



INTERNATIONAL ASSOCIATION OF LABOUR INSPECTION

INTERNATIONAL BENCHMARKING

ON OCCUPATIONAL SAFETY AND HEALTH (OSH) REGULATION

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MESSAGE FROM THE IALI PRESIDENT



Labour Inspectorates (LIs) across the globe play an important role in seeking to ensure working conditions, including safety and health standards, respect and protect rather than exploit workers. Some Inspectorates have been around since the 19th Century, whereas others have been established more recently. But they all have much in common. All are having to adapt and evolve. Some because they are relatively 'young', but all because they are having to respond to issues such as globalisation, the shift in the power base from individual nation states to multi-national companies and supply chains, changing employment patterns, and policy challenges to the role and purpose of regulation. All these present threats and opportunities but make the work of LIs increasingly challenging.

I have yet to hear of any LI - anywhere - that is adequately resourced to meet the expectations of society (let alone its own committed staff). This is not a political point, but a recognition of the challenges all economies have in resourcing as well as prioritising the funding of public bodies. Of course LIs, like all publicly funded bodies should argue for more resources if it thinks it needs them. But a more interesting and challenging question is whether it is making best use of the resources it does have at its disposal - indeed being successful in doing this is the best way of supporting a case for more resources!

IALI has published its **Handbook for Labour Inspectorates: Measuring Performance of the Occupational Safety and Health Function** which can assist LIs in measuring their effectiveness in respect of particular activities or initiatives. However it is also necessary to consider, more holistically, whether a LI has in place the necessary legal framework, powers, competences, strategic and operational arrangements to maximise effectiveness and impact.

International organisations such as the ILO, IALI, as well as LIs themselves, often ask (or are asked) whether a LI has in place the essential pre-requisites for success, whether they are structured and empowered, and have the strategies and tools, to deliver their mandate of assuring safe and healthy standards at work. IALI has developed these benchmarks and the associated process for assessing country's performance against them as a means of answering those questions. They build on our previous work in developing a **Global Code of Integrity for Labour Inspection and International Common Principles for Labour Inspection**

These benchmarks, and the associated assessment process, should help answer those questions and provide a professional foundation for building strong, modernised and effective Labour Inspectorates worldwide - which is in line with IALI's main aim to enhance the impact and effectiveness of its members.

We hope that this package will be of interest and use to a wide range of interested stakeholders ranging from individual LIs (or sponsoring governments) who wish to have an independent assessment of their current performance, to other organisations that provide support, funding or investment for LIs - either to establish a baseline from which to identify and prioritise investment support or to evaluate the impact of such investment after it has been provided.

We do not see these benchmarks and processes as set in stone. LIs expect employers to adapt a principle of continuous improvement in their approach to working conditions. The same applies to the function of labour inspection. We hope that over time, through sharing experience, today's best practice becomes tomorrow's good practice and the next day's custom and practice – leading to improving working conditions and protection for workers across the world.

Sincerely,

Kevin Myers

President

International Association of Labour Inspection

ACKNOWLEDGEMENT

This document is a publication of IALI and was developed by the Singapore Ministry of Manpower, together with Great Britain Health and Safety Executive, on behalf of IALI.

The text draws from a wide range of source material including ILO Conventions, ISO standards and earlier publications by IALI such as the *IALI Global Code Of Integrity For Labour Inspection* and the *IALI International Common Principles For Labour Inspection*. IALI wishes to acknowledge the work done by EU Senior Labour Inspectors Committee (SLIC) on the *Common Principles For Labour Inspection In Relation To Health And Safety In The Workplace*.

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INTERNATIONAL BENCHMARKING

ON OCCUPATIONAL SAFETY AND HEALTH (OSH) REGULATION

OVERVIEW

INTRODUCTION

This document is an application of the ‘IALI International Common Principles for Labour Inspection’ to the area of Occupational Safety and Health (OSH) regulation. It has been developed from, amongst other things, the ‘Common Principles for Labour Inspection in Relation to Health and Safety in the Workplace’ produced and published by the Senior Labour Inspectors Committee (SLIC) of the European Union. IALI wishes to particularly acknowledge their earlier work in this area.

Other references used in the preparation of this document include:

- BS EN ISO/IEC 17020:2012 – Conformity assessment – Requirements for the operation of various types of bodies performing inspection;
- IALI’s Global Code of Integrity for Labour Inspection;
- International Labour Organisation (ILO) Labour Inspection Convention, 1947 (No. 81); and
- ILO Occupational Safety and Health Convention, 1981 (No. 155)

This document sets out an International Benchmarking on OSH Regulation, which is an independent assessment system conducted by IALI for Labour Inspectorates (LI). While responsibility for the regulation of a country’s health and safety law lies with that country, IALI can play a role in assuring the operation of that country’s LI to identify how they are performing against these International Benchmarks.

The objectives of establishing these International Benchmarks and the independent assessment system are:

A

To help countries to develop effective labour inspectorates systemically;

B

To provide a structured framework for labour inspectorates to monitor progress; and

C

To develop a global network of OSH collaborating centres.

Adoption and implementation of these international benchmarks, including independent assessment, can be seen to support ILO benchmarks contained in ILO Labour Inspection Convention, 1947 (No. 81) and ILO Occupational Safety and Health Convention, 1981 (No. 155) as applied to the regulation of health and safety ; and in so doing support initiatives such as the G7 Vision Zero Fund Initiative as well as the United Nations 2030 Agenda for Sustainable Development.

THE OVERVIEW

1. Labour inspection operates at a point where law, technology, political, social and economic reality meet. It is now widely recognised as a multi-dimensional activity that has political, economic, cultural and social contexts as well as those that are technical, medical and legal in nature. Labour Inspection thus finds itself confronted with complex challenges which involve balancing the demands of more traditional industrial health and safety problems against the demands arising from the changing economy and the changing perception of the role of labour inspection in regulation. The point of balance differ between countries and the International Benchmarking on OSH Regulation, needs to be expressed in a way which enables countries to relate their maturity, needs and priorities to these standards.
2. It is an essential pre-condition for the effective exercise of the Labour Inspection function in relation to the International Benchmarking on OSH Regulation (set out below), that arrangements are in place in a country to:

i

ensure that there is an effective legislative framework for the regulation of health and safety in the workplace;

ii

establish their strategies for occupational health and safety within an overall approach to working conditions, indicating what they wish to achieve and over what period. The strategies should be transparent to the social partners and should take into account the ILO Labour Inspection Convention, 1947 (No. 81) and ILO Occupational Safety and Health Convention, 1981 (No. 155) as applied to health and safety regulation, the IALI Global Code of Integrity, the IALI International Common Principles for Labour Inspection, and national and local expectations, needs and priorities;

iii

maintain or develop institutions and mechanisms for the regulation of OSH, the enforcement of relevant national law, which, in certain cases, may include specialist support services, the police, and the legal and court systems, upon which LIs depend for the effective and efficient discharge of their responsibilities. These institutions should be sufficiently resourced to discharge the duties expected of them by the national and regional strategies;

iv

establish effective relationships between ministries, organisations and institutions with a direct or indirect involvement in occupational safety and health, to align strategies, share expertise and coordinate action;

v

establish effective relationships with the social partners to draw on their expertise, take account of their priorities and secure their support;

vi

collect, collate, analyse and publish information about health and safety performance gathered at national, regional, sector of activity, and, where appropriate, company and workplace level; and

vii

encourage employers and workers to take positive action to bring about higher standards of occupational health and safety, and to provide appropriate information and guidance to help employers and workers do so and comply with the law.

3. There are a number of other aspects which may be relevant if improvements to health and safety are to progress and move forward in line with the ILO Labour Inspection Convention, 1947 (No. 81) and ILO Occupational Safety and Health Convention,

1981 (No. 155), the IALI Global Code of Integrity, the IALI International Common Principles for Labour Inspection, and in relation to the Desirable Features (see paragraph 6). To take account of these aspects, countries should:

i ensure that the strategies referred to in 2(ii) above incorporate, as part of their purpose, the constant improvement in the quality of work and in well-being at work, in physical, mental and social terms;

ii establish or strengthen effective relationships between ministries, organisations and institutions with a direct or indirect involvement in well-being at work, rehabilitation, public health, employment policy, and with other policies pursuing protection objectives, to align strategies, share expertise and coordinate action;

iii ensure that the allocation of resources reflects the needs of the developing national or regional strategies;

iv agree to clear coordination arrangements for securing necessary change and development;

v emphasise the importance of social dialogue in the development of the broad strategy;

vi expand the scope of occupational health and safety legislation to include all employees;

vii consider how the risks to self-employed persons can be built into national and regional strategies;

viii consider how the standards which relates to risk to members of the public from work activities can be applied through the labour inspection system; and

ix promote a culture of prevention throughout the educational system.

