.

245. The Employer Vice-Chairperson remarked that the inspection report should be shared with the legal representative of the enterprise, which was normally the employer. Indicating with whom the report should be shared provided guidance that went beyond the scope of Convention No. 81.

- 246.** The Government Vice-Chairperson proposed a sub-amendment to add “When requested through formal channels, respecting national legislation on confidentiality,” before “the report”.
- 247.** The Employer Vice-Chairperson pointed out that not only the national legislation on confidentiality should be applicable, but all relevant national legislation. He therefore suggested deleting “on confidentiality”.
- 248.** The Worker Vice-Chairperson agreed with the proposal of the sub-amendment from the Employers’ group.
- 249.** Paragraph 3.4.5 was adopted as amended.

Paragraph 3.4.6

- 250.** The Employer Vice-Chairperson stated that the last part of the paragraph referring to “in default of proof to the contrary (in countries where it is not incompatible with their system and principles of law)” was not well formulated and therefore difficult to understand. He proposed to delete it.
- 251.** The Deputy Secretary-General explained that this part was extracted from Recommendation No. 20 and the phrase indicated that while the reports of labour inspectors were considered to establish the facts as understood, proof to the contrary could always be introduced by the parties concerned. To simplify the text, the Office proposed that “, in accordance with national legislation” be added to the paragraph to replace “(in countries where it is not incompatible with their system and principles of law)”.
- 252.** The Government Vice-Chairperson, the Employer Vice-Chairperson and the Worker Vice-Chairperson accepted the suggestion by the Office.
- 253.** The paragraph was adopted as amended.

Paragraph 3.4.7

- 254.** The Employer Vice-Chairperson proposed minor amendments to the paragraph, namely, to delete “the” before “nature of all contraventions” and to add “any follow up actions” after “proposed sanctions.”
- 255.** The Government Vice Chairperson and Worker Vice Chairperson supported the proposed amendments.
- 256.** The paragraph was adopted as amended

Paragraph 3.4.8

- 257.** The Employer Vice-Chairperson proposed two additions to the paragraph, namely, to add “assess data and trends” after “direct control,” and to add “, reporting and support for compliance” after “inspection activities” at the end of the paragraph.
- 258.** The Government Vice Chairperson and Worker Vice Chairperson supported the proposed amendments.
- 259.** The paragraph was adopted as amended.

Paragraph 3.4.9

- 260.** The paragraph was adopted without change.

Paragraph 3.4.10

- 261.** The paragraph was adopted without change.

Paragraph 3.4.11

262. The Government Vice-Chairperson withdrew his group's proposed amendment (namely to add "if appropriate" after "reports") in favour of the amendments proposed by the Employer group.

263. The Employer Vice-Chairperson proposed to amend the paragraph by replacing "following" with "consistent with" and adding ", or consistent with national frameworks for Government reporting" at the end of the sentence. He explained that reports should be consistent with ILO's system of harmonized labour inspector statistics but noted that some countries go beyond those standards. For example, EU countries report under the EU Multi-Annual National Control Plan (MANCP) and this should be reflected in the text.

264. The Government Vice-Chairperson and the Worker Vice-Chairperson accepted the amendments proposed by the Employer group.

265. The paragraph was adopted as amended.

266. Chapter 3 was adopted as amended.

Chapter 4. Labour inspectors' status and careers

4.1. Status and conditions of service

Paragraph 4.1.1

267. The paragraph was adopted without change.

Paragraph 4.1.2

268. The paragraph was adopted without change.

Paragraph 4.1.3

269. The Chairperson noted that the amendment proposed by the Employer group related to standards of conduct was addressed in Part 4.5 of the guidelines and asked the Employer group to consider withdrawing the amendment at this stage and reintroducing it under 4.5 "Deontology".

270. The Employer Vice-Chairperson agreed with the proposal and withdrew the amendment from consideration under 4.1.3.

271. The paragraph was adopted without change.

Paragraph 4.1.4

272. The Employer Vice-Chairperson suggested to delete the last sentence of the paragraph "Stability of employment is best secured if labour inspectors are civil servants appointed on a permanent basis". He argued that the integrity of labour inspectors needed to be secured and the appointment of civil servants on a permanent basis often undermined integrity because it created a sense of "untouchability".

273. The Government Vice-Chairperson and Worker Vice-Chairperson both objected to the proposed amendment. The Worker Vice-Chairperson pointed out that the paragraph was aligned with Article 6 of Convention No. 81 and Article 8 of Convention No. 129 that provided that labour inspectors must be civil servants that were "assured of stability of employment".

274. The Employer Vice-Chairperson asked the Office to clarify whether the relevant Conventions Nos 81 and 129 used the word "permanent" to refer to the status of labour inspectors.

275. The Deputy Secretary-General cited the wording of Article 6 of Convention No. 81, which was repeated in Article 8(1) of Convention No. 129:

The inspection staff shall be composed of public officials whose status and conditions of service are such that they are assured of stability of employment and are independent of changes of government and of improper external influences.

276. The Deputy-Secretary-General also proposed adding the phrase “without prejudice of their disciplinary responsibility” at the end of the paragraph.

277. Considering the explanation by the Office, the Employer Vice-Chairperson indicated that his group would withdraw the proposal to delete the last sentence of the paragraph but proposed that the word “permanent” be replaced by the word “stable” to ensure that the wording was fully in line with the relevant Conventions.

278. The Worker Vice-Chairperson pointed out that Article 14 of Recommendation No. 20 used the word “permanent” rather than “stable”, and therefore recommended that the word “permanent” be retained. The Government Vice-Chairperson supported that proposal.

279. The Employer Vice-Chairperson reminded the meeting that Conventions had a higher status than Recommendations, and that the word “stable” should therefore have preference over “permanent”. However, his group would be willing to withdraw their amendment and support the alternative wording suggested by the Office. The Chairperson suggested that the paragraph be revisited when paragraph 4.5 was discussed.

280. In a subsequent sitting, discussion of this paragraph resumed, and the Office recommended that the phrase “on a permanent basis” be replaced by the phrase “without limit of time” to resolve the difference of opinion among the groups.

281. All groups agreed with this proposal. It was also agreed that the addition of the phrase “without prejudice of the disciplinary responsibility” that was proposed by the Office would not be retained.

282. The paragraph was adopted as amended.

Paragraphs 4.1.5 and 4.1.6

283. The paragraphs were adopted without change.

Paragraph 4.1.7

284. The Employer Vice-Chairperson proposed the following amendments to the first sentence of the paragraph: adding “an appropriate” before “technical”; adding “and functional” before “autonomy”; replacing “process of all” with “on”; and adding “and priorities” after “inspection activities”.

285. The Government Vice-Chairperson and the Worker Vice-Chairperson questioned the use of the word “an appropriate” since it seemed to question the technical decision-making of labour inspectors. The Government Vice-Chairperson suggested that “an appropriate” be removed. The Worker Vice-Chairperson supported this suggestion.

286. The Employer Vice-Chairperson agreed with the proposal to remove “an appropriate” from their proposed amendment.

287. The Government Vice-Chairperson and the Worker Vice-Chairperson supported the other proposed amendments by the Employers’ Group.

288. The paragraph was adopted as amended.

Paragraph 4.1.8

289. The paragraph was adopted without change.

Paragraph 4.1.9

290. The Employer Vice-Chairperson proposed to replace the words “at least as good as” with “broadly consistent with”.

291. The Employer Vice-Chairperson suggested a sub-amendment to delete the word “broadly” from their proposed amendment.

292. The proposal as sub-amended was accepted.

293. The paragraph was adopted as amended.

Paragraphs 4.1.10 and 4.1.11

294. The paragraphs were adopted without change.

Paragraph 4.1.12

295. The Employer Vice-Chairperson [M] proposed to add “merit and” before the word “seniority”.

296. The Government Vice-Chairperson and the Worker Vice-Chairperson agreed with the proposal.

297. The paragraph was adopted as amended.

Paragraph 4.1.13

298. The Worker Vice-Chairperson proposed to add the sentence “Any such horizontal movement should not be to the detriment of the authority’s capacity to perform its functions” at the end of the paragraph. The Government Vice-Chairperson and the Employer Vice-Chairperson agreed with the proposal.

