



Governing Body

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Institutional Section

INS

SIXTEENTH ITEM ON THE AGENDA

Reports of the Officers of the Governing Body

Representation alleging non-observance by Peru of the Labour Inspection Convention, 1947 (No. 81), submitted under article 24 of the ILO Constitution by the Autonomous Workers' Confederation of Peru (CATP)

1. In a letter received on 26 September 2011, the Autonomous Workers' Confederation of Peru (CATP) addressed a representation to the Office, in accordance with article 24 of the ILO Constitution, alleging non-observance by Peru of the Labour Inspection Convention, 1947 (No. 81). The summary of the text of the representation is appended.
2. In accordance with article 1 of the Standing Orders relating to the procedure to be followed for the examination of representations, the Director-General acknowledged receipt of the representation and informed the Government of Peru thereof.
3. In accordance with article 2, paragraph 1, of the Standing Orders, the Director-General communicated the representation to the Officers of the Governing Body. Paragraph 3 of that article stipulates that the Officers shall report to the Governing Body on the receivability of the representation. Article 2, paragraph 2, lays down the conditions for the receivability of a representation. In view of these conditions, the following observations can be made in the present case:
 - (a) the representation was communicated to the International Labour Office in writing;
 - (b) it emanates from an industrial association of workers;
 - (c) it makes specific reference to article 24 of the Constitution of the Organization;

- (d) it concerns a Member of the Organization: Peru;
 - (e) it refers to a Convention to which Peru is a party: Convention No. 81, ratified on 1 February 1960;
 - (f) it indicates in what respect it is alleged that Peru has failed to secure the effective observance within its jurisdiction of the said Convention.
4. The Officers of the Governing Body therefore consider that the representation is receivable in terms of article 2, paragraph 2, of the Standing Orders. In these circumstances, and according to the Standing Orders, it is for the Governing Body to reach a decision on the receivability of the representation, on the basis of the report of its Officers. Article 2, paragraph 4, provides that in reaching a decision concerning the receivability, the Governing Body shall not enter into discussion of the substance of the representation. Article 3, paragraph 1, states that, if the Governing Body decides that a representation is receivable, it shall set up a committee to examine it composed of members of the Governing Body chosen in equal numbers from the Government, Employers' and Workers' groups.

5. *The Governing Body is accordingly invited:*

- (a) to take a decision on the receivability of the representation; and*
- (b) if it decides that it is receivable, to set up a committee for its examination.*

Geneva, 9 November 2011

Point for decision: Paragraph 5

Appendix

Summary of the communication of the Autonomous Workers' Confederation of Peru (CATP)

The CATP alleges the violation of the Labour Inspection Convention, 1947 (No. 81), and the weakening and dismantling of the labour inspection system. It highlights the fact that the decentralization of the inspection system has exacerbated the already difficult situation of the labour inspection system and seriously compromises observance of the Convention. The CATP refers to the problems faced by the Ministry of Labour and Employment Promotion in decentralizing labour inspection to the regional level as can be seen in the medium-term transfer plan (2010–14) of the Labour and Employment Promotion Sector, namely: (i) the resources are inadequate for the functions that are transferred; (ii) the infrastructure for the activities of the regional offices is inadequate, leading in some cases to overcrowding of staff; (iii) the logistical resources (computers, office furniture and equipment) are inadequate; (iv) there is a high turnover of regional directors, whose continued employment depends on their regional governments which raises difficulties with the transfer process, the implementation of plans and decision-making; (v) the high turnover of staff in regional offices requires the reprogramming of training and technical assistance activities for the new staff; (vi) the absence of a database of staff in regional offices for follow-up activities; (vii) the absence of a comprehensive monitoring and evaluation system for the sector and the regional governments; (viii) the lack of support by regional executive authorities for requests from regional labour and employment promotion offices for the funds needed to hire staff and acquire the logistical resources and infrastructure necessary for their optimal functioning; and (ix) the failure of the regional executive authorities to allocate the necessary training resources to regional labour and employment promotion offices.

The union concludes that:

1. Decentralization could aggravate differences in the legal status and conditions of service of labour inspectors and inequalities of remuneration in relation to other public officials engaged in monitoring functions.
2. The process of the decentralization of the labour inspection services has had an impact on the right of labour inspectors to gain access to the public service and has prompted some inspectors to resign.
3. Staff recruited by regional presidents, rather than by the central authorities, does not comply with the principles of legality, impartiality, equity, confidentiality, probity and honesty.
4. There is interference by the regional authorities, which lack the technical background and sometimes the ethical foundation.
5. The various regional authorities do not have specialized technical advisory services.
6. The regions have no database for consultation, or computer equipment or IT systems for labour inspection.
7. It is often the case that no action is taken when violations are reported and the sanctions applied lack deterrent effect. Moreover, the enforcement of fines is ineffective.
8. Some regions do not provide information on the results of inspection activities.