



Organización
Internacional
del Trabajo



Iniciativa Regional
América Latina y el Caribe
Libre de Trabajo Infantil

INTRODUCTIONS

Resel Melville
ILO Project Coordinator
Regional Initiative
December 2022



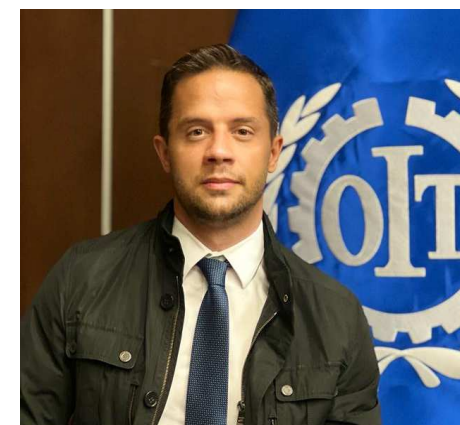
Durval Neto



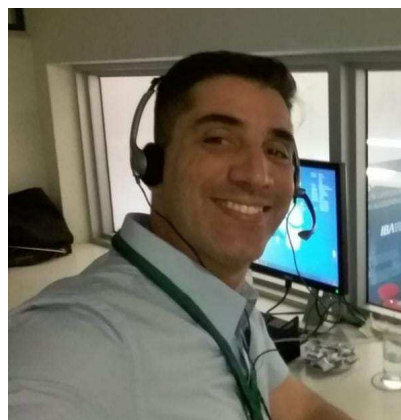
Virgilio Pires



Monica Salmito



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Marcos Gambini



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Libre de Trabajo Infantil

KEY INTERNATIONAL LABOUR STANDARDS FOR LABOUR INSPECTION

The ILO Declaration on Fundamental Principles and Rights at Work

(Adopted at the 86th Session of the International Labour Conference (1998)
and amended at the 110th Session (2022))

- **All Members** have an obligation **to respect, to promote and to realize** ...the principles concerning the **fundamental rights**, namely:
 - (a) **freedom of association** and the effective recognition of the right to **collective bargaining**;
 - (b) the elimination of all forms of **forced or compulsory labour**;
 - (c) the effective abolition of **child labour**;
 - (d) the elimination of **discrimination** in respect of employment and occupation; and
 - (e) a **safe and healthy working environment**.

THE LABOUR INSPECTION CONVENTION, 1947

ILO Convention No. 81

Article 3 (1) The functions of the system of labour inspection shall be:

- (a) ...enforcement of the legal provisions relating to **conditions of work and the protection of workers...**, such as **provisions relating to hours, wages, safety, health and welfare, the employment of children and young persons**, and other connected matters,
- (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.

Article 5:The competent authority shall make appropriate **arrangements to promote:**

- (a) effective **co-operation between the inspection services and other Government services and public or private institutions** engaged in similar activities; and
- (b) **collaboration between officials of the labour inspectorate and employers and workers or their organisations**

THE LABOUR INSPECTION CONVENTION, 1947

ILO Convention No. 81

Article 12 and Article 13 Labour inspectors ...shall be **empowered**:

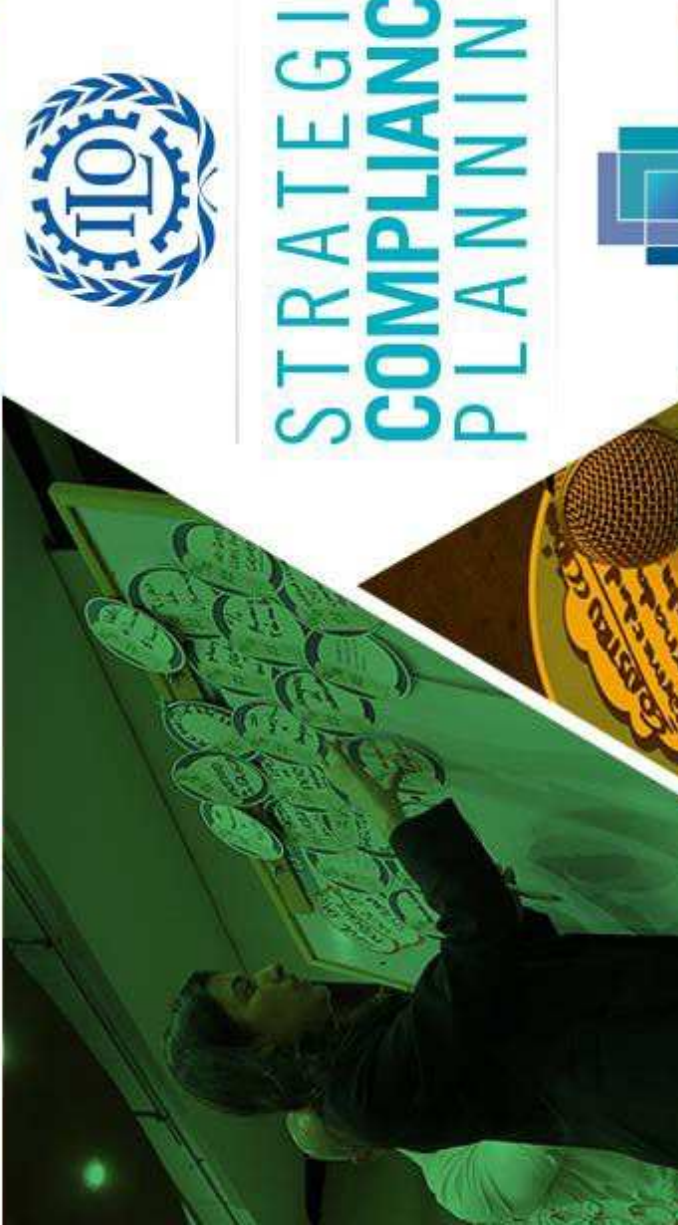
- To enter workplaces liable to inspection (freely and without previous notice)
- To interrogate employer or staff on issues relating to application of legal provisions
- To take steps aimed at remedying defects which they have reasonable cause to believe constitutes a threat to the health or safety of workers
- To appeal to a judicial or administrative authority to have orders made for the initiation of measures with immediate executory force.

Labour Inspection Recommendation, 1947 (No. 81)

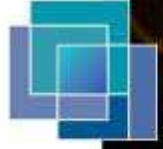
- Preventive duties of Labour inspection
- Collaboration with employers and workers on OSH
- Guidelines on content for Annual Labour inspections.

RELEVANT ILO CONVENTIONS/STANDARDS ON LABOUR INSPECTION AND LABOUR ADMINISTRATION

- Labour Inspection (Agriculture) Convention, 1969 (No. **129**)
- R133 - Labour Inspection (Agriculture) Recommendation, 1969 (No. 133)
- Labour Inspection (Seafarers) Convention (No. 178)
**Subsequently revised by the Maritime Labour Convention, 2000
- Protocol to the Labour Inspection Convention, 1947 (P081)
- Occupational Safety and Health Recommendation, 1981 (No. 164)
- R082 - Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82)



