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## ▶ **A study on labour inspectors' careers**

Arsenio Fernández Rodríguez

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LABADMIN/OSH, GOVERNANCE and TRIPARTISM

International Labour Office

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## Abstract

This paper is addressed to managers of labour inspection systems who have to develop or improve upon a human resources (HR) policy for labour inspectors. It provides them with: a basis for developing policies specifically for labour inspectors; an overview of today's current approaches to HR with respect to labour inspectors; and a number of good practices in recruitment, training, remuneration, promotion, mobility and work-life balance.

When designing policies that are consistent with the status of labour inspectors and liable to attract a larger number of well-qualified and highly-performing staff, account must be taken of both their status and duties – as well as the threats they are likely to face in the course of their duty, which may result in them performing poorly. The information on the status and duties of the labour inspector given in this paper comes from the relevant ILO Conventions and Recommendations, as well as from reports of the Committee of Experts on the Application of Conventions and Recommendations (CEACR). As regards the threats they might encounter, the sources consist of comments made by the CEACR and a number of reports and studies on specific countries.

In order to provide an overview of existing HR policies for labour inspectors, a desktop review was undertaken that drew upon the ILO's labour inspection country profiles, the websites of a number of National Labour Inspectorates, and several reports and studies.

When selecting good practices for this paper, the criteria have been the extent to which they appear to enhance quality of performance, retention and productivity among serving labour inspectors. Studies on the effects of specific good practices on labour inspectors' performance or motivation, but also general HR literature, have helped to identify such practices.

The information, clarifications and comments on the labour inspector's status and duties found in this paper are comprehensive enough to fill any knowledge gaps in this area. However, the paucity of analytical studies of Labour Inspectorates makes it difficult to draw any firm conclusions about the impact of specific HR practices and trends on labour inspectors' work. Even if future research might contribute towards gauging the effectiveness of the "good" practices described in this document, it must be borne in mind that they must

correspond to the civil service's general policy and its legal framework – both of which may vary from country to country. Therefore, as regards recommended HR practices, this paper must be regarded as a source of inspiration rather than providing authoritative advice or off-the-shelf practices.

# Abbreviations

CEACR Committee of Experts on the Application of Conventions and Recommendations

CPD Continuing Professional Development

DWEA Danish Work Environment Agency

EPZs Export processing zones

EU European Union

GDP Gross domestic product

HICs High-income countries

HR Human resources

IALI International Association of Labour Inspection

ICT Information, Communication & Technology

ILO International Labour Organization/Office, depending on the context

MICs Middle-income countries

NLI National Labour Inspectorate

OECD Organization for Economic Co-operation and Development

OSH Occupational safety and health

SLIC European Senior Labour Inspectors' Committee

WLB Work-life balance

# Introduction

It goes without saying that management of the workforce is key to maximizing the performance levels and competence of the staff of any organization. This is particularly relevant in the case of the labour inspection service, with its complex administrative system.

The labour inspection system requires a modern and sound human resources (HR) management for a number of reasons:

- A national labour inspection service employs many individual labour inspectors. A coherent HR policy helps to harmonize their performance standards, thus favouring a more homogeneous inspection activity across all individual inspectors.
- A Labour Inspectorate (LI) must respond to many needs with limited resources. However, even if it has abundant funds, these are of little use if they are not sensibly managed. HR policy should therefore strive to optimize the key agent of the LI public service: the labour inspector.
- Labour inspection is a nationwide service that affects thousands of companies and millions of workers: a uniform HR policy reduces disparities in the performance of labour inspectors throughout the country and rectifies any other geographical imbalances that might exist.
- The inspection activity is a permanent public service, for which a long-term HR policy is needed.

The ILO has long been aware of the specific features of the labour inspection service, and of the need to provide labour inspectors with a status and conditions of service in keeping with the social importance of their mission, which safeguard their impartiality, personal authority and independence.

As early as 1923 the Labour Inspection Recommendation, 1923 (No. 20),<sup>1</sup> stated that:

*... the inspectorate should be on a permanent basis and should be independent of changes of Government; the inspectors should be given such a status and standard of remuneration as to secure their freedom from any improper external influences and that they should be prohibited from having any interest in any establishment which is placed under their inspection.*

Article 6 of the Labour Inspection Convention, 1947 (No. 81),<sup>2</sup> provides that:

*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.*

## **Purpose of this study**

With this paper, the Office is attempting to respond to the increasing number of requests for guidance on HR policy for Labour Inspectorates. Our aim is to provide a source of information and inspiration for countries wanting to better their labour inspection service through an improved HR policy.

Let us clarify from the start that this is not a guide to all existing HR policies for labour inspectors; neither is it a detailed description of the policies of a few National Labour Inspectorates. Either of these options would have required a considerable amount of background information about the “source” countries (their legal framework and civil service traditions and regulations and more) in order to be of use to those countries wanting to improve *their* HR policies for *their* labour inspectors. More importantly, such a document would have failed to

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<sup>1</sup> International Labour Organization (ILO): *Labour Inspection Recommendation, 1923 (No. 20)*, adopted at the 5th Session of the International Labour Conference (1923). Status: Instrument with interim status; available at: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:R020](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R020)

<sup>2</sup> ILO: *Labour Inspection Convention, 1947 (No. 81)*, adopted at the 30th Session of the International Labour Conference (ILC) (Geneva, 1947). Status: Up-to-date instrument (Governance (Priority) Convention), available at: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C081](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C081)

provide an overview of today's HR approaches and practices, or contained a selection of effective practices – and we believe that this is the kind of content of interest to HR managers, which might prompt them to look for further information.

We therefore opted to examine a broad range of HR policies for labour inspectors from a pool of 35 countries across six regions and subsequently summarized the main HR approaches in the following areas: recruitment, training, promotion, pay and mobility. For each of these areas, we have identified good practices.

By “good practices” in this context we mean HR practices that are likely to help Labour Inspectorates attract and recruit the people most suited to being labour inspectors; retain them; and keep their productivity levels high while they remain in service.

It goes without saying that the good practices identified are not meant to be replicated, since LI human resources policy has to be devised in line with the individual country's public service's wider policy, legal framework, administrative practices and culture.

## **Method**

The HR policies which may increase the number of well-performing labour inspectors differ somewhat from country to country. This may be attributed to two main reasons: first, wide differences exist in the economic level of development, the mandate of the Labour Inspectorates and the civil service legal framework between countries; second, the duties and necessary competences and knowledge of generalist labour inspectors are clearly not the same as those of specialized labour inspectors. Nevertheless, there is a basic set of powers common to all labour inspectors, with which HR managers should be familiar.

These powers, as well as the human, organizational and material resources required to ensure that labour inspectors may exercise them fully and effectively, may be found in: the Labour Inspection Convention, No. 81 (1947); the Labour

Inspection (Agriculture) Convention, 1969 (No. 129);<sup>3</sup> the Labour Inspection Recommendation, 1947 (No. 81);<sup>4</sup> the Labour Inspection (Agriculture) Recommendation, 1969 (No. 133);<sup>5</sup> the Protocol of 1995 to the Labour Inspection Convention, 1947;<sup>6</sup> and reports of the Committee of Experts on the Application of Conventions and Recommendations (CEACR).<sup>7</sup> It is against this common framework that good HR policies have been identified. That being said, to help with this identification, data and findings from studies and papers dealing with HR policies have also been used on occasion.

Having dealt with the criteria for identifying good practices, a few lines must be devoted to the pool of HR policies from which these good practices have been selected.

As mentioned above, one of the aims of this paper is to serve as a source of information on HR policies applying to labour inspectors. We therefore set out to gather information on these HR practices from as many countries as possible and from different regions in the world, thereby providing HR managers with as comprehensive a catalogue of HR policies as possible. A desk study, which involved examining all the information available to the general public (usually online) or in-house documents about HR policies for labour inspectors in 35 countries, constituted the raw material for this study.

## **Structure and content of the paper**

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<sup>3</sup> ILO: *The Labour Inspection (Agriculture) Convention, 1969 (No. 129)*, adopted at the 53rd Session of the ILC (1969), available at: [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_INSTRUMENT\\_ID:312274](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312274)

<sup>4</sup> ILO: *Labour Inspection Recommendation, 1947 (No. 81)*, adopted at the 30th Session of the ILC (1947). Status: Up-to-date instrument, available at: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:R081](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R081)

<sup>5</sup> ILO: *Labour Inspection (Agriculture) Recommendation, 1969 (No. 133)*, adopted at the 53rd Session of the ILC (1969). Status: Up-to-date instrument, available at: [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100\\_ILO\\_CODE:R133](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100_ILO_CODE:R133)

<sup>6</sup> *Protocol of 1995 to the Labour Inspection Convention, 1947 (PO81)*, adopted at the 82nd Session of the ILC (entry into force: 9 June 1998). Status: Up-to-date instrument, available at: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:P081](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:P081)

<sup>7</sup> ILO: *Committee of Experts on the Application of Conventions and Recommendations (CEACR)*, Reports of the Committee of Experts since 1932 – Links to pdf documents, available at: <http://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/committee-of-experts-on-the-application-of-conventions-and-recommendations/lang-en/index.htm>

This paper is primarily addressed to HR managers who are not necessarily familiar with the role of the Labour Inspectorate or the duties of labour inspectors.

Chapter 1 deals with the powers and employment status of labour inspectors.

Chapter 2 considers some major obstacles to putting in place optimal HR policies, that is, policies that are likely to increase the productivity and quality of labour inspectors' performance and/or encourage them to stay in the job long enough to reach their full potential.

Chapters 3, 4 and 5 cover the recruitment and selection, training, pay, promotion, mobility, and work-life balance of labour inspectors – six areas where HR policies have a powerful influence on how well they are likely to perform and how long they will stay in the job.

# Chapter 1. The labour inspector's powers, limitations and status

The main functions of labour inspectors are to enforce labour legislation and provide information and advice on ways in which to comply with it. In order to discharge these duties, labour inspectors are entrusted with a number of powers. However, they can only exercise these powers if they are granted a status guaranteeing that their decisions, and their activity as a whole, are independent of external influences – such as an abrupt change in middle management on account of political reasons.

It is hard to understand the need for a status that protects the independence of labour inspectors without being familiar with their main functions and powers, as well as the obligations with which they have to comply. These two areas are examined in sections 1.1 and 1.2; a description of their status is contained in section 1.3 of this chapter.

## 1.1 Powers of labour inspectors

Labour inspectors' functions are to secure the enforcement of legal provisions relating to conditions of work and the protection of workers; supply technical information on ways to comply with these provisions; and to bring to the competent authority's notice any defects or abuses not specifically covered by the existing law. Labour inspectors therefore play a key role in the compliance process of labour legislation. It goes without saying that they cannot fulfil such a mission without being given unique powers – powers that no other public officials have.

These faculties or powers are set out in Articles 12, 13 and 17 (2) of Convention No. 81:

### *Article 12*

*1. Labour inspectors provided with proper credentials shall be empowered:*

*(a) to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection;*

*(b) to enter by day any premises which they may have reasonable cause to believe to be liable to inspection; and*

*(c) to carry out any examination, test or enquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed, and in particular --*

*(i) to interrogate, alone or in the presence of witnesses, the employer or the staff of the undertaking on any matters concerning the application of the legal provisions;*

*(ii) to require the production of any books, registers or other documents, the keeping of which is prescribed by national laws or regulations relating to conditions of work, in order to see that they are in conformity with the legal provisions, and to copy such documents or make extracts from them;*

*(iii) to enforce the posting of notices required by the legal provisions;*

*(iv) to take or remove for purposes of analysis samples of materials and substances used or handled, subject to the employer or his representative being notified of any samples or substances taken or removed for such purpose.*

*2. On the occasion of an inspection visit, inspectors shall notify the employer or his representative of their presence, unless they consider that such a notification may be prejudicial to the performance of their duties.*

### *Article 13*

*1. Labour inspectors shall be empowered to take steps with a view to remedying defects observed in plant, layout or working methods which they may have reasonable cause to believe constitute a threat to the health or safety of the workers.*

*2. In order to enable inspectors to take such steps they shall be empowered, subject to any right of appeal to a judicial or administrative authority which may be provided by law, to make or to have made orders requiring--*

*(a) such alterations to the installation or plant, to be carried out within a specified time limit, as may be necessary to secure compliance with the legal provisions relating to the health or safety of the workers; or*

*(b) measures with immediate executory force in the event of imminent danger to the health or safety of the workers.*

*3. Where the procedure prescribed in paragraph 2 is not compatible with the administrative or judicial practice of the Member, inspectors shall have the right to apply to the competent authority for the issue of orders or for the initiation of measures with immediate executory force.*

#### *Article 17*

*2. It shall be left to the discretion of labour inspectors to give warning and advice instead of instituting or recommending proceedings.*

It is clear that some of the powers listed above, such as the issuing of orders requiring alterations to the installation or plant, can cause major disruptions to businesses. This is one of the reasons why labour inspectors' actions must not be politically biased, and why they should not have a direct economic interest in the companies they inspect or their competitors; neither should they serve a group's or an individual person's interests.

The prohibitions that labour inspectors must observe, which are to be found in ILO Conventions Nos. 81 and 129, are a means of counterbalancing the powers with which they are entrusted. In addition, labour inspectors are bound by the general obligations of civil servants. The State should seek to prevent labour inspectors' misuse or abuse of their powers by fostering observance of these specific and general obligations, and by prosecuting and penalizing any violations.

However, using legislative or de facto measures to curb labour inspectors' powers, allegedly with a view to preventing their misuse, may deprive them of their means to carry out their functions. Making previous notice to the employer

mandatory before a visit to the workplace is an example of this: if the enterprise concerned has any employees without a work contract, they will probably be asked not to turn up on the day of the labour inspector's visit.

That being said, it is a prerequisite for labour inspectors to have a status that guarantees them employment stability so that they can carry out their duties with professionalism. If it were possible to remove labour inspectors for arbitrary or political reasons, the labour inspection service would not be able to fulfil its role – and compliance with labour legislation would most probably suffer as a result.

A sound HR policy for Labour Inspectorates should therefore endeavour to ensure the professional conduct and accountability of labour inspectors, while in no way weakening their employment status or curtailing their powers.

## 1.2 Prohibitions that labour inspectors must observe

Article 15 of ILO Convention No. 81 succinctly identifies the three main prohibitions that labour inspectors must observe.

### *Article 15*

*Subject to such exceptions as may be made by national laws or regulations, labour inspectors--*

*(a) shall be prohibited from having any direct or indirect interest in the undertakings under their supervision;*

*(b) 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; and*

*(c) shall treat as absolutely confidential the source of any complaint bringing to their notice a defect or breach of legal provisions and shall give no intimation to the employer or his representative that a visit of inspection was made in consequence of the receipt of such a complaint.*

With regard to the provision that labour inspectors may not have “any direct or indirect interest in the enterprises under their supervision”, the CEACR has pointed out that the concept of direct and indirect interest must be defined with precision in national legislation so as to assess the exact scope of the prohibition. But even when the concept is clearly defined, the CEACR regrets that it is often not broad enough. For instance, there are countries where the concept of “interest” is confined to the material or financial interest in the enterprise being inspected.

By contrast, the Committee recommends that the concept of direct and indirect interest embraces not only material or financial advantages but also personal interests of a psychological, emotional or political nature that are likely to exert an undue influence on the discharge of the inspector’s duties.

With regard to the duty of confidentiality, it must be noted that the scope of this obligation differs in various countries. Nonetheless, it is not this disparity that most concerns the CEACR but the fact that not all Members have set out in law that this obligation should be maintained after inspectors have left the service. The Committee has thus on occasion drawn the attention of certain governments to the need to amend the legislation in this respect.

The third obligation incumbent upon labour inspectors, “treating as absolutely confidential the source of any complaint bringing to their notice a defect or breach of legal provisions”, is intended to protect the complainant from reprisals. Since the complainant is usually an employee, he/she might be harassed at work or dismissed if their identity is revealed. Fortunately, according to the information available to the CEACR, compliance with this obligation has not raised any particular difficulties.

### **1.3 The labour inspector’s status**

To enable labour inspectors to fulfil their duties and mission, their impartiality and independence must be safeguarded at all times. These concepts may be guaranteed in different ways; however it is a prerequisite that the continued employment of inspectors in the service should not depend upon political considerations.