299. The Employer Vice-Chairperson proposed to add the following text at the end of the paragraph:

Competition of appointment of labour inspectors should be open to applicants outside the public sector, and a position should be advertised to the general community, from the private sector and from workers’ and employers’ organizations.

300. The Deputy-Secretary General suggested to move the discussion of the amendment to paragraph 4.2.3 since it was related to the recruitment of labour inspectors.

301. The Employer Vice-Chairperson agreed and withdrew the proposal.

302. The paragraph was adopted as amended.

Paragraph 4.1.14

303. The Government Vice-Chairperson presented a proposal to replace the word “punitively” with the text “as a sanction except for reasons related to compliance with ethical rules”. This was agreed to by the Worker Vice-Chairperson and the Employer Vice-Chairperson.

304. The paragraph was adopted as amended.

New paragraph

305. The Employer Vice-Chairperson proposed to add a new paragraph that read as follows:

Appropriate human resources policies should be put in place to encourage greater diversity, including gender diversity of labour inspection staff (e.g., part-time work to reconcile private and working life).

306. The Worker Vice-Chairperson suggested removing the text in parenthesis.

307. The Government Vice-Chairperson and the Employer Vice-Chairperson agreed.

308. The new paragraph was adopted as amended after paragraph 4.1.14.

New paragraph

309. Another new paragraph was proposed by the Employer Vice-Chairperson that read as follows:

No labour inspector can properly undertake their work where they are being threatened or abused by either employers or workers, or by their representatives or by any other members of the community. There should be appropriate and effective legal protections for inspectors against violence, harassment or intimidation during the course of their work, in line Convention No. 190.

310. The Employer Vice-Chairperson proposed a sub-amendment to delete the text “by either employers or workers, or by their representatives or by any other members of the community” from the proposed amendment.

311. The proposals were accepted by all groups.

312. The new paragraph was adopted as amended.

4.2. Recruitment of labour inspectors

Paragraph 4.2.1

313. The paragraph was adopted without change.

Paragraph 4.2.2

314. The Employer Vice-Chairperson proposed to add the following text at the end of the paragraph: “Parameters for recruitment might be part of wider public service standards and requirements”.

315. The proposal of the Deputy-Secretary General to move this text to paragraph 4.2.6 was agreed to by all groups.

316. The proposal was withdrawn by the Employer Vice-Chairperson.

317. The paragraph was adopted without change.

Paragraph 4.2.3

318. The amendment proposed by the Employers’ group that had been withdrawn from paragraph 4.1.13 was reintroduced at the end of paragraph 4.2.3: “Competition for appointment as labour inspectors should be open to applicants outside the public sector, and a position should be advertised to the general community, from the private sector and from workers’ and employers’ organizations.”

319. This was agreed by the Government Vice-Chairperson, the Employer Vice-Chairperson, and the Worker Vice-Chairperson.

320. The paragraph was adopted as amended.

321. The Secretariat made an editorial change removing the two occurrence of the word “from” before “the private sector” and before “workers”.

Paragraph 4.2.4

322. The Government Vice-Chairperson presented a proposal to add, at the end of the paragraph, the words “, or equivalent experience”.

- 323.** The Employer Vice-Chairperson agreed with this proposal.
- 324.** The Worker Vice-Chairperson questioned the use of the phrase “equivalent experience” because in his view “experience” was not sufficient as a minimum qualification.
- 325.** The Employer Vice-Chairperson explained that many inspectorates around the world do not require an academic degree for labour inspectors. It is often sufficient to have a high school diploma that is supplemented with some relevant experience.
- 326.** The Employer Vice-Chairperson suggested replacing “equivalent experience” by “equivalent competence by experience”.
- 327.** The Worker Vice-Chairperson asked if this could be further reformulated and suggested replacing “equivalent experience” by “equivalent academic level” because it was important to recognise that some analytical and communications skills were required to perform the role of labour inspector.
- 328.** The Deputy-Secretary General proposed the following text: “, or equivalent competence level as defined by national legislation”.
- 329.** This was agreed to by all groups.
- 330.** The paragraph was adopted as amended.

Paragraph 4.2.5

- 331.** The paragraph was adopted without change.

Paragraph 4.2.6

- 332.** The Chairperson reminded the meeting that it was agreed that the amendment proposed by the Employers’ group under paragraph 4.2.2 would be considered here. The Employer group suggested that the following sentence be added to the paragraph: “Parameters for recruitment might also be part of wider public service standards and requirements.”
- 333.** The Government Vice-Chairperson and the Worker Vice-Chairperson agreed with the amendment.
- 334.** The paragraph was adopted as amended.

Paragraphs 4.2.7 and 4.2.8

- 335.** The paragraphs were adopted without change.

Paragraph 4.2.9

- 336.** The Employer Vice-Chairperson proposed an amendment to delete “of workers” after “represented groups” and to add “employment” after “civil service”.
- 337.** The Government Vice-Chairperson and the Worker Vice-Chairperson supported the amendments.
- 338.** The paragraph was adopted as amended.

Paragraph 4.2.10

- 339.** The Employer Vice-Chairperson introduced an amendment to replace “should sit a final examination in order to be permanently” with “may be”.
- 340.** The Worker Vice-Chairperson proposed an amendment to add “or any other means of assessment of competence, as appropriate under national legislation or practice” after “final examination”.

- 341.** Considering the proposal by the Workers' group, the Employer Vice-Chairperson withdrew his group's proposed amendment, and expressed support for the amendment proposed by the Workers' group.
- 342.** The Government Vice-Chairperson also expressed support for the amendment proposed by the Workers' group.
- 343.** The paragraph was adopted as amended.

4.3. Associated experts and specialists

Paragraph 4.3.1

- 344.** The paragraph was adopted without change.

Paragraph 4.3.2

- 345.** The Worker Vice-Chairperson introduced an amendment to add "including occupational psychologists and other specialists," after "experts". He explained that it was important to include occupational psychologists among the experts given their important role in addressing work related stress and psychosocial risks and improving communication at the workplace.
- 346.** The Chairperson pointed out that the occupations of the various experts were included in the footnote, and that it may be more appropriate to include the proposed amendment in the footnote.
- 347.** The Employer Vice-Chairperson supported the amendment from the Workers' group to include a reference to occupational psychologist in the text of the paragraph, but also proposed including "industrial hygienists, ergonomics experts and" after "occupational psychologists".
- 348.** The Government Vice-Chairperson agreed with the amendments proposed by both the employers' and workers' groups.
- 349.** The Employer Vice-Chairperson proposed adding "outside the labour inspection function" after "expertise". The Worker Vice-Chairperson supported this amendment, pointing out that it was important for labour inspectors to exchange information with other professionals. The Government Vice-Chairperson supported the amendment proposed by the Employer group.
- 350.** The paragraph was adopted as amended.

4.4. Training of labour inspectors

Paragraph 4.4.1

- 351.** The Government Vice-Chairperson proposed the inclusion of the following sentence at the end of the paragraph: "It is recommended that the labour inspectorate has their own national school for labour inspectors." He explained that it is important that the labour inspectorate have their own training facility, which, in addition to training labour inspectors, could also provide guidance to workers and employers and undertake studies.
- 352.** The Worker Vice-Chairperson was not opposed to the amendment proposed.
- 353.** The Employer Vice-Chairperson indicated his group could not accept the proposed amendment because it could have a negative impact on the quality of and accessibility to training. Trainers may not always have the requisite experience and qualifications, and the number of inspectors trained may also be low. To ensure quality and accessibility, collaboration with Universities and specialized institutions is preferable. He proposed a sub-amendment to replace "their own national school for labour inspectors" by "access to high quality training facilities such as their

own national school or structural collaboration with universities and/or specialized institutions.”