STRATEGIC COMPLIANCE PLANNING



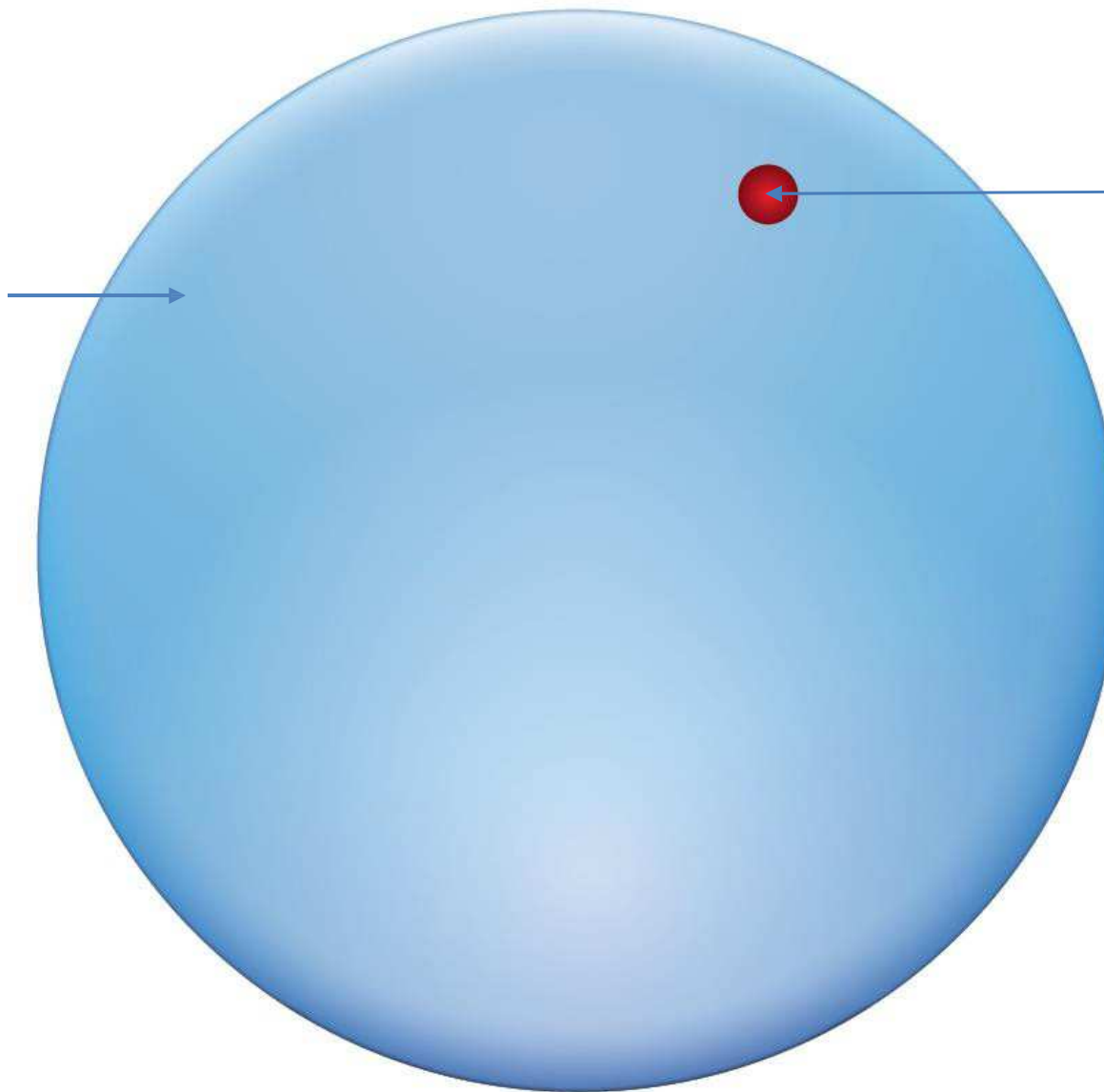
What can you do with a paper clip?



Traditional Enforcement Model

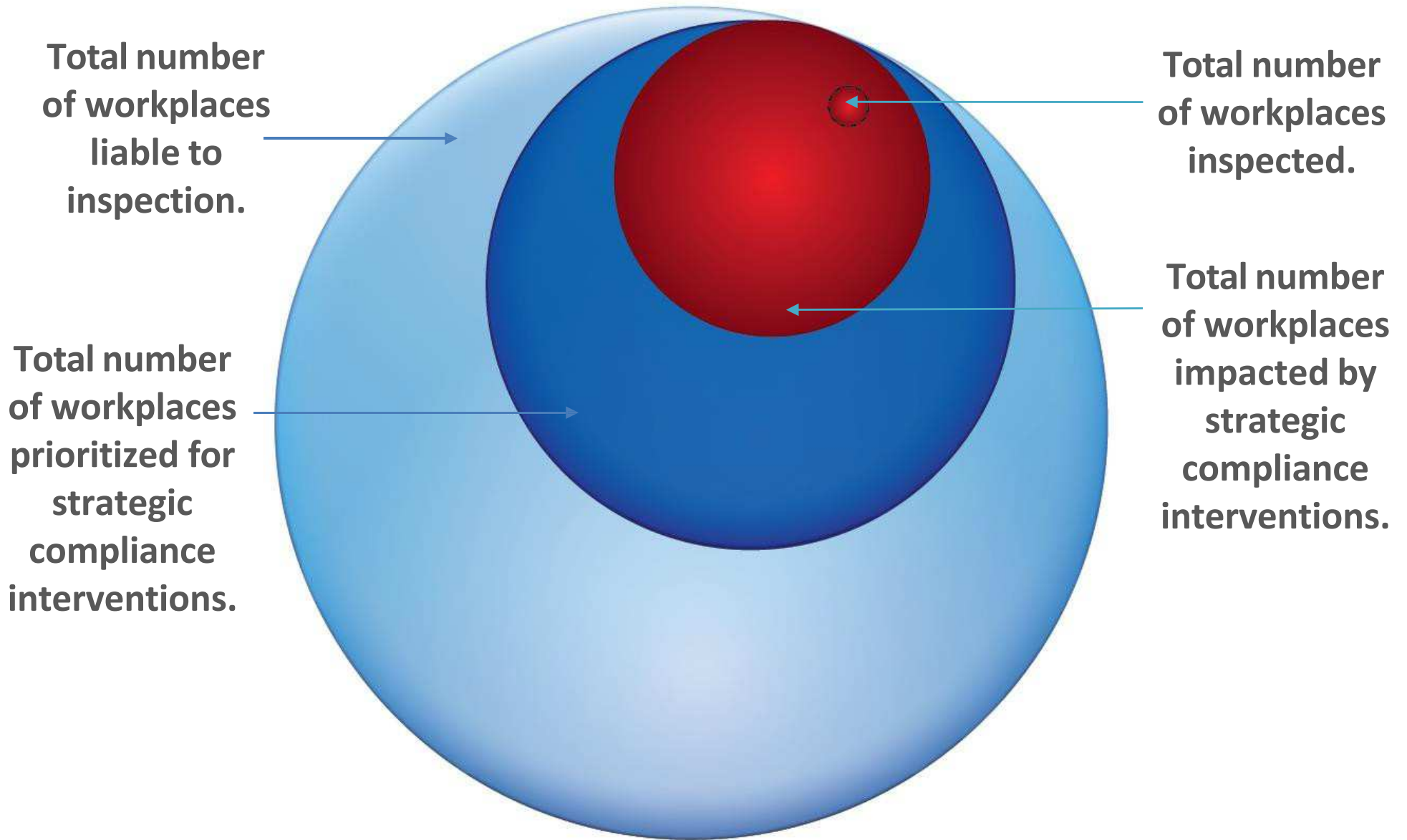


Total number
of workplaces
liable to
inspection.



Total number
of workplaces
inspected.