THE ESSENTIAL REQUIREMENTS

4. The essential requirements, whose application is vital in all countries, concentrate on the implementation regulation, including enforcement of national legislation. To ensure this is delivered at operational level, LIs must:

Planning and monitoring

- i prepare annual plans of work setting out the priority areas for action for the year and detailing the inspection and other programmes that will be necessary to deliver the plans; and
- ii set up systems for monitoring progress against the annual plan, and for establishing the data needed for reporting in accordance to Article 21 of the ILO Labour Inspection Convention, 1947 (No. 81);

Competency and integrity of inspectors

- iii define and document the responsibilities and reporting structure of the organisation;
- iv ensure that men and women are eligible for appointment as inspectors; that inspectors have the appropriate qualifications; that they are competent to undertake their responsibilities; and that they receive the training, instructions and information necessary for them to carry out their work in the safest possible conditions;
- v ensure that inspectors are able to obtain specialist, technical, scientific, legal, methodological and other support to assist them in carrying out their duties;
- vi ensure that inspectors are impartial, that they are independent of inappropriate external influences such as the companies or organisations which they inspect, or be subjected to undue political influences; and that they do not undertake other duties which may interfere with their primary responsibilities;
- vii ensure that inspectors are provided with suitable work environment and transport facilities, and are reimbursed for any necessary expenses they incur in the course of carrying out their duties; and
- viii perform health and safety labour inspections itself under normal circumstances. Where LIs subcontracts any part of the inspection, it must ensure and be able to demonstrate that the subcontractor is competent to perform the activities in question.

Prevention, protection and assistance for inspectors

ix ensure that the number of labour inspectors is sufficient to secure the effective discharge of the duties of the LI;

x make available suitable and adequate facilities, personal protective equipment and tools for the purpose of sample collection or measurement, to permit all activities associated with the inspection activities to be carried out in a competent and safe manner; and

xi ensure that inspections of workplaces by inspectors can take place in the safest possible conditions. Countries must take appropriate measures to ensure protection against violence of any kind, especially by prior assessment of risks, and they must make all the necessary legal and administrative arrangements for providing support and follow-up in the case of such events, in terms of both legal assistance and psychological care.

Powers of inspectors

xii ensure that inspectors are given the powers necessary to carry out the duties assigned to them. These should include in particular the powers:

- of entry to workplaces without notice to carry out their duties;
- to carry out inspections and investigations at the workplace;
- to require employers and employees to supply information relevant to an inspection or investigation;
- to require employers and employees to supply information regarding a person's identification details which are relevant to an inspection or investigation;
- to examine records and reports relevant to health and safety at the workplace;
- to apply, or to arrange the application of, sanctions when these are deemed to be necessary;
- 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;
- to require the remedying of defects observed in plant, layout or working methods which they may have reasonable cause to believe constitute a threat to the health and safety of the workers; and
- to require the stoppage of working activities in the case of serious risk.

These powers should be exercised taking full account of the confidentiality of personal medical data, economic information, employees' complaints and manufacturing secrecy.

Guidance for inspectors

- xiii** set out in writing the approach to be taken by inspectors at visits to workplaces and indicate the action which should be taken in particular circumstances; and
- xiv** maintain a documented process to receive, evaluate, and make decisions on complaints and appeals arising from inspections.

Communication with stakeholders

- xv** ensure that good communication links exist to enable issues of good practice and areas for improvement to be brought to the attention of other inspectors, policy makers and legislators, especially through the use of a suitable information system; and
- xvi** be notified of industrial accidents and cases of occupational diseases as prescribed by national laws or regulations.

INSPECTION PROCESS

5. The approach to be taken during an inspection must include a physical examination in the workplace of working practices, standards and conditions, and discussion with representatives of the employer and with workers and/or their representatives. It is important when investigating work-related accidents or cases of ill-health that whenever necessary and possible, the person affected is interviewed. Within the essential requirements, examination and discussion

should be focused on ensuring effective management and control of occupational health and safety risks and compliance with relevant national legislation. Following an inspection, the inspector must be in a position to take appropriate action, based on the legal powers of the inspector as assigned. Such action may include the use of sanctions which the inspector is empowered to use. The priorities for inspection will be based on the country's relevant national law and should include:

i to assess whether the employer's policy for health and safety is directed to ensuring the health and safety of his employees;

ii to assess whether the organisation and arrangements the employer has introduced for securing health and safety are likely to lead to the identification, rectification and prevention of deficiencies. This will include the employer's arrangements for identifying hazards and for assessing risk;

iii in particular to make assessments of the employer's arrangements for:

- the effective planning, organisation, implementation, control, monitoring and review of the protective and preventive measures at the workplace;
- securing advice and assistance on health and safety matters;
- dealing with emergencies; providing the employees and/or their representatives with comprehensible and relevant information;
- training the employees in health and safety;
- ensuring consultation with the employees and/or their representatives on matters relevant to health and safety; and
- ensuring that the arrangements in place effectively protect workers against identified risks.

iv to provide guidance to employers and workers so as to help them to manage and control OSH risks and comply with legal obligations.

Action taken by the inspector as a result of the inspection

With respect to the employer

v

to decide what action is necessary and take the required measures to secure compliance with legal provisions and acceptance of supporting guidance; such action includes advice (both written and verbal); the issue of an order requiring the immediate stoppage of work, or improvements by a specified deadline; the issue of an administrative fine/penalty (either directly or through the appropriate authority); or a referral to the prosecuting authorities.

With respect to the employees

vi

to ensure that workers representatives are informed about the inspector's conclusions, and that any written reports given to the employer, are made available to the workers representatives, who should also be informed of the responses given by the employer. Such reports should not include information confidential either to the employer or employees (see paragraph 4(xiii) above).

With respect to other organisations

vii

to decide whether liaison is necessary with other enforcing bodies who may have responsibility under national legislation for matters such as the protection of public health, consumer or environmental protection.

With respect to records kept for internal LI use only

viii

to make a written record of the inspector's decisions and action, which may include information on:

- core data, characteristics and identification of the employer and the organisation and arrangements for health and safety in place at the workplace;
- standards of health, safety and working conditions noted at the workplace and an indication of the level of compliance with the relevant legal provisions;
- hazards identified by the inspector and an assessment of these risks;
- advice given or formal enforcement action taken by the inspector; and
- an assessment of the scope for improvements in health, safety and working conditions, and whether these improvements that have already been made are likely to be maintained. This may include the measures that the employer has proposed to the workers representatives, to improve and maintain standards of health and safety.

THE DESIRABLE FEATURES

6. The desirable features address the broader aims of achieving improvements in the labour inspection regime within a country. Some will already be a reality in some LIs; some will be aspirational in many LIs. While it is important to maintain the priority for those

functions concerned with the formal enforcement of the law, which only labour inspectors can perform, it is also vital to improve worker protection by the application of the desirable features. It is therefore important that countries take action to:

- i develop better understanding of the integrated, holistic approach, to encourage an open-minded culture in the LI and make inspectors more aware of the role they can play in the promotion of well-being at work;
- ii encourage the development of partnership working between the LI and other stakeholders who can influence the well-being at work approach;
- iii ensure that work plans and priorities take into account the changing economy, changing patterns of employment and their influence upon health and safety issues and priorities;
- iv ensure that inspectors are suitably trained in the emerging issues, and that specialist support is aligned with the changing priorities and perspectives; and
- v develop systems for monitoring inspection processes, techniques and activities, which take into account international approaches to the management and assurance of quality.