354. The Government Vice-Chairperson and the Worker Chairperson supported the amendment as sub-amended.

355. The paragraph was adopted as amended.

Paragraph 4.4.2

356. The Employer Vice-Chairperson proposed the following amendments to the paragraph: to replace “national” with “relevant and high quality”, and to add “enhancing the soft skills necessary to work constructively with workers and employers in often difficult and stressful situations and support them in changing practices and behaviours” before “reinforcing”.

357. The Government Vice-Chairperson and the Worker Vice-Chairperson supported the proposed amendments.

358. The paragraph was adopted as amended.

Paragraph 4.4.3

359. The Chairperson pointed out that the amendment proposed by the Employers’ group to add “and/or guided on the job learning with experienced inspectors” was similar to the amendment that the group had proposed to paragraph 4.4.5 and suggested that it would be more appropriate to discuss the issue under 4.4.5.

360. The Employer Vice-Chairperson agreed to withdraw the amendment to paragraph 4.4.3 and to discuss the matter under paragraph 4.4.5.

361. The paragraph was therefore adopted without change.

Paragraph 4.4.4

362. The Worker Vice-Chairperson introduced the following amendments to the paragraph: to add “labour inspection as a component of labour administration systems, developments in the labour market including emerging trends and categories of workers” after “theoretical training should include”; to add “enforcement and” before “sanctioning”; and to add “measures and” before “procedure”.

363. The Employer Vice-Chairperson agreed with the amendments but suggested that the proposed sentence “labour inspection as a component of labour administration systems, developments in the labour market including emerging trends and categories of workers” be moved to after “regulatory framework”.

364. The Government Vice-Chairperson agreed with the proposal of the Worker Vice-Chairperson and supported the Employer Vice-Chairperson’s proposal to move the sentence starting with “labour inspection as a component of”, but suggested that it be added before “standard operating procedures”. In addition, he proposed a sub-amendment to replace “labour inspection as a component of labour administration systems” by “labour inspection and labour administration systems”.

365. The proposal by the Government Vice-Chairperson to move the sentence before “standard operating procedures” and the proposed sub-amendment were accepted.

366. The Employer Vice-Chairperson withdrew a proposed amendment to delete “extensive” before “knowledge” and to replace “covering” by “of” before “the relevant technical and regulatory framework”.

367. The paragraph was adopted as amended.

Paragraph 4.4.5

- 368.** No amendments were proposed to the paragraph. However, the Chairperson noted that the Employer group’s proposed amendment to paragraph 4.4.3 “and/or guided on the job learning with experienced inspectors” needed to be considered under paragraph 4.4.5.
- 369.** The Deputy-Secretary General observed that the Employer group’s proposal related to “on the job training” may already be reflected in the current paragraph, which referred to structured mentoring by more experienced inspectors.
- 370.** Considering the explanation by the Office, the Employer Vice-Chairperson withdrew the proposed amendment to the paragraph.
- 371.** The paragraph was therefore adopted without change.

New paragraph

- 372.** The Employer Vice-Chairperson proposed the inclusion of the following new paragraph:

All labour inspectors should be provided with significant training on the substance of labour law obligations and the requirements they are seeking to enforce, the extent of their legal powers and responsibilities, in technologies and record-keeping, on how to deal with and communicate with employers and workers, and on requirements for independence, integrity, positive problem-solving attitude and the avoidance of corruption or bribery. Employers and workers organisations should be consulted on the standard training and induction that inspectors receive.

- 373.** The Government Vice-Chairperson supported the new paragraph but suggested a sub-amendment to delete the last sentence related to social partners. The Employer Vice-Chairperson agreed with the sub-amendment.
- 374.** The Worker Vice-Chairperson agreed with the new paragraph as sub-amended.
- 375.** The new paragraph was adopted as amended after paragraph 4.4.5.

New paragraph

- 376.** The Employer Vice-Chairperson proposed amendment to include the following new paragraph:

Training should include familiarity with the commercial and operational constraints upon employers, the nature of particular industries and the challenges they face, and an appreciation of the role played by employers and workers organisations in determining obligations and their enforcement in each national context. Organisations of employers and workers should work with the labour inspectorate to ensure that the induction and training of inspectors provide some exposure to the concerns, cultures and approaches of the for-profit sector.

- 377.** He noted that it was important for labour inspectors to be familiar with the constraints and challenges faced by employers and with the nature of their businesses. It was equally important for employer organisations to be able to provide input into the induction and training of labour inspectors to ensure that their concerns were adequately reflected. However, from previous discussions, he recognised that governments were not in favour of collaboration with employer and worker organisations in the development of training for labour inspectors and indicated that his group would be willing to remove the last sentence from the proposed amendment.
- 378.** The Worker Vice-Chairperson indicated that his group did not support the first sentence of the proposed new paragraph as it currently read, indicating that many of the skills listed in the paragraph were learnt by labour inspectors during inspections, and that it was not appropriate

to include those topics in training courses. He therefore suggested that the first sentence be deleted. However, he was in favour of ensuring that both employer and worker organisations were consulted when training material was developed and proposed that the sentence that was deleted from the previous paragraph, namely “Employers and workers organisations should be consulted on the standard training and induction that inspectors receive” replace the second sentence of the proposed amendment.

- 379.** The Government Vice-Chairperson supported the proposal of the Worker group to delete the second sentence of the proposed amendment, and to retain the first sentence. However, he proposed adding the words “when possible” at the beginning of the first sentence to make it clear that familiarity with the commercial and operational constraints was encouraged but not mandatory.
- 380.** The Worker Vice-Chairperson indicated that if the paragraph were to be retained as suggested by the Government Vice-Chairperson, it was important to also require that labour inspectors have knowledge of work councils and the tasks of worker representatives in businesses. He therefore suggested adding a new sentence after the sentence ending with “context” that read “It is equally important to have knowledge of the work of work councils and worker representatives in organisations, companies, etc.”.
- 381.** The Employer group agreed with the proposal of the Worker group but suggested including the reference to familiarity with the roles played by employer and worker organisations be placed at the beginning of the paragraph. In addition, he proposed that a reference be included to consultative bodies such as safety representatives and workers’ councils. Finally, he suggested that the phrase “when possible” proposed by the Government group be added to the new second sentence, which referred to familiarity with the commercial and operational context.
- 382.** Since there were numerous amendments to the paragraph, the Chairperson asked that the text of the revised paragraph be displayed to ensure that all groups could agree on the new formulation. The following text was displayed:

Training should include familiarity with the roles played by employers’ and workers’ organizations, the work of consultative bodies such as safety representatives and workers’ councils operating in companies. When possible, training should also include familiarity with the commercial and operational context, the nature of particular industries and the challenges they face.

- 383.** All groups agreed with the revised text, and the new paragraph was adopted as amended.

Paragraph 4.4.6

- 384.** The Worker Vice-Chairperson proposed inserting “including where inspectors are assigned or moved to industry or sectors new to them” after “technologies,”.
- 385.** The Government Vice-Chairperson supported this amendment.
- 386.** The Employer Vice-Chairperson also expressed the support of his group but requested the Office to check whether the terminology used could be improved in the final text.
- 387.** The Deputy Secretary-General proposed the following formulation in replacement of the amendment: “and cover sector specific needs.”
- 388.** All groups agreed with the formulation proposed by the Office.
- 389.** The paragraph was adopted as amended.