Strategic Compliance Model



Traditional Enforcement Model vs Strategic Compliance Model

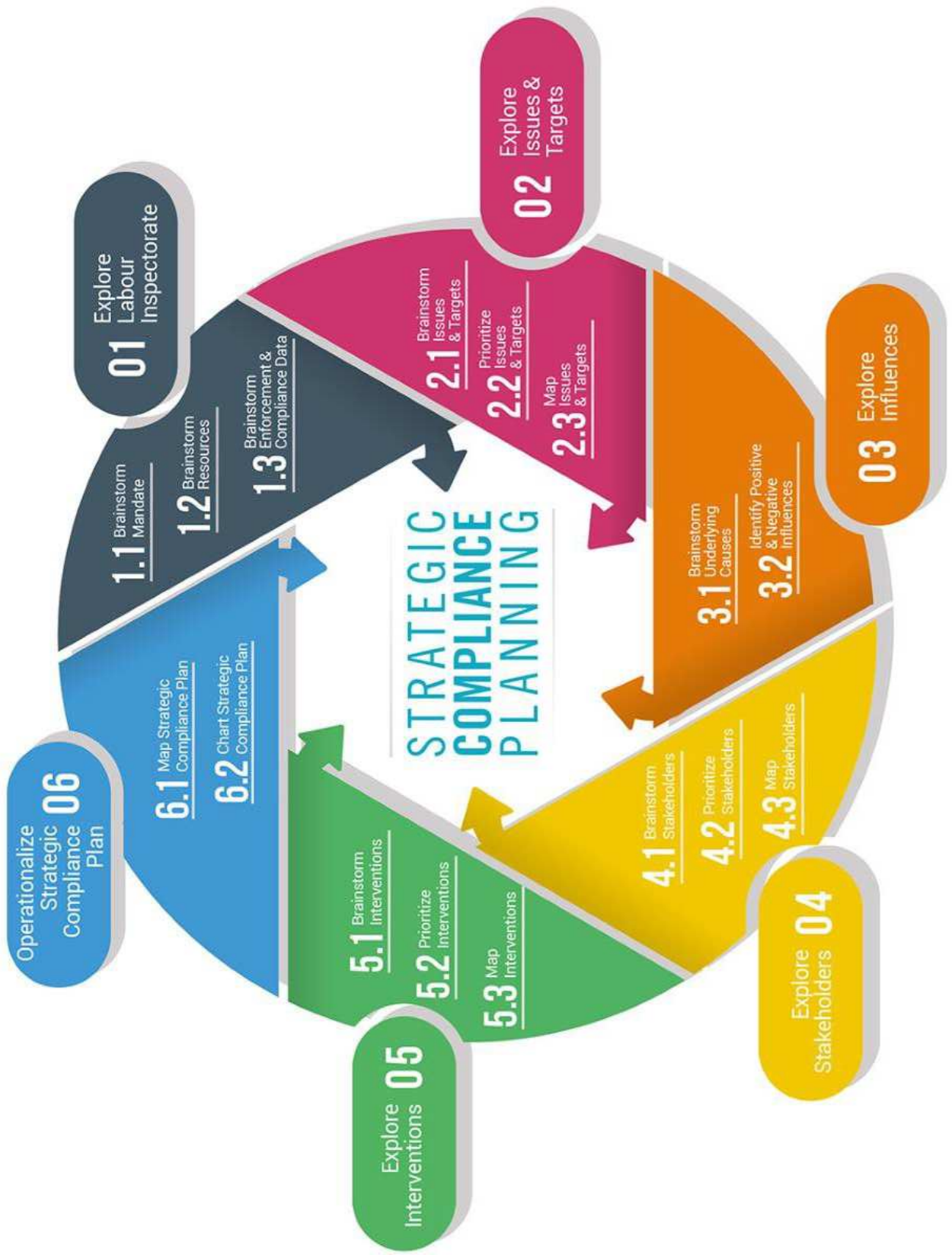


	Traditional Enforcement Model	Strategic Compliance Model
Aim	Enforcement	Enforcement + Compliance
Approach	Reactive (often complaint driven) and routine	Proactive (labour inspectorate driven), targeted, and tailored based on a diagnosis of the causes of non-compliance
Interventions	Enforcement Education Communication	Enforcement Education Communication Political Systemic
Stakeholders	Workers and their organizations Employers and their organizations	Workers and their organizations Employers and their organizations Government entities Non-governmental entities (...) Any and all others who can and should influence compliance
Implementer(s)	Labour Inspectorate	Labour Inspectorate + Stakeholders
Performance Measures	Effective and efficient enforcement	Effective and efficient enforcement and sustained compliance



Strategic COMPLIANCE Planning

- 01
- 02
- 03
- 04
- 05
- 06



1.1 Brainstorm Mandates

1.2 Brainstorm Resources

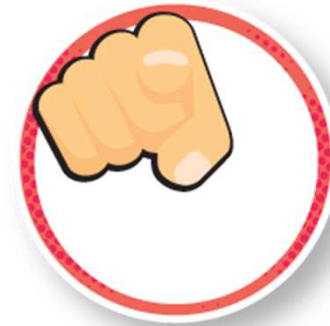
1.3 Brainstorm Enforcement & Compliance Data

01 Explore the Labour Inspectorate

**Explore
Labour
Inspectorate**

Legal:

- Obligations derived from laws, regulations, and case law.



Policy (Internal):

- Expectations derived from inspection plans, work plans, and performance indicators.

Political (External):

- Expectations derived from public agendas of the administration and political asks of stakeholders.



Brainstorm Resources



Operational:

- Powers held by the labour inspectorate such as administrative/criminal penalties, closure of workplaces suspension/revocation of licenses, and improvement notices with the force of law.



Human:

- Number of labour inspectors, existence of inspectors with specialized skills (specialists in OSH, industrial relations, gender, HIV/AIDS), and existence of support, communication, and education staff.

Financial:

- Available budget to transport inspectors to worksite visits, develop communication campaigns, and conduct internal or external training.

Technological:

- Electronic case management systems, applications, webpage/social media accounts, specialized equipment for OSH (e.g. noise meters).

Physical:

- Meeting rooms, vehicles, office supplies, call/reception centres, personal protective equipment.

Information:

- Interagency information sharing arrangements with other public agencies, information awareness materials, and contact lists for stakeholders (e.g. media, non-governmental entities, workers' and employers organizations, and counterparts in other public agencies).





Enforcement Data:

- **Quantitative** information about enforcement derived from internal sources such as number and types of complaints, inspections, infractions, and sanctions.

Compliance Data:

- **Qualitative** information about compliance derived from external sources such as studies or reports by third-parties (e.g. media, academics, and workers' and employers' groups).



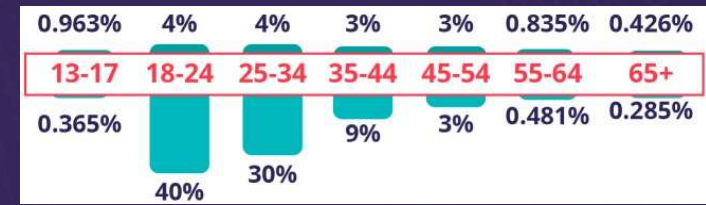


About Facebook Page Hosting the Chatbot

TRABAJO DECENTE
en la
Caficultura
MEXICANA



Average ages



Prioritized Municipalities



City	People reach
Oaxaca de Juárez, Oaxaca	35,753
Tuxtla Gutiérrez, Chiapas	14,981
Xalapa, Veracruz	10,498
Veracruz, México	7,996
Córdoba, Veracruz	7,478
Tapachula, Chiapas	6,866
Orizaba, Veracruz	5,936
Coatzacoalcos, Veracruz	5,232
San Cristóbal de las Casas	4,927
Comitan, Chiapas	3,745