Consequently, Article 6 of Convention No. 81 states that the inspection staff shall be composed of public officials whose status and conditions are such that they are assured of stability of employment: *A public official is anyone in a position of official authority that is conferred by a state, whether appointed or elected;*<sup>8</sup> Article 6 of Convention No. 81 adds the requirement of stability of employment to this definition.

The CEACR understands that stability of employment is best secured if labour inspectors are civil servants appointed on a permanent basis rather than simply state employees. This is the case in many Member States, where labour inspectors are permanent civil servants. For instance they are *funcionarios de carrera* (in Spanish) or *fonctionnaires* (in French) – where labour inspectors are among the permanent staff (*le personnel statutaire*, and they are *agents titulaires de leur statut*). But this does not hold true everywhere.

For instance, there are countries where all labour inspectors are appointed for a limited period of time and their contract is renewed if their performance is deemed satisfactory. In other Member States, some of the inspection staff are offered permanent employment once their probation period is over – while other labour inspectors with the same duties and roles are employed on a fixed-term basis.

However, even if the status of permanent civil servants is coupled with a national legislation in which labour inspectors' powers and duties comply fully with ILO standards, this is not nearly enough to foster the integrity and commitment of labour inspectors.

At this point, it is worth examining what other factors are needed. First, there is the issue of resources, which we shall examine in some detail in the next chapters; second, it is vital that Labour Inspectorates engage with their communities and governments, and in particular with the stakeholders at the

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<sup>8</sup> Compliance: *Bribery and fraud: Guidance for academic, administrative and support staff, including anti-bribery and anti-fraud policies* (Oxford), available at:

[https://compliance.admin.ox.ac.uk/oxdrupal\\_website/To\\_find\\_the\\_quote\\_bribery&fraud\\_definitions\\_and\\_interpretations](https://compliance.admin.ox.ac.uk/oxdrupal_website/To_find_the_quote_bribery&fraud_definitions_and_interpretations)

workplace, such as the employers' and workers' representatives; and third, the Labour Inspectorate should attempt to create a work environment that allows and encourages individuals to conduct themselves in an ethical and professional manner.

The International Association of Labour Inspection (IALI) is well aware of the role played by these factors. In its *Global Code of Integrity for Labour Inspection* (adopted in 2008), it states that the guide is intended *to assist people employed in Labour Inspectorates to understand their obligations as public officials*<sup>9</sup> and *to provide guidance on mechanisms for all employees to distance themselves from unethical practices and to out such practices whenever they are noticed*.<sup>10</sup>

The Code provides an ethical framework of six broad values:

- knowledge and competence;
- honesty and integrity;
- courtesy and respect;
- objectivity, neutrality and fairness;
- commitment and responsiveness; and
- consistency between personal and professional behaviour.

Each of these six values is expressed in terms of *Standards of Conduct* for both individuals and the Labour Inspectorate. The implementation of these values and standards requires commitment at both the individual and organizational level. But it must be remembered, as the IALI points out, that this Code of Integrity is only a framework and should *stimulate each country to discuss and adopt its own Code reflecting these common principles and suited to local conditions*.<sup>11</sup>

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<sup>9</sup> IALI: *Global Code of Integrity for Labour Inspection*, (endorsed in 2008), p. 4, available at: [http://www.ilo.org/labadmin/info/WCMS\\_117608/lang--en/index.htm](http://www.ilo.org/labadmin/info/WCMS_117608/lang--en/index.htm)

<sup>10</sup> *ibid.*, p. 5.

<sup>11</sup> *ibid.*, p. 2.

## Chapter 2. Threats and challenges faced by labour inspectors

This chapter considers the major obstacles to developing a labour inspection service that fulfils its main functions. As mentioned in chapter 1, the main functions of the Labour Inspectorate are to enforce labour legislation and to provide advice and information on ways to comply with this legislation. Both functions are entrusted to labour inspectors. It therefore goes without saying that anything that prevents labour inspectors from discharging their duties or undermines their powers is an obstacle to having a labour inspection service that fulfils its role.

It must be stressed at the outset, that ill-suited HR policies will not be among the obstacles examined here. This chapter will focus on those obstacles that are prejudicial both to labour inspectors in the execution of their duties, and to HR departments when they are trying to establish policies that encourage high-performance standards and accountability among labour inspectors.

These obstacles will include:

- Restricted mandate of the Labour Inspectorate and curtailed powers of the labour inspection system.
- Entrusting labour inspectors with tasks that are unrelated to their primary functions.
- Challenges specific to lower middle-income and low-income economies.
- Challenges specific to Labour Inspectorates in high-income countries (HICs) and middle-income countries (MICs).
- Socially prevailing gender prejudices and prejudices against certain groups.
- Violence against labour inspectors.
- Lack of material resources.

***Restricted mandate of the Labour Inspectorate/Curtailed powers of the labour inspection system***

The full mandate of the labour inspection system is defined in Article 3 of ILO Convention No. 81:

*1. The functions of the system of labour inspection shall be:*

- *(a) 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 hours, wages, safety, health and welfare, the employment of children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors;*
- *(b) to supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions;*
- *(c) to bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions.*

*2. Any further duties which may be entrusted to labour inspectors shall not be such as to interfere with the effective discharge of their primary duties or to prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers.*

As noted by the CEACR (2006), many different issues are covered by *conditions of work*. For example, in addition to the factors listed in Convention No. 81, Article 6 (1) (a) of Convention No. 129 lists weekly rest, holidays and the employment of women.

Likewise, the Committee points out that the phrase *protection of workers while engaged in their work*, as used in Convention No. 81, has to be understood in a broader manner in the light of subsequent Conventions and Recommendations. Thus, social security and conditions of termination of employment, as well as the fundamental rights of workers – such as the right to organize and engage in collective bargaining – could all be considered as being included in the concept of the *protection of workers*.

ILO standards do not therefore impose a broad or a narrow interpretation of either *working conditions* or *protection of workers*. Consequently, there is some ambiguity, or rather flexibility, as to what the remit of the labour inspection system might be. This flexibility has translated into two types of National Labour Inspectorates: the generalist and the specialist. The former has a broad mandate

and addresses elements of employment and industrial relations (including working conditions, health, safety and welfare of workers), while the latter is usually restricted to occupational safety and health (OSH). It must be noted that although there are some National Labour Inspectorates that are purely generalist or purely specialist, there are countries in which the labour inspection system is somewhat mixed.

It has been argued that generalist Labour Inspectorates may be better equipped to respond to the consequences of economic and labour market change, such as an increase in the number of migrant workers and the growth of the informal economy, because they already deal with social and employment matters.<sup>12</sup> In addition, it has been noted that if one single authority, instead of more than one, monitors compliance with most labour provisions, the chances are that violations of a different nature – e.g. a breach of legislation in both OSH and social security – affecting the same worker/s will be identified and resolved with less hassle for the employees concerned. That being said, the ILO does not favour the generalist model over the specialist one; neither can any preference be inferred from the CEACR's observations over the years.

The Office's main areas of concern with respect to restrictions on the mandate of the labour inspection services and labour inspectors' powers are the following:

- Areas that are exempt from the application of national labour laws, and thus, outside the scope of action of the Labour Inspectorate. In some countries, export processing zones (EPZs) are partially or totally exempt from supervision. Other areas outside the coverage of labour laws are new kinds of informal working practices (e.g. zero hours contracts, homeworking), which previously may have been considered part of the so-called "informal economy". Finally, domestic work very often lies outside the remit of the National Labour Inspectorates. These exemptions mean that in a given country not all people at work have the same level of protection under the law.

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<sup>12</sup> P. Teague: "Reforming the Anglo-Saxon model of labour inspection: The case of the Republic of Ireland", in *European Journal of Industrial Relations* (2009), available at: <http://journals.sagepub.com/doi/abs/10.1177/0959680109103603>

- Member States in which the inspection and monitoring of occupational safety and health (OSH) are managed by employers' associations. The ILO has always maintained that monitoring, alerts, health expertise and the provision of health-related advice must be the responsibility of a public body.
- Restrictions on labour inspectors' powers. There are a number of Member States where labour inspectors have to give notice to the employer before visiting the workplace. This is a very serious restriction on labour inspectors' powers, since it may result in breaches of law such as child labour or undeclared workers going undetected.

### ***Entrusting labour inspectors with tasks that are unrelated to their primary functions***

The above-mentioned restrictions are not the only cause for concern. Indeed, entrusting labour inspectors with tasks that are not directly related to the discharge of their duties is often inadvisable. Although some of these tasks (e.g. calculation of severance pay, drafting of resignation letters at the worker's request, issuance of work permits) are not in conflict with labour inspectors' main functions, they take up time and divert the labour inspectors' attention from their primary duties. More worryingly, other tasks entrusted to labour inspectors in some Member States are regarded as incompatible with their labour inspectors' main functions.

Having dealt with the obstacles related to the legal framework that defines the remit of the Labour Inspectorate, let us now turn to other kinds of challenges – over which labour inspectors have no control. These include: the socio-economic level of development of the country; the strength of racial and gender prejudices; and the mistrust of – or even contempt for – civil servants. These factors must be taken into account to ensure that labour inspectors' performance is as effective as possible. Equally important, a well-conceived HR policy for labour inspection can mitigate the negative effects of those factors.

## ***Challenges specific to lower middle-income and low-income economies***

A country's socio-economic level of development is usually reflected in the level of its skilled workforce, the sectors employing the most people, and the employment rate. In countries with agricultural-based economies, the percentage of people at work and of skilled workers is low, with many people working in the informal economy. In these countries, labour inspectors must deal with many instances of bogus self-employment, undeclared work, and high under-reporting rates of work-related accidents. This latter feature, the high under-reporting of occupational accidents, is also found in countries which have experienced rapid economic growth and industrialization over the past 20–40 years; however, in these countries, the labour inspector's job is somewhat easier in that the workplaces are generally larger and the percentage of workers with no fixed place of work is lower.

In both these categories of countries, only a small share of the gross domestic product (GDP) is earmarked for the prevention of work-related accidents and diseases, and as a result the percentage of preventable deaths, injuries and diseases among workers is high. It is not only the lack of funds that explains why independent low-skilled workers do not invest in preventive measures: they are often poorly educated and trust in traditional practices and remedies – and in addition, they do not have easy access to reliable information on prevention. In the case of countries that have only been industrialized fairly recently, the safety and health management in factories is still inadequate, and in some cases virtually non-existent.

There is another difficulty that often goes hand in hand with weak economies: the fact that there are comparatively few highly educated people who, as a rule, are not attracted to the civil servant sector; they often choose to move abroad or work in the private sector.

## ***Challenges specific to labour inspectorates in HICs and MICs***

Two relatively new phenomena are affecting many HICs, and less acutely MICs: the increase in non-standard forms of employment and the rise in the number of immigrant workers.

Among the non-standard forms of employment that are new or have become increasingly important over the past 20 years, digital platform work is the most innovative and has grown appreciably in recent years. Digital platform work is in many respects very heterogeneous. It includes relatively high-skilled IT tasks (matched and delivered online), lower-skilled repetitive online work, and work that is matched on the platform, but which involves services that require physical delivery, as is the case with large companies in the sectors of food delivery and the transport of passengers.

When it comes to enforcing labour law, the status of platform workers is a key issue for Labour Inspectorates whether they are self-employed or employees. Labour inspectors require a sound knowledge of regulations on labour employment relationships, and they also need to understand how digital platforms work. Meeting these needs involves training in those two areas – but many Labour Inspectorates still fall short in this respect.

The main reason why the status of platform workers is not yet part of the training content in many HICs and MICs is that there is no broad consensus that the current labour legislation can embrace the employment relationship between platform workers and the platform. Indeed, it is still a matter of controversy whether or not platform workers meet the legal criteria to be regarded as employees.

Despite the difficulty in classifying digital platform workers as employees or self-employed persons, a number of OECD countries have taken measures to provide them with social protection.<sup>13</sup>

The second challenge is the growth of “undeclared work”, which has grown in parallel with the increase in immigrant workers. The ways in which undeclared

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<sup>13</sup> OECD: *The future of social protection. What works for non-standard workers?* (2018), available at: <https://doi.org/10.1787/9789264306943-en>

work is a challenge to Labour Inspectorates is well summarized in an ILO working document: *Labour inspection in Europe: undeclared work, migration, trafficking*:

In many cases, migrant workers – particularly migrants with an irregular or unauthorized status – are recruited into undeclared work. They thus become vulnerable and subject to lower level standards. Demands that labour inspectorates cooperate in enforcing immigration law may, however, compromise the core function of labour inspectors (which is the application of labour legislation for all workers). At the same time, migration issues have to be taken into account when considering how labour inspectorates can contribute to preventing and regularizing undeclared work.

Labour inspectorates face practical obstacles in planning and carrying out visits since undeclared work is by its nature hidden and not easily detected. Even when inspectors uncover situations of undeclared work, a delicate balance must be considered taking due regard of the interests of workers, legitimate enterprises and, in certain cases, the applicable law on unauthorized immigration.<sup>14</sup>

Nine years later, in 2019, undeclared work is still a challenge to Labour Inspectorates across Europe. The need for inspectors to acquire specific skills (being able to speak foreign languages) and specific knowledge (understanding other countries' labour law and social security requirements) is advised especially in the context of "cross-border" workers.<sup>15</sup> A common complaint among senior officials in European Union Labour Inspectorates (EU LIs) is the difficulty they experience in establishing: cooperation with tax authorities, for instance on the level of data exchange and data sharing, and/or on the level of operation. They also find it difficult to take the lead in establishing greater cross-government cooperation on the level of strategy. It has often been mentioned that there is a

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<sup>14</sup> ILO: *Labour inspection in Europe: undeclared work, migration, trafficking*, Working Document No. 7, LAB/ADMIN (Geneva, 2010), p. vii, available at: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---lab\\_admin/documents/publication/wcms\\_120319.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---lab_admin/documents/publication/wcms_120319.pdf)

<sup>15</sup> C. Williams, P. Vanden Broeck, A. Scharle: *Future role and competence profile of Labour Inspectorates* (Lithuania, 2019).

need to develop much better relationships between inspectorates and social partners as well as other stakeholders.<sup>16</sup>

### ***Socially prevailing gender prejudices and prejudices against certain groups***

Gender prejudices and prejudices against certain ethnic groups (e.g. Roma, lower castes) are never reflected in the explicit criteria for recruiting or promoting labour inspectors. In Member States where the interview is part of the selection process and/or where performance appraisal is used, these prejudices may play a part, especially when there is only one interviewer or evaluator with no guidelines as to how to proceed. There are, however, a number of countries in which the labour inspection services lawfully discriminate against older applicants or applicants with disabilities. Examples of such types of discrimination are: age limits to civil servants wishing to take exams for promotion to administrative posts; and countries where being able-bodied is a requisite for anyone wanting to be a labour inspector.

Unfortunately, prejudices prevalent in a society, even when they do not exist in the Labour Inspectorate's decision-making processes, will affect labour inspectors in their dealings with employers and workers – especially if they are members of a marginalized group or gender themselves. This is one of the reasons why labour inspectors' advice and even warning orders may go unheeded, thus forcing the Labour Inspectorate to resort to sanctions that are often contested by employers. As a result of this, workers' occupational hazards are not removed promptly after detection, and other statutory infringements take a long time to be resolved. Another effect of such prejudices is that the percentage of female labour inspectors and labour inspectors from marginalized groups is rather small in a number of countries, often because individuals from such groups have difficult access to higher education or because they are susceptible to violent or disrespectful treatment from colleagues, employers or employees.

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<sup>16</sup> *ibid.*, p. 5.

## **Violence against labour inspectors**

Unlike all the obstacles examined above, violence against labour inspectors in its least extreme forms, such as offensive language, is – and has always been – fairly common all over the world. This is not surprising as labour inspectors have to enforce the law and are often met with hostility.

While physical attacks are rare, verbal ones during inspection visits are not uncommon, even in regions of the world with very low levels of violence. However, after the murder of two French labour inspectors during a farm inspection in 2004, the European Senior Labour Inspectors' Committee (SLIC) drew up a guide: *Violence towards inspectors: Good practice guide*. The SLIC guide gives advice on how to prevent violent incidents and to support labour inspectors who have been victims of violence. Although most of the measures in the guide are not particularly costly, they may constitute a financial burden for a number of National Labour Inspectorates that are seriously underfunded.

## **Lack of resources**

Inadequate funding for Labour Inspectorates translates into insufficient resources, which in turn limits the Inspectorate's capacity to carry out its main duties. There are four areas in which underfunding has the greatest negative impact: insufficient number of labour inspectors; insufficient use of new technologies; absence of means of transportation; poorly equipped local offices.