Paragraphs 4.4.7 and 4.4.8

- 390.** The paragraphs were adopted without change.

4.5. Deontology

Title of 4.5

- 391.** The Employer Vice-Chairperson proposed that the title of the section be amended from “Deontology” to “Independence and confidentiality”.
- 392.** The Chairperson invited the Office to comment on the proposal.
- 393.** The Deputy Secretary-General suggested “Occupational Ethics”, which was more in line with the terminology used in practice.
- 394.** The Government Vice-Chairperson, Employer Vice-Chairperson and Worker Vice-Chairperson all agreed with the proposal by the Office.
- 395.** The title for 4.5 was adopted as amended.

Paragraph 4.5.1

- 396.** The paragraph was adopted without change.

Paragraph 4.5.2

- 397.** The Employer Vice-Chairperson proposed the following amendments to the paragraph: to insert “or public sector regulation” after “national legislation”; and to add the following new sentence to the end of the paragraph: “There must be clear sanctions and consequences for any breach of requirements for independence, integrity and confidentiality, up to and including termination of contract in the public service and appropriate fines and sanctions.”
- 398.** The Worker Vice-Chairperson suggested that “applicable” be added before “public sector regulation”, and that the last part of the new proposed sentence from “, up to and” until “sanctions” be deleted.
- 399.** The Government Vice-Chairperson agreed with the additions as amended by the Worker group.
- 400.** The paragraph was adopted as amended.

Paragraph 4.5.3

- 401.** The Worker Vice-Chairperson proposed an amendment to add “related to manufacturing, commercial or working processes” after “professional secrecy”.
- 402.** The Employer Vice-Chairperson did not support the amendment. Professional secrecy could also be related to financial or human resource information. The paragraph should either list all areas or none.
- 403.** The Government Vice-Chairperson agreed with the Employer Vice-Chairperson.
- 404.** The Worker Vice-Chairperson withdrew the amendment.
- 405.** The Employer Vice-Chairperson introduced an amendment to add “Such duty applies during the employment relationship and continues after the end of the employment relationship” at the end of the paragraph to emphasize that the duty of professional secrecy would continue after an individual inspector left the profession.
- 406.** The Worker Vice-Chairperson asked for further clarification.
- 407.** The Deputy Secretary General explained that Art 15(b) of Convention No. 81 already emphasized that confidentiality would apply even after they left service. It provided that labour inspectors “shall be bound on pain of appropriate penalties or disciplinary measures not to

reveal, even after leaving the service, any manufacturing or commercial secrets or working processes which may come to their knowledge in the course of their duties”.

- 408.** The Government Vice-Chairperson suggested adding an express reference to the provision of the Convention.
- 409.** All groups agreed with the Government proposal, and the Deputy Secretary General therefore proposed the addition of “in line with Article 15 (b) of Convention No. 81” after “secrecy”.
- 410.** Considering the inclusion of the specific reference to the Convention, the Employer Vice-Chairperson withdrew the Employers’ group amendment.
- 411.** The paragraph was adopted as amended.

Paragraph 4.5.4

- 412.** The paragraph was adopted without change.

Paragraph 4.5.5

- 413.** The Employers’ group had submitted amendments to add “and report on” before “such practices”; to add “, and protection for whistle blowers” after “internal investigation procedures” and to add “or have them breach their obligations in regard to independence, integrity and maintaining confidentiality” at the end of the paragraph.
- 414.** The Government Vice-Chairperson and Worker Vice-Chairperson agreed to the proposed changes.
- 415.** The paragraph was adopted as amended.
- 416.** The Chairperson pointed out that the adoption of the paragraph closed the discussion on amendments which had been moved from paragraphs 4.1.3. and 4.1.4.

4.6. Other statutory aspects

Paragraphs 4.6.1, 4.6.2 and 4.6.3

- 417.** The paragraphs were adopted without change.

Paragraph 4.6.4

- 418.** The Employer Vice-Chairperson introduced an amendment to replace “labour inspectors are exposed” by “labour inspectors may be exposed” since the exposure to risk was possible but not inevitable.
- 419.** The Worker Vice-Chairperson recalled that the guidelines should have general application and should not be applicable to every specific individual situation.
- 420.** The Government Vice-Chairperson supported the original text but indicated that the amendment by the Employers’ group could be acceptable.
- 421.** The Deputy Secretary General proposed “potentially” as an alternative text to “may be”.
- 422.** The Government Vice-Chairperson, the Employer Vice-Chairperson and the Worker Vice-Chairperson agreed to the text proposed by the Office.
- 423.** The paragraph was adopted as amended.

Paragraph 4.6.5

- 424.** The paragraph was adopted without change.

Paragraph 4.6.6

- 425.** The Employers' group submitted amendments in clause (a) to add "and harassment," after "violence" and "on" before "applicable legislation".
- 426.** The Government Vice-Chairperson and Worker Vice-Chairperson supported the amendments.
- 427.** The clause was adopted as amended.
- 428.** The Workers' group submitted an amendment in clause (b) to replace "instances" with "mechanisms".
- 429.** The Employers' group submitted an amendment to replace "has instances to which" with "create avenues for"; to add "to" before "report"; and to add "such" before "complaints".
- 430.** There were no objections to the amendment by the Workers' Group and it was thus accepted.
- 431.** To combine the proposals submitted by the Employers and Workers, the Office proposed including "for" after "mechanisms". Considering the proposal by the Office, the first amendment from the Employers' Group thus fell.
- 432.** The remaining two amendments proposed by the Employers' Group were accepted.
- 433.** The paragraph was adopted as amended.
- 434.** The Workers' group submitted an amendment to clause (c) to add "including psychosocial support and effectively support the prosecution of perpetrators" at the end of the clause.
- 435.** The Employer Vice-Chairperson agreed to add "psychosocial support". He was reluctant to include the reference to the support of prosecution of perpetrators. While he agreed in principle, however the Guidelines should not provide guidance to the judicial system. Ideally that reference would fit better in a different part of the document.
- 436.** The Government Vice-Chairperson asked the Office to indicate if such a reference would fit better in another part of the document. If not, the Government group would support the amendment proposed by the Workers' group.
- 437.** The Worker Vice-Chairperson clarified that the intention was not to provide guidance to the judicial system but to refer to how the labour inspectorate would deal with reported cases.
- 438.** The Deputy Secretary General indicated that such a reference could not be reflected in another part of the document.
- 439.** The amendment proposed by the Workers' group was agreed to by the Government and Employer groups.
- 440.** The paragraph was adopted as amended.
- 441.** The Worker Vice-Chairperson proposed an amendment for the inclusion of a new clause after clause (c) that read as follows: "conduct risk assessments and put in place preventive measures to protect and provide needed assurances in the performance of labour inspectors' duties; and".
- 442.** The Deputy Secretary-General pointed out that this aspect was already covered by paragraph 4.6.5.
- 443.** The Workers' group withdrew their amendment.
- 444.** The paragraph and clauses were adopted as amended.

Paragraph 4.6.7

- 445.** The Employer Vice-Chairperson submitted amendments to add ", including threats from employers and workers, and from their organisations" after "duties"; to replace "allowed" with

“empowered”; to replace “ask for” with “seek”; and to replace “those” with “such”. He pointed out that it was important to recognise that violence and harassment could also be perpetrated by employers and workers and their organisations.

- 446.** The Government Vice-Chairperson supported the amendments proposed by the Employers’ group.
- 447.** The Worker Vice-Chairperson questioned the rationale for the inclusion of a specific reference to employers, workers, and their organisations.
- 448.** The Deputy Secretary-General proposed inserting “any” before “threats of violence”, which would make it clear that this also covered employers, workers, and their organisations. Thus, the amendment proposed by the Employers’ group “, including threats from employers and workers, and from their organisations” after “duties” fell.
- 449.** All groups supported the proposal by the Office.
- 450.** The Worker Vice-Chairperson supported the other amendments submitted by the Employer’s group.
- 451.** The paragraph was adopted as amended.