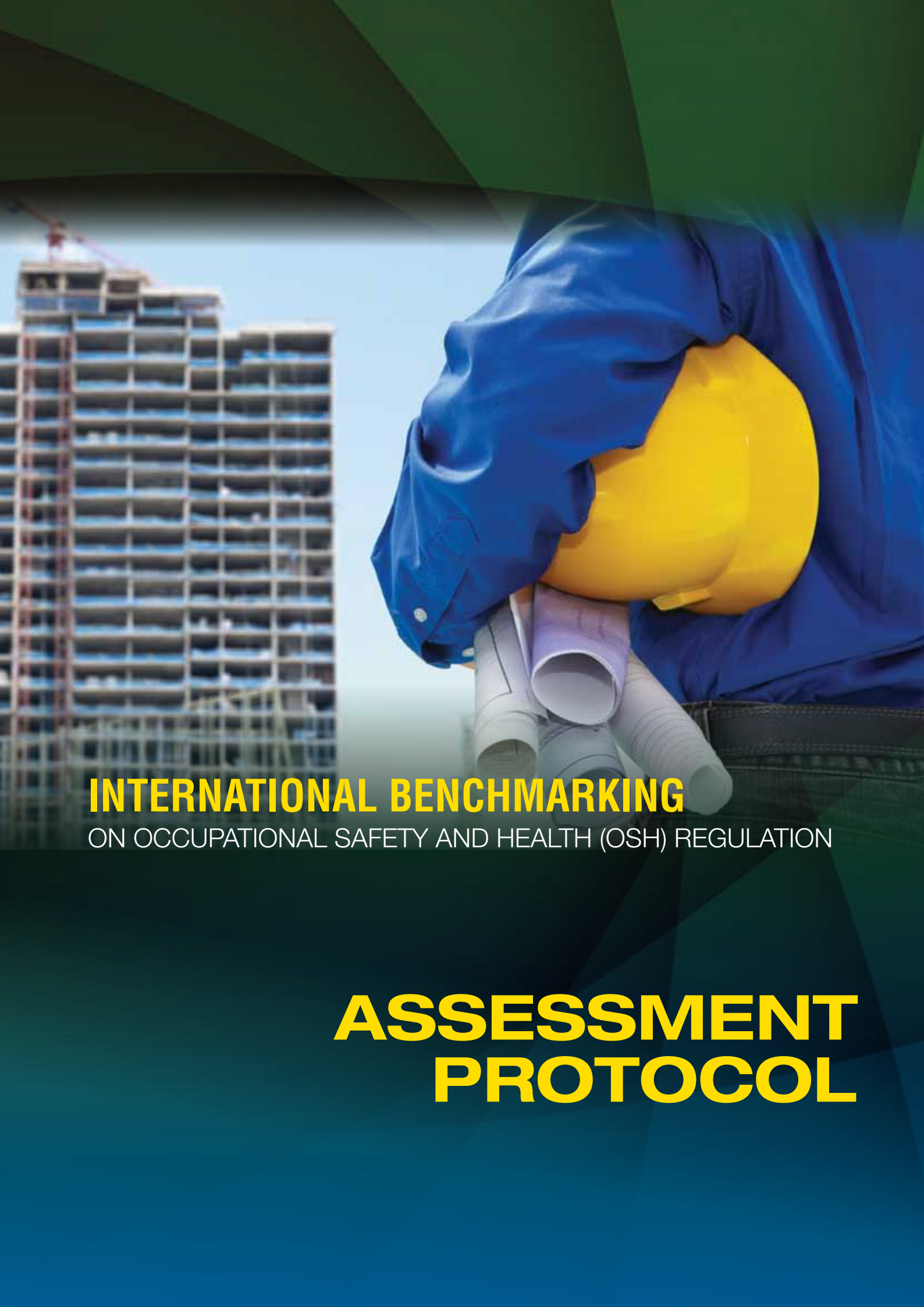
ASSESSING THE INSPECTION SYSTEM

7. One aim of these benchmarks is to achieve some consistency of approach across LIs to ensure effective, equivalent inspection and monitoring of the implementation of legislation in countries. Hence, the independent assessment of national inspection systems by reference to this set of International Benchmarking on OSH Regulation is an important element to ensure consistency and fairness. IALI has therefore made such an independent assessment process available. The assessment will consist of two independent sequential phases: Phase (I) is an initial paper assessment in response to submission of a completed questionnaire and supporting documents by the requesting LI; followed by a Phase (II) in-country assessment consisting of interviews and observation of inspection if Phase (I) was assessed to be satisfactory.
8. A protocol which gives useful guidance on the conduct of assessments as well as other related documents are available in this book as follows:
- i Assessment protocol;
 - ii Assessor eligibility and appointment;
 - iii Phase (I) assessment questionnaire; and
 - iv Phase (II) scoring checklist with scoring guide.

REVIEW OF INTERNATIONAL BENCHMARKING ON OSH REGULATION

9. It will be appropriate for the IALI Executive Committee to review these International Benchmarking on OSH Regulation documents from time to time, as experience of regulatory tools and techniques developed and evolved, and to take in to account technological and working practice changes.

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INTERNATIONAL BENCHMARKING

ON OCCUPATIONAL SAFETY AND HEALTH (OSH) REGULATION

ASSESSMENT PROTOCOL

INTRODUCTION

The International Benchmarking on OSH Regulation is an application of the 'IALI International Common Principles for Labour Inspection' to the area of health and safety regulation. Complemented by an independent assessment system conducted by IALI for Labour Inspectorates (LI), these benchmarks aims:

- A** To help countries to develop effective labour inspectorates systemically;
- B** To provide a structured framework for labour inspectorates to monitor progress; and
- C** To develop a global network of OSH collaborating centres.

This document sets out the assessment protocol for assessments conducted by IALI for LIs, for assessing adherence to the International Benchmarking on OSH Regulation. It was developed with reference, amongst other things, to the Evaluation Protocol for carrying out an evaluation under the “Common Principles for labour inspection in relation to health and safety in the workplace” produced and published by the Senior Labour Inspectors Committee (SLIC) of the European Union. IALI wishes to acknowledge the significant earlier work of SLIC in developing an assessment framework.

PRACTICAL ARRANGEMENTS FOR CARRYING OUT AN ASSESSMENT UNDER THE “INTERNATIONAL BENCHMARKING ON OSH REGULATION”

1 Purpose and general approach to assessment

1.1 The basic purpose of assessment is to review the capability of the labour inspection system in the country to be assessed (the host country) to implement and enforce their legislation on health and safety at work.

1.2 Besides looking at the adequacy of the systems in place for inspection by amplifying the information given in the answers to the “International Benchmarking on OSH Regulation Questionnaire”, the wider purposes of assessment are to promote exchanges of information, ways of working and experience between inspectorates, and thereby to promote greater consistency.

1.3 The following sections of the “International Benchmarking on OSH Regulation” set out the need for assessment and specify what it should involve. It should include, at least, an assessment of: the organisational structure, the administrative and operational procedures, the standards for inspection and their application, the resources available, the personnel and their training and the systems for reporting, record keeping and information collection. It also requires an on-site assessment.

1.4 The assessment exercise is intended not only to benefit the host country, but also to provide the opportunity, in time, to identify common issues and problems among countries, which might be debated and progressed as special themes by IALI as a whole.

1.5 Since the original Common Principles were first drawn up in 1994 within the EU, considerable practical experience of assessment has been built up, both within EU Member States and what were then the Accession Countries. All Member States have participated either as host or member of an assessment team, or both. A consistent methodology has evolved by custom and practice, which has been supported and facilitated by the European Commission. This document aims to make the most cost-effective use of everyone's time and concentrate the most attention on what inspectors do in practice in real, ‘every-day’ inspection situations. This is considered to be the most important aspect of assessment and of the greatest benefit in promoting continuous improvement, the exchange of ideas, information and experience, and consistency. IALI's International Benchmarking on OSH Regulation are hence utilising that experience and therefore the assessment process is largely based on that used in the EU.

1.6 It should be emphasised that this protocol is intended as an aid to the conduct of the assessment; it is not intended to dictate how the assessment should be carried out. It is open to the assessment team and the host country to arrange the assessment week differently if (for reasons of efficiency or to aid understanding) alternative arrangements are appropriate, so long as the assessment retains the emphasis on practical field visiting described in paragraph 4.2.5.

