

INTERNATIONAL LABOUR OFFICE GENEVA

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REPORT FORM  
FOR THE  
PROTOCOL OF 1995 TO  
THE LABOUR INSPECTION CONVENTION,  
1947 (No. 81)

The present report form is for the use of countries which have ratified the Protocol. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

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PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

*First reports*

If this is your Government's first report following the entry into force of the Protocol in your country, full information should be given on each of the provisions of the Protocol and on each of the questions set out in the report form.

*Subsequent reports*

In subsequent reports, information need normally be given only:

- (a) on any new legislative or other measures affecting the application of the Protocol;

- (b) in reply to the questions in the report form on the practical application of the Protocol (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;

- (c) **in reply to comments by supervisory bodies:** the report must contain replies to any comments regarding the application of the Protocol in your country which may have been made by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.
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## Article 22 of the Constitution of the ILO

Report for the period ..... to .....  
made by the Government of .....

on the

### PROTOCOL OF 1995 TO THE LABOUR INSPECTION CONVENTION, 1947 (No. 81)

(ratification registered on .....) )

**In addition to the information requested in the report form concerning the Convention, please give detailed information for each of the following Articles of the Protocol.**

#### PART I. SCOPE, DEFINITION AND APPLICATION

##### *Article 1*

1. Each Member which ratifies this Protocol shall extend the application of the provisions of the Labour Inspection Convention, 1947 (hereunder referred to as “the Convention”), to activities in the non-commercial services sector.

2. The term “activities in the non-commercial services sector” refers to activities in all categories of workplaces that are not considered as industrial or commercial for the purposes of the Convention.

3. This Protocol applies to all workplaces that do not already fall within the scope of the Convention.

##### *Article 2*

1. A Member which ratifies this Protocol may, by a declaration appended to its instrument of ratification, exclude wholly or partly from its scope the following categories:

- (a) essential national (federal) government administration;
- (b) the armed services, whether military or civilian personnel;
- (c) the police and other public security services;
- (d) prison services, whether prison staff or prisoners when performing work,

if the application of the Convention to any of these categories would raise special problems of a substantial nature.

2. Before the Member avails itself of the possibility afforded in paragraph 1, it shall consult the most representative organizations of employers and workers or, in the absence of such organizations, the representatives of the employers and workers concerned.

3. A Member which has made a declaration as referred to in paragraph 1 shall, following ratification of this Protocol, indicate in its next report on the application of the Convention under article 22 of the ILO Constitution the reasons for the exclusion and, to the extent possible, provide for alternative inspection arrangements for any categories of workplaces thus excluded. It shall describe in subsequent reports any measures it may have taken with a view to extending the provisions of the Protocol to them.

4. A Member which has made a declaration referred to in paragraph 1 may at any time modify or cancel that declaration by a subsequent declaration in accordance with the provisions of this Article.

1. *Please indicate which of the categories, if any, mentioned in paragraph 1 have been excluded, wholly or partly, from the scope of the Protocol.*
2. *Please specify which special problems of a substantial nature have led to the exclusion.*
3. *Please give details on prior consultations that have taken place in accordance with paragraph 2 and indicate which organizations or, in their absence, representatives of employers and workers were consulted.*
4. *Please give full details of alternative inspection arrangements which have been provided for any categories excluded under paragraph 1.*

### Article 3

1. The provisions of this Protocol shall be implemented by means of national laws or regulations, or by other means that are in accordance with national practice.

2. Measures taken to give effect to this Protocol shall be drawn up in consultation with the most representative organizations of employers and workers or, in the absence of such organizations, representatives of the employers and workers concerned.

1. *Please provide full information on all means by which the provisions of the Protocol have been implemented.*
2. *Please also provide information on prior consultations as required in paragraph 2.*

## PART II. SPECIAL ARRANGEMENTS

### Article 4

1. A Member may make special arrangements for the inspection of workplaces of essential national (federal) government administration, the armed services, the police and other public security services, and the prison services, so as to regulate the powers of labour inspectors as provided in Article 12 of the Convention in regard to:

- (a) inspectors having appropriate security clearance before entering;
- (b) inspection by appointment;
- (c) the power to require the production of confidential documents;
- (d) the removal of confidential documents from the premises;
- (e) the taking and analysis of samples of materials and substances.

2. The Member may also make special arrangements for the inspection of workplaces of the armed services and the police and other public security services so as to permit any of the following limitations on the powers of labour inspectors:

- (a) restriction of inspection during manoeuvres or exercises;
- (b) restriction or prohibition of inspection of front-line or active service units;
- (c) restriction or prohibition of inspection during declared periods of tension;
- (d) limitation of inspection in respect of the transport of explosives and armaments for military purposes.

3. The Member may also make special arrangements for the inspection of workplaces of prison services to permit restriction of inspection during declared periods of tension.

4. Before a Member avails itself of any of the special arrangements afforded in paragraphs (1), (2) and (3), it shall consult the most representative organizations of employers and workers or, in the absence of such organizations, the representatives of the employers and workers concerned.

1. *Please give particulars concerning the special inspection arrangements in regard of any of the categories of workplaces mentioned in paragraph 1.*
2. *Likewise, please give particulars on any special arrangements regarding limitations of the powers of labour inspectors in accordance with paragraphs 2 and 3.*
3. *Please provide information on prior consultations on these issues, including the organizations or, in their absence, representatives of employers and workers with which they took place.*

### Article 5

The Member may make special arrangements for the inspection of workplaces of fire brigades and other rescue services to permit the restriction of inspection during the fighting of a fire or during rescue or other emergency operations. In such cases, the labour inspectorate shall review such operations periodically and after any significant incident.

*Please describe any special arrangements made in accordance with the provisions of this Article.*

### Article 6

The labour inspectorate shall be able to advise on the formulation of effective measures to minimize risks during training for potentially hazardous work and to participate in monitoring the implementation of such measures.

*Please state what measures have been taken in law and practice to give effect to the provisions of this Article.*