Paragraph 4.6.8

- 452.** The Employer group proposed an amendment inserting “against” after “insured”.
- 453.** All groups supported this amendment.
- 454.** The paragraph was adopted as amended.
- 455.** Chapter 4 was adopted as amended.

Chapter 5. Powers and methods of inspection

5.1. Powers conferred to labour inspectors

Paragraph 5.1.1

- 456.** The Employer Vice Chairperson proposed an amendment inserting “are able to” before “utilize”.
- 457.** The Government Vice-Chairperson and Worker Vice-Chairperson supported the proposed amendment.
- 458.** The paragraph was adopted as amended.

5.2. Supervisory powers: inspection actions, in particular inspection visits

Paragraph 5.2.1

- 459.** The paragraph was adopted without change.

Paragraph 5.2.2

- 460.** The paragraph was adopted without change.

Paragraph 5.2.3

- 461.** The Government group proposed an amendment inserting “for instance” after “inspection,” in the third sentence, and the Worker group submitted amendments to add “where appropriate” before “use of technology” at the start of the second sentence and to delete “however” before “might” in the second sentence.

462. The proposed amendments were accepted.

463. The paragraph was adopted as amended.

Paragraph 5.2.4

464. The Government Vice-Chairperson proposed an amendment to the footnote to delete the entire second part referring to paragraph 18 of Recommendation No. 20 since it was not possible for any inspectorate to inspect all workplaces. The Employer and Worker Vice-Chairpersons were not opposed to this amendment and the footnote was adopted as amended.

465. The Employer Vice-Chairperson proposed an amendment adding the following sentence to the end of the paragraph:

However, at all times this needs to be balanced against suitable respect for the employer carrying on business, and inspectors should be expected to minimize disruption to work and workplaces, and to clients, consumers, and patients. ICT and other non-intrusive solutions should be envisaged.

466. The Government Vice-Chairperson suggested adding “and workers” after “employer carrying on business”; to delete “work and workplaces, and to clients, consumers, and patients”; and to replace “envisaged” by “considered”.

467. The Worker Vice-Chairperson expressed his group’s opposition to the amendment. He objected to the use of the phrase “at all times” because worker safety should never be balanced against business interests. Safety must always be prioritized. He also indicated that the use of “suitable” was too vague in this context to be meaningful.

468. The Deputy-Secretary General proposed the following text: “To the extent that this does not affect the effectiveness of the inspections, this should respect the employer and worker operations. ICT and other non-intrusive solutions should be considered.”

469. All groups supported the proposal of the Office.

470. The paragraph was adopted as amended.

Paragraph 5.2.5

471. The Employer Vice-Chairperson proposed the following amendments to the paragraph: to add “where consistent with levels of national development, access to ICT technologies, and the financial resources of inspectorates” after “explored”; to add “proposed” before “electronic innovations”; and to add “or initiatives” after “electronic innovations.”

472. The Worker Vice Chairperson submitted the following amendment: to add “of” before “algorithms; “and supervision of work” after “planning”; and to add “including their impact on the application of legal provisions enforceable by labour inspectors” after “explored”.

473. Considering the proposed amendments from the Employers’ and Workers’ groups, the Deputy Secretary-General proposed the following text for the paragraph after the first sentence:

Where consistent with levels of national development, access to information and communication technologies and the financial resources of inspectorates, means such as electronic monitoring and virtual engagement with workplaces and workers, forensic interrogation of electronic records, systems thinking, use of algorithms for planning and supervision of work, big data tools and other means should be explored. Privacy considerations need to be taken into account in data matching an investigation, and any proposed electronic innovations should be communicated to employers and workers organizations giving them the opportunity to raise any concern.

474. All groups agreed with the text proposed by the Office.

475. The paragraph was adopted as amended.

Paragraphs 5.2.6 and 5.2.7

476. The paragraphs were adopted without change.

Paragraph 5.2.8

477. The Employer Vice-Chairperson proposed to add the following sentence at the end of the paragraph: "This does not preclude active cooperation and promotion organized in conjunction with social partners, that can and should precede any inspections."

478. The Worker Vice-Chairperson questioned whether this amendment was really needed since the paragraph addressed the issue of unannounced visits.

479. The Government Vice-Chairperson asked whether the proposed amendment should not be included in another paragraph.

480. The Deputy Secretary-General proposed the inclusion in the following paragraph 5.2.9 of a new clause after clause 5.2.9 (d) that read as follows: "The inclusion of inspection visits, as part of wider campaigns planned and implemented in collaboration with social partners".

481. All groups agreed with the proposal of the Office, and the Employer Vice-Chairperson withdrew the proposed amendment to the paragraph.

482. The paragraph was therefore adopted without change.

Paragraph 5.2.9

483. Following the previous discussion on paragraph 5.2.8, the paragraph 5.2.9 was adopted with a new clause (e) that read as follows: "The inclusion of inspection visits, as part of wider campaigns planned and implemented in collaboration with social partners".

Paragraph 5.2.10

484. The *chapeau* of the paragraph was adopted without change.

485. The Employer Vice-Chairperson proposed an amendment to clause 5.2.10 (b) to add the following sentence at the end of the clause: "and where this is required to be collected and retained under national legislation".

486. The Worker Vice-Chairperson [M] proposed to replace the word "under" by "in line with".

487. The proposed amendment by the Employers' group as amended by the Worker group was accepted by all groups.

488. The clause was adopted as amended.

489. The Worker Vice-Chairperson had introduced an amendment to add a new clause at the end of the paragraph. When it was introduced, the Employer Vice-Chairperson suggested that it should be moved as a new clause after clause 5.2.10 (d). The new clause read "available risk assessments and documentation of measures taken to avoid, prevent and/or mitigate the assessed risks".

490. The amendment was adopted.

491. The Employer Vice-Chairperson proposed an amendment to clause 5.2.10 (e) to add "within some reasonable preceding period consistent with national law and practice" after "sanctions imposed etc.". He argued that new management of a business should not be held accountable for the violations committed by the previous management.

- 492.** The Government Vice-Chairperson indicated that this was already the practice in many countries. In Brazil, for example, the “preceding period” was defined as five years. He therefore supported the amendment.
- 493.** The Worker Vice-Chairperson agreed with the proposed amendment.
- 494.** The clause was adopted as amended.
- 495.** The Employers Vice Chairperson proposed an amendment to clause 5.2.10 (g) to add “where they have any merit or justification” after “actions taken to address these complaints”
- 496.** The Government Vice-Chairperson supported the proposed amendment because labour inspectors often encountered complaints that had no foundation.
- 497.** The Workers Vice-Chairperson disagreed with the proposed amendment because it had the potential to undermine and discourage complaints made by workers. He suggested that the reference to “merit” be deleted because it was too subjective.
- 498.** The Employer Vice-Chairperson agreed to remove the reference to “merit”.
- 499.** The Workers Vice-Chairperson introduced a sub-amendment to reformulate the clause as follows: “Complaints from workers or worker representatives that have been upheld, and actions taken to address these complaints”.
- 500.** The Employer Vice-Chairperson suggested that another word should be used instead of “upheld”.
- 501.** All groups agreed with the proposal of the Office to replace “upheld” by “confirmed”.
- 502.** The Employer group withdrew their proposed amendment.
- 503.** The clause was adopted as amended.
- 504.** The Employer Vice-Chairperson withdrew the amendment proposed to clause 5.2.10. (h), which sought to delete “existence of a trade union in the enterprise, and whether there is a collective agreement, either sectorial, territorial or at the level of the undertaking. Consideration should also be given to”.
- 505.** The clause was therefore adopted without change.
- 506.** The Employer Vice-Chairperson introduced an amendment to clause 5.2.10. (i) to add “where such matters are addressed in national law and practice” after “contracts” at the end of the sentence.
- 507.** The Government Vice-Chairperson agreed with the proposed amendment.
- 508.** The Worker Vice-Chairperson expressed concern that the proposed amendment had the potential to limit information and said he preferred the original text.
- 509.** The Deputy Secretary General explained that if the nature of the employment relationship and/or types of contracts did not fall under the authority or mandate of a labour inspectorate as set out in the national law, then it was not considered when planning and setting priorities. He suggested adding “when this falls under the mandate of the labour inspectorate” at the end of the clause.
- 510.** All groups agreed with the proposal of the Office, and the Employer group withdrew their proposed amendment.
- 511.** The clause was adopted as amended.
- 512.** The Employer Vice-Chairperson introduced an amendment to clause 5.2.10.(k) which suggested deleting the current text of the sub-paragraph and replacing it with “public or

private sector nature of operations". He noted that it was important to distinguish between public and private operations since they differed in terms of their legal obligations.