2 Elements of an assessment

2.1

An assessment consists of several stages:

- 2.1.1 A formal request from the host country through IALI secretariat for an assessment to take place and agreement of the scale of the assessment – identifying and providing contact details of the host country's lead person for the assessment.
- 2.1.2 IALI's acceptance of the request and appointment of the assessment team, obtaining nominations from other participating bodies, agreeing contact details and dates between the assessment team and the host country.
- 2.1.3 Phase (I) Assessment – The host country completes the answers to the Questionnaire and sends them to the leader of the assessment team. The host country may also send other, supporting documents (and should do so if requested by the leader of the assessment team) – e.g. copies of their last annual report, the current plan of work, details of the main legislation in relation to workplace health & safety.
- 2.1.4 Assessment team carries out an assessment of the completed Questionnaire and generates a preliminary assessment report. This report should be completed within 1 month from the host country's submission of all required documents, and shall recommend whether continuation of the assessment to Phase (II) is worthwhile. The outcome of this Phase (I) assessment will be one of the following:
 - agreement to proceed to Phase (II);
 - requests for further information and/or clarification; or
 - a decision that progress to Phase (II) is not worthwhile due to fundamental issues that will need resolution (in this case the report to the host country should detail those issues)
- 2.1.5 Phase (II) Assessment – If Phase (II) assessment is agreed, the host country, in discussion with the leader of the assessment team, proposes a draft plan and timetable for the visit and sends this to the members of the team. Sufficient lead time (generally at least two months) should be given for both the host country and the assessment team to make the necessary preparations before commencement of the actual on-site assessment.
- 2.1.6 The assessment team will:
 - Conduct a preparatory meeting (this may be via Skype or similar) to agree initial impressions, the plans for the visit, and to identify issues for clarification and amplification,
 - the assessment leader then contacts the host country to receive background information, discuss any necessary clarification, agree what further information is needed, and agree the detailed requirements and plans for the assessment visit.
- 2.1.7 The on-site assessment visit should last for at least 5 days in a working week and concludes with the assessment team giving informal feedback to the Director or Management Representative of the host country's LI on their main findings and an initial indication of the assessment outcomes.
- 2.1.8 The assessment team can continue to correspondence with the host country to check facts and further their understanding of certain issues, or to receive further documents requested during the visit.
- 2.1.9 The members of the assessment team send their contributions, in English (or the agreed alternative language), to the leader of the assessment team, who compiles and endorses the full report. In order to remain relevant, the final report should be submitted within three months from the conclusion of the on-site assessment visit.

3 Preparation — before the assessment visit

3.1 Dates

It is important that the assessment team members and period of assessment should be agreed upon in advance to ensure that all can participate fully and be equally well-briefed – it is recommended that the dialogue starts at least two months before the visit. The leader of the assessment team should initiate this and all other assessment team members involved should respond promptly.

3.2 Language

Communications between the assessment team members and between the team and the host country are conducted in English as the common language, unless the assessment team and the host country agree to another language. This possibility needs to be borne in mind when establishing the assessment team. Essential documents should be provided in English or that of the other agreed language.

3.3 Assessors

The assessment team should normally comprise two or three members (though slightly more may be needed for larger countries), including the leader. The members of the assessment team should have background and experience in practical health and safety inspection. The leader may be assisted by a labour inspector from their own country, to help with the organisation, participate in the visits and help with the preparation of the report. It is preferable that the team consists of assessors from different professional backgrounds, gender, and assessment experience.

3.4 Planning: timing

The on-site assessment exercise should be planned with the following timings in mind:

- 3.4.1 Phase (I) assessment should be completed at least 1 month before the assessment team's preparatory meeting (ref. para. 2.1.6) to allow the assessors sufficient time to read it, confer, and request any immediate supplementary information (which may also need to be translated).
- 3.4.2 The assessment visit should take place ideally within two months of the preparatory meeting, while the information is still current and fresh in the assessors' minds.
- 3.4.3 The team should aim to have a first draft of the report completed within one month of the visit — and sooner if possible.

3.5 Planning: visits

The host country should plan the week to enable the assessment team to see a wide range of representative workplaces, activities and people. The assessment visit is necessarily a sampling exercise so the basis of the proposed plan should be discussed with the assessment team at the preparatory meeting to ensure that they understand, and are content with the thinking behind it.

The visit plan should bear in mind the following:

3.5.1 The team will normally wish to have discussions at the start with the Director or Management Representative and senior officers of the LI. Otherwise, the amount of time spent listening to high level presentations should be limited.

3.5.2 Most of the time should be spent with individual inspectors **to see what inspectors do in practice**. This can be a form of joint visits at actual workplaces with inspectors (either individually or as a group), to observe how inspectors interact with employers or employees, or with the inspectors when they prepare reports in relation to the workplace visits. If time allows, assessors should also observe how inspectors carry out sanctions against employers, or how interactions with other ministries, organisations and institutions to align strategies, share expertise and coordinate actions will be carried out.

3.5.3 The assessors will normally wish to include some opportunities for discussions with representative groups of operational inspectors and their immediate managers at a sample of local offices.

3.5.4 The visits should cover as wide a range of **typical** workplaces as possible, in terms of

- industry or activity,
- size of organisation,
- standards,
- geographical area.

Districts throughout the country should be included, consistent with avoiding a disproportionate amount of travelling or costs in excess of the budgetary limits.

3.5.5 The industries covered at visits should reflect the economic profile of the country but should typically include the following sectors:

- Manufacturing (e.g. food, engineering, wood products, metal products, textiles, plastics, chemicals, ship building/repair)
- Construction
- Mining, quarrying, and oil & gas extraction
- Agriculture and Fishing
- Sewerage, Waste Management and Remediation Activities
- Wholesale and Retail Trade
- Service sector
- Transportation and storage
- Health services and social care
- Education
- Public and private administration
- Temporary work agencies, peripatetic work and non-standard forms of employment.

- 3.5.6 The sizes of enterprises involved in the visits should be wide ranging, reflecting typical inspection priorities and practice. This would encompass both private and public organisations and a range of standards of compliance.
- 3.5.7 The visits should include:
- accident investigations
 - complaint investigations,
 - follow-up visits,
 - formal enforcement visits, as well as
 - preventive inspection visits, both general and targeted, (depending on the nature and development of the inspection systems in place).
- 3.5.8 The inspection visits should be selected from those which are due for a visit in the normal course of the Inspectorate's operational plans.
- 3.5.9 The inspectors involved in the exercise should represent a range of experience and length of service. They should be based at various locations in the country.
- 3.5.10 The assessment team may wish, in the course of the week, to speak to inspectors about their plans and work recording and reporting systems. They may also wish to see examples of these at the offices.

3.6 Additional documents

- 3.6.1 In addition to the answers to the Questionnaire, the assessors may wish to see additional information and the host country should be prepared to supply these promptly. Examples are likely to be: latest annual report; strategic plan; summary of the main legislation; details of imminent reorganisations; personnel statistics; statistical information on inspection and investigation activities, numbers of enterprises, orders issued, penalties awarded, etc.

3.7 Accommodation and travel

- 3.7.1 The assessment team should aim to assemble on the Sunday, to allow the visit to commence promptly on the Monday.
- 3.7.2 It is important that the assessment team is able to confer during the course of the week and members should be co-located. The team will require a private meeting room for the final morning for consolidation of their findings before the debrief to the host country. It can also be helpful to have a room available for evening discussions during the week.
- 3.7.3 Assessors should normally travel with inspectors to site visits. Otherwise, arrangements for travel requirements within the country should be agreed upon and responsibility for making the arrangements clarified. The host country should facilitate internal travel within the country.

3.8 Preparatory meetings

- 3.8.1 The assessment team should agree which aspects they wish to clarify and what further information they require and whether they wish to make any adjustments to the proposed visit plan. They should also agree which team member will report on which particular aspects of the standards, so that members can prepare for the task.
- 3.8.2 The host country should clarify whether other Ministries or agencies (such as the Police) have a major role to play in the statutory inspection or enforcement of health and safety standards at the workplace, where this may not be readily apparent from the answers to the Questionnaire. This will allow the assessment team the opportunity to request a meeting or visit with those other agencies.

4 Conduct of the assessment visit

A typical visit should comprise:

4.1 Day 1

Meetings, in which all the assessors participate, which may include:

- Directors, Management representative, senior managers and heads of functions of the Labour Inspectorate,
- Ministry contacts,
- Employers' confederation
- Trades Unions confederation
- Other bodies involved in the statutory inspection or enforcement of health and safety standards in the workplace.