Explore Targets

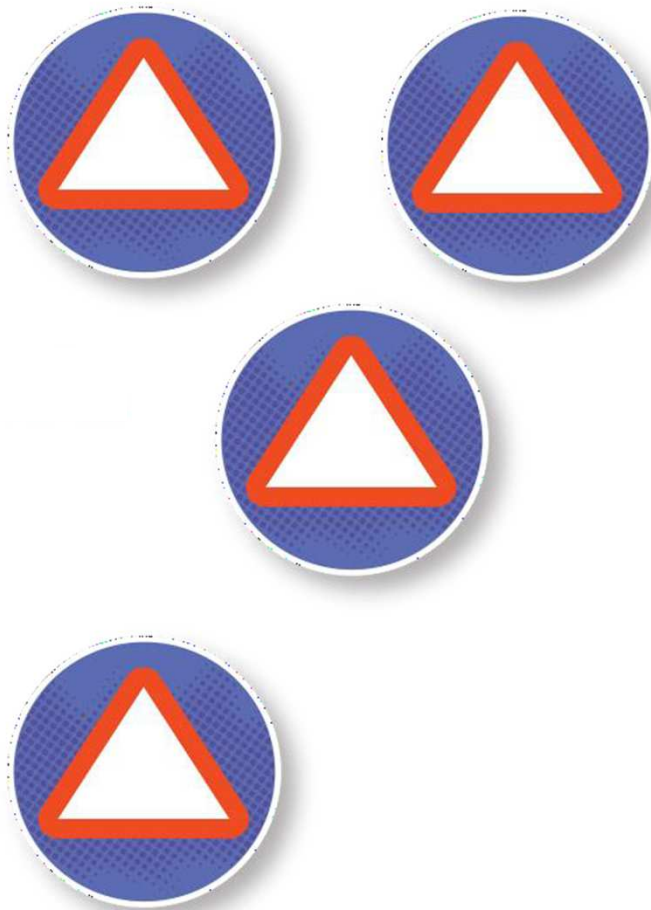
2.1 Brainstorm
Issues
& Targets

2.2 Prioritize
Issues
& Targets

2.3 Map
Issues
& Targets

02 Explore
Issues &
Targets

2.1 Brainstorm Target



Targets:

- Employers and worksites in priority regions, sectors, or business models (areas of greatest concern based on mandate and compliance data).

Prioritize Targets

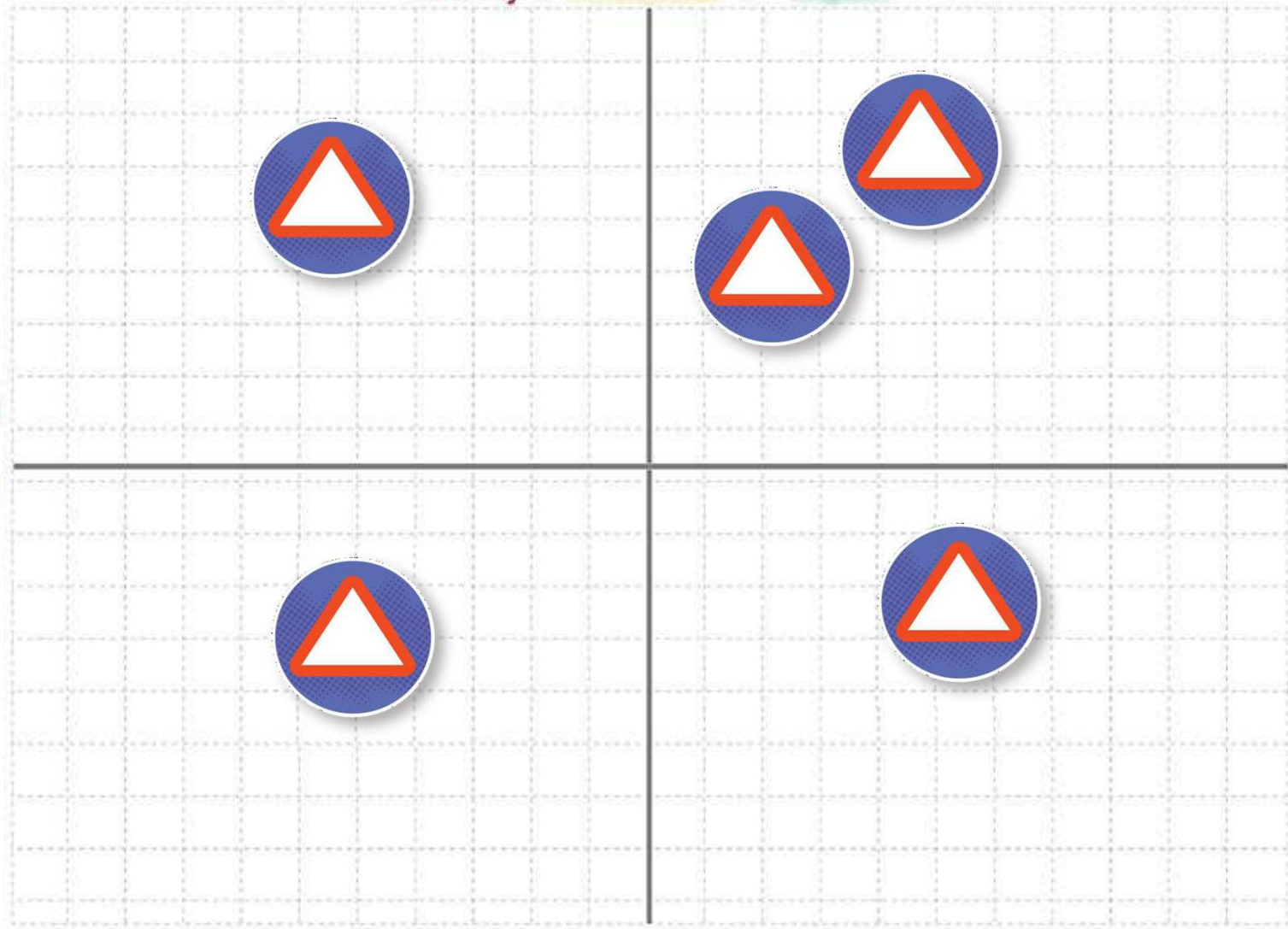


2.2 Priority / Compliance Matrix

High Priority / High Influence / High Impact

Low Violations

High Violations



Low Priority / Low Influence / Low Impact

2.1 Brainstorm Issues



Issues:

- Priority legal provisions enforceable by the labour inspectorate.
- areas of greatest concern based on mandate and compliance data-relating to conditions of work and protection of workers while engaged in their work