According to Article 10 of Convention No. 81, the number of labour inspectors must be determined taking into account the following factors:

- *(a) the importance of the duties which inspectors have to perform, in particular--*
  - (i) the number, nature, size and situation of the workplaces liable to inspection;*
  - (ii) the number and classes of workers employed in such workplaces;*  
*and*
  - (iii) the number and complexity of the legal provisions to be enforced;*

- (b) *the material means placed at the disposal of the inspectors; and*
- (c) *the practical conditions under which visits of inspection must be carried out in order to be effective.*

The Committee on Employment and Social Policy (ESP Committee) of the Governing Body of the ILO suggested, in 2006,<sup>17</sup> ratios of labour inspectors to workers; but it used the level of the individual country's economic development as the only criterion for determining such ratios. The reality is that the number of labour inspectors relative to workers is low – and not only low but insufficient in low-income and medium-income countries. Nonetheless, even in relatively wealthy regions of the world, the number of labour inspectors is often regarded as insufficient. This was the view taken by the European Parliament in its resolution of 14 January 2014, where it voiced *its concern at the understaffing of Member States' inspection authorities*.<sup>18</sup> One of the measures suggested to relieve overworked labour inspectors is to hire support staff who could do some of the administrative tasks which labour inspectors do presently, thus allowing inspectors to concentrate on their primary duties.

Information systems are a precious tool for the collection and analysis of data, without which it is hard to develop sound planning and an effective coordination of inspections. Such systems can also improve administrative transparency and accountability, since they make it possible to record the findings, follow up and sanctions of each inspection visit. However, as remarked by the Governing Body ESP Committee in 2010: *the initial set-up and maintenance of new technological systems can be costly, (...) in the long term these investments can contribute to a more cost-effective use of staff and reduced communication expenses*. There can be no denying that information systems are extremely useful for HR decisions and the

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<sup>17</sup> ILO: *Governing Body Committee on Employment and Social Policy of the Governing Body* (GB.297/ESP/3), 297th Session (Geneva, November 2006), further to the Discussion of the General Survey on labour inspection at the 95th Session (2006) of the International Labour Conference. The ESP stated that: *the ILO has taken as reasonable benchmarks that the number of labour inspectors in relation to workers should approach: 1/10,000 in industrial market economies; 1/15,000 in industrializing economies; 1/20,000 in transition economies; and 1/40,000 in less developed countries*.

<sup>18</sup> European Parliament: *European Parliament resolution of 14 January 2014 on effective labour inspections as a strategy to improve working conditions in Europe (2013/2112(INI))* (Strasbourg, 2004), available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2014-0012+0+DOC+XML+V0//EN>

recruitment of new labour inspection staff, as well as for the promotion and granting of other incentives to individual labour inspectors. Unfortunately, not only low- but also middle-income countries lack such systems.

As regards the practical conditions under which inspections are carried out, a lack of resources restricts the transportation of labour inspectors to workplaces – and this has an adverse effect on their performance. The CEACR is well aware that a major obstacle preventing labour inspectors from discharging their duties is the inadequacy or absence of means of transport. In many low-income countries, the vehicles provided by the Labour Inspectorate are so few that labour inspectors often have to cancel or reschedule visits, or else replace them with visits to workplaces they can reach on foot. In these same countries public transport is scarce and unreliable, and if labour inspectors use their own cars the costs involved are not usually reimbursed.

The fourth and final area in which underfunding has the greatest impact on labour inspectors' performance is poorly equipped or inadequate offices. As stated in Article 11 of Convention No. 81:

1. *The competent authority shall make the necessary arrangements to furnish labour inspectors with--*
  - (a) *local offices, suitably equipped in accordance with the requirements of the service, and accessible to all persons concerned;*
  - (b) *the transport facilities necessary for the performance of their duties in cases where suitable public facilities do not exist.*
2. *The competent authority shall make the necessary arrangements to reimburse to labour inspectors any travelling and incidental expenses which may be necessary for the performance of their duties.*

As reported to the CEACR, not only are there too few offices in many countries, but those that do exist are not suitably equipped. Problems range from not enough computers or a lack of writing materials to the absence of electricity or water. Some of these shortages clearly prevent labour inspectors from carrying out their duties and may cause low morale.

## Chapter 3. Recruitment and selection of labour inspectors

Conventions Nos. 81 and 129 make the same two comments on the issue of recruitment:

### *Article 7, Convention No. 81*

- 1. Subject to any conditions for recruitment to the public service which may be prescribed by national laws or regulations, labour inspectors shall be recruited with sole regard to their qualifications for the performance of their duties.*
- 2. The means of ascertaining such qualifications shall be determined by the competent authority.*
- 3. Labour inspectors shall be adequately trained for the performance of their duties.*

### *Article 8, Convention No. 81*

*Both men and women shall be eligible for appointment to the inspection staff; where necessary, special duties may be assigned to men and women inspectors.*

### *Article 9, Convention No. 129*

- 1. Subject to any conditions for recruitment to the public service which may be prescribed by national laws or regulations, labour inspectors in agriculture shall be recruited with sole regard to their qualifications for the performance of their duties.*
- 2. The means of ascertaining such qualifications shall be determined by the competent authority.*
- 3. Labour inspectors in agriculture shall be adequately trained for the performance of their duties and measures shall be taken to give them appropriate further training in the course of their employment.*

### *Article 10, Convention No. 129*

*Both men and women shall be eligible for appointment to the labour inspection staff in agriculture; where necessary, special duties may be assigned to men and women inspectors.*

For its part, the Labour Inspection Recommendation, 1923 (No. 20), gives some indication as to the sort of people who should work as labour inspectors:

*... it is essential that the inspectors should in general possess a high standard of technical training and experience, should be persons of good general education, and by their character and abilities be capable of acquiring the confidence of all parties.*

The CEACR's recommendations are more specific. First, the "qualifications for the performance of their duties" should include not only technical skills and qualifications, but also personal and psychological abilities. Second, discretion, integrity and impartiality should be among those personal qualities. Third, in the Committee's opinion, appropriate in-depth interviews conducted in a fair and objective manner are the best way for the competent authority to select the most suitable candidates.

After having examined the information on the recruitment process of the 35 countries listed in Appendix II, we observed the following: what individual countries believe to be the right qualifications for a prospective labour inspector depends to a great extent upon whether the inspection system is a generalist or specialist one; and upon the importance given to the psychological profile of the candidate.

Generalist labour inspection systems (e.g. the Spanish model) look for candidates already familiar with legal provisions on working conditions, while specialist labour systems (e.g. the United Kingdom model) do not, since their Labour Inspectorates only deal with health and safety issues. As a general rule, there is at least one knowledge-based exam on labour legislation in the selection process of generalist labour inspections; by contrast, in specialist labour inspection systems, candidates are not expected to have knowledge of OSH legislation when applying for the post of labour inspector.

As for the importance given to soft skills, they tend to play a central role in specialist labour inspection systems: candidates without the required soft skills will not be recruited. In the case of generalist labour inspections, the importance

of soft skills varies widely: in some countries they are not assessed at all, while in others they are – either by means of an interview (e.g. France) or through an assessment conducted by a professional (e.g. Argentina). The soft skills most widely assessed are: the ability to relate to and work with people; the ability to work well under pressure and without supervision; initiative; and the ability to communicate effectively.

We shall now turn our attention to the similarities among these 35 countries as regards their recruitment and selection process, starting with requirements other than the ones discussed above:

1. A certain level of education, which applicants must have attained by the time they apply to the open competition for entry into the service. This requirement is extremely common. However, the minimum educational level may range from a secondary education certificate (Armenia requires only the completion of secondary education for junior positions) to an advanced academic degree, such a master's degree (e.g. the Czech Republic). Very few countries (e.g. Finland and Denmark) require no minimum level of education.
2. A clean criminal record, as is the case with all other public service posts.
3. Being a national of the country that recruits. There are a number of exceptions: vacancies at the Health and Safety Executive (HSE) in the United Kingdom, for instance, are open to UK nationals, Commonwealth and European Economic Area (EEA) nationals, as well as certain non-EEA nationals; in Brazil, not only Brazil nationals but Portuguese nationals who are covered by the Equality Statute between Brazil and Portugal may be appointed as labour inspectors.
4. Written tests. At some stage in the selection process, candidates must sit a/several written test/s that assess, as mentioned above, soft skills or relevant legal knowledge – or both. There are, however, a number of countries where the selection process does not involve any kind of written examination. This is the case of Honduras, where applicants are selected for appointment as labour inspectors following an evaluation of their CVs. Other countries, like Tunisia, hold two types of competitions: those that

include examinations, and others where candidates with the most suitable CVs are appointed.

5. Age limits. The general trend is to abolish age limits, in compliance with equality obligations; but some Member States have yet to repeal them. In general, the minimum recruitment age is 18 years.

Having considered the main similarities among the 35 countries, we shall now examine the differences between them:

1. In some countries, there may be only external competitions for the vacant posts of labour inspector; in others, there are both internal and open competitions. The latter case is fairly common: competitions open only to civil servants – so-called “internal” competitions; and those open to anyone meeting the minimum criteria for the post – so-called “external” competitions. There are however a number of countries where competitions are always external. This does not necessarily imply that the vacant posts are always filled by the people who obtain the highest scores on the competition; there are, for instance, cases in which vacancies are filled from among the ranks of civil servants without any kind of competition (e.g. Kazakhstan).
2. Work experience may be a requirement, or considered an asset, in some countries; in others, it is irrelevant to the recruitment process. When work experience is a requirement (e.g. Slovenia – five years either as an employer or an employee – Argentina, Pakistan, Peru), the number of years of prior work experience usually depends on the level of the position: the more senior the position, the longer the work experience required. It is also worth noting that, as a general rule, the candidate’s work experience must be related to the duties that the labour inspector is expected to perform (e.g. Finland).
3. An interview may, or may not, be part of the selection process. A number of countries do not include an interview when they are recruiting labour inspectors, although they may conduct an oral examination – or more than one (e.g. Spain). When this interview is part of the selection process, it is

usually designed to assess the candidates' personal qualities and a number of soft skills.

4. Training may be included in the selection process, or only carried out after the candidate's appointment. When training is an integral component of recruitment, it usually takes place at the end of the selection process; i.e. it is only provided to candidates who have successfully completed all the other stages (e.g. Venezuela). As a general rule, candidates who succeed in reaching the training stage are subsequently tested on the content of the training they have received.
5. The policy towards disabled applicants varies considerably from country to country. In a number of Member States, the candidate must be in good health or without disability (e.g. Peru, Kazakhstan). In others, the candidate must be able to drive a car (New Zealand), and have a number of soft skills – some of which might make it difficult for disabled persons to apply. In another group of countries, the health status requirement is phrased in terms vague enough to encourage people with certain types of disability to apply (e.g. Brazil). Among HICs, positive discrimination towards disabled applicants is common, but takes different forms. For instance, the United Kingdom has the guaranteed interview scheme (GIS), thanks to which all disabled people applying under this scheme are invited to an interview if they meet the minimum criteria.

## Good practices

When assessing the suitability of a particular recruitment/selection practice, it is important to bear in mind two factors: the resources available for the recruitment process and to the Labour Inspectorate; and what the job of labour inspector actually involves in the country concerned. A number of policy questions follow here below – and the answers to these questions often depends on either or both these factors.

## ***Should priority be given to soft skills and practical knowledge over academic qualifications and knowledge of labour legislation – or the other way around?***

As mentioned earlier in the text, labour inspectors in some countries deal with issues of occupational safety and health alone; in others they must monitor compliance with all labour legislation relating to working conditions. But there are other ways in which the tasks of labour inspectors differ; for instance, in some Member States, labour inspectors inspect only one type of work (e.g. Finland). In general, a narrower scope of action justifies less emphasis on a knowledge of labour legislation – i.e. the fewer the types of work labour inspectors must inspect and the fewer the working conditions they must monitor, the greater the importance of so-called soft skills when selecting applicants.

Notwithstanding these differences, there is no denying that there are a number of soft skills that all labour inspectors must have. But although there seems to be enough evidence that they can be boosted through training interventions,<sup>19</sup> it is also true that *when it comes to deliberate attempts to enhance people's soft skills, the glass is at least half full [...] soft skills coaching, training, and development are more likely to work on those who need it the least.*<sup>20</sup> The safest solution would therefore seem to be to recruit people who already have at least some of the key soft skills, such as an ability to communicate well, to take the initiative, to take decisions without constant supervision, and discretion.

## ***Should candidates be appointed by direct selection or on the basis of their CV?***

If the resources available for the recruitment process are scarce and labour inspectors do not require an extensive and up-to-date knowledge of labour legislation for carrying out their routine tasks, selecting the candidates with the most suitable CVs may well be a reasonable option.

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<sup>19</sup> T. Chamorro-Premuzic: “Can you really train soft skills? Some answers from the science of talent”, in *Forbes*, available at: <https://www.forbes.com/sites/tomaspremuzic/2018/06/14/can-you-really-train-soft-skills-some-answers-from-the-science-of-talent/#54f4e45dc460>

<sup>20</sup> *ibid.*

Nonetheless, if a country has enough resources to design appropriate written tests and assess the applicants' performance, CVs should not be used as the only or main basis for recruitment for the following reasons. First, if candidates take the same examination, under the same conditions and are assessed using the same criteria, this helps create a level playing field. Second, examinations specifically designed for the recruitment of labour inspectors are a means of checking whether or not the knowledge previously acquired by the candidates is still up-to-date and relevant to the post for which they are applying.

### ***Should previous work experience be a requirement?***

Given the duties of labour inspectors, it seems advisable for applicants to have at least one or two years' work experience before applying for the post rather than doing so upon completion of their studies. Another advantage of considering work experience – if not as a requirement but at least an asset – is that Labour Inspectorates are more likely to end up with new appointees who are not so young. Older recruits are less likely to quit their jobs, and a number of National Labour Inspectorates sorely need a stable workforce. It also makes more sense for countries to allocate resources to training new appointees who are likely to stay in their job long enough to build the necessary skills and knowledge for a career, rather than to applicants seeking short-term opportunities.

### ***Should a technical interview be part of the selection process?***

An interview is generally considered to be one of the best means to assess whether or not a candidate has the soft skills required to do a job well.

Ideally, there should be a selection committee to ensure that applicants short-listed for an interview are evaluated by more than one individual, thus minimizing the potential for personal bias. At least some of the members of the committee should be senior labour inspectors; under-represented groups must have equal opportunity to serve on these committees.

The candidates should be asked questions that are relevant to the vacant position and to the specific skills and ability required to perform the job. These questions should also be based on a number of predetermined behavioural requirements. For example, rather than merely considering "good communication skills", there

should be a list of specific behavioural patterns that might reveal whether the candidate has this attribute. By way of example, one of these behavioural traits could be “can use different registers to communicate the same idea”.

There are other rules that are worth observing. All candidates should be asked the same questions, and these should include open-ended questions, i.e. questions requiring more than a “yes”- or “no”-style answer, such as behavioural/hypothetical questions relating to situations the candidate is likely to face on the job. An example of this could be: “What would you do if you were called names by the manager of the factory you were inspecting?”

### ***Should a training course be included as part of the selection process?***

A fair number of countries do include a training course as part of the selection process, but the duration and type of training varies from country to country. In some recruitment processes the training component lasts for a few days (Peru), but in others it covers several months (e.g. Spain); another major difference is that the training may or may not include a practicum component.

Even when the training component lasts only a few days, it may – if the content relates to the specific tasks of the labour inspector – be a deciding factor for some applicants. They may realize that they are not, after all, attracted to the job, or that they lack the skills to do it well. These applicants are likely to abandon the recruitment process at this stage, and those that are left will be strongly motivated and thus more likely to become well-performing labour inspectors if they are appointed.

As a rule, countries that do not provide this training stage as part of the selection process offer initial training to newly-recruited labour inspectors during their probationary period. This training can last either several months or years and is therefore a lot more thorough. However, it would be more cost-effective to offer some sort of training during the selection process and provide further training only to those applicants who have been selected.

### ***Should there be positive discrimination for disabled applicants?***

The absence of any type of disability is not a requirement in many countries. But should positive action for disabled candidates be adopted when recruiting labour inspectors?