- 513.** The Worker Vice-Chairperson did not support the proposed amendment and said that if retained, it should be a new clause and that clause 5.2.10 (k) should remain unchanged. The proposal of the Worker group was supported by the Government Vice-Chairperson.
- 514.** The Deputy Secretary-General proposed amending the sub-paragraph as follows: "contracting relationships with relevance to the inspection (franchisee, subcontractor, subsidiary, etc.);".
- 515.** All groups agreed with the proposal of the Office, and with the Worker group's proposal to include the amendment proposed by the Employer group as a new clause after 5.2.10 (k).
- 516.** The clause was adopted as amended.
- 517.** The amendment proposed by the Employer group under clause 5.2.10 (k) was added as a new clause after 5.2.10 (k), which read as follows: "public or private sector nature of operations".
- 518.** The new clause was adopted as proposed.
- 519.** The Employer Vice-Chairperson proposed an amendment to delete the clause 5.2.10 (l). He noted that preparatory information should be limited to official sources since there were numerous news sources that were unreliable. An alternative proposal was to retain the reference to "publicly available reports" but to add "official" before the phrase and to delete "news items".
- 520.** The Government Vice-Chairperson did not support the amendment proposed by the Employer group and pointed out that it was common practice for labour inspectors to use public information as a resource. Labour inspectors were able to distinguish between "real" and "fake" news.
- 521.** The Employer Vice-Chairperson withdrew the proposed amendment.
- 522.** The clause was adopted without change.
- 523.** The Worker Vice-Chairperson proposed the addition of a new clause that read as follows: "available risk assessments and documentation of measures taken to avoid, prevent and/or mitigate the assessed risks".
- 524.** The Government group and the Employer group supported the addition of the new sub-paragraph, but the Employer Vice-Chairperson suggested that it be included as a new clause after clause 5.2.10 (d).
- 525.** The proposal was accepted.
- 526.** The new clause was adopted after clause 5.2.10 (d).
- 527.** The paragraph and all its clauses were adopted as amended.

Paragraph 5.2.11

- 528.** The paragraph was adopted without change.

Paragraph 5.2.12

- 529.** The Employer Vice-Chairperson suggested adding "and sphere of responsibility" at the end of the paragraph.
- 530.** The Government Vice-Chairperson supported the amendment, but the Worker Vice-Chairperson objected to the addition because it was ambiguous, and it was not clear what value it added to the paragraph.

- 531. The Employer Vice-Chairperson clarified that competence may not always be aligned with the labour inspectors' responsibilities.
- 532. The Government Vice Chairperson proposed to replace the proposed "and sphere of responsibility" with "in line with national legislation".
- 533. The Employer Vice-Chairperson and Worker Vice-Chairperson agreed with the Government group's proposed sub-amendment.
- 534. The paragraph was adopted as amended.

Paragraph 5.2.13

- 535. The Government Vice-Chairperson proposed amendments replacing "must" with "should" and adding "when possible" after "representatives".
- 536. The Worker Vice Chairperson objected to the amendments because it weakened the paragraph and left too much room for labour inspectors to avoid involving social partners in inspection visits.
- 537. The Chairperson proposed replacing "when possible", with ", where they exist," after "worker representatives".
- 538. The Government Vice-Chairperson withdrew the two amendments in favour of the proposal by the Chairperson.
- 539. The Employer Vice-Chairperson and Worker Vice-Chairperson also expressed support for the proposal of the Chairperson.
- 540. The paragraph was adopted as amended.

Paragraph 5.2.14

- 541. The paragraph was adopted without change.
- 542. Chapter 5 was adopted as amended.

Chapter 6. Enforcement measures

6.1. General principles

New paragraph

- 543. The Worker Vice-Chairperson proposed the addition of the following new paragraph:

Recognizing the fast changing patterns in the world of work, labour inspectorates should use a range of actions, appropriate to the situation of workers and their workplaces, including measures to ensure proportionate response to violations in law and in practice, to appropriately capture defects or abuses not specifically covered by existing legislation, to provide requisite guidance and information, to use unannounced visits, effectively coordinating with employers and workers and their representatives to secure compliance.

- 544. He indicated that since the paragraph dealt with general principles, an introductory paragraph would add value.
- 545. The Worker Vice-Chairperson proposed sub-amendments to the original amendment, namely, to delete the words "appropriate to the situation of workers and their workplaces", and to replace the word "guidance" with "advice".

- 546.** The Employer Vice-Chairperson expressed support for the new paragraph but sought clarification on the meaning of “appropriately capture defects or abuses not specifically covered by existing legislation.” He also suggested deleting the word “requisite”.
- 547.** The Government Vice-Chairperson also supported the insertion of the new paragraph but suggested that the text could be improved with more precise formulation.
- 548.** The Deputy General-Secretary proposed adding “to bring to the notice of the competent authority defects or abuses” after “in practice”. This wording was taken from Article 3(1)(c) of Convention No. 81.
- 549.** All groups supported the sub-amendments by the Workers Vice-Chairperson, deleting the word “requisite” and adding the proposed text by the Office.
- 550.** The new paragraph before paragraph 6.1.1 was adopted as amended.

Paragraph 6.1.1

- 551.** The Employer Vice-Chairperson proposed amendments adding “to employers and workers” to after “advice, and to add “where necessary” after “injunction”.
- 552.** The Government Vice-Chairperson argued that “where necessary” was redundant and suggested deleting it.
- 553.** The Worker Vice-chairperson did not support the amendment and pointed out that the original text was in line with Article 1,1) of Recommendation No. 20.
- 554.** The Employer Vice-Chairperson withdrew the proposed amendments.
- 555.** The paragraph was therefore adopted without change.

Paragraph 6.1.2

- 556.** The Employer Vice-Chairperson proposed to add the following sentence at the end of the paragraph: “Genuinely trivial or non-harmful non-compliance matters should be addressed through information, guidance and advice to employers to address them.”
- 557.** The Worker Vice-Chairperson pointed out that the terms “trivial” and “non-harmful” varied greatly from one country to another and that their use was not appropriate in technical guidelines.
- 558.** The Government Vice-Chairperson added that the terms “trivial” and “non-harmful” were not clear enough and proposed that they be deleted. In addition, he proposed adding “Labour inspectors should use their advice and orientation function as stated in Convention No. 81 Article 3 (b) where possible” to the end of the paragraph.
- 559.** The Employer Vice-Chairperson agreed that “trivial or non-harmful” might not be suitable adjectives and proposed to replace them by “minor non-compliance matters”.
- 560.** The Deputy-Secretary General pointed out that the type of sanctions was normally defined in national legislation and proposed to add “as defined by national legislation” after “non-compliance matters”.
- 561.** The Worker Vice-Chairperson expressed his agreement and proposed to delete the words “where possible”. He added that this text might be more appropriate in a different section of the guidelines and proposed to move it to paragraph 6.3.2.
- 562.** All parties agreed with the proposed text and with the proposal to move it to paragraph 6.3.2.
- 563.** The paragraph was therefore adopted without change.