Prioritize Issues

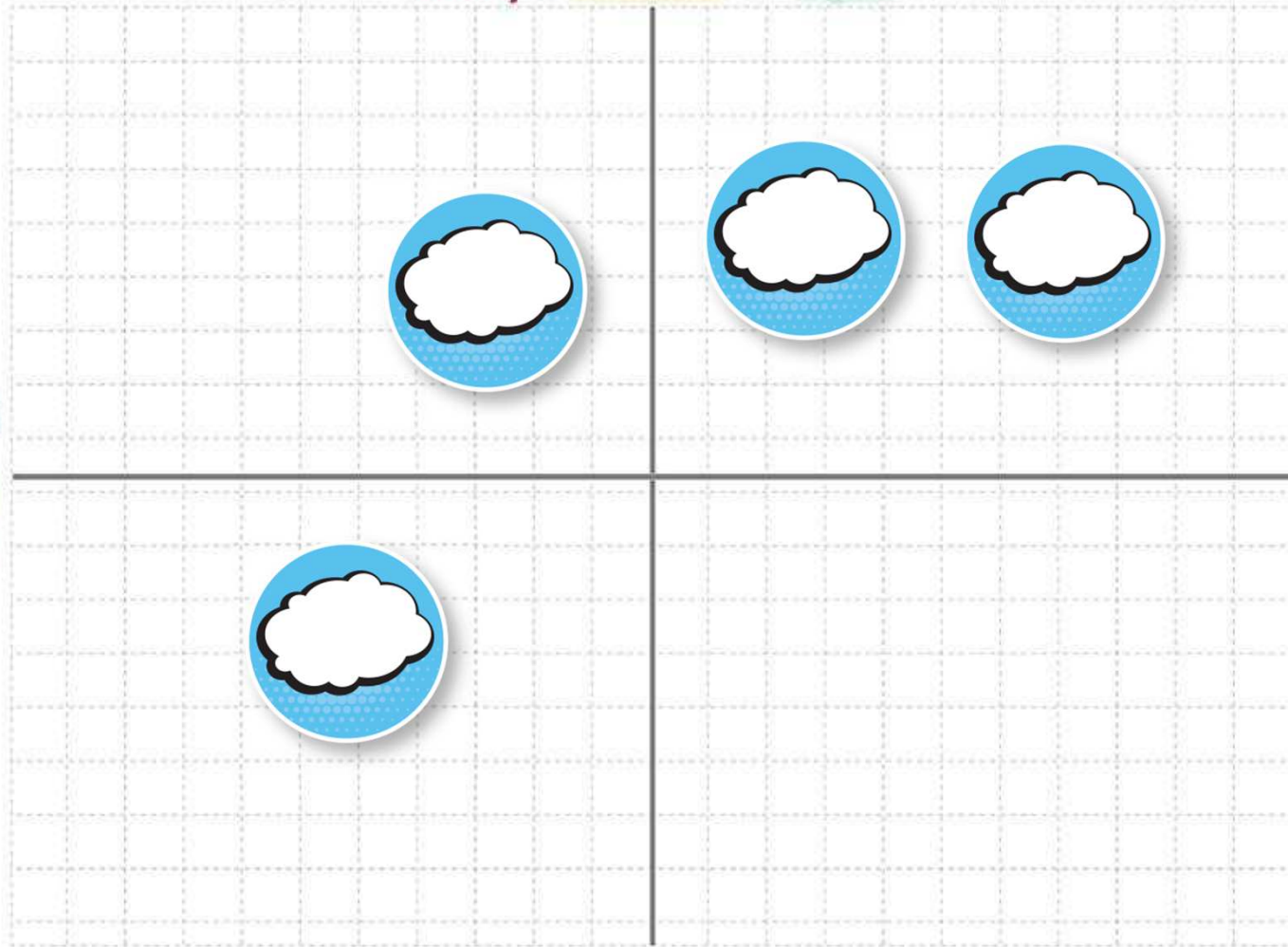


2.2 Priority / Compliance Matrix

High Priority / High relevance / High impact

Low Violations

High Violations

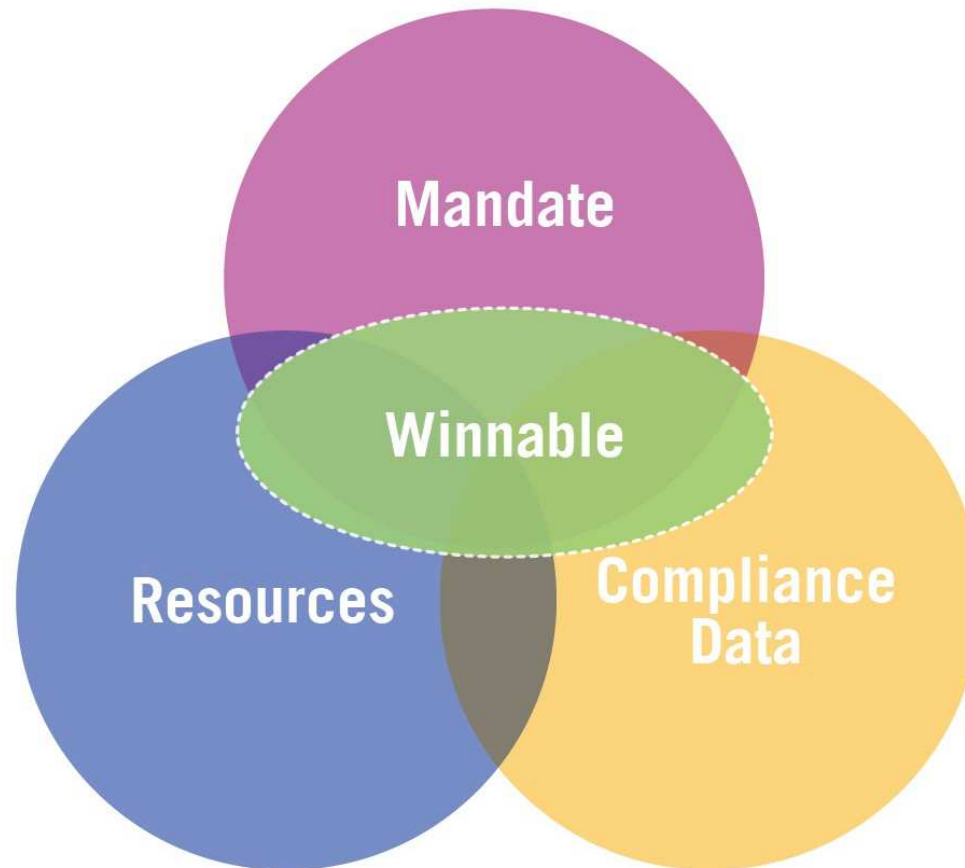


Low Priority / Low relevance / Low impact

Prioritize Issues & Targets



2.2 Venn of Success



3.1 Brainstorm
Underlying
Causes

3.2 Identify Positive
& Negative
Influences

03 Explore
Influences

Explore Influences

Just as a doctor must **diagnose** the **cause** or **causes** of an **illness** before prescribing a **treatment ...**

... the Labour Inspectorate must **diagnose** **influences** of **compliance** and **non-compliance** before prescribing a compliance intervention.

Why do enterprises comply?

- What influences have a positive impact on compliance?

Why don't enterprises comply?

- What influences have a negative impact on compliance?