First, positive discrimination in recruitment must be legal in the country, as is the case with the United Kingdom, where the Equality Act 2010 (EA '10) makes provision for this. Second, the chosen form of positive discrimination should ensure a level playing field – rather than giving some sort of privilege to disabled candidates.

There are two considerations that should be taken into account when removing barriers for disabled candidates:

- candidates should be given enough information about each stage in the recruitment process, and in particular about the tests they will have to take. This information, in countries where the examination board is allowed to make adjustments for disabled applicants, will help candidates with an impairment to decide whether they need to disclose it or not.
- written examinations help to protect physically impaired people from any prejudices against their disability for there is no visual contact between the applicant and examiner. However, disclosure is necessary when the candidate might be at a disadvantage if necessary adjustments are not made to the written examination. For example, candidates with dyslexia might be allowed to use a spell checker when completing the written examination.

## Chapter 4. Training of labour inspectors

References to training are found in Recommendations Nos. 20 and 133 and Conventions Nos. 81 and 129. Recommendations Nos. 20 and 133 focus on the training of newly recruited inspectors. Recommendation No. 133 advises that *persons appointed as labour inspectors [...] should be given adequate training on the job as rapidly as possible* (Article 7),<sup>21</sup> and Recommendation No. 20 links the probation period to the training of the newly recruited labour inspectors:

*... Inspectors on appointment should undergo a period of probation for the purpose of testing their qualifications and training them in their duties ... their appointment should only be confirmed at the end of that period if they have shown themselves fully qualified for the duties of an inspector.*

With regard to Convention No. 81 (Article 7) and Convention No. 129 (Article 9), they both stipulate that inspectors must be adequately trained for the performance of their duties; but Convention No. 129 adds that *measures shall be taken to give them further training in the course of their employment* (Article 9 (3)).

Indeed, as pointed out by the CEACR, the need for further training became apparent between the adoption of the 1947 and the 1969 instruments:

*Initial basic training, even when consolidated through additional training during the probationary period, was not sufficient to maintain the skills required by the labour inspectors to perform their increasingly complex duties.*

It is clear from these sources that both initial training for newly appointed inspectors and further training for more experienced labour inspectors are necessary. No country has ever questioned this need; the fact that labour inspectors receive little or no training may usually be attributed to a lack of funds.

This holds true in many low-income and lower middle-income countries, where the only training that labour inspectors receive is provided by international organizations – the ILO among others. But the effectiveness of such initiatives is

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<sup>21</sup> [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:R133](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R133)

limited, since they can only reach a small number of inspectors and give training in one or a few areas, and they are usually one-off events.

In the case of middle- and some high-income countries, initial training is provided but often there is no, or not sufficient, training for senior inspectors. This realization led the European Parliament to voice its concern at the lack of further training in the European Union in *its resolution of 14 January 2014 on effective labour inspections as a strategy to improve working conditions in Europe*.

Countries that do provide sufficient initial and ongoing training are among the world's wealthiest. Let us consider the various ways in which they offer this provision.

Before going into any detail on this matter, it must be noted that differences in the provision of training for labour inspectors do not seem to be contingent upon the type of labour inspection system – either generalist or specialist. It goes without saying that inspectors at Labour Inspectorates only dealing with OSH matters do not receive training in labour law beyond OSH legislation. But other differences or similarities in the training content may be attributed to a variety of reasons, among them: whether the inspectors specialize in an industrial sector rather than a geographical area (Finland); and whether they come from similar or very different backgrounds.

Leaving aside the content, differences may be found in the following aspects of training for newly recruited inspectors:

- The number of hours devoted to training and the length of the period during which this training is dispensed may vary;
- The initial training may be part of the recruitment process or be provided during the probationary period;
- The training may be either theoretical and practical, or both;
- The way in which trainee inspectors are assessed – and who assesses them – may differ.

The duration of the training varies widely from country to country. Some devote as little time as a few weeks (Finland), while in other countries the training period may last for several years (the United Kingdom). Reasons for the exact duration of the initial training in each country are difficult to identify – but as a general

rule, a training period that extends beyond a year is a sign that labour inspectors are regarded as elite civil servants, which is why so much time and funds go into making them fully operational.

In most HICs, initial training takes place during the first year or years of employment rather than during the recruitment process. Spain is the only country among the HICs where the theoretical part of the initial training (lasting up to 480 hours) is part of the selection process, and participants are assessed by means of an examination at the end of it. Practical training, lasting for five weeks, takes place at one of the provincial Inspectorates once the selection process is over.

In most HICs initial training has both a theoretical and a practical component. The theoretical component includes classroom-based instruction and/or online courses, and usually ends with an examination. The practical component nearly always includes joint visits to workplaces with a more experienced labour inspector.

This “more experienced colleague” (the line manager in some countries) does not have the same importance and role in the training of newly recruited inspectors everywhere. In some HICs, their role is very limited in scope and duration, while in others the “mentor” is responsible for structuring the training and for the continuous and final assessment of the newly recruited labour inspector (e.g. Belgium).

With regard to further training, leaving aside content, differences may be found in the following areas:

- Frequency and reach;
- The way in which it is provided;
- The mandatory or optional nature of the training;
- Feedback on the content and delivery of the training.

In the majority of HICs and MICs, most Continuing Professional Development (CPD) training is undertaken on a voluntary basis – and there are a myriad of factors upon which its reach depends, such as the usefulness of the topics from the perspective of the senior labour inspectors (their intended target).

In many countries, training for senior inspectors is only mandatory when there are major changes in the legislation affecting labour inspectors' duties, or when new systems of information are put in place involving new ways of recording data collected from inspection visits and their follow-ups. Therefore, throughout most of the world, the training frequency of labour inspectors varies considerably and depends on the nature of the changes that occur during a labour inspector's years of service. Only in a few countries is training for senior labour inspectors compulsory (e.g. Kazakhstan and Venezuela).

Formal mid-career training is provided both online and on-site. The extent to which either type is used varies from country to country, but both face-to-face and online training are offered in most instances. In order to save costs, on-site courses are often attended by a limited number of inspectors or cascade training is used, whereby representatives from district Labour Inspectorates attend centralized training courses, and the knowledge is then cascaded down by means of training sessions within the district. In some countries these courses and seminars are run, or at least organized, by a national training centre; in others the responsibility for the continuing professional development of inspectors lies with district Inspectorates or line managers.

With regard to formal training, one of the most significant differences is between countries that provide training on a tailored basis (e.g. the Netherlands) and those that decide on the training content mainly on the basis of factors affecting all the labour inspectors (e.g. changes in the national labour legislation) or specific ranks of labour inspectors (e.g. those with managerial responsibilities). Among the latter group of countries, another relevant difference is whether or not, and to what extent, a needs analysis is taken into account when deciding upon the training content.

An area for improvement in most countries is feedback on the training, which is often insufficiently developed and organized. The most widely used feedback method is questionnaires completed by attendees at the end of the course; but some countries also use feedback forms completed by the trainers, while others rely mostly upon on-site visits to courses and training sites set up by the national training centre or some other government department with supervisory powers.

Apart from these training courses, seminars and workshops, all HICs and MICs offer opportunities for knowledge sharing. In many of these countries, the Labour Inspectorate intranet makes training materials available to all inspectors, and it also provides access to all relevant legislation and documents. Other systems of informal knowledge and experience sharing are also common: online forums, but also regular meetings to discuss specific files upon which labour inspectors have worked or are still working (e.g. Belgium). The latter has brought an unexpected bonus for labour inspectors working in Labour Inspectorates where most of their work is carried out “solo” and outside the office. Knowledge sharing therefore creates an opportunity for social and professional contact between colleagues.

As regards the topics of the training courses themselves, let us consider separately the training provided for newly recruited inspectors and senior ones. In the vast majority of HICs and MICs, newly recruited labour inspectors, with no previous experience in any of the tasks undertaken by a labour inspector and irrespective of the remit of their labour inspection duties, receive training on:

- Powers and duties of inspectors;
- Relevant legislation;
- Investigation of breaches of workplace legislation.

An increasing number of HICs are including psychosocial risks and communication skills as areas of training for newly appointed inspectors, rather than leaving these subjects to experienced inspectors. Other components of the initial training depend upon: the remit of the Labour Inspectorate; the characteristics of the productive sector in each country; and the background of the newly recruited inspectors.

Inspectors with greater experience attend training courses on any area in which changes have been significant enough to affect their day-to-day work (e.g. changes to the labour legislation). However, many HICs are now offering them some training in areas related to the so-called “new and emerging risks”.

In theory, “new and emerging risks” are mostly present in green jobs, crowdsourcing, nanotechnology, robotics and 3D printing. In practice, most of

the risks related to these categories of work are not new, but have existed for a long time: what is new is the service offered or the products made, and more importantly the form of employment involved. Labour Inspectorates in HICs are starting to focus their training precisely on these non-standard forms of employment, whose workers are hard to reach and to protect.

The only risks that are “new” – not because they emerged a short time ago but because they have fairly recently become a major concern and an area for training – are “psychosocial risks” and “violence against labour inspectors”. It must be noted that while training on the former is quite common in HICs, training on the latter is fairly new and confined to a few countries.

## Good practices

### *A training programme on OSH*

The European Union Senior Labour Inspectors’ Committee (SLIC) *Common standards for OSH inspector training programme* may be used for guidance by any country wanting to develop a training programme for new recruits in the area of OSH, since it is consistent with ILO standards and is not specific to a particular country or region – with the exception of the chapter devoted to EU directives.

The SLIC programme specifies the basic content of the training and how it may be structured. The seven areas dealt with are as follows:

- *Training on risks mentioned in the framework directive and in the daughter directives;*
- *Training the inspectors on risk assessment;*
- *Training on the preparation for an inspection;*
- *Training on the investigation of occupational accidents and diseases;*
- *Training on inspector duties and rights;*
- *Training on communication skills;*
- *Training on management of conflict and pressure.*

It must be noted that the SLIC’s publication does not include guidelines on how the training must be delivered; i.e. there are no suggestions as to whether the training should be online or classroom-based, who qualifies as a trainer, or how

long the training should last. Failing to provide guidelines concerning the delivery of training is no flaw in itself, but it reflects an awareness of the differences in budget and in approaches to training in general, as well as in the civil service across the EU. There is but one recommendation regarding delivery: the use of mentoring in the preparation of inspection visits and while conducting them, as well as in the investigation of accidents and diseases.

## **Mentoring**

Mentoring, rather than simply job shadowing, is used as a training tool for new recruits in a number of countries. As a general rule, the mentor is a more experienced colleague who undertakes joint inspections with the mentee and generally supports the new inspector during the mentoring period. Countries such as Canada and Denmark, which use mentoring for a substantial length of time (six months in Canada and 12 in Denmark) in combination with other forms of training, manage to shorten the time needed for the newly appointed inspector to gain confidence and know-how.

Not only that, research since the 1980s has shown that employees who experience mentoring are more likely to be retained and promoted. A recent study<sup>22</sup> of 829 midsize and large United States' firms, which examined the way in which mentoring improves diversity within a single company, is relevant to countries wishing to increase the representation of women and minority groups among labour inspectors:

Mentoring has been proven to be more successful at promoting workplace diversity than diversity training programs alone. One key challenge is structuring the program so that it benefits all diverse groups. Mentorship programs are most likely to improve promotion and retention of diverse groups if senior level executives act as mentors, if potential mentors and mentees are assessed and

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<sup>22</sup> K. Conboy and C. Kelly: *What evidence is there that mentoring works to retain and promote employees, especially diverse employees, within a single company* (Cornell University, 2016), available at: <https://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1120&context=student>

matched on Big Five personality traits, and if direct managers of mentees are engaged and involved with the mentorship program.

In particular, the data from the 829 US firms above indicates that: Mentorship programs can boost the representation of black, Hispanic, and Asian-American women, and Hispanic and Asian-American men at manager levels by 9% to 24%, as compared to the other initiatives which have lower results ranging from 2% to 18%.<sup>23</sup>

### ***A development initiative: Law Hour***

Although, as noted earlier, the provision of ongoing training in low-income countries, and even in lower middle-income countries, is at best insufficient, it is worth mentioning initiatives for knowledge sharing such as the Law Hour developed by DIFE (Department of Inspection for Factories and Establishments) in Bangladesh:

... an initiative that takes place in every District Office once a week whereby inspectors take it in turns to propose a 'grey' area of the law for discussion and the Deputy Inspector General then leads that discussion, everyone takes part and conclusions are reached on good practice. If consensus cannot be reached, the DIG would raise the issue for a view to the next level in DIFE. This enables a consistent approach to be taken in regards to the aspect of labour law discussed.

### ***Training as part of the recruitment process***

As discussed in chapter 3, including a training component in the selection process helps applicants find out more about the knowledge and skills that a labour inspector is expected to have. Those applicants who are put off by the information they receive during this initial training period are given the chance to withdraw their candidature before the appointment process. The resources used and time spent on this initial training stage should obviously be limited so

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<sup>23</sup> *ibid.*

that the Labour Inspectorate can concentrate its efforts on the most motivated candidates who complete the whole recruitment process successfully.

## Chapter 5. Other factors influencing the retention of labour inspectors and their performance

Chapters 3 and 4 have already examined the influence that recruitment methods and criteria have in attracting the right candidates for the job of labour inspector and the role played by training in equipping labour inspectors with the necessary knowledge and skills to carry out their duties. In addition, it has been noted that both recruitment criteria and training have a bearing on staff retention.

Chapter 2 listed a number of difficulties that makes the job of labour inspector less attractive, such as a lack of transport facilities, prejudices and violence. Yet there are a few other factors likely to affect the retention of labour inspectors and their performance, which HR managers should take into account: reimbursement of expenses necessary for the performance of duties; remuneration; promotion opportunities; mobility; and work-life balance.

ILO Conventions Nos. 81 and 129 remind Member States of the need to reimburse labour inspectors for any *travelling and incidental expenses which may be necessary for the performance of their duties*.<sup>24</sup> One of the consequences of not doing so is that workplaces are not frequently visited and some hardly ever, which for a Labour Inspectorate amounts to not being able to fulfil its main duties.

Underpaying labour inspectors can have serious consequences. Recommendation No. 20 draws attention to labour inspectors' "remuneration", but it only links it to *freedom from any improper external influences*,<sup>25</sup> i.e. a fair salary as a means to avoid *the temptation of treating certain employers leniently in exchange of favours*.<sup>26</sup> The CEACR also warns that insufficient remuneration for the Labour Inspectorate may result in a higher turnover among labour inspectors

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<sup>24</sup> ILO Labour Inspection Convention, 1947 (No. 81), Article 11 (2).

<sup>25</sup> ILO Labour Inspection Recommendation, 1923 (No.20), Article B (13).

<sup>26</sup> International Labour Conference 95th Session, 2006 Report III (Part 1B), p. 70  
[https://www.ilo.org/empent/Publications/WCMS\\_108572/lang--en/index.htm](https://www.ilo.org/empent/Publications/WCMS_108572/lang--en/index.htm)

and make it more difficult to attract highly qualified individuals. The Committee also remarks that individual labour inspectors may be treated with disrespect on account of their low salaries.

The CEACR stresses that labour inspectors' remuneration should be *commensurate with their responsibilities*, and at least as good as that of other civil servants at comparable levels in the same country. It also links performance-related incentives, granted to teams and individuals, as being a *recognition, reinforcement and rational use of employees' skills*.

At this point, it seems relevant to examine to what extent Member States comply with the recommendations of the CEACR. Levels of remuneration in low-income countries are low – and often low in comparison with that of other civil servants with duties of a similar complexity; this also applies to many middle-income countries. Among high-income countries, there are huge differences in salary levels, and even between countries with roughly the same GDP. We may take the example of Spain and the United Kingdom: a newly recruited labour inspector earns approximately twice the minimum wage in the United Kingdom, and 4.5 times the minimum wage in Spain. The main reason why the Spanish new recruit is better paid in relative terms (even though the minimum wage in the United Kingdom is closer to the average pay in the country) is that new recruits in Spain have basically the same responsibilities as senior labour inspectors, while this is not the case in the United Kingdom – where initial training takes two to four years.

As regards the variations in a labour inspector's remuneration package between countries, the main difference lies in whether there is performance-related pay or not.

No examples of performance-related pay were found among the low-income countries in this study, where remuneration appears to be determined by grade, specific post and seniority. Among middle- and high-income countries, incentive pay is not uncommon, but its share in the total remuneration varies considerably and there is more than one way of assessing performance. Assessment is contingent upon the appraisal of the line manager (e.g. Ukraine), or upon how close the individual inspector and/or district Inspectorate have been in reaching the targets set for the year or trimester (e.g. Spain).