Paragraph 6.1.3

- 564.** The Employer Vice-Chairperson proposed adding “, as appropriate” after the word “uses”, and to delete “for at least a significant share of violations”. He explained that the intention of the paragraph was to capture the correlation between the sanction and the nature of the infringement and that the adjective “appropriate” was therefore more fitting.
- 565.** The Government Vice-Chairperson argued that this might change the intended meaning of the paragraph and further proposed to add “some share of violations” after the word “penalties”.
- 566.** The Employer Vice-Chairperson suggested moving “some share of violations” after “administrative penalties”.
- 567.** Recalling that the type of sanctions was regulated in national legislation, the Deputy-Secretary General proposed the following text for the paragraph: “In line with the typification of infringements by national legislation, a system of administrative penalties for some share of violations can be more expeditious.”
- 568.** The Worker Vice-Chairperson suggested replacing “typified” with the “classification”.
- 569.** All groups agreed with the formulation proposed by the Office as amended by the Worker group.
- 570.** The paragraph was adopted as amended.

6.2. Notices issued by inspectors

Paragraph 6.2.1

- 571.** The Employer Vice-Chairperson proposed amendments to the clause 6.2.1. (b) to add at the end of the clause after “workers” the following “with the aim to secure the situation and remove the danger. This type of action should be subject to later more detailed review including opportunities for employers to be heard and have their views taken into account in regard to any ongoing prohibitions or restrictions.”
- 572.** The Worker Vice-Chairperson did not support the addition of the last sentence at the end of the sub-paragraph. He pointed out that the sub-paragraph already referred to the relevant Conventions, which allowed employers to challenge the prohibition notice. He therefore questioned the added value of the sentence.
- 573.** The Government Vice-Chairperson supported the addition of “with the aim to secure the situation and remove the danger” and agreed with the addition of the last sentence. However, he proposed the following alternative language to the last sentence proposed by the Employer group: “The employers have the right to question this administratively according to national legislation.”
- 574.** The Employer Vice-Chairperson agreed with the alternative text proposed by the Government Vice-Chairperson.
- 575.** The Worker Vice-Chairperson disagreed with the alternative text proposed by the Government Vice-Chairperson. While he could support the addition of “with the aim to secure the situation and remove the danger” after “safety of the workers”, he did not support the addition of the last sentence.
- 576.** The Deputy Secretary General clarified that the right of appeal to a judicial or administrative authority was included in Article 13 (2)(b) of Convention No. 81.
- 577.** The Government Vice-Chairperson suggested including a specific reference to Article 13 (2)(b) of Convention No. 81. The Worker Vice-Chairperson agreed with the proposal.

578. The Employer Vice-Chairperson stressed that it was important not to dilute the rights that Convention No. 81 afforded to employers.

579. The Deputy Secretary-General suggested adding “and subject to any right of appeal to a judicial or administrative authority” after “In accordance with Article 13(2)(b) of Convention No. 81 and Article 18(2)(b) of Convention No. 129.”

580. The Government Vice-Chairperson, Employer Vice-Chairperson and Worker Vice-Chairperson supported the amendment proposed by the Office. The last sentence proposed by the Employers’ group “This type of action should be subject to later more detailed review including opportunities for employers to be heard and have their views taken into account in regard to any ongoing prohibitions or restrictions” was not adopted.

581. The clause was adopted as amended.

582. The paragraph and its clauses were adopted as amended.

Paragraph 6.2.2

583. The Worker Vice-Chairperson proposed adding “or any other judicial process” after “An appeal”.

584. The Employer Vice-Chairperson asked for clarification of the meaning of “other judicial process” in this context.

585. The Government Vice-Chairperson asked the Office to verify the validity of the amendment suggested.

586. The Deputy Secretary-General clarified that the objective of the paragraph was to avoid negative outcomes for workers during an appeal against a prohibition notice by ensuring that the prohibition notice remained in place while the appeal process was ongoing.

587. The Worker Vice-Chairperson withdrew the amendment.

588. The paragraph was therefore adopted without change.

Paragraph 6.2.3

589. The paragraph was adopted without change.

Paragraph 6.2.4

590. The paragraph was adopted without change.

6.3. Sanctions

Paragraph 6.3.1

591. The paragraph was adopted without change.

Paragraph 6.3.2

592. The amendment proposed by the Employer Vice-Chairperson to paragraph 6.1.2 was moved to the end of paragraph 6.3.2. The proposed amendment read:

Labour inspectors should use their advice and orientation function as stated in Convention No. 81 Article 3 (b). Genuinely minor non-compliance matters as defined by national legislation should be addressed through information, guidance and advice to employers to address them.

593. The proposal was accepted by the groups.

- 594.** The Employer Vice-Chairperson proposed adding the following sentence at the end of the paragraph: “This is not, however, a matter of free independent discretion, and the inspectorate authorities can issue criteria policies and requirements on how matters should be addressed by their staff.”
- 595.** The Chairperson pointed out that the proposed amendment was already adequately captured under paragraph 6.1.2.
- 596.** The Employer Vice-Chairperson withdrew the proposed amendment.
- 597.** The paragraph was adopted as amended.

Paragraph 6.3.3

- 598.** The paragraph was adopted without change.

Paragraph 6.3.4

- 599.** The Employer Vice-Chairperson proposed adding “within the limits of each national legal system” at the end of the paragraph.
- 600.** The Government Vice Chairperson and the Worker Vice-Chairperson agreed with the proposed amendment.
- 601.** The paragraph was adopted as amended.

Paragraph 6.3.5

- 602.** The Employer Vice-Chairperson suggested amendments adding “the size of the company” after “nature of the offence”. In addition, he proposed adding the following sentences at the end of the paragraph:

Penalty should also be proportionate, taking into account recidivism versus first offences, and the complexity, quality and clarity of the laws being enforced. Approaches to penalties and sanctions must take due account of legal ambiguity or outdated and imprecise obligations upon employers.

- 603.** The Government Vice-Chairperson explained that in many countries the size of the company was considered in determining penalties and his group therefore supported the addition of “size of the company” to the paragraph.
- 604.** The Employer Vice-Chairperson explained that the rationale behind the proposed amendment was to avoid situations in which small enterprises received the same penalty as multinational enterprises, and that it was important to refer to the factors that should be considered when imposing penalties.
- 605.** The Worker Vice-Chairperson suggested replacing “taking into account recidivism versus first offences” with “the full range of relevant aggravating and mitigating factors”. This was supported by the Government Vice-Chairperson.
- 606.** The Deputy Secretary-General clarified that the penalty does not always depend on the size of operations but also on the characteristics of the operation, for instance whether it was a multinational enterprise, a small business, a family business, or whether the person was self employed.
- 607.** The Chairperson asked the Employer Vice-Chairperson if his group would accept the insertion of “characteristic of offenders” in lieu of his group’s proposed amendment. The paragraph would then read:

In order to be credible, penalties should be commensurate to the gravity and nature of the offence, the characteristics of the offenders, potential risk, or the damage caused. Penalty should also be proportionate, taking into account the

full range of relevant aggravating and mitigating factors, and the complexity, quality and clarity of the laws being enforced.

608. The Employer Vice-Chairperson agreed and was supported by the Government Vice-Chairperson and the Worker Vice-Chairperson.

609. The paragraph was adopted as amended.

Paragraph 6.3.6

610. The paragraph was adopted without change.

Paragraph 6.3.7

611. The Employer Vice-Chairperson said that to provide further protection to labour inspectors, his group proposed adding “or for violence harassment and intimidation of inspectors” at the end of the paragraph.