Keep Asking Why



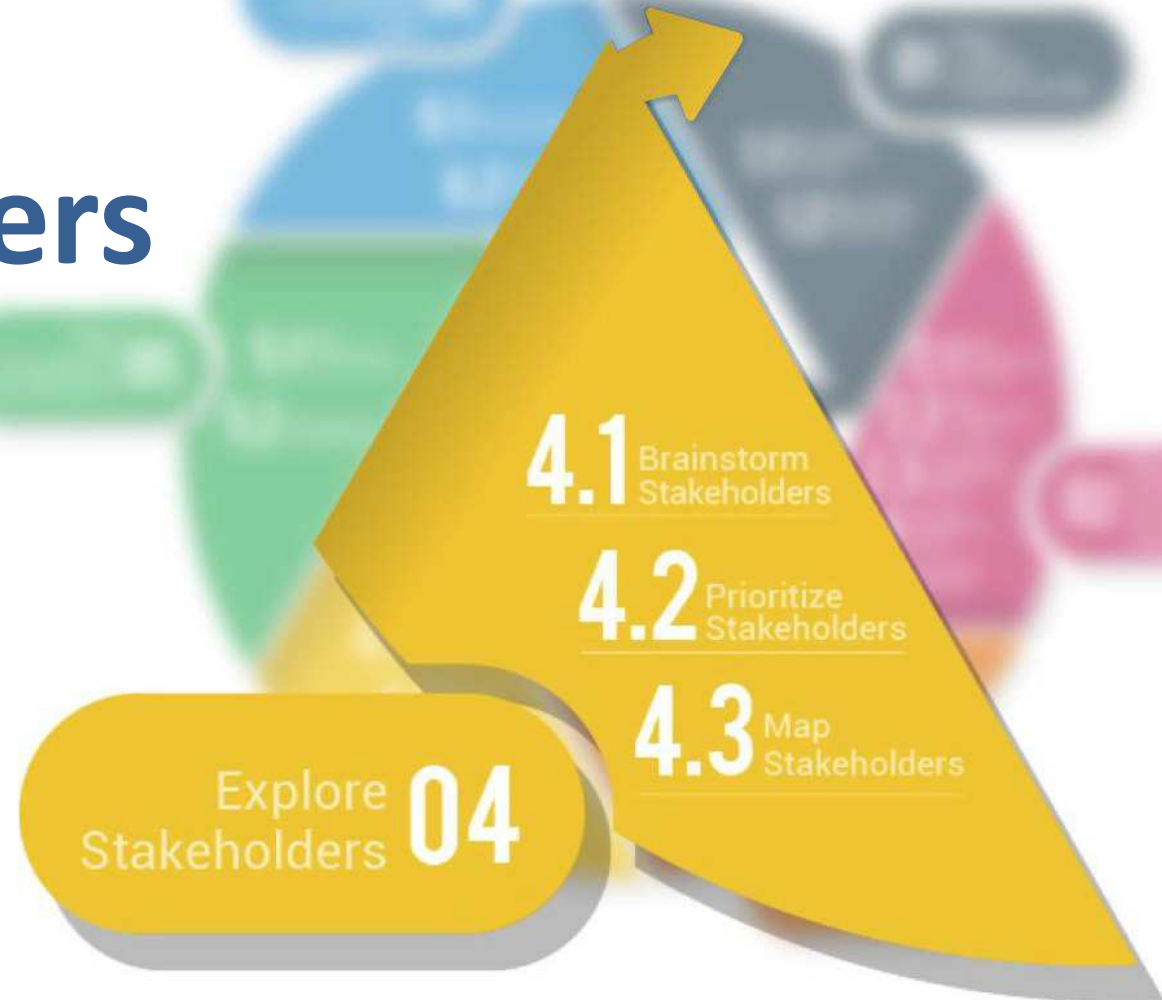
3.1 Keep Asking Why



Five vertical columns of question marks, each with a corresponding horizontal line for writing.

Five vertical columns of question marks, each with a corresponding horizontal line for writing.

Explore Stakeholders



Why do enterprises comply?

- Who wields or could wield the influence?

Why don't enterprises comply?

- Who wields or could wield the influence?

Brainstorm Stakeholders



Workers and their Organizations:



- Enterprise unions, sectoral unions, federations, confederations, guilds.

Employers and their Organizations:



- Chamber of commerce, national or international sectoral/industry groups, owners, key management personal.

Non Governmental Organizations:



- Community groups, women's groups, issue specific group (environment, vulnerable populations, rights based).

Government Entities



- Tax, social protection, environmental protection, licensing, and export authorities.

Media:



- Traditional media (radio, TV, internet) and social media (Facebook, Twitter).

(...):



- International organizations (WTO, World Bank, ILO, OECD), private compliance initiatives, certifiers, sources of raw materials, providers of services, buyers of end products, stakeholders, investors, lenders, political/community connections, and any other entity that does not fit in the other categories.

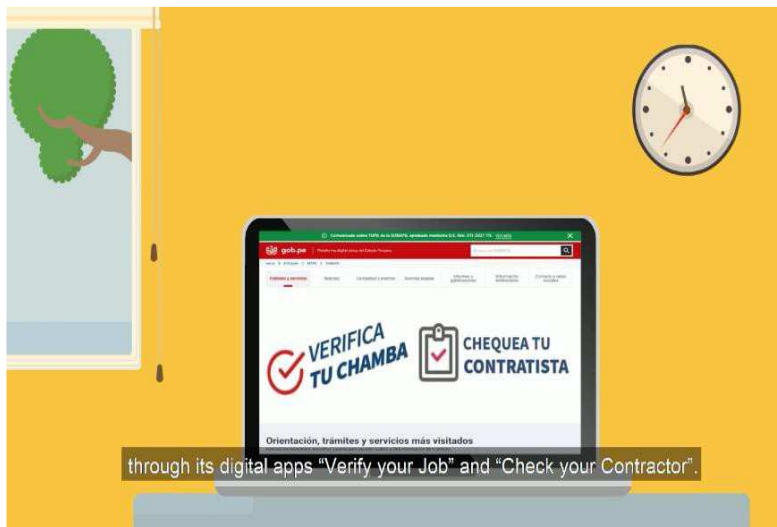
Verifica tu Chamba/Verifica tu Contratista



and this database allows for a more efficient intervention in labour inspection.

- ▶ Los empleadores cuentan con 10 días hábiles para inscribir a sus trabajadores
- ▶ Las alertas se emiten de manera anónima para que logre el registro de todos los trabajadores
- ▶ Si el empleador no cumple con registrar a sus trabajadores la SUNAFIL hace una visita a sus instalaciones
- ▶ Se exige el pago de la planilla por los meses que no se pagó
- ▶ La empresa queda en la lista de los infractores.

and the employer is registered in the system as an offender.



through its digital apps "Verify your Job" and "Check your Contractor".

▶ Trabajo Decente

Labour inspection is essential to ensure compliance with labour laws, for the promotion of decent work, and for advancing social justice.