When the appraisal is the sole responsibility of the line manager, guidance is often given as to what aspects of performance to consider; however, the evidence used as the basis for scores or comments may vary substantially from evaluator to evaluator. When individual and team performance are measured against predetermined outcomes, differences between countries may depend upon how many types of outcome are taken into consideration. These may include the number of inspection visits, the amount of unpaid taxes collected, and the number of undeclared workers registered with the Social Security. Setting precise and quantitative objectives requires a sound national action plan based on reliable data on the state of labour legislation compliance in the country.

Promotion opportunities, together with salary, have an undisputed effect on turnover rates. As pointed out by Mendeloff et al.:

*Low base pay, insufficient salary growth over time and the lack of opportunities for advancement within the inspectorate can lead to high attrition.*<sup>27</sup>

According to ILO reports on low-income countries, the lack of good career prospects is one of the major causes for labour inspectors' high turnover, and the same appears to be true of middle-income countries. Two recent reports<sup>28</sup> on the Department of Inspection of Factories and Establishments in Bangladesh identify the insufficient number of cadre posts as a deterrent to anyone aspiring to a career and as one of the reasons why inspectors leave the Labour Inspectorate. The ILO and others have reported evidence that good pay and long-term career opportunities have helped build successful Labour Inspectorates in Brazil and the Dominican Republic.<sup>29</sup>

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<sup>27</sup> Mendeloff et al.: *Human resource practices for labor inspectorates in developing countries* (Cornell University, 2014), p. 7, available at:

[https://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=2814&context=key\\_workplace](https://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=2814&context=key_workplace)

<sup>28</sup> J. D. Martín Gonzalez: *Study on Department of Inspection of Factories and Establishments (DIFE). High level staff retention and motivation* (Geneva, ILO, 2017); S. Ashcroft and S. Williams: *Strategic review of the labour inspection system delivered by the Department for Inspection of Factories in Bangladesh*.

<sup>29</sup> R.R.C. Pires: "Flexible bureaucracies: Discretion, creativity, and accountability in labor market regulation and public sector management", in *Humanities and Social Sciences*, Vol. 71, No. 1-A, (2010), p. 327.

As regards the criteria for promotion, progressing from the initial category of trainee inspector to first-level inspector usually requires passing an examination or completing a training course or diploma. After that first promotion, the remaining ones, except the top positions, may be granted automatically (after completing a number of years at the previous level), or else they are awarded on the combined basis of seniority and merit. This second system may take different forms depending on how merit is measured; some countries use performance appraisal (e.g. Portugal and Belgium), but in others inspectors must acquire new qualifications or skills (e.g. Kazakhstan).

A further factor that has been claimed to have an effect on motivation, retention rates and performance quality is mobility. We have already discussed vertical mobility (promotion), but horizontal mobility, which involves doing a different job for the same authority or being seconded to another government department or body or to an international organization, may have a positive effect on inspectors' performance once they return to their previous post. A number of studies suggest that transfers to functionally similar units enable employees to acquire multiple skills and enhance promotion probability,<sup>30</sup> which means that both the Labour Inspectorate and the labour inspector may benefit from horizontal mobility.

Recommendation No. 20 advises labour mobility: ... *more particularly during the early years of their service, [labour inspectors] should be transferred from district to district at appropriate intervals in order to obtain a full experience of the work of inspection.* Von Richthofen<sup>31</sup> suggests that inspectors should not be kept in the same industry sector for long periods because they *tend to have an insufficiently critical and questioning attitude to long-established practices.* There is some empirical evidence to bear out this claim. In 1982, a number of authors found that surface mining inspectors in the United States with lengthy assignments to single mines were less likely to demand stringent enforcement. Similarly, a study

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<sup>30</sup> K. Ariq: *Horizontal transfer, vertical promotion, and evolution of firm organization* (Elsevier, 2004), available at: <http://www.computer-services.e.u-tokyo.ac.jp/p/seido/output/Ariqa/ariqa004.pdf>

<sup>31</sup> W. von Richthofen: *Labour inspection: A guide to the profession* (Geneva, ILO, 2002), available as of 5 November 2014 at: [http://www.ilo.org/safework/info/publications/WCMS\\_108665/lang-en/index.htm](http://www.ilo.org/safework/info/publications/WCMS_108665/lang-en/index.htm)

of offshore oil platforms in the Gulf of Mexico<sup>32</sup> found that length of time at an assignment was linked to laxer enforcement.

An additional factor that has an impact on retention is work-life balance (WLB) practices. Research<sup>33</sup> supporting the benefits of WLB for organizations is substantial, some of which includes: employee satisfaction and well-being; reduced absenteeism and turnover; successful recruitment and retention; increased productivity; and customer satisfaction. A Roffey Park Institute study<sup>34</sup> found that 38 per cent of a sample of employees would consider leaving their current employer to gain a better WLB, even if it meant reduced pay. Another study also states that organizations that invest heavily in WLB report lower employee turnover.<sup>35</sup>

A few National Labour Inspectorates have had work organization practices that favour work-life balance for many years. A case in point is Spain, where, since the early 1990s, labour inspectors are allowed and given the technological means to work from home. They are only required to show up at the office for very specific tasks (such as meetings with employers or employees' representatives).

In most EU countries WLB improvements for labour inspectors began during the 2007–14 period; this was not intentional but a by-product of efforts to offset the effects of budget cuts. Such cuts had led to a reduction in senior management

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<sup>32</sup> L. Muehlenbachs, S. Staubli and M. Cohen: *The effect of inspector group size and familiarity on enforcement and deterrence: Evidence from oil platforms*, Vanderbilt Law and Economics Research Paper Nos. 13-35, Vanderbilt Owen Graduate School of Management Research Paper No. 2350923 (2013), available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2350923](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2350923)

<sup>33</sup> P. Mayberry: "Work-life balance policies and practices in the UK: Views of an HR practitioner", in *Journal of Management*, 23 (2) (2006), pp. 167-188; L. Morgan: *The impact of work-life balance and family-friendly human resource policies on employees' job satisfaction* (London, Oxford University Press, 2009); M. White et al.: "High Performance" management practices, working house and work-life balance", in *British Journal of Industrial Relations*, 41 (2) (2003) pp. 175-195.

<sup>34</sup> Roffey Park Institute (2004), available at: <http://www.roffeypark.com/research/wbl.html>

<sup>35</sup> Mayberry, op. cit.

and support staff in many EU countries, and changes were needed so as to avoid excessive workloads for serving labour inspectors.

A SLIC study presented at the 60th SLIC Meeting in 2011 praised a number of ICT tools and gadgets which had been shown: *“to have a significant impact on planning and efficiencies, both in terms of time spent out and in the office”*.<sup>36</sup> These included: a fully integrated work scheduling planning system (Danish Work Environment Agency (DWEA)); work recording databases; and i-Pads and other tablet style personal computers for use in the field. The same study lists a number of measures to reduce unnecessary travelling to the office such as holding meetings on allocated office days, and an increase in the use of videoconferencing for internal meetings. A second SLIC study, drafted in 2016,<sup>37</sup> summarized levels of regulatory activity between 2008 and 2014 across the EU. It noted that:

*Most National Labour Inspectorates (NLIs) do not appear to have significantly changed their approach to enforcement decisions after inspections and investigations. Where reduced activity is apparent, this may be linked to resources and to targeting approaches or it may reflect the changing risk profile of industries and business through 2008–2014. The links with economic activity must be relevant, at some level, and reduced construction industry activity alone could explain some of the fluctuations in NLI activity reported.*

*Several countries have maintained very similar activity profiles and even where NLIs have reduced their inspection activity, the approach to investigating incidents was largely consistent.*

*... Levels of regulatory activity fluctuated 2008–2014, but there were no significant trends and activity has largely returned to levels similar to those of 2008.*

As regards the effects of the reduction in financial resources, the 2016 study concludes that most Member States did not have to resort to salary cuts or

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<sup>36</sup> SLIC: *Labour Inspectorate resource reductions in the European Union*, Senior Labour Inspectors' Committee, Document 756, 60th SLC Meeting (May 2011).

<sup>37</sup> SLIC: *Study about the impact of the economic crisis on the European labour inspection systems from 2007 to 2014*.

increase labour inspectors' working time. This is an indication that the time-saving tools and practices introduced during the 2008–14 period have not only given labour inspectors more family and private time than they would otherwise have had, but that productivity levels have not suffered.

As a general rule, understaffing is a serious problem in low- and middle-income countries. This, coupled with insufficient vehicles to travel to workplaces and no ICT tools or gadgets that might help save time, tends to result in long working hours and low productivity – thus making it impossible for most labour inspectors to achieve an acceptable work-life balance.

## Good practices

### *Reducing travel-related expenses*

The reimbursement of expenses incurred by labour inspectors if they have to travel can be a challenge for underfunded Labour Inspectorates. That being said, the costs arising from their meal and accommodation expenses may be somewhat reduced by the following steps: cascade training for training purposes, so that only one individual per district Inspectorate incurs travel-related expenses; video-conferencing for meetings of senior management from different district Inspectorates; work scheduling and route planning software to help schedule visits to workplaces, thus making it possible to opt for the most economical solutions. This software might require additional funds – at least in its initial stages – but future savings would justify such an investment.

In 2009 the Danish Working Environment Agency (DWEA) introduced *Transvision*, a visit-scheduling and route planner software programme, after it noted that the previous system resulted in excess mileage and a duplication of routes. *Transvision*:

- Links directly into existing work recording and management systems;
- Registers inspectors' locations (home) and "conditions" (industry expertise, etc.);

- Lists workplaces to be visited in the next quarter and their “conditions” (industry type, size, etc.) – with investigations being added as and when necessary;
- Matches the appropriate inspector to a company and schedules visits in diaries;
- Plans visits on an appropriate route;
- “Fixes” visits a week in advance, giving inspectors time to prepare; and
- Allows inspectors to reject or request additional visits.

### ***Performance incentive systems***

It has been observed in various countries that the quality of labour inspectors’ work, their productivity and their likelihood of leaving the Labour Inspectorate are contingent upon the extent to which their remuneration is linked to their performance.

Including a performance-related component in total pay seems to boost morale and to encourage inspectors to remain in the service. Workers appear to consider that measuring performance by means of objective indicators is the fairest assessment method.

A number of experiences (e.g. Brazil before 2008) suggest that basing compensation merely on the number of inspections performed, or on the amount of unpaid taxes collected, results in inspectors focusing narrowly on their performance measures and neglecting those aspects of their work that go unrewarded. Incentive pay based exclusively on individual productivity has also been criticized, as it discourages cooperation between colleagues.

It would therefore seem advisable to introduce a system that: first, rewards merit by assessing performance on the basis of objective criteria; second, takes into account both individual and team performance; and third, incorporates some quality control checks. As regards the objective criteria, they should include as many relevant quantifiable indicators as possible: number of inspections – but also types of inspections; and a variety of outcomes resulting from these inspections rather than simply unpaid taxes collected. The word “team” might imply the district Inspectorate, but it might also refer to specialized teams of labour inspectors. In either case, the goals to be achieved must be set

beforehand and depend on a national action plan devised on the basis of up-to-date data on aspects relevant to the remit of the labour inspection service (e.g. occupational accidents and diseases). Quality controls may consist of the line manager reviewing reports, improvement notices, and other relevant documents produced by labour inspectors with greater or lesser frequency – which is one way of helping them raise their working standards.

One country where the Labour Inspectorate has long had a compensation system that meets the above-mentioned three conditions is Spain. With minor changes, any country could easily adopt the Spanish model – provided that its Labour Inspectorate has access to data relevant both to infringements of the labour legislation and to OSH issues in the national territory. This data should be used as the basis for a national plan specifying the Labour Inspectorate's programmes and activities, and the outputs expected within a given timeframe. In this way, the objective criteria determining the inspector's remuneration are given a sound basis. The performance-incentive amount that each Spanish labour inspector receives depends upon the extent to which the district Inspectorate and the individual inspector achieve their share of the expected outputs.

### ***Attractive career paths***

An attractive career path appears to increase the chances of inspectors staying with the Labour Inspectorate. For it to be attractive, there should be enough management posts so that any ambitious, productive and well-qualified inspector can reasonably expect to be given the opportunity to play a managerial role at some point in his or her working life. The most reliable way of promoting the best inspectors appears to be internal competitions involving either the acquisition of new qualifications or examinations. This avoids the risk of highly subjective criteria when appraising candidates – or suspicions of favouritism.

No studies have been undertaken to ascertain to what extent the above-mentioned practices have been effective in retaining labour inspectors and improving their productivity. This comes as no surprise as evidence on the effect of workplace rewards to employees in the public sector is seldom conclusive and

cannot be easily extrapolated from one country to another.<sup>38</sup> However, a number of surveys and interviews with labour inspectors about their reasons for dissatisfaction suggests that an insufficient number of administrative posts and promotions based on opaque or too subjective criteria may well play a part in keeping retention and productivity low. In a number of Latin American countries – including Argentina, Brazil, Chile, El Salvador, Nicaragua and Uruguay – substantial reforms were made to establish a more explicit career path for inspectors, which appear to have reduced turnover.<sup>39</sup>

### ***Facilitating the return of labour inspectors to the Labour Inspectorate***

In a number of countries, labour inspectors seconded to another host organization – whether international or national – have the right to return to the Labour Inspectorate at the level or rank they had before their secondment. Nonetheless, according to our desk research, only a few countries in the world, e.g. France, Spain and Portugal, grant labour inspectors this right when they return after being employed – rather than simply being seconded – by an organization in the private or public sector.

There is no denying that the organization to which labour inspectors move becomes their new employer. However, the reason for giving these returning inspectors the same return rights as seconded staff is that the benefits for the Labour Inspectorate are thought to be roughly the same. For the Labour Inspectorate, it is one of the ways that inspectors may increase their knowledge, abilities and skills, which in turn may result in improved employee motivation and reduced turnover.

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<sup>38</sup> Economic Insight: *Valuing different workplace rewards* (October 2017), available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/655988/Valuing\\_Different\\_Workplace\\_Rewards.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/655988/Valuing_Different_Workplace_Rewards.pdf)

<sup>39</sup> M. L. V. Ruiz: *Labour administration: To ensure good governance through legal compliance in Latin America. The central role of Labour Inspection, Labour Administration and Inspection Programme*, Working Document 1 (Geneva, ILO, 2009). As of 5 November 2014, available at: [http://www.ilo.org/labadmin/info/pubs/WCMS\\_116044/lang--en/index.htm](http://www.ilo.org/labadmin/info/pubs/WCMS_116044/lang--en/index.htm)

# Appendix I

## A) Justification

This Appendix contains a description of the HR policy for labour inspectors in four countries: one in Latin America and three in Europe. The three European countries have not only been chosen because their labour inspection systems are fully-fledged and long-established, but – more importantly – because they have greatly influenced the systems of other countries that have similar legal framework and civil service models.

By providing these specific examples of coherent and fully developed HR policies for labour inspectors, the Appendix sets out to bring together all the various aspects covered separately in this report. This will help illustrate the interdependence of these various aspects.

It must be noted that the information provided on each of these three HR policies is not a detailed description of their legal framework, or the labour inspector's status or career in each of these four countries; it includes only the main features of the respective HR policy. Webpage links are given for those readers wanting further information or details.

## B) The example of four countries

- Spain
- United Kingdom
- Peru
- France

### Spain<sup>40</sup>

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<sup>40</sup> For more detailed information see: <http://www.mitramiss.gob.es/itss/web/index.html>

### *Status of the labour and social security inspector*

The Labour and Social Security Inspectorate (ITSS) in Spain is the public service responsible for monitoring compliance with labour and social security standards, enforcing accountability and providing guidance and, where appropriate, conciliation, mediation and arbitration on such matters.

Labour and social security inspectors are authorized to discharge all the powers that are legally attributed to the ITSS and are recognized in the exercise of their duties as a public authority.

Labour and social security inspectors are career civil servants and, as such, are subject to the legal framework for civil servants as regards their rights, responsibilities and restrictions.

