
IALI Annual Activity Report



Contents

Contents	1
President’s Message	2
Secretaria General’s Message	3
Immediate Past Secretary General’s Message	5
About IALI	6
Regional Delegates	6
Executive Committee Members	8
Member Countries	9
International Benchmarking on Occupational Safety and Health (OSH) Regulation (IBOR).....	11
IALI Member Articles	17
The Polish Labour Inspectorate’s perspective: New Technologies and new hazards in the changing world of work	17
Luxemburg Inspection du Travail et des Mines: Globalisation of Labour Inspection challenges and the importance of information exchange.	19
Know your Rights. Empower migrant workers: A successful communication campaign based on international cooperation	20
Venturing into Known Unknowns and Unknown Unknowns: The Nordic Labour Inspections Insights into the Future of Work.....	24
Recommendations for Labour Inspections to address the potential hazards emanating from Artificial intelligence.	26
Relazione Forum ANIV 2022- 29/5- 2/6/2022.....	27
Региональные форумы инспекторов труда – новый этап регионального сотрудничества инспекционных органов.	43
Classification erronée des employés dans l’industrie du transport routier au canada	47
Inspection intervention in the digital era.....	51
Basisarbeit: Mittendrin (in der Gesellschaft) und außen vor (beim Arbeitsschutz) ...	54
Elevating Worker Voice in Promoting Healthier and Safer Work Environment in the United States.....	58
Inspeção do trabalho no Brasil atua em prol do cidadão e pela promoção do trabalho decente.....	61
Calendar of Events.....	70
World Congress on Health and Safety at Work	75

President's Message

2022 has been a momentous year for the International Association of Labour Inspection (IALI), as we celebrated our 50th Anniversary. The 50th Anniversary has provided me an opportunity to reflect on my involvement with IALI and more broadly the journey IALI has taken since those early days.

2022 saw a significant step in the occupational health and safety space as the International Labour Organization (ILO) on 11 June 2022 declared a safe and health working environment as the fifth fundamental principle and right at work.



IALI stands with the ILO on celebrating this fundamental right. It reflects our determination to safeguard the workers' well-being and enhance their productive capacity. The ILO estimates that occupational accidents and diseases cost 4% of the world's GDP and takes 6,400 lives daily. We must do our utmost to understand and prevent work-related accidents and occupational diseases.

This is a collective effort:

- Governments must enact the right regulations and enforce standards of workplace safety and health (WSH) that meet their people's expectations.
- Employers must provide safe and healthy work environments and foster a safety culture among their staff.
- Employees must look out for themselves, as well as others, and take the initiative to improve WSH standards.

These are cultural issues that take time to change. IALI has been a quiet driving force for this change, working with our members to drive professionalism and quality in labour inspection. Through our individual and collective efforts, I know we will continue to raise WSH practices and, thus, our workers' welfare.

IALI is aware that there is much that countries can learn from one another. This annual activity report highlights the work that IALI has been doing but also provides a platform for our members to share best practice and lessons learnt during 2022.

I hope you enjoy the IALI Annual Activity Report 2022.

Secretaria General's Message

Welcome everyone to the IALI Forum newsletter 2022 and especially a very warm welcome to our new members.

I am very pleased to share with you the latest edition of the IALI forum and would like to thank those who contributed articles.

This latest edition contains a number of interesting articles about labour inspection innovations and developments around the world. These articles provide information about the activities of other bodies relevant to the work and interests of Labour Inspectors.



Labour Inspection is a key element of any labour administration system for continuing the implementation of labour policies and to ensure that labour law is applied equally to all employers and workers.

The International community, in particular after the COVID 19 pandemic, has recognized the importance of Labour Inspection in promoting decent work. The proper application of labour legislation depends on an effective labour inspectorate. Labour inspectors examine how national labour standards are applied in the workplace and advise employers and workers on how to improve the application of national law in such areas as working time, wages, occupational safety and health and child labour.

IALI is working to strengthen labour inspection system with a view to ensuring labour standards, technical advisory services and projects, in collaboration with you can continue to make a difference and contribute to the achievement of a safe, fair, globalised world.

I hope that you would find this Forum a fruitful one and hopefully inspire you to think about how some of the initiatives might be of interest to you domestically, learning by sharing is a key strategic aim of IALI. If you have any suggestions or topics you would like to share in the future, or activities or publications you would like to see from IALI, please let the Secretariat know.

New forces are transforming the world of work, such as technological advances, artificial intelligence, automation, and robotics. There are many challenges facing the labour Inspectorate for the future of labour law, but only with a strong and well-resourced Labour Inspectorate will it be possible to guarantee decent and quality employment.

In the meantime, I wish everyone good health and stay safe.

Warm regards

Ana Ercoreca de la Cruz

Immediate Past Secretary General's Message

2022 has been a challenging year for workers, businesses and Regulators, throwing up many obstacles to overcome. IALI continues to support all workers and businesses to comply with their duties to ensure a safe and healthy workplace by ensuring effective labour regulation remains credible, relevant and connected.