To establish how the inspectorate is supported, its place within government, its achievements, aims and priorities, current issues, operating environment, political and economic context, relationships, participation by partners, etc.

Also to agree final details of the arrangements for the rest of the week.

4.2 Days 2, 3, and 4

The middle three days of the week should be devoted to the assessors carrying out **joint visits** with inspectors.

- 4.2.1 Inspections, investigations and enforcement actions should be conducted in a manner which is as realistic and representative as possible of how the inspectors act normally. Where it is feasible, visits should be unannounced.
- 4.2.2 Both the host LI and the assessors should reassure the inspectors that the assessors are fellow labour inspectors who understand and have empathy with what the inspectors are doing and that no individuals will be identified in any reports back to the management of the Inspectorate.
- 4.2.3 Only the assessors and any necessary interpreter should accompany the inspector at the visits; additional officials would inhibit the inspector and will not allow a realistic inspection.
- 4.2.4 The assessors should project themselves in a professional manner and should refrain from interfering with or commenting on the inspector's work during the inspection itself. They should merely observe the inspector and the inspector's interaction with the people and conditions at the workplace. The assessors could pose questions directly to the employers or employees only to better their understanding of the inspection.

4.2.5 Over the course of this 3 days, assessors should look especially at:

- The understanding and application of risk assessment and the ability of inspectors to judge the quality and adequacy of employers' risk assessments.
- The approach to preventing occupational injury and ill health; is the inspector implementing a hierarchy of control measures?
- Is prevention of occupational disease and ill health being addressed adequately, as well as surveillance to detect early stages of disease?
- The physical inspection of the workplace.
- Actual physical standards in the workplace.
- Investigation practice and the purpose of investigation.
- Involvement of workers' representatives at visits.
- The balance of the inspectors' work, e.g. in terms of: inspection of documents and policies and educational discussions, as opposed to inspection of actual working conditions; contact time at workplaces, as opposed to time in the office on administrative procedures; and time spent on inspection as opposed to travelling time.
- The balance between proactive inspection and reactive inspection – that is between preventive inspection and the investigation of complaints, accidents, cases of ill health and dangerous occurrences.
- Legal tools and enforcement – both theory and practice; what sanctions are available and evidence of the extent to which these have been pursued. The balance between “soft enforcement” through verbal or written advice and “formal enforcement” through the use of legal or administrative sanctions. Are serious breaches of law and serious injuries being taken to the highest courts, with appropriate penalties?
- Enforcement policy and operational guidance available to inspectors on actions to take.
- Liaison with other agencies involved in the regulation of health and safety and how well these support the aims of the LI.
- Resources available to help the inspectors.
- Training of inspectors in practical aspects of identifying hazards, risk assessment, awareness of precautionary measures, and general professional development.
- Availability of published official guidance.

4.2.6 Where the Police or inspectors working for other Ministries, outside the LI, are carrying out regulatory functions for health and safety, the LI should arrange meetings with representatives of those organisations and, where appropriate, arrange for a joint visit.

4.2.7 The assessors will wish to build in opportunities to talk informally to groups of inspectors at their offices about their work and work programmes and to see examples of their information, reporting and work recording systems.

4.2.8 If, despite best efforts, it has not proved possible for at least some of the assessors to observe an investigation visit, the team will wish to talk in detail with inspectors at the office about recent investigations they have carried out. They may wish to question the inspectors about what they did, their objective, the extent of their responsibility, who they saw, what action did they take in relation to the employer, how did the employer respond, what lessons were learned, what sanctions resulted, etc.

4.3 Day 5

4.3.1 The morning of the final day should be set aside for the assessment team to compare and discuss their findings and formulate main conclusions, in private. The main conclusions should be formulated in terms of:

- Particular strengths of the labour inspection system, and
- Recommendations and observations that the host country may wish to consider.

4.3.2 The late morning/afternoon is then devoted to a final meeting between the Director or Management representative of the LI and the assessment team, at which the team give informal feedback on their conclusions and recommendations.

4.3.3 The overall timeline of events leading to, during, and after the on-site assessment visit should be roughly as follows:

| TIMELINE | ACTIVITY |
|----------------|--|
| T | Host Country submits formal assessment request to the IALI secretariat |
| T + 2 weeks | IALI accepts request upon confirmation from assessment team |
| T + 1.5 months | Host country submits completed Questionnaire to assessment team with required supporting documents |
| T + 2.5 months | Assessment Team completes Phase (I) assessment and recommends whether to continue to Phase (II) |
| T + 3 months | Assessment Team and host country conducts preparatory meeting |
| T + 5 months | On-site assessment visit commences: Day 1: Meetings to establish overall context of LI Days 2-4: Joint inspection visits and interviews Day 5: Consolidate findings and debrief |
| T + 6 months | Assessment Team completes first draft of report |
| T + 7 months | Assessment Team completes final report |

4.4 Working relationships during the visit

4.4.1 The assessors should adopt a business-like but friendly approach in their dealings with the host Inspectorate and their staff, as befits an exercise involving fellow labour inspectors and nations. They should plan their requests well ahead and not call for more documents, especially any requiring translation, than are strictly necessary to make their assessment.

4.4.2 The assessors should be allowed time to talk together in private, and this includes the majority of the evenings during the week.

4.4.3 Hospitality and meals provided by the hosts, especially where they help to expedite business during the day, are welcome but should be kept modest.

5 The report

5.1 All members of the assessment team contribute to the report, in accordance with the agreed plan. They send their contributions, in English (or the agreed alternative language), to the leader, who compiles a first draft of the full report and sends it to the Director of the host LI for consultation and comment on factual detail.

5.2 The members of the assessment team agree to any necessary amendments and the leader then sends the final report to the host Director, with an explanation where amendments have not been able to be incorporated. A copy is also to be sent to IALI and to the rest of the assessment team.

5.3 The report made by the assessors should be kept as concise as possible and should generally not exceed 20 pages plus annexes.

5.4 The host country's answers to the Questionnaire should be incorporated into the final document as an annex.

5.5 Key issues, both positive and aspects for further consideration, should be clearly highlighted, to facilitate future discussion and identification of wider issues for IALI in general. Where the assessment is such that compliance with the International Benchmarking on OSH Regulation cannot be agreed, the report will clearly state why and what measures would be necessary to achieve compliance.

5.6 The format of the report should be along the lines of:

A INTRODUCTION AND ARRANGEMENTS

B SUMMARY OF OVERALL FINDINGS

1. Overall conclusions and recommendations
2. Summary of findings – main highlights:
 - a. Overview
 - b. Planning and Monitoring
 - i. Coverage of Legislative Framework
 - ii. National Strategy
 - c. Resource Planning and Execution
 - i. Powers of Inspectors
 - ii. Competency and Integrity of Inspectors
 - iii. Effectiveness of Labour Inspectorate
 - iv. Inspection Process and Effectiveness
 - v. Inspection Outcomes

d. Communication with Stakeholders

- i. Stakeholder Engagement & Promotion
- ii. Data Collection

e. Desirable features

C DETAILED REPORT

Aims of inspection – compliance verification
 Role of Health and Safety Authorities
 Action by inspectors carrying out inspections
 Organisation for inspection of safety and health

D ANNEXES

Answers to Phase (I) Questionnaire
 Assessors' completed Phase (II) scoring checklist
 Organisation charts
 Summary of relevant legislations
 Other supporting documents, etc

5.7

The assessment report and any associated documentation should be considered as confidential between the assessment team, the host country, and IALI, until the host country agrees otherwise.

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INTERNATIONAL BENCHMARKING

ON OCCUPATIONAL SAFETY AND HEALTH (OSH) REGULATION

ASSESSOR ELIGIBILITY AND APPOINTMENT

INTRODUCTION

This document sets out the eligibility and appointment procedures for assessors conducting assessments for compliance with IALI's International Benchmarking on OSH Regulation.