In order to understand what the status of a labour and social security inspector entails within the Spanish civil service, it is important to note that the classification of career civil servants reflects:

- The body to which they belong. The body groups together the shared powers, capacities and knowledge they have acquired in the selective admission process.
- The group under which that body is classified. There are three groups, based on the minimum qualification required to belong to each one. The highest group, group A, requires a university degree.
- Certain groups, such as group A, are divided into sub-groups, according to the level of responsibility of the functions the civil servant is to perform and the nature of the tests for admission to the sub-group. Sub-group A1 is the upper sub-group of group A.
- Level of job position. Each body, according to the group under which they are classified, is divided into levels according to job position. Group A has a minimum level of 20 and a maximum level of 30. A civil servant's level

corresponds to the functions that they discharge or, where appropriate, that they have previously discharged.

In short, the status of labour and social security inspectors within the civil service in Spain entails: belonging to an upper body of the administration (the Upper Body of Labour and Social Security Inspectors); belonging to an A1 body, which is part of the highest category of civil servants; and being in the job position levels 26 and 27 – the highest levels that exist.

### ***Selection process for labour and social security inspectors***

To join the Upper Body of Labour and Social Security Inspectors, it is necessary to be a Spanish national, an adult, and in possession of a degree (PhD, graduate, engineer, or architect) and pass the relevant selection process – which, like all selection processes for the civil service in Spain, is governed by the constitutional principles of equality, merit and ability.

Once a job vacancy in the civil service is published, the Under-Secretariat of the Ministry of Labour, Migrations and Social Security (the department by means of which the Government Agency of Labour and Social Security Inspection (OEITSS) is attached to the Ministry) announces the selection process to fill the position. The announcement, which is published in the *Official State Gazette*, sets out: the number of positions available; the list of topics, exercises, assessment and scores of the tests involved in the selection process; and the composition of the selection panel.

Both external and internal candidates can participate in the selection process; but internal applicants (mostly labour sub-inspectors) can obtain additional points by submitting proof of relevant qualifications, skills or work experience.

During the competition stage, applicants must pass a series of tests to demonstrate their knowledge of regulations related to the inspection role (through oral and written presentations); their ability to issue a ruling on inspection cases (i.e. to apply regulations in a practical situation); and their command of a foreign language.

The preparation time required to pass the competition varies widely. It must be borne in mind that the syllabus is made up of some 270 topics, and experience

shows that preparation can last between a minimum of one year (very rarely) up to three or even four years – the most common being around three years full-time.

After passing the competition, the applicant becomes a “probationer” and must undergo the second stage of the process, which consists of a highly practical selection course. The course is made up of two parts: the first is organized by the ITSS School (the specialized training unit of the OEITSS), where trainees are taught the analytical skills of the various areas of inspection work and have to sit specific tests to test the knowledge they have acquired; the second consists of probationers addressing a specific case, which is then graded by the selection panel.

The duration of this selection course has varied in the past. More recent courses tend to be around 400 teaching hours, spread over a maximum of five months.

The sum of the marks an applicant has achieved in the competition stage and the selection course (where the marks achieved in both parts are added together) is the external candidate’s final mark. Internal candidates can add to this sum the points they were awarded for “merits” (relevant qualifications and/or work experience).

After successfully passing the selection process, probationers start a placement in the autonomous communities and provinces, where they accompany experienced inspectors posted there. This enables them to learn about the practical side of an inspector’s work. Upon completion of the placement, probationers become career civil servants and are assigned a location (contingent upon the marks they achieved in the selection process) where they finally obtain a post. A probationer’s placement period length also varies, normally lasting from five to eight weeks.

### *Training policy for labour and social security inspectors*

In addition to the initial training they undergo to obtain their post, labour and social security inspectors receive continuous training throughout their professional lives. The ITSS envisages this training as:

i) A right. It is recognized that inspectors have the right to continuous training and a continuous updating of their professional knowledge and capacities throughout their working lives. In this respect, the ITSS School is responsible for: organizing, leading and assessing training courses, programmes and activities for continuous training; and developing programmes and activities for the updating of professional knowledge, specialization and professional development. Every year, a programme provides training activities on various aspects of an inspector's work (mainly, although not exclusively, on social security and employment, prevention of occupational hazards, work relations, new technologies and information technology, international relations and languages, relational skills and data protection). It consists of: face-to-face training, dispensed at a centralized level (delivered in Madrid in the school itself) and at regional level (delivered at the autonomous and provincial community level); and an online training course. To encourage their participation, inspectors' attendance of the programme is considered an activity that counts towards their productivity targets.

ii) An obligation. The inspector is obliged to participate in assigned training and specialization activities. Although participation in courses is generally voluntary, attendance of certain courses, such as those aimed at providing inspectors with adequate training to handle specific requirements inherent in the role, such as taking part in an inspection campaign, is mandatory.

### ***Career development of labour and social security inspectors in Spain***

The career and promotion opportunities of labour and social security inspectors are governed by the same principles that apply to admission into the body (equality, merit and ability). As indicated at the beginning of this report, the position of inspector is assigned levels 26 and 27. After passing the selection process, inspectors are admitted into the system at level 26, which increases after two years of service.

Moving up from level 26 to the higher levels assigned to group A (which, as indicated, reaches a maximum level of 30) involves the following steps – both of which require a public announcement:

- A competition. This is the usual way to fill a position. Announcements for a competition must set out the rules and, inter alia, the requirements to be assessed (years of service, level of education and ability to reconcile personal and family life, etc.); the grading scale; and the composition of the assessment committee. The position is awarded to the candidate who achieves the highest marks. By participating in the competition, inspectors can reach: level 27, by competing for vacant positions advertised at that level; or level 28, by competing for vacant leadership roles in provincial inspectorates that are advertised.
- A free appointment for filling positions of special responsibility and trust. The announcement for this position must indicate the necessary requirements for the post and the body that will assess, at its discretion, the suitability of candidates applying for it. Once appointed, the applicants may be dismissed at that body's discretion.

Within the administrative structure of the OEITSS, certain positions are customarily filled by labour and social security inspectors, thus allowing inspectors to occupy positions of levels 28, 29 and 30. This happens in:

- The central administrative structure, specifically in the Sub-Directorate of the Anti-Fraud Office; the Sub-Directorate General for the Coordination of the Inspection of the Labour Relations System; and the Sub-Directorate General of Institutional Relations and Technical Assistance.
- The territorial administrative structure of the OEITSS, in the case of the Special Directorate, Territorial Directorates, heads of Provincial Inspectorates and, within the latter organization, heads of Specialized Units.

### ***Remuneration policy for labour and social security inspectors***

Remuneration for labour and social security inspectors is divided into: basic remuneration, which is paid to the inspector in line with the group or sub-group to which their professional body belongs; and supplementary remuneration, commensurate with the specific characteristics of their position, professional career and performance targets.

It should be noted that most civil servants' pay consists of basic remuneration. Civil servants who belong to bodies in lower sub-groups, and whose work is less

complex, receive less supplementary pay – while civil servants in higher bodies, such as inspectors, receive a larger share of supplementary remuneration.

Basic remuneration consists of:

- A salary, which is the amount allocated to inspectors for carrying out their work within sub-group A1;

- Three-year increments, i.e. a payment for every three years of service. These categories of basic remuneration are paid in 12-monthly installments, with two extra payments in June and December of each year.

Supplementary remuneration consists of:

- Payments for special posts, which involve certain technical requirements, commitments and responsibility. This is one of the most important forms of remuneration for posts of special responsibility.

- Post payment: the higher the complexity and responsibility of the post, the higher the post payment. When inspectors are admitted into the system, their post payment level is 26. As they progress in their career, their post payment increases.

- Productivity payment: this remuneration varies according to the inspectors' individual performance. This payment is awarded for high performance and the amount of work and dedication that inspectors put into performing their duties. An integrated plan of action for the ITSS system is drawn up each year. It sets performance targets for inspectors in accordance with their level of responsibility to ensure that their performance is in line with the social and economic situation. In Spain, the lower level of the productivity payment of the ITSS remuneration system is ten per cent of total remuneration, while the higher level allowed for by the system is 21 per cent of total pay.

- Payments for extra services performed outside of normal working hours: remuneration for on-call services to investigate work accidents (fatal or of particular seriousness or significance) on weekends or public holidays. These payments take into account the location, the inspector's availability and travel to the location of the accident within the time limits set. In such

cases, payments cover local services, on-call services and expenses for the extra services provided.

– Allowances for performance of duties: these include payments for expenses incurred by inspectors when they have to use their private vehicles for carrying out inspection visits. The allowances cover the number of kilometres travelled, tolls and, where appropriate, vehicle maintenance.

### ***Mobility of labour and social security inspectors***

The mobility of labour and social security inspectors within the territorial organization of the OEITSS may occur in various ways.

The usual way for an inspector wishing to move from one place to another is to participate in an announced transfer competition. Open calls list the places that are vacant in different provinces, as well as the terms that govern the process. The post is given to the applicant who receives the highest marks in the competition.

Another way, although less common, is for two inspectors who occupy the same post in different provinces to exchange places.

There are also ways to move or temporarily cover posts, such as secondments or temporary assignments. In both cases, the post occupied is not “transferred” and the situation is temporary.

Inspectors may also move for reasons of health or rehabilitation, or if they have been a victim of gender-based violence (to guarantee their protection and their right to comprehensive social security).

## **United Kingdom<sup>41</sup>**

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<sup>41</sup> For more details see: <https://www.hse.gov.uk/>

*The Health and Safety Executive (HSE)*

- Employment status of labour inspectors

Permanent

- Recruitment of labour inspectors

Paid external media campaign:

- Google
- Target jobs
- Jobs the Word
- Total jobs
- Guardian jobs

Free media:

- LinkedIn
- Disability jobs board
- HSE website

Attendance at graduate recruitment fairs.

Assessment process:

Stage 1: Short form application (SFA).

Online tests – verbal reasoning test and the online Civil Service Judgement Test.

Stage 2: Assessment Centre – including E-Tray exercise, presentation followed by Q&A, written test, role play exercise.

- **Training.** The regulators' training programme (RTP) dovetails fieldwork with blended learning. Trainee inspectors study for and successfully obtain the National Examination Board in Occupational Safety and Health (NEBOSH) Diploma (level 7) in Regulatory Occupational Health and Safety, which is unique to HSE.

The first two years focus predominantly on giving the successful candidate the legal knowledge – whilst working supported in the field – so that they can inspect, investigate and enforce the law. This is integrated with the foundation of core technical training to identify health and safety problems, analyse situations, judge legal compliance and any corrective action needed. Development and performance are assessed against key developmental milestones, and successful and timely achievement against these milestones is an essential element in remaining employed by HSE. It is a condition of continued employment with HSE that the diploma is successfully completed.

HSE provides comprehensive support to the trainee inspectors by training through their manager, a dedicated coach and development managers. They also gain support through their fellow trainees. The third year of the training programme follows the same experiential learning process as the first two, and is called Continuing Professional Development (CPD). It expands on the technical knowledge of occupational health and safety issues so that the trainees can competently deal with the multitude of business that HSE regulates.

- **Promotion.** Achievement of the development milestones, including a pass in the required assessments, makes the trainee eligible for promotion to main grade inspector and further elements of the training programme. As a main grade inspector, the salary increases to £37,292 – and recruits should acquire this within two years of starting the programme.
- **Remuneration.** This amounts to £29,472, rising to £37,292 after two years following successful completion of the RTP course. Candidates in London receive an additional £4,260 London weighting allowance.
- **Mobility.** This involves moving to other district Inspectorates or Headquarters, or secondments to other departments/organizations. As a civil servant, inspectors are required to be mobile across government departments within the parameters of reasonableness. The issue of what

is reasonable relates to individual circumstances at the time of any proposed changes to the place of work. Movement across divisions may be required depending on business need.

## Peru<sup>42</sup>

### *Human resources policies for SUNAFIL labour inspectors*

This section sets out to examine how human resources are managed in the National Superintendency of Labour Inspection (SUNAFIL) by: analysing the relationship between the financial and non-financial compensation policies in place, and the working conditions, recruitment procedure, training and internal promotion of labour inspectors; and identifying best practices and opportunities for improvement in inspectors' performance.

It will also outline the profiles of inspection staff, their age range and other characteristics of civil servants. Labour relations between labour inspectors and SUNAFIL, including the current remuneration policy, will also be considered.

### **SUNAFIL**

SUNAFIL is a specialized technical agency attached to the Ministry of Labour and Employment Promotion and is responsible for: promoting, overseeing and monitoring compliance with social and labour legislation and occupational safety and health legislation; and providing technical advice, conducting investigations and promoting standard setting on such matters. SUNAFIL's vision is to make Peruvian citizens highly employable and ensure that they are protected by labour rights and are able to work in roles that contribute to the sustainable and inclusive development of Peru, thereby guaranteeing decent and productive work.

SUNAFIL is an independent administrative agency with a high level of autonomy in performing its functions under the legal mandate issued by the same law that

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<sup>42</sup> For more details see: <https://www.sunafil.gob.pe/>

established the agency, dated 15 January 2013. SUNAFIL began operating in April 2014 and incorporates three levels of inspection staff positions: assistant inspectors; labour inspectors; and supervisor inspectors, who until then had performed their functions in a directorate-general of the Ministry of Labour and Employment Promotion.

### *Establishment of SUNAFIL*

Upon its establishment in 2013, the functional competencies and inspection staff of the Ministry of Labour and Employment Promotion were transferred to SUNAFIL. It was specified that workers belonging to the inspection agency would be employed under private sector labour regulations, providing better job security and worker benefits than public sector labour regulations in Peru.

Before SUNAFIL was established, labour inspectors performed their functions under the labour regulations of the civil service, with salaries lower than 40 per cent of their current remuneration and working conditions that inevitably did not meet the demands of the inspection role. SUNAFIL, acting on its own initiative or through various collective bargaining mechanisms, has since been progressively securing benefits for the inspection staff.

### *Remuneration of labour inspectors*

At present, the inspection staff provide services under labour regulations pertaining to the private sector and are remunerated according to the position they hold. Inspection staff also receive: legal benefits; an annual inspection staff bonus; an allowance to cover transport and light refreshments while working; a work uniform; work clothes; 30 days of holiday for each year worked; paid leave for a number of considerations; and non-financial compensation. Table A.1 details the annual income of labour inspectors.

Table A.1: Annual income of labour inspection staff.

| <b>Payment</b>               | <b>Supervisor</b> | <b>Inspector</b> | <b>Assistant</b> |
|------------------------------|-------------------|------------------|------------------|
| Remuneration                 | 102 000           | 90 000           | 78 000           |
| Training                     | 400               | 400              | 400              |
| Bonuses                      | 17 000            | 15 000           | 13 000           |
| Compensation for time worked | 9 917             | 8 751            | 7 584            |
| Inspection staff bonus       | 8 370             | 8 370            | 8 370            |
| Transport and refreshments   | 6 534             | 6 534            | 6 534            |
| <b>Annual income (soles)</b> | <b>144 221</b>    | <b>129 055</b>   | <b>113 888</b>   |

### *Working conditions of labour inspectors*

Benefits granted to labour inspectors meet the specific financial and non-financial compensation requirements of inspection staff. In addition, compensation granted has been designed to meet particular non-financial demands, is individual-specific, and meets the short-term and legal demands of inspectors' work.

In the last two years, there has been an effort to promote aspects of work such as teamwork, dedication, self-management, enterprise and innovation – all of which are necessary for SUNAFIL to make its culture more holistic and carry out its work more effectively.

In addition, SUNAFIL has optimized the working conditions of inspection staff, who annually receive, among other things: work clothes appropriate to the functions they exercise; personal protective equipment; insurance against

occupational accidents and diseases; and Complementary Insurance for Hazardous Work. It has also established specific working groups, made up of staff from all levels, which focus on specific issues such as labour-related issues, child labour, safety and health at work, rural work and informal urban work.

Inspectors also have at their disposal a fleet of vans and minibuses to travel from their offices to inspection sites.

It is worth noting that since they began managing the agency, the current senior management of SUNAFIL has established the conditions necessary to provide the annual inspection staff bonus (achieved through a process of collective bargaining when inspection staff worked under the Ministry of Labour and Employment Promotion before SUNAFIL was established). It has continued to grant the bonus since 2017, having granted payments accrued from previous years. In addition, it is currently considering whether there are funds available to provide a payment for transport (equivalent to 15 soles a day) and refreshments (equivalent to 12 soles a day) while working; this has been a subject of collective bargaining.

### *Recruitment of labour inspectors*

All inspection staff entered the Labour Inspectorate in two clearly differentiated ways:

By being transferred from the Ministry of Labour and Employment Promotion to the recently established SUNAFIL in 2014; or

By passing one of the two public competitions held in 2018.