As the ILO enshrines a safe and health working environment as the fifth fundamental principle and right at work, we should all look to integrate this into all our health and safety work. Looking after our people, where they are fairly paid, treated with dignity and respect and remain free from physical, health and psychological risks is paramount.

IALI continues to provide a platform for global collaboration for the betterment of work and workers, drawing together global organisations to ensure regulatory best practice, capability development and increasing capacity to help people do the right thing and enforcing the law when others do not. I am humbled and honoured to have played a part in that work.

Having returned to the private sector and leaving my position as Work Health & Safety Regulator for South Australia, I hand over my role as IALI Secretary-General to Ana, who is a superb ambassador to continue our work. However, I am not leaving IALI. I am honoured to take up a position of one of three IALI Technical Advisors which allows me to remain connected to the great work of IALI and to continue to play a part in making work safe and free from disease. I encourage every person to play their part in achieving the same objective.

Martyn Campbell

Immediate Past Secretary-General

About IALI

IALI is the global professional association for labour inspection. It was established in 1972 due to an awareness that an international exchange of experience, other than just national approaches would considerably improve the work of all Labour Inspectors.

IALI's first Executive Committee was had representatives from France, Germany, Italy, and Switzerland. Today's IALI Executive Committee contains representative from across the globe.

IALI continues to provide information and support to our members, still with the original aim to play an active role in providing the foundation for building professional, ethical, efficient and effective labour inspection worldwide.

IALI continues to maintain strategic partnerships with the International Labour Organization (ILO), the International Society of Social Security Association (ISSA), the ORP International Foundation and other Occupational Health and Safety (OSH) networks across the globe.

Regional Delegates

Regional delegates work with interested countries to encourage the development of regional alliances, opportunities for collaboration and cooperation with neighbouring labour inspection bodies.

Regional delegates can offer IALI members with advice and support with a range of issues, including:

- organisation of regional conferences or symposium
- development of regional labour inspection alliances
- exchange of knowledge and expertise between different labour inspectorates
- establishment of regional technical programmes
- correspondence with the IALI Executive committee.

There are current opportunities for IALI Members to take up the role of a regional delegate.

Regional Delegates have been allocated for the following geographical áreas:

- **ASEAN:** Er Ho Siong Hin
- **CRADAT** (French speaking African Countries): Ms Denise Derdek
- **Oceania:** Mr Martyn Campbell
- **RALI:** CIS Countries and Mongolia: Mr Ivan Shklovets
- **China, Japan, Korea:** Mr Zheng Shuangzhong
- **Central and South America:** Ms Ana Ercoreca de la Cruz
- **ARLAC** (english speaking african countries): Dr Locary Hlabanu
- **USA, Canada & The Caribbean:** Mr Zhao Li

If you are interested please **contact the IALI Secretaria General:**

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Email: ana.ercoreca@mites.gob.es

<http://www.iali-aiit.org/en/index.htm>

Technical Advisor of IALI:

- Gerd
Albracht



- Jean Parrat



- Martyn
Campbell



Executive Committee Members 2023-2024



PRESIDENT

**HO SIONG
HIN**

SINGAPORE

Senior Director (International
Workplace Safety and Health)
Ministry of Manpower

Vice Dean (School of Regulation)
MOM Academy



SECRETARY GENERAL

**ANA ERCORECA DE LA
CRUZ**

SPAIN

President
Trade Union of Labour and Social Security
Inspectors from Spain



TREASURER

CHRISTOPHE ISELI

SWITZERLAND

Inspectorate
Head of Swiss Federal Labour
Inspection. State Secretariat for
Economic Affairs (SECO)



VICE PRESIDENT

**DENISE
DERDEK**

FRANCE

Directrice du Travail Honoraire
Direction Générale du Travail



VICE PRESIDENT

SAMANTHA PEACE
UNITED KINGDOM

Director of Field Operations
Health and Safety Executive



VICE PRESIDENT

**PAL HILMAR
LUND**

NORWAY

Special Adviser
The Norwegian Labour
Inspection Authority



VICE PRESIDENT

ZHAO LI
UNITED STATES

Deputy Director of International
Relations and Economic Research,
US. Department of Labor.



VICE PRESIDENT

**DR. BERNHARD
RAEBEL**
GERMANY

Member of the board
Association of German
Labour Inspectors



VICE PRESIDENT

IVAN SHKLOVETS

**RUSSIAN
FEDERATION**

Deputy Director General Federal
Service for Labour and Employment



IMMEDIATE PAST PRESIDENT

KEVIN MYERS, CBE
UNITED KINGDOM

Member Countries

Member Countries

- Albania
- Algeria
- Argentina
- ARLAC – African Regional Labour Administration Centre
- Armenia
- Australia
- Austria
- Azerbaijan
- Barbados
- Belarus (Republic of)
- Belgium
- Benin
- Bosnia & Herzegovina
- Botswana (Republic of)
- Brazil
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon (Republic of)
- Canada
- Central African Republic
- Chad
- Chile
- China (People’s Republic of)
- Congo (Democratic Republic of)
- Costa Rica
- CRADAT – Centre Regional Africain d’Administration du Travail
- Cyprus
- Czech Republic
- Denmark
- Dominican Republic
- Egypt
- Estonia
- Fiji
- Finland
- France
- Gabon
- Georgia
- Germany
- Ghana
- Guinea
- Haiti
- Hong Kong
- Hungary
- Iceland
- Indonesia
- Iran
- Ireland
- Israel
- Italy
- Ivory Coast
- Jamaica
- Japan
- Jordan
- Kenya