612. The Employer Vice-Chairperson suggested replacing “of” by “against”.

613. The Government Vice-Chairperson and the Worker Vice-Chairperson supported the proposed amendment by the Employers’ group.

614. The paragraph was adopted as amended.

Paragraph 6.3.8

615. The paragraph was adopted without change.

Paragraph 6.3.9

616. The Employer Vice-Chairperson proposed adding the following new clause to the paragraph:

There should be scope for employers that are unable to pay to enter into suitable arrangements with courts or other authorities for part payments and staggered payments/payment plans, as an alternative to insolvency and job losses.

617. The Worker Vice-Chairperson argued that the language was too prescriptive and that it placed undue limitations on the prerogative of national governments. It should be left to Member States.

618. The Government Vice-Chairperson supported the proposed amendment.

619. The Employer Vice-Chairperson introduced a sub-amendment to replace the word “scope” with “procedures”.

620. The Deputy Secretary-General suggested adding “according to criteria defined by the national legislation” to the beginning of the Employer group’s proposal.

621. The Worker Vice-Chairperson suggested replacing the word “should” with “could”.

622. All groups expressed their support for the new clause as amended.

623. The new clause to the paragraph was adopted as amended.

624. The Employer Vice-Chairperson withdrew a further new clause proposed “Levels of penalties awarded against smaller and larger businesses need to be differentiated.”

625. The Employer Vice-Chairperson withdrew a further new clause proposed “Penalties should be graduated with second or subsequent non-compliance attracting higher levels of penalties, in cases of proven failures to heed previous deterrence.”

Paragraph 6.3.10

626. The paragraph was adopted without change.

Paragraph 6.3.11

627. The Worker Vice-Chairperson proposed amendments adding “including in collaboration with employers and workers organizations and representatives” after “cross border enforcement”; and adding after “inspections” at the end of the paragraph “including permitting across border visits by employers and workers’ organizations and representatives”.

628. The Government Vice-Chairperson supported the first proposed amendment but disagreed with the addition of the last sentence related to cross border visits by employers and workers’ organizations and representatives. He explained that allowing across border visits by employers and workers’ organizations and representatives was complicated and did not only depend on the national labour inspectorate concerned.

629. The Employer Vice-Chairperson supported the first proposed amendment but also did not support the second proposed addition to the paragraph. He proposed replacing “countries” with “jurisdictions”, and to amend the last sentence by replacing “Collaboration may consist in the” with “Collaboration may take many forms such as” and then listing the various examples already contained in the original text.

630. The Worker Vice-Chairperson and the Government Vice-Chairperson supported the proposal of the Employer Vice-Chairperson.

631. Considering the opposition from the Government and Employer groups, the Worker Vice-Chairperson withdrew the amendment related to the participation of social partners in cross border visits.

632. The Chairperson asked all groups whether they supported the new proposed text: “Growing labour mobility between countries asks for ways of guaranteeing cross-border enforcement including in collaboration with employers and workers organizations and representatives. The fact that labour inspectorates are bound to national jurisdictions urges labour inspectorates to collaborate with their peers in other jurisdictions. Collaboration may take many forms such setting of liaison offices, joint authority, signature of bilateral or multilateral agreements or even the practice of concerted or joint inspections.”

633. All groups agreed with the proposed amended text.

634. The paragraph was adopted as amended.

635. Chapter 6 was adopted as amended.

► Adoption of the guidelines

Title

- 636.** The Chairperson asked if there was agreement on the title of the guidelines, namely “Guidelines on general principles of labour inspection”.
- 637.** All groups agreed with the title of the guidelines and the title was adopted.

Adoption of the guidelines as a Whole

- 638.** The Chairperson asked if there were any further amendments to the Guidelines on general principles of labour inspection.
- 639.** The Government Vice-Chairperson, the Employer Vice-Chairperson and the Worker Vice-Chairperson indicated that there were no further amendments to be considered.
- 640.** The guidelines were adopted without further changes.
- 641.** The Chairperson asked if all groups agreed that the Secretariat of the Meeting could adjust the numbers of paragraphs and effect other minor editorial change in the process of finalising the guidelines.
- 642.** All three groups agreed with this proposal.
- 643.** The Chairperson congratulated all participants on the excellent result achieved.

► Closing statements

- 644.** The Government Vice-Chairperson expressed his appreciation to the Chairperson for the effective and efficient way the meeting had been conducted. He congratulated the Employer and Worker Vice-Chairpersons for the excellent collaboration and thanked the Deputy-Secretary General and all the staff involved in the preparation of the meeting. He expressed appreciation to the members of the Government group for their active participation in the group meetings and their contributions to the process for finalizing the guidelines.
- 645.** He expressed his belief that the guidelines, adopted with tripartite consensus, would improve labour inspection standards worldwide and modernize national labour inspection systems, which would contribute to the achievement of decent work, sustainable development, and social justice.
- 646.** The Employer Vice-Chairperson joined the Government Vice-Chairperson in underlining the importance of the work that had been performed during the week.
- 647.** He also paid tribute to the experts of the Employer group and thanked them for their participation and contribution. He also expressed his appreciation to the colleagues in IOE and ACT/EMP for their support and guidance.
- 648.** He expressed his appreciation to the Chairperson for conducting the meeting in a constructive and well-organized manner, which ensured the achievement of the goal of the meeting, namely the adoption of the guidelines. Finally, he thanked the Government Vice-Chairperson and the Worker Vice-Chairperson and their groups for their cooperation.
- 649.** The Worker Vice-Chairperson paid tribute to the Chairperson, the Government Vice-Chairperson, and the Employer Vice-Chairperson for the excellent collaboration. He also expressed his appreciation to all the experts of the Worker group, in particular for the support and guidance the group received from ITUC colleagues. He also thanked all the ILO staff for their support.
- 650.** He hoped that the guidelines would help labour inspectors and labour inspectorates worldwide to improve their work and performance.
- 651.** The Employer expert from Bangladesh [M] congratulated all three groups on their good cooperation. Special thanks went to the Employer Vice-Chairperson for his guidance and for the effective manner in which he had represented the interest of the Employer group during the meeting. He also paid tribute to the Chairperson and the Secretariat for their support. Finally, he thanked the IOE for their guidance, and the interpreters for performing their vital role so efficiently.
- 652.** The Secretary General of the Meeting conveyed her appreciation to the experts of the meeting for their contribution to the adoption of the Guidelines with tripartite consensus, which demonstrated the value of true social dialogue. She believed that the Guidelines would provide detailed guidance to all Member States on how to best structure and manage the operation of labour inspection to fulfil its important role and ensure good governance. The adoption of the guidelines would ensure that Recommendation No. 20 could be withdrawn next year.
- 653.** She warmly thanked the Chairperson for the effective and efficient way in which he had conducted the meeting and thanked the three Vice-Chairpersons for their constructive engagement and efforts to ensure the achievement of consensus. Finally, she expressed her appreciation to the Secretariat and all staff who had supported the meeting.

- 654.** The Deputy-Secretary General also paid tribute to all the experts for their contribution to the achievement of the result of the meeting. He believed that the guidelines would enable the ILO to deliver quality service to all Member States to improve the effectiveness and efficiency of national labour inspection systems.
- 655.** The Chairperson paid tribute to the spirit of tripartite cooperation demonstrated by the groups during the meeting and expressed his personal thanks to the three Vice-Chairpersons for their support and collaboration in fulfilling the objective of the Meeting.
- 656.** He paid tribute to each of the experts for their important contribution and thanked each member the ILO Secretariat for the invaluable support provided.
- 657.** The Chairperson declared the Meeting of Experts to Adopt Guidelines on General Principles of Labour Inspection closed.

Geneva, 16 December 2021.

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