The first group, who were transferred from the Ministry of Labour and Employment Promotion, entered the Labour Inspectorate through a public competition. Their working and financial conditions under the Ministry were much lower than they are today.

Inspectors in the first group today account for at least 66 per cent of all labour inspectors, are between 40 and 60 years of age, are lawyers by profession, and are trained to carry out inspection fieldwork.

The second group are relatively new inspectors, who entered the Inspectorate by means of one of the two public competitions. Inspectors from this group account for approximately 34 per cent of all labour inspectors; they are between 25 and 35 years of age and from multidisciplinary professions – including geologists, engineers of various specializations, accountants, physicians and nurses. There are significantly fewer lawyers in the second group than in the first group.

As mentioned above, two selection processes were held at the national level in 2018. In the first one approximately 12,000 applicants competed for 160 vacancies, while in the second competition approximately 10,000 applicants competed for 80 vacancies. Two prestigious universities, namely the Universidad Nacional de Ingeniería (UNI) (National University of Engineering) and the Universidad Nacional Mayor de San Marcos (UNMSM) (National University of San Marcos), participated in the public competitions.

### *Training of labour inspectors*

SUNAFIL's management documents set out six strategic objectives:

- (1) contribute to the training of workers;
- (2) ensure compliance with social and labour legislation for workers in the formal economy;
- (3) ensure compliance with occupational safety and health legislation in the employed population;
- (4) ensure the exercise of social and labour rights of children and the use of the Employee Assistance Programme (EAP);
- (5) strengthen institutional management; and
- (6) implement disaster risk management for SUNAFIL.

To achieve those objectives, SUNAFIL has developed two continuous improvement strategies for its inspectors:

Staff induction programme upon entering the Inspectorate; and

Staff training.

A staff induction programme has been developed for new recruits, which includes five key areas of an inspector's role. It incorporates fieldwork, which gives the assistant inspector first-hand experience of inspection work, including issuing inspection orders, carrying out the inspection itself, producing the records and reports needed during the inspection process and using the Labour Inspection Information System (SIIT). In this way, assistant inspectors are able to put into practice the knowledge and skills learnt in the theory stage of the induction programme.

In regard to staff training, SUNAFIL has a team dedicated to training all inspection staff. The SUNAFIL Training Centre (CFC) is responsible for "carrying out annual induction training programmes, periodical training and development on various matters relating to safety and health at work, and required technical assistance for users of the Labour Inspection Information System (SIIT) (inspectors, mediators and trainers). SUNAFIL staff in both the SUNAFIL offices and regional governments are able to carry out their work more effectively thanks to the organization's annual labour inspection system training programme. The aim of all staff training is to improve management of the labour inspection system – and thus to ensure compliance with the social and labour legislation and occupational safety and health".

### *Career development of labour inspectors*

In addition, three internal promotion competitions were developed between 2017 and 2018 (for promotion to labour inspector or supervisor inspector). These were similar to the public competition in their assessment of academic, administrative and aptitudinal skills. Approximately 60 per cent of the inspection staff were promoted through these competitions, which were the first large-scale promotion competitions to take place since SUNAFIL was established.

Both the public entrance competitions and the internal promotion competitions evaluated candidates with respect to their: specific technical knowledge of the role; logical-mathematical thinking; verbal reasoning; documentary evidence of specialization courses or programmes related to the role; and previous

professional experience. SUNAFIL staff also conducted in-depth interviews with candidates. The assessment was highly competitive and ensured that those entering the Inspectorate, or being promoted within it, were qualified – within the framework of merit-based selection processes in the Government of Peru.

### *Unionization of labour inspectors*

At present, 95 per cent of inspectors belong to a trade union (there are two inspectors' trade unions, neither of which have an overall majority). Both trade unions, in accordance with current legislation, submit collective bargaining documents twice a year, the content of which is largely financial demands; this is despite the fact that public bodies are prohibited by national law from negotiating financial matters, which are the main source of conflict between the two trade unions and SUNAFIL. However, to ensure direct and smooth communications, to anticipate any source of conflict and to deal with non-financial issues labour relations, committees have been formed and meet once a month. Both representatives of SUNAFIL and the trade unions sit on them.

It should be noted that this large-scale unionization of inspection staff is usually viewed with suspicion and mistrust by the companies inspected, because they suspect this unionization endangers the impartiality of SUNAFIL inspectors working on cases concerning fundamental rights related to trade union freedoms.

## **France<sup>43</sup>**

### *A word of caution*

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<sup>43</sup> Useful links (in French):

<https://travail-emploi.gouv.fr/metiers-et-concours/devenir-inspecteur-du-travail/>

<https://travail-emploi.gouv.fr/droit-du-travail/le-reglement-des-conflits-individuels-et-collectifs/article/l-inspection-du-travail>

[https://travail-emploi.gouv.fr/IMG/pdf/l\\_inspection\\_du\\_travail\\_en\\_france\\_en\\_2017.pdf](https://travail-emploi.gouv.fr/IMG/pdf/l_inspection_du_travail_en_france_en_2017.pdf)

<http://www.intefp.travail-emploi.gouv.fr/activites-de-formation/formation-statutaire/iet>

Pursuant to the 2016 recommendations of the General Inspectorate of Social Affairs on the recruitment, training and professional careers of members of the Labour Inspectorate, steps were taken to:

- reform the **competitive recruitment process** (tests, recruitment board, percentage for each recruitment track) in order to be more responsive in terms of attractiveness, openness and professional experience;
- overhaul the **initial training**, the conditions for taking up labour inspection positions, and service training, in particular preparation for managerial functions;
- improve the **professional career paths of labour inspectors** (hierarchical pyramid, mobility, attractiveness, etc.);
- improve the governance and management of human resources and the Institut National du Travail de l'Emploi et de la Formation Professionnelle (National Labour, Employment and Vocational Training Institute, or INTEFP), which trains labour inspectors.

**On the last three points, the information communicated below is valid as at October 2019 but is expected to change, in particular with regard to training.**

### Professional status of labour inspectors

Inspection duties are performed by civil servants governed by the law on the civil service and by texts meeting the requirements of ILO Conventions Nos. 81 and 129 and of the 2006 Maritime Convention.

- **Members of the labour inspectorate**, which is a specialized unit of civil servants managed by the Ministry of Labour and belonging to the highest civil service category (management, design and general studies professions). Members are recruited at the *licence* level (three years of post-secondary studies).
- **Labour controllers**, who have the same inspection prerogatives and means of action as labour inspectors, but who do not have authority to make administrative decisions (authorizations to break the contracts of wage-earners protected by their status as worker representatives, working hour derogations, etc.). They belong to the intermediate category of civil servants (applications-related professions, comparable to intermediate

professionals). The controllers can supervise teams, workshops and services. They are recruited at the *Bac* +2 level (two years of post-secondary studies).

As part of the labour inspection reform process launched in 2013, **the position of labour controller is gradually being eliminated and recruitment has stopped**. At the same time, a plan is being implemented to transform labour controllers into labour inspectors by means of a limited competitive recruitment process. Approximately 400 controllers were still performing labour inspection duties at the end of 2018.

**Consequently, the following developments concern only labour inspectors.**

#### *Recruitment of labour inspectors*

Labour inspectors are recruited:

- on the basis of a competitive recruitment process;
- by selection from among labour controllers able to prove that they have 15 years of public service (up to one-fifth of the posts opened to the competitive process);
- on the basis of a professional test among labour controllers able to prove that they have eight years of seniority in the inspectorate (up to one-fifth of the posts opened to the competitive process or of the number of labour inspectors).

Labour inspectors have to take three competitive tests:

- 1. The external exam** (target: 50 to 60 per cent of posts open to the recruitment process) is intended mainly for students. It is open to candidates with a level II (*Bac* +3) qualification or equivalent (an application for recognition of equivalency can be sent to the recruitment service).

The test has two stages: eligibility tests to select the applicants authorized to take the subsequent tests and admission tests to determine the successful candidates.

Eligibility:

- a composition on a modern subject of general interest relating to the role of the public authorities and their function within major public service fields (a file can be made available to the applicant);
- a test comprising four or five short-answer questions or practical case studies in the field of labour law and European social law;
- a composition on one or several topics in one of the subjects chosen by the applicant (public law, private law, business economics, employment and social policies, labour health and safety, ergonomics and organization of work, material or life sciences). A file is made available to applicants.

Admission:

- an individual role play based on a subject drawn by lots, followed by an individual interview aimed at gauging the applicant's aptitude to solve a practical case, to find solutions, to reason in a specific situation;
- an interview with the recruitment board, to assess the applicant's capacities, motivation and interpersonal skills to be a labour inspector;
- a conversation test in a foreign language of the applicant's choice.

**2. The internal competitive recruitment process** is for civil servants providing evidence that they have four years of public service (target: 15 to 25 per cent of posts).

The process comprises three mandatory eligibility tests:

- drafting of a document based on a file relating to labour or employment and vocational training issues;
- the other two tests are the same as those in the external competitive process.

It also comprises three admission tests:

- the first is identical to that in the external competitive process;

- an interview with the recruitment board, to assess the applicant's capabilities, motivation and interpersonal skills to be a labour inspector and the knowledge acquired from his/her professional experience;
- an optional foreign-language test that takes the same form as in the external competitive process.

**The third competitive process** is chiefly intended for people who have worked in the private sector (target: 25 to 30 per cent of posts). It is open to applicants with a total of eight years of experience, either in one or several positions as a member of staff or other representative, or in one or several professions; in office as a member of the elected assembly of a territorial authority; or in the discharge of one or several activities as a leader, including on a volunteer basis, of an association. The period of professional experience is calculated taking into account, for wage-earning activities, any activity carried out as a wage earner under private law or as a self-employed worker.

The process comprises two mandatory eligibility tests:

- drafting of a document based on a file relating to labour or employment and vocational training issues;
- a test comprising four or five short-answer questions or practical case studies in the field of labour law and European social law.

It also comprises three admission tests:

- a group role play based on a subject drawn by lots followed by an individual interview aimed at gauging the applicant's aptitude for teamwork and communication;
- an interview with the recruitment board, to assess the applicant's capacities, motivation and interpersonal skills to be a labour inspector and the knowledge acquired from his/her professional experience;
- an optional foreign-language test that takes the same form as in the external competitive process.

### *Training*

The occupations open to members of the labour inspectorate are overseeing application of labour law, implementation of employment and vocational training

policies, and development and support for social dialogue and collective bargaining in enterprises.

After the competitive recruitment process, trainee labour inspectors undergo 18 months of paid training preparing them to discharge the duties of labour inspector.

The training is dispensed by the INTEFP, a public administrative establishment reporting to the Labour Minister that provides initial and service training for labour inspectors, labour controllers and all Labour Ministry agents.

The training is broken down into two periods:

- a 15-month professional training period during which trainees acquire the professional knowledge and capacities common to the various labour inspection functions, after which the trainee inspectors are assigned to their posts following evaluation tests;
- an additional three-month training period during which the trainees acquire the competencies needed for their first assignment. The instruction is dispensed over the subsequent 12 months in blocks of around one week per month.

The training alternates between spells of class work at the INTEFP and practical training outside its walls. The teaching method used combines knowledge acquisition with practical exercises and professional role play scenarios.

The practical training comprises several in-service blocks, a work placement, a court placement and a European internship with another Labour Inspectorate, a labour, employment or vocational training administration, or a European institution.

Note:

The initial training for labour inspectors and the procedures used to assess competencies are currently undergoing reform, the aims of which are to adapt the training to what are rapidly changing professions; provide training over 18 consecutive months, with the final six months centred on on-the-job training; organize genuine rotation and promote greater responsibility among services in respect of training; adapt the training to the variety of profiles recruited; and adapt the teaching method to professional training for adults. The reform will be

operational for candidates having successfully completed the 2020 competitive recruitment process, who will start their training in January 2021.

### **Promotion**

*The Labour Inspectorate has four grades: labour inspector, deputy labour director, labour director and labour director (ungraded).*

*Labour inspectors may, over the course of their careers, occupy technical or support posts, managerial posts (head of a labour inspection control unit or sector head in the Labour Department) and executive positions in the decentralized services or in the central administration.*

*Promotion within each grade is by step and is triggered by seniority (whereas promotion to a higher grade is on the basis of selection by the hierarchical authority, subsequent to registration on a promotion table).*

*It takes about eight years to attain grade 2 and accede to labour inspector managerial functions; 13 years to attain grade 3 and occupy an executive position; 18 years to attain the highest grade; and 20 years to attain the highest step at the highest grade.*

*See the table on the next page.*

| <b>LABOUR INSPECTORATE<br/>2017</b>      |                             |   |
|--|-----------------------------|---|
| <b>GRADES<br/>AND<br/>STEPS</b>          | <b>Duration<br/>at step</b> | <b>Cumulative<br/>career<br/>duration</b> |
| <b><i>Labour director (ungraded)</i></b> |                             |   |
| <i>Special<br/>step</i>                  | <i>1 year</i>               | <i>29.75 years</i>                        |
|  | <i>1 year</i>               | <i>28.75 years</i>                        |

|                               |                  |                    |
|-------------------------------|------------------|--------------------|
| <i>Step 4</i>                 | <i>1 year</i>    | <i>27.75 years</i> |
|                               | <i>1 year</i>    | <i>26.75 years</i> |
|                               | <i>1 year</i>    | <i>25.75 years</i> |
| <i>Step 3</i>                 | <i>3 years</i>   | <i>22.75 years</i> |
| <i>Step 2</i>                 | <i>2.5 years</i> | <i>20.25 years</i> |
| <i>Step 1</i>                 | <i>2.5 years</i> | <i>17.75 years</i> |
| <b>Labour director</b>        |                  |                    |
| <i>Step 6</i>                 | <i>HEA</i>       | <i>HEA</i>         |
| <i>Step 5</i>                 | <i>3 years</i>   |                    |
| <i>Step 4</i>                 | <i>3 years</i>   |                    |
| <i>Step 3</i>                 | <i>3 years</i>   |                    |
| <i>Step 2</i>                 | <i>2 years</i>   | <i>15.75 years</i> |
| <i>Step 1</i>                 | <i>2 years</i>   | <i>13.75 years</i> |
| <b>Deputy labour director</b> |                  |                    |
| <i>Step 8</i>                 | <i>-</i>         |                    |
| <i>Step 7</i>                 | <i>3 years</i>   |                    |
| <i>Step 6</i>                 | <i>3 years</i>   |                    |
| <i>Step 5</i>                 | <i>2 years</i>   |                    |

|                          |                   |                    |
|--------------------------|-------------------|--------------------|
| <i>Step 4</i>            | <i>2 years</i>    |                    |
| <i>Step 3</i>            | <i>2 years</i>    | <i>12.75 years</i> |
| <i>Step 2</i>            | <i>2 years</i>    | <i>10.75 years</i> |
| <i>Step 1</i>            | <i>2 years</i>    | <i>8.75 years</i>  |
| <b>Labour inspector</b>  |                   |                    |
| <i>Step 10</i>           |                   |                    |
| <i>Step 9</i>            | <i>4 years</i>    |                    |
| <i>Step 8</i>            | <i>3 years</i>    |                    |
| <i>Step 7</i>            | <i>3 years</i>    |                    |
| <i>Step 6</i>            | <i>3 years</i>    |                    |
| <i>Step 5</i>            | <i>2 years</i>    |                    |
| <i>Step 4</i>            | <i>2 years</i>    | <i>6.75 years</i>  |
| <i>Step 3</i>            | <i>2 years</i>    | <i>4.75 years</i>  |
| <i>Step 2</i>            | <i>2 years</i>    | <i>2.75 years</i>  |
| <i>Step 1</i>            | <i>1.5 years</i>  | <i>1.25 years</i>  |
| <i>Trainee inspector</i> | <i>1.25 years</i> |                    |

### **Remuneration**

Post-training, labour inspectors at the start of their careers earn a gross monthly salary of 2,085 euros.

That amount goes up to around 3,330 euros when they reach the final step in the inspector grade and, near the end of their careers, to nearly 4,555 euros at the last step in the labour director grade.

See detailed table.

The salary is supplemented by the following:

- a residence allowance (depending on the place of assignment);
- a family supplement depending on the number of children;
- a system of compensation, the amount of which is on average 7,000 euros for the year at the start of the career.

