

ACTRAV/ITC-ILO Course (A152114)

**Training on Labour Inspection for Trade
Union Leaders of East Africa Community**

4 – 8 April 2011, Kisumu

***Overview of ILO Conventions and Recommendation
On Labour Inspection***

ACTRAV-Turin

Objectives of the Session

To try and understand:

- The origin of labour inspection
- International labour standards on labour inspection
- Labour inspection Convention 1947 (No. 81)
- Labour inspection Convention 1947 (No. 81) at a glance

The Origin of Labour Inspection

- In 1802 the British Parliament passed an “Act to preserve the morals of apprentices,” in terms of safety, health and welfare.
- Voluntary committees made up of local notables supervised the application of the Act.
- For various reasons, the application of the Act was ineffective.
- In 1833 the British government appointed the 1st four “inspectors.”

The Origin of Labour Inspection

- In 1844, the inspectors became civil servants and the system was subsequently copied throughout Europe, with variations due to national administrative custom.
- In 1890, representatives of 15 countries attended a conference in Berlin to adopt the 1st standards for improving working conditions and for inspection services
- Part XIII of the Treaty of Versailles, which was to become the Constitution of the ILO, declared that an improvement of conditions of labour was urgently required.

The Origin of Labour Inspection

- The Treaty stated that it was particularly important that “each State should make provision for a system of inspection (...), in order to ensure the enforcement of the laws and regulations for the protection of the employed.”
- At its 1st Session in 1919, the ILC was already showing the importance it attached to labour inspection by expressing the wish that Members should:
 - Establish, as soon as possible a system of efficient factory inspection;
 - Create a government service specially charged with the duty of safeguarding the health of workers.

The Origin of Labour Inspection

- Four years later, the Conference adopted the Labour Inspection Recommendation, 1923 (No. 20), which laid down the general principles for the organisation and functioning of national systems of inspection.
- This recommendation paved the way for the adoption of Labour Inspection Convention, (No. 81) and the accompany Recommendation (also No. 81) in 1947.
- C.81 and R.81 taken together constitute clearly for the ILO the rules that must be applied by governments in the field of labour inspection in industry and commerce.

ILS on Labour Inspection

Conventions

- C. 81 Industry and commerce
- C. 110 Plantations
- C. 129 Agriculture
- C. 178 Maritime

- Protocol C. 81 (not commercial)

Recommendations

- R.81
- R82 (mining & transport)
- R133 (Agriculture)

- The above-mentioned instruments together with C.122 and C.144 constitute the authority of labour inspection systems and play a pivotal role in promoting full, productive and freely chosen employment, building social cohesion through social dialogue, and maintaining decent conditions of work through a functional labour inspectorate

Labour Inspection Convention 1947 (No. 81)

- The Labour Inspection Convention No. 81 was adopted by the ILC in 1947.
- Has been ratified by 141 member States of the ILO
- Convention 81 remains the principal international reference for labour inspection services and is as relevant today as it was 60 years ago.
- The provisions of the Convention No. 81 cover:
 - The functions, duties and responsibilities of labour inspection systems;
 - Requirement for the recruitment of staff;
 - Resources for inspectors;
 - Powers and obligations of inspectors.

Labour Inspection Convention 1947 (No. 81) at a Glance

- Benchmarks for effective labour inspection under C. 81 are:
 - Labour inspection should be organised as a system (Article 1) applying to all workplaces in respect of which legal provisions relating to conditions of work and the protection of workers are enforceable (Article 2)
 - Labour inspection should cover a basic set of functions, such as hours of work, wages, safety, health and welfare, the employment of children and young persons, and other connected matters (Article 3.1)

Labour Inspection Convention 1947 (No. 81) at a Glance

- Inspectors should supply information and advice to employers and workers on how to comply with the law, and alert the competent authorities on any defects or abuses not covered by existing legal provisions (Article 3.1).
- Labour inspection should be placed under the supervision and control of a central authority (Article 4.1).
- Effective cooperation with other government services and private institutions engaged in labour protection, as well as with employers and workers and their organizations must be promoted (Article 5).

Labour Inspection Convention 1947 (No. 81) at a Glance

- Inspectors must be public officials assured of stability of employment and independent of changes of government and improper external influences (Article 6).
- They must be recruited with sole regard to their qualifications and adequately trained for the performance of their duties (Article 7).
- Their number must be sufficient to secure the effective discharge of these duties in regard to, inter alia, the number, nature, size and situation of workplaces, the number of workers employed, and the number and complexity of the legal provisions to be enforced (Article 10).

Labour Inspection Convention 1947 (No. 81) at a Glance

- They must be provided with proper credentials and properly empowered (Articles 12 and 13).
- Workplaces must be inspected as often and as thoroughly as is necessary to ensure the effective application of relevant legal provisions (Article 16).
- Adequate penalties for violations of legal provisions enforceable by labour inspectors and for obstructing labour inspectors in the performance of their duties must be provided for by national laws and regulations and effectively enforced (Article 18).

Any Questions?