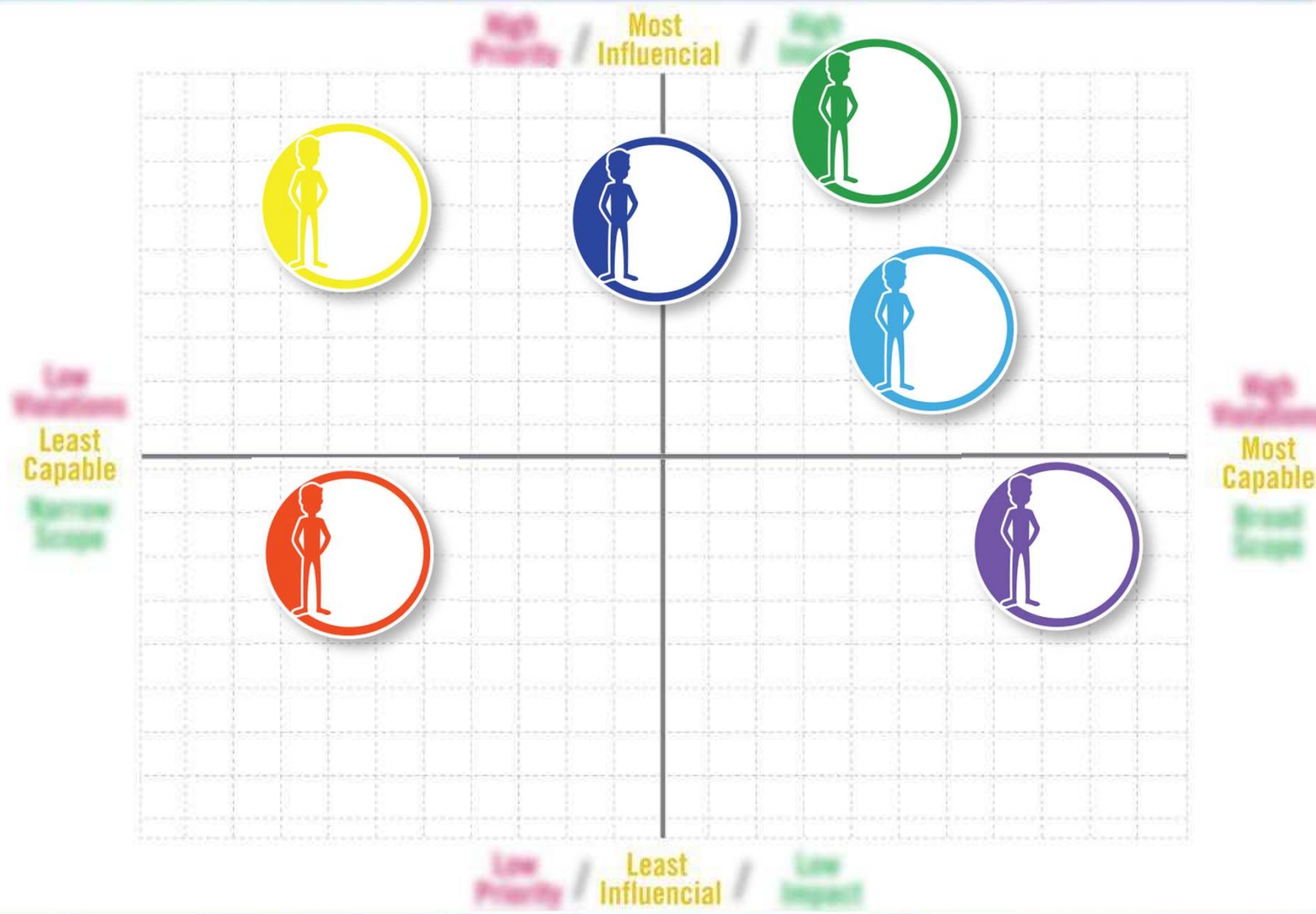
Prioritize Compliance Interventions



22 Priority Compliance Matrix

4.2 Influential / Capable Matrix

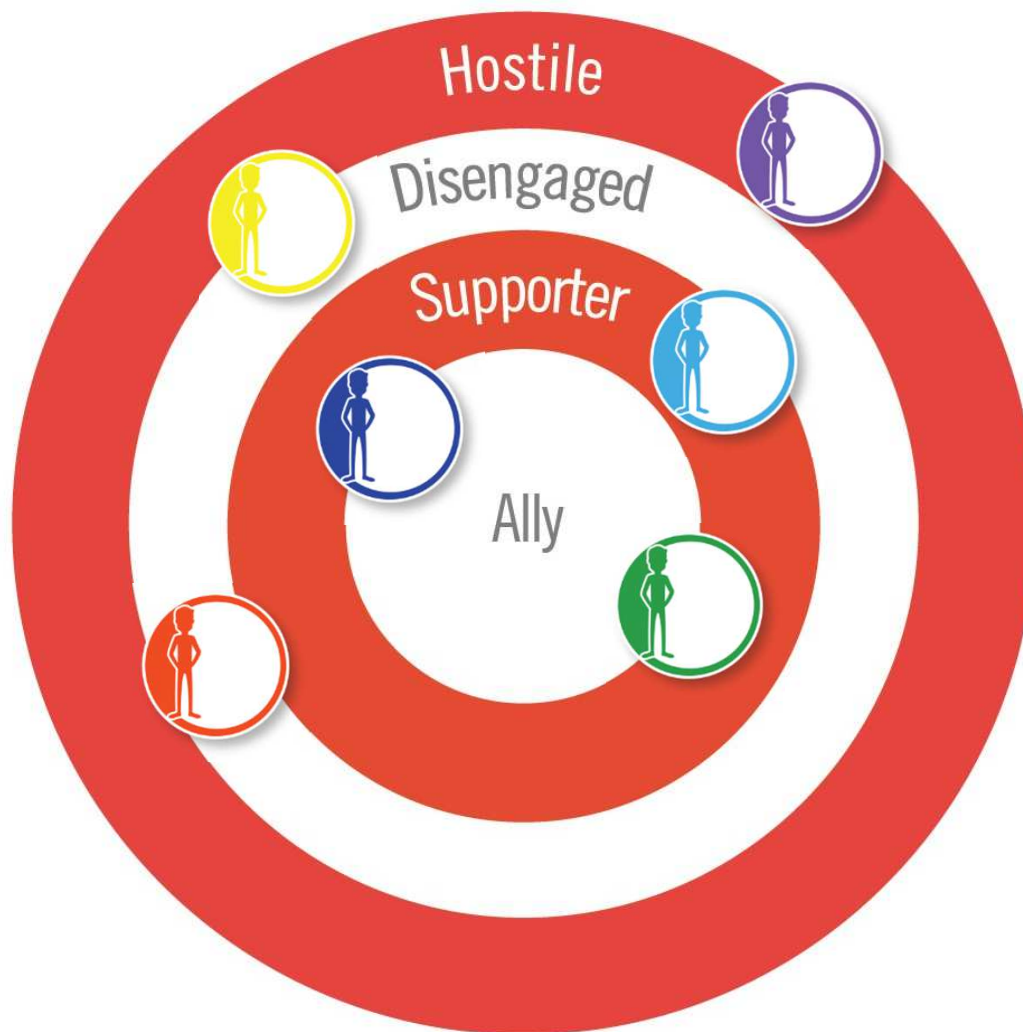
32 Priority Compliance Matrix



Prioritize Compliance Interventions



4.2 Commitment Bullseye*



* Adapted from Aim For the Bullseye, Secrets of a Successful Organizer

Explore Interventions **05**

5.1 Brainstorm Interventions

5.2 Prioritize Interventions

5.3 Map Interventions

Explore Interventions

Why do enterprises comply?

- How can positive influences be enhanced?
- What positive influences could be added?

Why don't enterprises comply?

- How can negative influences be diminished or eliminated?

Brainstorm Compliance Interventions



Enforcement:

- Enforcement actions through government enforcement agencies: Administrative/criminal penalties, workplace closures, suspension/revocation permits/licenses, written improvement notices with force of law...

Education:

- Education actions: Training (in person or online), on the spot advice/guidance...

Communication:

- Awareness raising actions: Social/traditional media campaigns, name and shame/name and acclaim campaigns...



Systemic:

- Legal/procedural/policy change actions: Amendments to labour inspection guidelines or standard operating procedures, creation/expansion of barriers or access to permits/license, public procurement, legal interpretations, law reform...

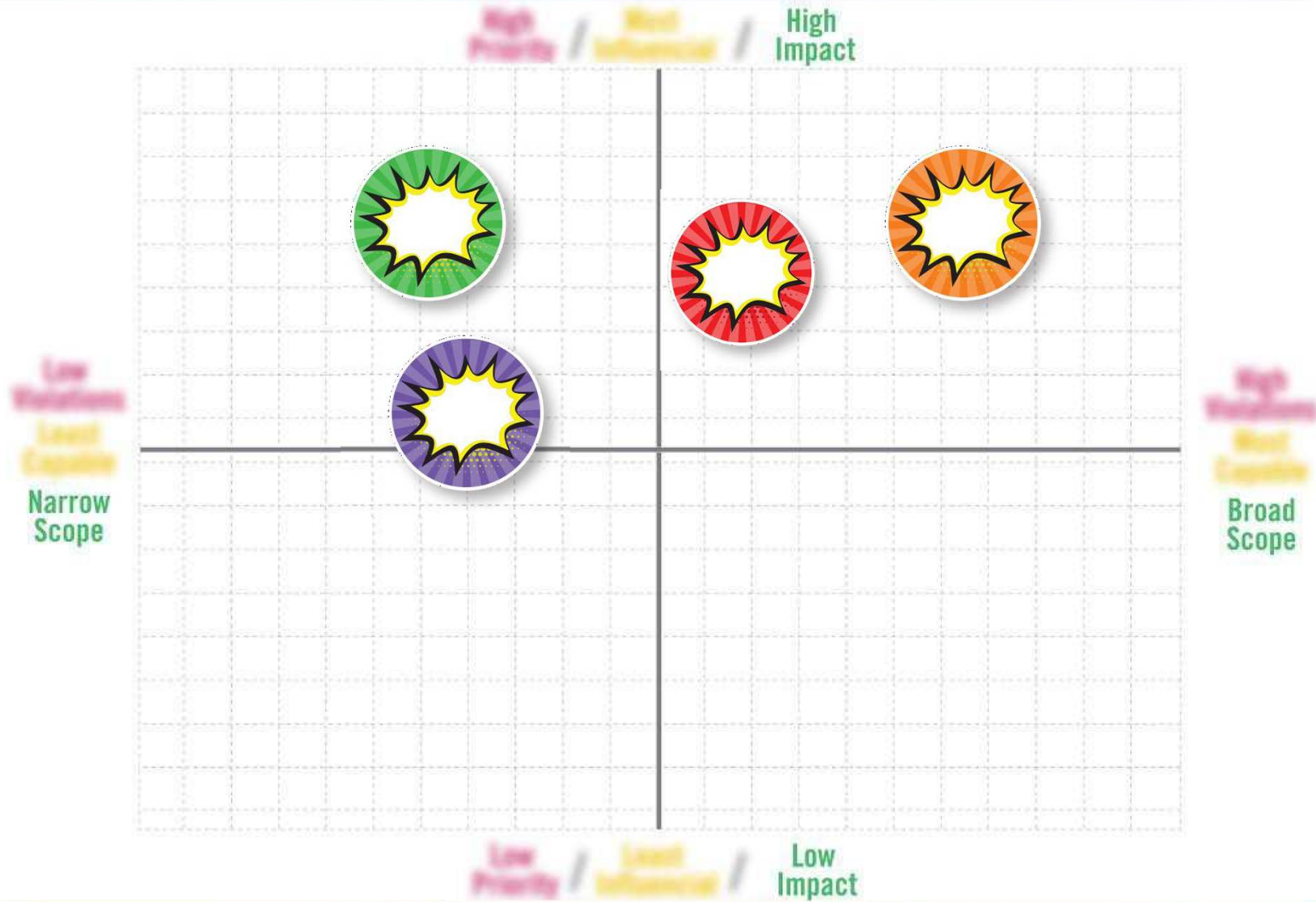
Political:

- Behavioural nudge actions: Leveraging access to private certification schemes. corporate social responsibility initiatives, due diligence programs, membership to exclusive associations/clubs, access to influencers (actors, sports stars, politicians)...

Prioritize Compliance Interventions



2.2 Priority Compliance Interventions 5.2 Impact / Scope Matrix



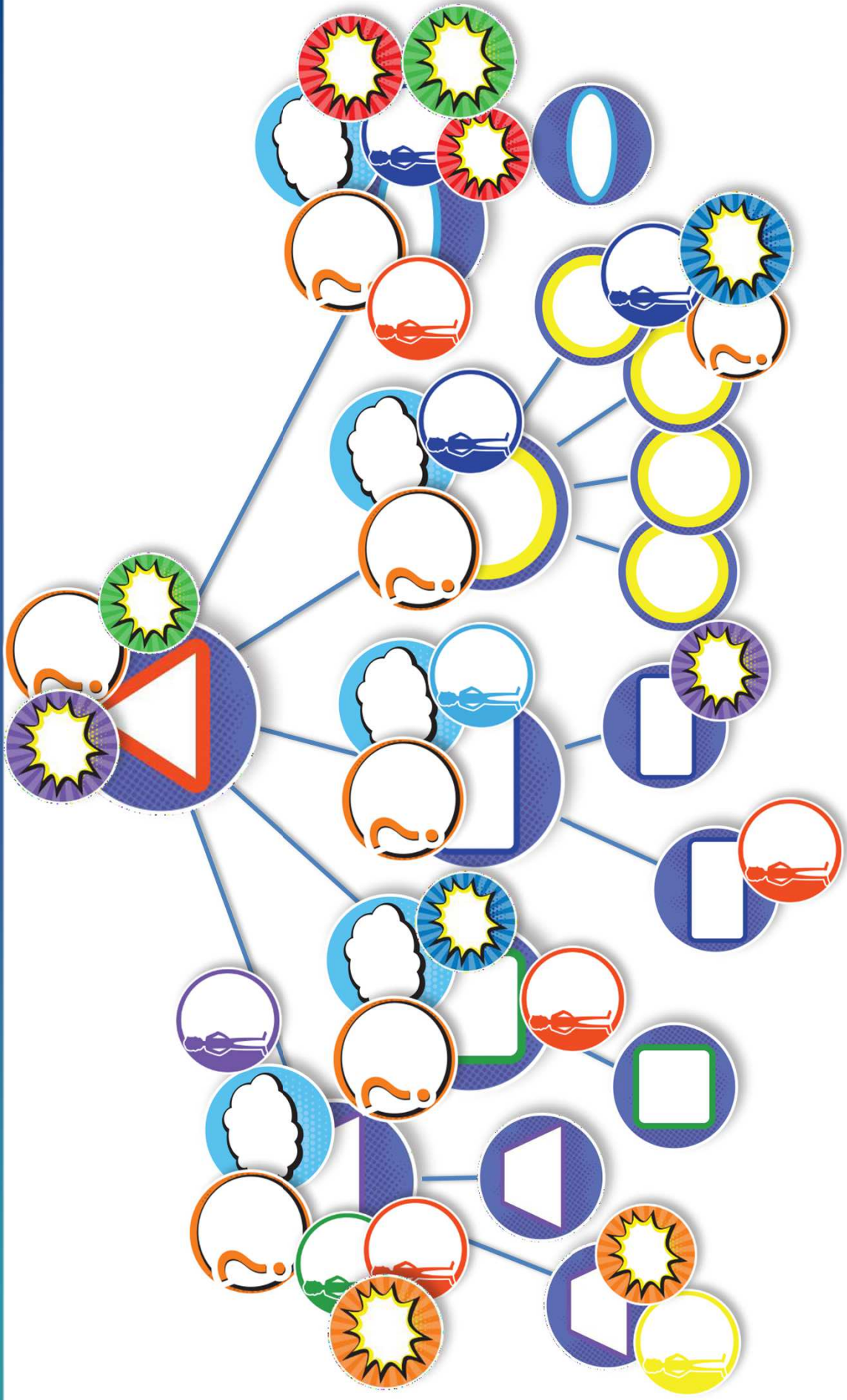
Operationalize
Strategic
Compliance
Plan **06**

6.1 Map Strategic
Compliance Plan

6.2 Chart Strategic
Compliance Plan

Operationalize Strategic Compliance Plan

6.1 Map Strategic Compliance Plan



6.2 Chart Strategic Compliance Plan

Target



Issue



Influences



Intervention



Stakeholders



Resources



Strategic Compliance Portal (SCPportal)



AnyCity SCP Overview

Status Document

Go back to Overview

Strategic Compliance Performance

SECTOR TARGETED

2

CASES INITIATED

102

SCP INTERVENTIONS

6

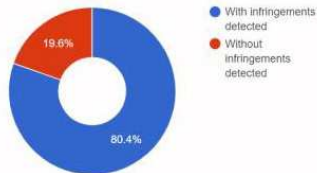
SCP MILESTONES

22

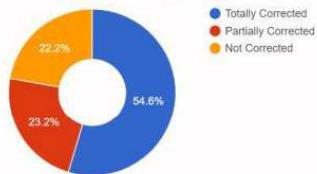
WORKERS

1030

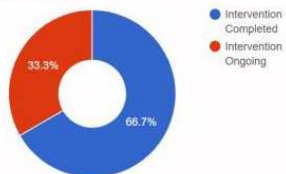
Share of economic units where infringements were detected



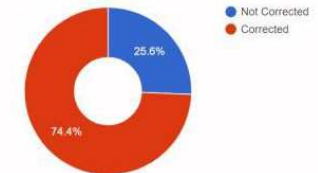
Rate of correction of infringements previously detected by economic units (by infringements)



Share of Strategic Compliance Plan interventions completed



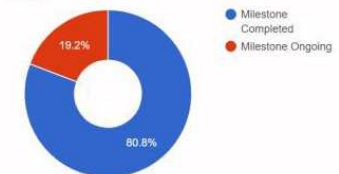
Correction status of economic units where infringements previously detected



Share of cases initiated that are treated per the established administrative procedure



Share of Strategic Compliance Plan milestones reached



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admin@anycity.com

.....

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Thank you!