See table below, in force October 2019:

| <b>LABOUR INSPECTOR</b>           |                      |                          |                      |                             |
|-----------------------------------|----------------------|--------------------------|----------------------|-----------------------------|
| <b>Grades and steps</b>           | <b>Gross indices</b> | <b>Augmented indices</b> | <b>Step duration</b> | <b>Remuneration by step</b> |
| <b>Labour director (ungraded)</b> |                      |                          |                      |                             |
| Special step                      | Ungraded B           | 1 067                    | -                    | € 4999.96                   |
|                                   |                      | 1 013                    | 1 year               | € 4746.92                   |
| Step 4                            | Ungraded A           | 972                      | 1 year               | € 4554.79                   |
|                                   |                      | 925                      | 1 year               | € 4334.55                   |

|                        |            |     |           |           |
|------------------------|------------|-----|-----------|-----------|
|                        |            | 890 | 1 year    | € 4170.54 |
| Step 3                 | 1 027      | 830 | 3 years   | € 3889.38 |
| Step 2                 | 995        | 806 | 2.5 years | € 3776.92 |
| Step 1                 | 930        | 756 | 2.5 years | € 3542.62 |
| <b>Labour director</b> |            |     |           |           |
|                        |            | 972 | -         | € 4554.79 |
| Step 6                 | Ungraded A | 925 | 1 year    | € 4334.55 |
|                        |            | 890 | 1 year    | € 4170.54 |
| Step 5                 | 1 027      | 830 | 3 years   | € 3889.38 |
| Step 4                 | 995        | 806 | 3 years   | € 3776.92 |
| Step 3                 | 930        | 756 | 3 years   | € 3542.62 |
| Step 2                 | 871        | 711 | 2 years   | € 3331.75 |

|                               |     |     |         |           |
|-------------------------------|-----|-----|---------|-----------|
| Step 1                        | 830 | 680 | 2 years | € 3186.48 |
| <b>Deputy labour director</b> |     |     |         |           |
| Step 8                        | 995 | 806 | -       | € 3776.92 |
| Step 7                        | 945 | 767 | 3 years | € 3594.16 |
| Step 6                        | 906 | 738 | 3 years | € 3458.27 |
| Step 5                        | 858 | 701 | 2 years | € 3284.89 |
| Step 4                        | 826 | 677 | 2 years | € 3172.42 |
| Step 3                        | 785 | 646 | 2 years | € 3027.16 |
| Step 2                        | 740 | 611 | 2 years | € 2863.15 |
| Step 1                        | 678 | 564 | 2 years | € 2642.90 |
| <b>Labour inspector</b>       |     |     |         |           |
| Step 10                       | 871 | 711 | -       | € 3331.75 |

|                   |     |     |            |           |
|-------------------|-----|-----|------------|-----------|
| Step 9            | 827 | 678 | 4 years    | € 3177.11 |
| Step 8            | 786 | 647 | 3 years    | € 3031.84 |
| Step 7            | 740 | 611 | 3 years    | € 2863.15 |
| Step 6            | 678 | 564 | 3 years    | € 2642.90 |
| Step 5            | 622 | 522 | 2 years    | € 2446.09 |
| Step 4            | 595 | 501 | 2 years    | € 2347.69 |
| Step 3            | 558 | 473 | 2 years    | € 2216.48 |
| Step 2            | 518 | 445 | 2 years    | € 2085.27 |
| Step 1            | 480 | 416 | 1.5 years  | € 1949.38 |
| Trainee inspector | 390 | 357 | 1.25 years | € 1672.90 |

***Mobility (to other district inspection services or headquarters or detachment to other departments or organizations)***

Most labour inspectors work in the decentralized services of the Labour Ministry, for the most part in labour inspection services, but also in services overseeing employment policies, providing guidance for economic change and inspecting vocational training.

The occupations exercised by labour inspectors are essentially divided into four families: “regulation and control”; “design, promotion and implementation of policies and implementing mechanisms”; “expertise and support for operational services”; and “guidance and organization of services and major projects”.

Within the Labour Inspectorate, they occupy the following positions:

- factory inspector;
- legal expertise and dispute settlement officer;
- labour inspection legal and methodological support officer;
- social dialogue support officer;
- labour law information officer.

They may also be assigned:

- to the central administration (in particular as legal expertise and dispute settlement officers; labour inspection legal and methodological support officers; policy design, promotion and follow-up officers);
- to the INTEFP, which trains labour inspectors (as project leaders, internal trainers or training engineering officers).

Roughly one hundred labour inspectors work outside the ministry (Central Office to Combat Illegal Employment, International Labour Office, National Agency to Improve Working Conditions and its regional offices, the Employment Department, ministries in charge of agriculture, transport and justice).

# Appendix II

## Selected bibliography

The main sources used in this paper have been: International labour standards on labour inspection; ILO General surveys on labour inspection; opinions issued by the Committee of Experts on the Application of Conventions and Recommendations; and reports submitted by Member States on their implementation of the provisions of ILO Convention No. 81.

### a) Internal ILO desk-research on labour inspection careers:

#### Americas:

Argentina

Brazil

Canada: Québec

Chile

Honduras

Peru

Venezuela

#### Asia:

Armenia

Bangladesh

Kazakhstan

Vietnam

New Zealand

## Europe:

Belgium

Czech Republic

Denmark

Estonia

Finland

France

Luxembourg

Moldova

Portugal

Romania

Slovakia

Spain

Sweden

Ukraine

United Kingdom

## Africa:

Burkina Faso

Cote D'Ivoire

Madagascar

Mali

Morocco

Mauritania

Tunisia

Algeria

## b) Additional sources of information:

*K. Ariga: Horizontal transfer, vertical promotion, and evolution of firm organization (Elsevier, 2004), available at:*

<http://www.computer-services.e.u-kyo.ac.jp/p/seido/output/Ariga/ariga004.pdf>

*Cardiff University: Potential impact of emerging trends and risks on labour inspection methodologies in the domain of occupational health and safety (Environment Research Centre).*

*T. Chamorro-Premuzic: "Can you really train soft skills? Some answers from the science of talent", in Forbes, available at:*

<https://www.forbes.com/sites/tomaspremuzic/2018/06/14/can-you-really-train-soft-skills-some-answers-from-the-science-of-talent/#54f4e45dc460>

*K. Conboy and C. Kelly: What evidence is there that mentoring works to retain and promote employees, especially diverse employees, within a single company (Cornell University, 2016), available at:*

<https://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1120&context=student>

*S. Ashcroft and S. Williams: Strategic Review of the Labour Inspection System, delivered by the Department for Inspection of Factories in Bangladesh.*

*Economic Insight: Valuing different workplace rewards: A report for the Office of Manpower Economics (2017), available at:*

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/655988/Valuing\\_Different\\_Workplace\\_Rewards.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/655988/Valuing_Different_Workplace_Rewards.pdf)

*European Parliament: European Parliament resolution of 14 January 2014 on effective labour inspections as a strategy to improve working conditions in Europe (Strasbourg, 2014), available at:*

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2014-0012+0+DOC+XML+V0//EN>

E. Harbour and A. Ellis: "Benchmarking the recruitment and training of labour inspectors" (February 2004).

Health and Safety Executive (HSE): *Strategic review of the labour inspection system delivered by the Department for Inspection of Factories in Bangladesh.*

International Association of Labour Inspection (IALI): *Global Code of Integrity for Labour Inspection* (SafeWork, South Australia, 2008), available at: [https://www.ilo.org/labadmin/info/WCMS\\_117608/lang--en/index.htm](https://www.ilo.org/labadmin/info/WCMS_117608/lang--en/index.htm)

International Labour Organization (ILO): *Labour inspection in Europe: undeclared work, migration, trafficking, Working Document No. 7, LAB/ADMIN* (Geneva, 2010), p. vii, available at: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---lab\\_admin/documents/publication/wcms\\_120319.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---lab_admin/documents/publication/wcms_120319.pdf)

J. D. Martín Gonzalez: *Study on Department of Inspection of Factories and Establishments (DIFE). High-level staff retention and motivation* (Geneva, ILO, 2017).

P. Mayberry: "Work-life balance policies and practices in the UK: Views of an HR practitioner", in *Journal of Management*, 23 (2) (2006), pp. 167-188.

J. Mendeloff et al: *Human resource practices for labor inspectorates in developing countries* (Cornell University, 2014), p. 7, available at: [https://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=2814&context=key\\_workplace](https://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=2814&context=key_workplace)

S. Montoya and J. Graham: *Modernizing the Federal Government. Paying for performance* (Santa Monica, CA, Rand, 2007).

L. Morgan: *The impact of work-life balance and family-friendly human resource policies on employees' job satisfaction* (London, Oxford University Press, 2009).

L. Muehlenbachs, S. Staubli and M. Cohen: *The effect of inspector group size and familiarity on enforcement and deterrence: Evidence from oil platforms*, Vanderbilt Law and Economics Research Paper Nos. 13-35, Vanderbilt Owen Graduate School of Management Research Paper No. 2350923 (2013), available at:

[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2350923](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2350923)

OECD: *Performance-related pay policies for government employees* (Paris, 2005), available at: <https://doi.org/10.1787/9789264007550-en>

*Regulatory enforcement and inspections, OECD Best Practice Principles for Regulatory Policy* (Paris, 2014), available at:

<http://www.oecd.org/gov/regulatory-enforcement-and-inspections-9789264208117-en.htm>

*The future of social protection. What works for non-standard workers?* (Paris, 2018), available at: <https://doi.org/10.1787/9789264306943-en>

R. R. C. Pires: "Flexible bureaucracies: Discretion, creativity, and accountability in labor market regulation and public sector management", in *Humanities and Social Sciences*, Vol. 71, No. 1-A, (2010), p. 327.

Government of Spain: *Proceso selectivo para acceso a la Inspección de Trabajo y Seguridad Social, Ministry of Labour, Migrations and Social Security, Escuela de Inspección de Trabajo y Seguridad Social (EITSS)*, available at: <http://www.mitramiss.gob.es/itss/web/index.html>

P. Teague: "Reforming the Anglo-Saxon model of labour inspection: The case of the Republic of Ireland", in *European Journal of Industrial Relations* (2009), available at:

<http://journals.sagepub.com/doi/abs/10.1177/0959680109103603>

“Study about Labour Inspectorate resource reductions in the European Union”, Senior Labour Inspectors’ Committee. Doc. Circa 756, May 2011.

“Study about the impact of the economic crisis on the European labour inspection systems from 2007 to 2014”, SLIC.

“Analytical overview SLS career development of labour inspectors” and “Recommendations to the State Labour Service human resources policies on labour inspectors”, available at:

[https://www.ilo.org/budapest/what-we-do/projects/WCMS\\_488014/lang--en/index.htm](https://www.ilo.org/budapest/what-we-do/projects/WCMS_488014/lang--en/index.htm)

“Common standards for OSH Inspector Training Programme”, SLIC.

“Training and recruitment of labour inspectors: Initiative on an EU level action”, SLIC Thematic Day-Luxembourg 2015.

Senior Labour Inspectors' Committee (SLIC): *Violence towards inspectors: Good Practice Guide* (2007).

M. White et al.: ““High Performance” management practices, working house and work-life balance”, in *British Journal of Industrial Relations*, 41 (2) (2003) pp. 175-195.

C. Williams, P. Vanden Broeck, A. Scharle: *Future role and competence profile of Labour Inspectorates* (Lithuania, 2019).

W. von Richthofen: *Labour inspection: A guide to the profession* (Geneva, ILO, 2002), available as of 5 November 2014 at:

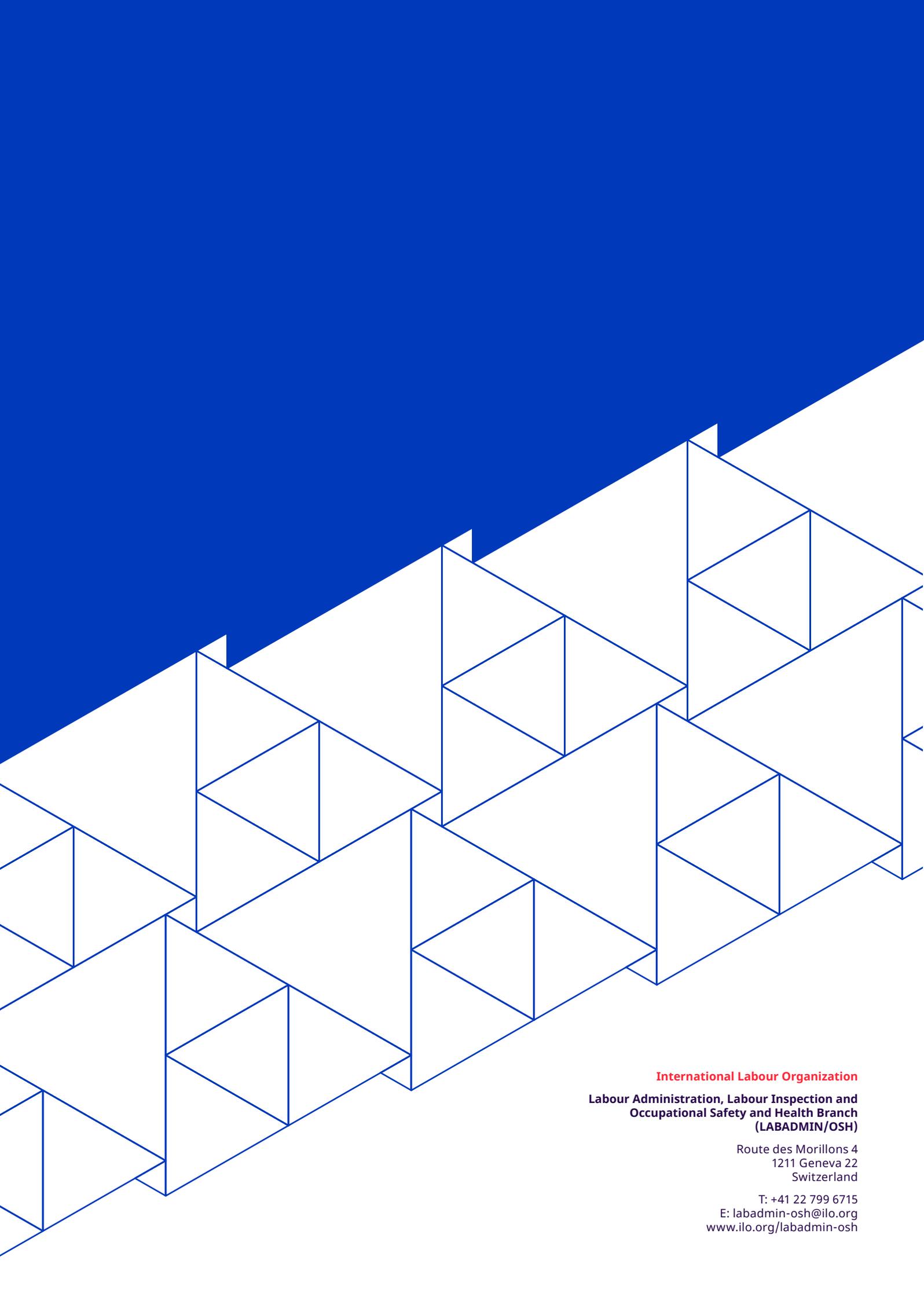
[http://www.ilo.org/safework/info/publications/WCMS\\_108665/lang--en/index.htm](http://www.ilo.org/safework/info/publications/WCMS_108665/lang--en/index.htm)

Roffey Park Institute (2004), available at:

<http://www.roffeypark.com/research/wbl.html>

M. L. V. Ruiz: Labour administration: To ensure good governance through legal compliance in Latin America. The central role of labour inspection, labour administration and inspection programme, Working Document 1 (Geneva, ILO, 2009). As of 5 November 2014, available at:

[http://www.ilo.org/labadmin/info/pubs/WCMS\\_116044/lang--en/index.htm](http://www.ilo.org/labadmin/info/pubs/WCMS_116044/lang-en/index.htm)



**International Labour Organization**  
**Labour Administration, Labour Inspection and**  
**Occupational Safety and Health Branch**  
**(LABADMIN/OSH)**

Route des Morillons 4  
1211 Geneva 22  
Switzerland

T: +41 22 799 6715  
E: [labadmin-osh@ilo.org](mailto:labadmin-osh@ilo.org)  
[www.ilo.org/labadmin-osh](http://www.ilo.org/labadmin-osh)