GENERAL APPOINTMENT PROTOCOLS

- 1** Assessment teams must embody a range of expertise and comprise at least three members each from different jurisdictions.
- 2** The lead assessor, who is selected by the IALI Secretariat, should preferably have been a member of at least 1 previous assessment team or have prior experiences leading other assessments.
- 3** In selecting the assessment team, IALI Secretariat must be cognisant of any activities that may impede individuals from participating due to conflict of interest.
- 4** IALI Secretariat should select assessors from the pre-qualified pool of assessors, taking cognisance of expertise, language considerations, and familiarity with the applying jurisdiction.
- 5** IALI Secretariat should maintain a pool of at least 10 pre-qualified assessors across different jurisdictions at all times, to ensure flexibility in appointment of assessment teams.
- 6** The following protocols are to be observed for non-English speaking applicants where the assessment team members are not fluent in the language of the jurisdiction being reviewed:
 - a. English translations shall be provided for the submitted Phase (I) Questionnaire and any other supporting documents for the assessment.
 - b. A single translator shall be selected and provided by the applicant for the Phase (II) on-site visit. The selection of translators is an important issue. In addition to having good language skills and a knowledge of the assessment process, the selected translator must agree to hold a neutral position with regard to the assessment process.

ASSESSMENT TEAM MEMBER CHARACTERISTICS

Essential Criteria

- 7** Nominated by an existing IALI member.
- 8** Experienced in the safety and health labour inspection system in their own jurisdiction.
- 9** Has at least 10 years of safety and health labour inspection experience.
- 10** Possesses good communication skills including being able to communicate in English.
- 11** Understands protocols for working in different cultures.
- 12** Able to work collaboratively in a self-managed international peer group, noting that the team produces its report without secretarial assistance.
- 13** Able to commit the necessary time for the whole assessment process; including Phase (I) assessment and Phase (II) on-site visit, as well as pre-visit preparations and post-visit report writing. The entire process is estimated to take about 7 months.
- 14** Familiar with the IALI International Benchmarking on OSH Regulation, its assessment protocol and compliance requirements, as well as the reporting requirements.
- 15** Prepared to contribute feedback to improve the assessment process.
- 16** Has experience participating as an observer for at least 1 previous assessment or other relevant experiences.
- 17** Has no conflict of interest with the labour inspectorate to be assessed.

Desirable Criteria

18 Able to communicate in the language of the jurisdiction being assessed.

19 Available to act as a team member for at least three years.

ASSESSMENT TEAM BEHAVIOURS

20 During the Phase (II) on-site joint visits with inspectors, the assessment team members should be non-participatory observers.

21 Team members should refrain from making comments on the procedures or outcomes during the visits and only comment on the overall findings at the closing final meeting between the Director of the labour inspectorate and the assessment team, at which the team gives informal feedback on their conclusions and recommendations.

22 When necessary and in order to achieve complete coverage of different industries and/or types of inspections, the assessment team should consider splitting up to accompany different joint visits with inspectors according to the individual specialisation of the team members.



INTERNATIONAL BENCHMARKING

ON OCCUPATIONAL SAFETY AND HEALTH (OSH) REGULATION

QUESTIONNAIRE

INTRODUCTION

This questionnaire for evaluating the policies and practices in occupational health and safety inspection was based largely on the “Questionnaire for evaluating the policies and practices in occupational health and safety inspection” produced and published by the Senior Labour Inspectors Committee (SLIC) of the European Union.

The questionnaire is intended to be a tool to check the extent of different countries’ adherence to IALI’s International Benchmarking on OSH Regulation. Since it is well-recognised that there are wide variations in different countries’ inspection systems in their field of responsibility and their organisation, the Questionnaire is intended to provide a framework for the systematic and consistent analysis of each country’s inspection system, policies and practices, in the context within which the Labour Inspectorates (LI) operate.

The completion and submission of this completed Questionnaire to IALI’s nominated assessment team constitutes Phase (I) of the assessment under the International Benchmarking on OSH Regulation. The assessment team will then assess the completed Questionnaire and generate a preliminary assessment report which recommends whether continuation of the assessment to Phase (II) is worthwhile. The outcome of this Phase (I) assessment will be one of the following:

- Agreement to proceed to Phase (II);
- Requests for further information and/or clarification; or
- A decision that progress to Phase (II) is not appropriate due to issues identified during Phase (I) which needs addressing

The Questionnaire is structured in three parts – (i) the Overview, (i) the Essential Requirements, and (iii) the Desirable Features. The full text of an essential requirement or desirable feature precedes the question to which it relates with a corresponding numbering system. The Questionnaire is not intended to require the repetition or duplication of information found elsewhere. Hence, if up-to-date information is given in the internal annual reports of countries, then this material can be referenced and attached to the questionnaire (if this material is available in English or the agreed language of the assessment).

Please note that the assessment team may seek additional supporting information (e.g. annual reports, current plan of work, details of the main legislation in relation to workplace health and safety, etc) to clarify any information in the questionnaire. The submitted information may also be amplified and clarified during the assessment team’s visit to the host country should the assessment proceed to Phase (II). Therefore, the information provided in response to a question should be specific and proportionate. The answer should not be so comprehensive as to place an unwarranted burden on those completing the questionnaire, nor on those reading the answer.

LIMITS OF EXERCISE

1

The scope of this Questionnaire is limited to occupational health, safety and welfare only. It excludes wages inspection, industrial relations, etc.

2

This applies to state regulatory systems only and consideration of the functions of LIs within the limits of that context, **but** includes the work of bodies other than the LI who perform an inspection function.

3

This excludes the work of emergency services (ambulance, fire brigade, police) and environmental protection, occupational and public health services, radiation, electricity, gas agencies etc, but the assessment of the Inspectorate should include the communication and co-operation which takes place with these other agencies.

OVERVIEW: ESSENTIAL REQUIREMENTS

2. *It is an essential pre-condition for the effective exercise of the Labour Inspection function in relation to the International Benchmarking on OSH Regulation (set out below) that arrangements are in place in a country to:*

i *ensure that there is an effective legislative framework for the regulation of health and safety in the workplace;*

ii *establish their strategies for occupational health and safety within an overall approach to working conditions, indicating what they wish to achieve and over what period. The strategies should be transparent to the social partners and should take into account the ILO Labour Inspection Convention, 1947 (No. 81) and ILO Occupational Safety and Health Convention, 1981 (No. 155) as applied to Health and Safety Labour Inspection, the IALI Global Code of Integrity, the IALI International Common Principles for Labour Inspection, and national and local expectations, needs and priorities;*

iii *maintain or develop institutions and mechanisms for the enforcement of relevant national law, which, in certain cases, may include specialist support services, the police, and the legal and court systems, upon which LIs depend for the effective and efficient discharge of their responsibilities. These institutions should be sufficiently resourced to discharge the duties expected of them by the national and regional strategies;*

iv *establish effective relationships between ministries, organisations and institutions with a direct or indirect involvement in occupational safety and health, to align strategies, share expertise and coordinate action;*

v *establish effective relationships with the social partners to draw on their expertise, take account of their priorities and secure their support;*

vi *collect, collate, analyse and publish information about health and safety performance gathered at national, regional, sector of activity, and, where appropriate, company and workplace level; and*

vii *encourage employers and workers to take positive action to bring about higher standards of occupational health and safety, and to provide appropriate information and guidance to help employers and workers comply with the law.*

QUESTIONS

2. Please describe the context in which labour inspection operates in your country. The answer to this question should help an outsider understand the organisation of the LI, and its position in the government and in the health and safety system as a whole. Please bear in mind that the philosophies underlying approaches to labour inspection can also vary between countries, and identify for future discussion any aspects of your own approach which might be considered unusual in other countries. Give background information on any relevant social, economic and technological issues and factual information and data, for example employment figures in different sectors, accidents and cases of ill health reported, enforcement action taken, and number of labour inspectors. Please provide an up-to-date organisation chart.



Describe the national and/or regional legislative framework for the regulation of health and safety in the workplace in your country.

(Please keep within 500 words)

ii

Describe the main features of your national and/or regional strategies.

(Please keep within 500 words)

iii

Describe the scope of the LI, in terms both of its sectorial and functional responsibilities. Explain how the LI relates to other parts of the health and safety and legal systems, and how resources are deployed.

(Please keep within 500 words)

iv

Explain how the LI relates to the wider governmental and health and safety systems and how their activities are co-ordinated.

(Please keep within 500 words)

v

Describe the involvement and role of the social partners in establishing the national or regional strategies for health and safety, and how they are involved at sector or workplace level.

