

► Labour Inspection & interaction with OSH representation of workers

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Occupational Safety and Health Convention, 1981 (No. 155) ratified 4 Jan 2012

Occupational Safety and Health Recommendation, 1981 (No. 164)

Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197)

Labour Inspection Convention, 1947 (No. 81) ratified 10 Nov 2004

Labour Inspection Recommendation, 1947 (No. 81)

Labour Inspection (Agriculture) Convention, 1969 (No. 129) ratified 10 Nov 2004

Labour Inspection (Agriculture) Recommendation, 1969 (No. 133)

► Guidelines on general principles of labour inspection published May 2022

Functions of Labour Inspection

to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to ... safety, health and welfare ... in so far as such provisions are enforceable by labour inspectors;

to supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions;

to bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions.

▶ the inspection staff must be **“composed of public officials...”**

Labour inspection is a **public function** and therefore labour inspectors should be public officials.

Collaboration between the labour inspectors and employers’ and workers’ representatives at workplace level:

- Inspection visits

- Investigation of complaints/accidents and diseases

Further collaboration between representatives of the labour inspectorate and with representatives of organisations of employers and workers questions discussing issues concerning the enforcement of labour legislation and the health and safety of the workers

Occupational Safety and Health Convention, 1981 (No. 155)

► Part III Action at national level

Article 8

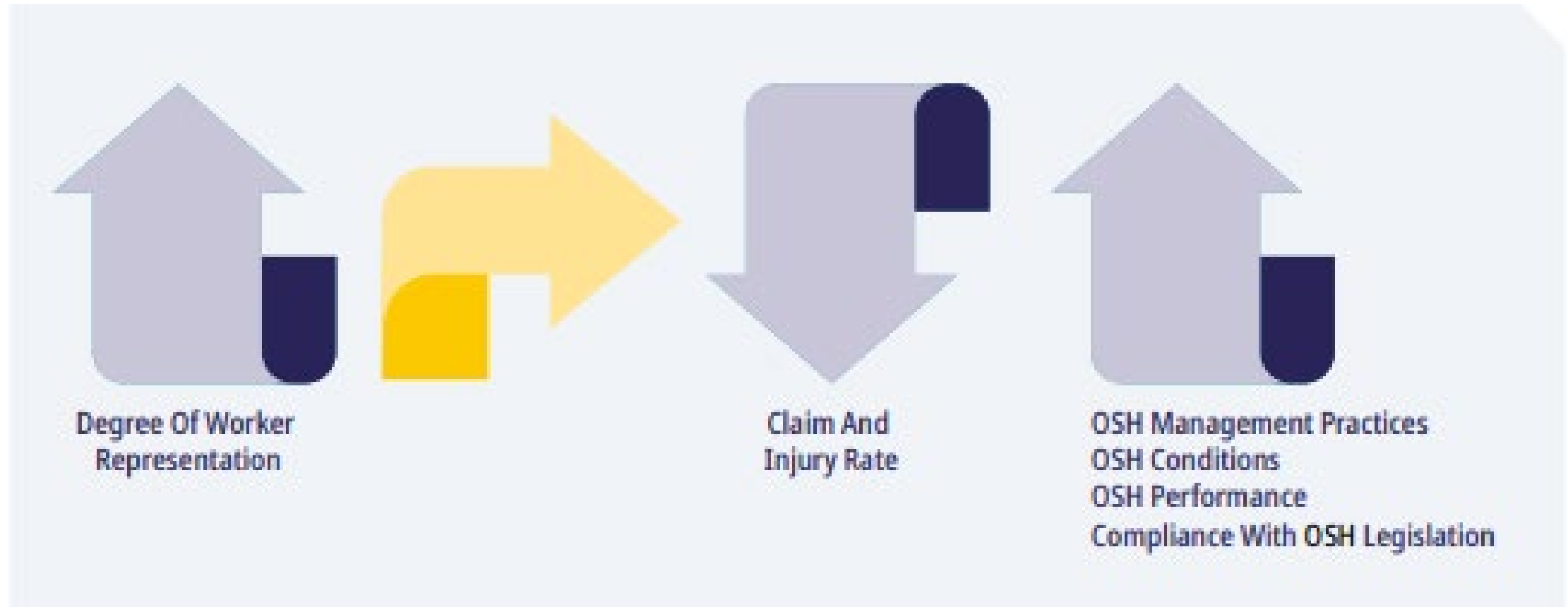
Each Member shall, by laws or regulations or any other method consistent with national conditions and practice and in consultation with the representative organisations of employers and workers concerned, take such steps as may be necessary to give effect to Article 4 (National policy) of this Convention.

Article 9

1. The enforcement of laws and regulations concerning occupational safety and health and the working environment shall be secured by an adequate and appropriate system of inspection.

2. The enforcement system shall provide for adequate penalties for violations of the laws and regulations.

Importance of worker representation on OSH



No uniform approach: dependant on national legislation and situation

workers elected to represent workers specifically and exclusively on OSH issues (specialized OSH representatives);

joint OSH committees (representing workers on OSH issues only and formed by representatives (normally equal numbers) of workers and the employer);

workers elected to represent workers on all labour-related matters (general representatives, also referred to as “workers’ delegates”), including OSH among other issues;

trade unions with affiliates from any given workplace (whether the trade union representatives are employed in the workplace or not), representing workers on all issues;

workplace committees, commissions or councils (representing workers on all issues)

Key functions performed by elected OSH representatives

representing workers in all matters relating to OSH

monitoring the measures taken by employers or other relevant duty holders to meet their OSH and employment injury social security responsibilities

investigating OSH issues raised by workers

enquiring into any potential risk to workers' safety and health that arises from the work of the undertaking;

making representations to management on matters that affect the safety and health of workers;

Key functions performed by elected OSH representatives

collaborating with and assisting the primary duty holder to address any work-related risks at the undertaking concerned;

promoting and encouraging the cooperation of workers in complying with regulations on preventing occupational risks;

participating and representing workers in decision-making processes regarding OSH;

investigating occupational accidents and diseases, as well as near misses and complaints related to OSH

ILS stated rights and powers for worker representatives and duties of employers and workers

Facilities, Time off, Information

Training and at not cost

Access to all areas of the workplace

Access to workplace for trade union
representatives not employed where trade
union members present

Access to management

Access to workers

Posting of notices

Cooperate with employer

Consultation of worker representatives

Participate in decision making

Access to external expertise

Access to labour inspectors

Protection of worker representatives (C155)

the protection of workers and their representatives from disciplinary measures as a result of actions properly taken by them in conformity with the policy referred to in Article 4 of this Convention.

Protection of workers (C155)

A worker who has removed himself from a work situation which he has reasonable justification to believe presents an imminent and serious danger to his life or health shall be protected from undue consequences in accordance with national conditions and practice.

► **Questions?**