(Please keep within 500 words)

vi

Describe national health and safety trends, in terms of cases of accidents and ill health, and the national priorities (sector or topic) derived from these statistics. Mention any known regional variations from the national priorities. Give details of enforcement action taken.

(Please keep within 500 words)

vii

Explain the LI's role in stimulating action on health and safety; how it assesses the need for information and guidance, how such guidance is made available; and the role of the social partners in this work.

(Please keep within 500 words)

OVERVIEW: DESIRABLE FEATURES

3. There are a number of other aspects which may be relevant if improvements to health and safety are to progress and move forward in line with the ILO Labour Inspection Convention, 1947 (No. 81) and ILO Occupational Safety and Health Convention, 1981 (No. 155), the IALI Global Code of Integrity, the IALI International Common Principles for Labour Inspection, and in relation to the desirable features (see paragraph 6). To take account of these aspects, countries should:

- i ensure that the strategies referred to in 2(ii) incorporate as part of their purpose, the constant improvement in the quality of work and in well-being at work in physical, mental and social terms;
- ii establish or strengthen effective relationships between ministries, organisations and institutions with a direct or indirect involvement in well-being at work, rehabilitation, public health, employment policy, and with other policies pursuing protection objectives, to align strategies, share expertise and coordinate action;
- iii ensure that the allocation of resource reflects the needs of the developing national or regional strategies;
- iv agree clear coordination arrangements for securing necessary change and development;
- v emphasise the importance of social dialogue in the development of the broad strategy;
- vi expand the scope of occupational health and safety legislation to include all employees;
- vii consider how the risks to self-employed persons can be built into national and regional strategies;
- viii consider how the requirements which relates to risk to members of the public from work activities can be applied through the labour inspection system; and
- ix promote a prevention culture throughout the educational system.

QUESTIONS

3

Provide a short description of how your country is already meeting or intends to meet, the expectations of the desirable features, using the individual issues in paragraph 3 as a framework. Explain your priorities in taking forward the new strategy. Indicate where you see particular opportunities for quick progress and where you see particular challenges or problems.

(Please keep within 500 words)

THE ESSENTIAL REQUIREMENTS

4. *The essential requirements, whose application is vital in all countries, concentrate on the implementation and enforcement of national legislation. To ensure that effective implementation and enforcement is delivered at operational level, LIs must:*

Planning and monitoring

i

prepare annual plans of work setting out the priority areas for action for the year and detailing the inspection and other programmes that will be necessary to deliver the plans;

ii

set up systems for monitoring progress against the annual plan, and for establishing the data needed for reporting in accordance to Article 21 of the ILO Labour Inspection Convention, 1947 (No. 81); and

iii

be notified of industrial accidents and cases of occupational disease as prescribed by national laws or regulations.

QUESTIONS

4(i)

If the current national plan is available in English or the agreed assessment language, please provide copies. If planning is a regional matter then please provide copies of the regional plans (again if available in English or the agreed assessment language) for two diverse regions — preferably for regions likely to be visited by the assessment team. If plans are not available, then please summarise the national/regional priorities and how these will be delivered.

(Please keep within 500 words)

4(ii)

Explain how progress against plans is monitored, and explain any regional differences if planning is a regional matter.

(Please keep within 500 words)

4(iii)

Explain how the LI is kept notified on industrial accidents and cases of occupational disease as prescribed by national laws or regulations, and explain any regional differences if any. Also explain any discrepancies between data of different government agencies, if any.

(Please keep within 500 words)

Inspectors' competencies and independence

- iv** *define and document the responsibilities and reporting structure of the organisation;*
- v** *ensure that men and women are eligible for appointment as inspectors; that inspectors have the appropriate qualifications; that they are competent to undertake their responsibilities; and that they receive the training, instructions and information necessary for them to carry out their work in the safest possible conditions;*
- vi** *ensure that inspectors are able to obtain specialist, technical, scientific, legal, methodological and other support to assist them in carrying out their duties;*
- vii** *ensure that inspectors are impartial, that they are independent of inappropriate external influences and of the companies or organisations which they inspect, and that they do not undertake other duties which may interfere with their primary responsibilities;*
- viii** *ensure that inspectors are provided with suitable offices and transport facilities, and are reimbursed for any necessary expenses they incur in carrying out their duties; and*
- ix** *perform health and safety labour inspections itself under normal circumstances. Where LIs subcontracts any part of the inspection, it must ensure and be able to demonstrate that the subcontractor is competent to perform the activities in question.*

QUESTIONS

4(iv)

Supplement the submitted organisation chart (ref. para. 2), with explanations on the responsibilities/authorities of different parties and the reporting structure of the organisation.

(Please keep within 500 words)

4(v)

Explain how inspectors are appointed and trained and how fairness in terms of gender and race is built into the selection process. Explain the grading of inspectors and give their numbers by grade, and by gender. Include in this answer assistant inspectors, technical officers and ‘controllers’ and explain their role and their relationship with inspectors.

(Please keep within 500 words)

4(vi)

Explain how inspectors obtain specialist support, and give similar details to 4(v) where this support comes from within the LI.

(Please keep within 500 words)

4(vii)

Explain how the independence of inspectors is assured, and detail other duties which they undertake, in addition to their health and safety responsibilities.

(Please keep within 500 words)

4(viii)

Describe the work arrangements for inspectors and how they are expected to travel to undertake their responsibilities. Detail the expenses they may claim and how this is done.

(Please keep within 500 words)

4(ix)

Explain if any health and safety labour inspections are subcontracted to third parties. If so, describe the procedures in place to ensure the sub-contractors' competence to perform the activities in question.

(Please keep within 500 words)

Effectiveness of Labour Inspectorate

- x** *ensure that the number of labour inspectors is sufficient to secure the effective discharge of the duties of the LI;*
- xi** *make available suitable and adequate facilities and equipment to permit all activities associated with the inspection activities to be carried out in a competent and safe manner; and*
- xii** *ensure that inspections of workplaces by inspectors can take place in the safest possible conditions. Countries must take appropriate measures to ensure protection against violence of any kind, especially by prior assessment of risks, and they must make all the necessary legal and administrative arrangements for providing support and follow-up in the case of such events, in terms of both legal assistance and psychological care.*

QUESTIONS

4(x)

Describe the process for allocation of labour inspections to labour inspectors, and the number of labour inspections versus the total number of workplaces under the LI's jurisdiction. Explain how is manpower resourcing for the LI determined.

(Please keep within 500 words)

4(xi)

Describe the coverage of the labour inspections in terms of industries, functions, and risks/potential hazards. Explain how inspectors obtain suitable and adequate facilities and equipment to permit all activities associated with the inspection activities to be carried out in a competent and safe manner.

(Please keep within 500 words)

4(xii)

Describe the main arrangements you have made to ensure, at national or local level, that inspectors can perform their tasks in the safest possible conditions. Describe the risks of violence facing inspectors. Describe the measures taken to provide support, follow-up and care should inspectors fall victim to violence.

(Please keep within 500 words)

Inspectors' powers

xiii

ensure that inspectors are given the powers necessary to carry out the duties assigned to them. These should include in particular the powers:

- *of entry to workplaces without notice;*
- *to carry out inspections and investigations at the workplace;*
- *to require employers and employees to supply information relevant to an inspection or investigation;*
- *to examine records and reports relevant to health and safety at the workplace;*
- *to apply, or to arrange the application of, sanctions when these are deemed to be necessary;*
- *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;*
- *to require the remedying of defects observed in plant, layout or working methods which they may have reasonable cause to believe constitute a threat to the health and safety of the workers; and*
- *to require the stoppage of working activities in the case of serious risk. In some countries this serious risk must also be immediate – in others the serious risk may be delayed, as in the case of latent health effects.*

These powers should be exercised taking full account of the confidentiality of personal medical data, economic information, employees' complaints and manufacturing secrecy.

QUESTIONS

4(xiii)

Summarise the powers of inspectors covering in particular the powers listed above and specify how these powers are derived. Describe any other powers inspectors have which help them carry out their duties and explain any qualifications or exceptions that are placed upon the use of inspectors' powers. Describe what difficulties inspectors face in using their powers, what sanctions can an inspector use personally, and at what level do these have to be approved. Describe what other sanctions are available to the inspector if proposed through the legal system, or otherwise.

(Please keep within 500 words)

Guidance for inspectors

xiv

set out in writing the approach to be taken by inspectors at visits to workplaces and indicate the action which should be taken in particular circumstances; and

xv

maintain a documented process to receive, evaluate, and make decisions on complaints and appeals arising from inspections.

QUESTIONS

4(xiv)

Explain how guidance for inspections is prepared, administered and quality assured. Describe the range of guidance available on:

- hardware/technical issues;
- techniques of inspection;
- the selection and management of inspections;
- action to be taken in particular circumstances — in particular in relation to the use of sanctions.

Please comment on the overall approach to the use of discretion by inspectors; that is, are inspectors expected to follow closely the guidance they are given, or are they expected to act flexibly and interpret the guidance in particular circumstances? To what extent does the use of discretion vary according to the guidance topic?

(Please keep within 500 words)

4(xv)

Explain how complaints and appeals arising from inspections are handled. Describe the process to receive, evaluate, and make decisions on such complaints and appeals.

(Please keep within 500 words)

Internal communications

xvi

ensure that good communication links exist to enable issues of good practice and areas for improvement to be brought to the attention of other inspectors, policy makers and legislators, especially through the use of a suitable information system.

QUESTIONS

4(xvi)

Describe the internal communications arrangements in the LI. How is information communicated up, down and across the organisation? What influences the use of face-to-face or verbal communications, written communications or electronic communication? How widespread amongst inspectors is the use of e-mail and access to the world-wide internet, to a LI 'intranet' or other information system?

(Please keep within 500 words)

INSPECTION

5. *The approach to be taken during an inspection must include a physical examination in the workplace of working practices, standards and conditions, and discussion with representatives of the employer and with workers and/or their representatives. It is important when investigating work-related accidents or cases of ill-health that whenever necessary and possible, the person affected is interviewed. Within the essential requirements, examination and discussion should be focussed on ensuring compliance with applicable national legislation. Following an inspection, the inspector must be in a position to take appropriate action, based on the legal powers of the inspector as assigned. Such action may include the use of sanctions which the inspector is empowered to use. The priorities for inspection will be based on the country's relevant national law and should include:*

Planning and monitoring

i *to judge whether the employer's policy for health and safety is directed to ensuring the health and safety of his employees;*

ii *to judge whether the organisation and arrangements the employer has introduced for securing health and safety are likely to lead to the identification, rectification and prevention of deficiencies. This will include the employer's arrangements for identifying hazards and for assessing risk;*

iii *in particular to make assessments of the employer's arrangements for:*

- *the effective planning, organisation, implementation, control, monitoring and review of the protective and preventive measures at the workplace;*
- *securing advice and assistance on health and safety matters;*
- *dealing with emergencies; providing the employees and/or their representatives with comprehensible and relevant information;*
- *training the employees in health and safety;*
- *ensuring consultation with the employees and/or their representatives on matters relevant to health and safety;*
- *ensuring that the arrangements in place effectively protect workers against the identified risk.*

iv *to provide guidance to employers and workers so as to help them to comply with legal obligations*

QUESTIONS

5

This section of International Benchmarking on OSH Regulation is concerned with how inspectors go about their work. The answers to the earlier questions about planning, training, competence, powers and guidance will help establish in the framework for inspection visits to the workplace. This section concentrates on inspection to ensure compliance with national law. However, please comment if there are other aspects of the approach to inspection which are important in your country.

(i)-(iv). Describe how a typical inspection is carried out, and how a typical accident or case of ill health is investigated. Please note that how inspectors ensure compliance with the law will principally be examined and assessed during the on-site Phase (II) assessment during the joint visits of the assessment team members with inspectors, but the intention for this question is to help prepare the assessment team as well as determine if there are any fundamental gaps.

(Please keep within 500 words)

Action taken by the inspector as a result of the inspection

With respect to the employer

v to decide what action is necessary and take the required measures to secure compliance with legal provisions and acceptance of supporting guidance; such action includes advice (both written and verbal); the issue of an order requiring the immediate stoppage of work, or improvements by a specified deadline; the issue of an administrative fine/penalty (either directly or through the appropriate authority); or a referral to the prosecuting authorities.

With respect to the employees

vi to ensure that workers representatives are informed about the inspector's conclusions, and that any written reports given to the employer, are made available to the workers representatives, who should also be informed of the responses given by the employer. Such reports should not include information confidential either to the employer or employees (see paragraph 4(xiii) above).

With respect to other organisations

vii to decide whether liaison is necessary with other enforcing bodies who may have responsibility under national legislation for matters such as the protection of public health, consumer or environmental protection, or fire safety.

With respect to records kept for internal LI use only

viii to make a written record of the inspector's decisions and action, which may include information on:

- core data, characteristics and identification of the employer and the organisation and arrangements for health and safety in place at the workplace;
- standards of health, safety and working conditions noted at the workplace and an indication of the level of compliance with the relevant legal provisions;
- hazards identified by the inspector and an assessment of these risks;
- advice given or formal enforcement action taken by the inspector
- an assessment of the scope for improvements in health, safety and working conditions, and whether these improvements that have already been made are likely to be maintained. This may include the measures that the employer has proposed to the workers representatives, to improve and maintain standards of health and safety.

QUESTIONS

This section is concerned with the action taken as a result of the inspection and how this action is communicated externally to the social partners and other organisations and internally.

5(v)

Describe the overall pattern of action to ensure compliance, e.g. the proportion of visits which result in no action being taken, or which result in advice, issue of orders or notices, or prosecution actions. Describe the range of possible enforcement actions available to the inspector and how different actions are determined for different non-compliances or inspection observations.

(Please keep within 500 words)

5(vi)

Describe the extent to which worker representatives are present in workplaces, and the practicalities of communicating the inspector's conclusions with representatives.

(Please keep within 500 words)

5(vii)

Describe the typical patterns of communication with other enforcing bodies. Under what circumstances does this take place and how?

(Please keep within 500 words)

5(viii)

Describe how internal records of inspections are organised and stored, including

- How are employer records structured? By company group, by company, by site address?
By what methods are employers' records stored? On paper; electronically; a mixture of both?
How do inspectors get access to these records?
- How are records kept for contractors, who may operate on a number of temporary sites?
- How are records accessed nationally, and across regional boundaries?

Please attach a few representative examples of real inspector records and comment on the extent to which these records meet or exceed the recommendations of paragraph 5(vii).

(Please keep within 500 words)

THE DESIRABLE FEATURES

6. The desirable features address the broader aims of achieving improvements in the labour inspection regime within a country. Some will already be a reality in some LIs; some will be aspirational in many LIs. While it is important to maintain the priority for those functions concerned with enforcement of the law, which only labour inspectors can perform, it is also vital to improve worker protection by the application of the desirable features. It is therefore important that countries take action to:

i

develop better understanding of the integrated, holistic approach, to encourage an open-minded culture in the LI and make inspectors more aware of the role they can play in the promotion of well-being at work;

ii

encourage the development of partnership working between the LI and other stakeholders who can influence the well-being at work approach;

iii

ensure that work plans and priorities take into account the changing economy, changing patterns of employment and their influence upon health and safety issues and priorities;

iv

ensure that inspectors are suitably trained in the emerging issues, and that specialist support is aligned with the changing priorities and perspectives;

v

develop systems for monitoring inspection processes, techniques and activities, which take into account international approaches to quality management.

QUESTIONS

6(i)

Describe any steps you are taking to develop inspectors' knowledge of the benefits of a more integrated approach and encourage a change of culture towards a concern for well-being at work.

(Please keep within 500 words)

6(ii)

What opportunities do you see for partnership working; that is, for agreeing common aims with other organisations, and developing a shared action plan? Are there tensions between the enforcement role of labour inspectors and the engagement of inspectors in collaborative work, and if so, how do you deal with these?

(Please keep within 500 words)

6(iii)

What are your priorities in relation to the effects of the changing economy? How do you rationalise the impact of new demands upon LI resource while continuing to serve current expectations or commitments?

(Please keep within 500 words)

6(iv)

How are emerging issues built into the training of inspectors? Have you adjusted the type of available specialist support to reflect changing demand, and has this been reflected in the numbers of specialists in your organisation or country?

(Please keep within 500 words)

6(v)

How far have you gone in developing quality assurance of inspector activity? Give examples of any areas you have progressed effectively, and areas where you have found challenges.

(Please keep within 500 words)

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