- Korea (Republic of)
- Kyrgyzstan
- Latvia
- Lesotho
- Lithuania
- Luxembourg
- Macau
- Malawi
- Malaysia
- Mali
- Malta
- Mauritania
- Mexico
- Moldova (Republic of)
- Mongolia
- Morocco
- Namibia
- Nepal
- Netherlands
- New Zealand

- Niger (Republic of)
- Nigeria
- North Macedonia (Republic of)
- Norway
- Pakistan
- Peru
- Philippines
- Poland
- Portugal
- Romania
- Russian Federation
- Rwanda
- Saudi Arabia
- Senegal
- Serbia
- Seychelles (Republic of)
- Singapore
- Slovakia

- Slovenia
- Spain
- Suriname
- Sweden
- Switzerland
- Thailand
- Togo
- Trinidad and Tobago
- Tunisia
- Turkey
- Uganda
- United Kingdom of Great Britain and Northern Ireland
- United States of America
- Vietnam
- Zambia
- Zimbabwe



International Benchmarking on Occupational Safety and Health (OSH) Regulation (IBOR)

How can engaging in IBOR help labour inspectorates?

IBOR is IALI's flagship programme of independent assessment of Labour Inspectorate systems (LI) against international benchmarks.

The objectives of the published benchmarks and the IBOR independent assessment are:

- to help countries develop effective labour inspectorates systematically;
- provide a structured framework for labour inspectorates at every stage of maturity to monitor progress and continually improve;
- give advice on areas for improvement using an international team of experienced assessors; and
- develop a global network of OSH Regional Alliances.

IALI has recently carried out work to update the IALI "International common Principles for labour inspection" and IBOR benchmarks, reflecting the International Labour Organizations decision in June 2022 to recognise the right to a safe and healthy working environment as one of the fundamental principles and rights at work, along with other changes. The revised texts will be published shortly.

What does an IBOR assessment involve?

The assessment is designed to help a labour inspectorate answer whether they have in place all the essential pre-requisites for success including:

- the necessary legal framework
- powers and competencies
- structures and empowerment
- strategies, plans and tools to deliver effective labour regulation and a safe and healthy working environment

The assessment helps answer those questions and provides a foundation for building or strengthening modern, effective labour inspectorates. The international assessment team deliver a report that sets out:

- strengths and areas for improvement of the labour inspection system;
- clear short/medium and longer term goal and outcome focused recommendations that the host country can consider and choose to implement; and

The assessment takes place in stages:

- ✓ A desktop assessment based on information provided by the host country
- ✓ A field-based assessment up to a week, with at presentation and immediate feedback
- ✓ Provision of a full, detailed report and recommendations

Priorities in a full assessment are to:

- ✓ Assess the country against what it says it does (rather than against a preferred or ‘ideal’ model) respecting the countries political, economic, cultural and social context
- ✓ Assess how this is being delivered in practice and the strengths, potential for improvement and any gaps or omissions

We encourage all IALI members and those organisations that provide support, investment or funding for labour inspectorates to consider an independent assessment of their current performance, and the value this can bring in building a strong, impactful, labour inspectorate. Please contact the IALI team (ana.ercoreca@mites.gob.es) if you would like to explore this further.

Better protecting EU workers from asbestos risks - an important step towards an asbestos-free Europe

By: Gerd Albracht, Technical Advisor of IALI

The European “Green Deal” aims to maintain, renovate, or demolish more than 30 million buildings and infrastructure by 2030 to make them fit for a climate neutral Europe. Based on the comprehensive legislative initiative report on the protection of workers from asbestos adopted by the European Parliament (EP) in October 2021, the EP, the Council, and the Commission have now agreed on new occupational health and safety rules. On 3 October 2023, the new Asbestos Directive was adopted by an overwhelming majority. The EU Member States intend to formally adopt these decisions at the end of October 2023, so that the new Asbestos Directive will enter into force two weeks later.

IALI and EFBWW as long-standing partners on OSH

IALI and the Federation of Building and Woodworkers (EFBWW), as long-standing partners in the field of occupational health and safety, have worked closely together both in the preparation and consultation of the EP report and in the triilogue negotiations between the European Commission, Council and Parliament during 2022 and 2023. Together with occupational hygienists, safety experts and scientists from the ICOH, the ETUC and other institutions, important cornerstones were introduced into the legislative deliberations and decisions.

European Institutions protect workers from Asbestos



On 3. October 2023, the new Asbestos Directive was adopted by an overwhelming majority. The EU Member States intend to formally adopt these decisions at the end of October, so that the new Asbestos Directive will enter into force two weeks later.

This is a great victory for workers in the construction-, waste- and renovation sectors., as the directive will greatly improve the protection of workers from asbestos exposure.

New Occupational exposure limit (OEL) for Asbestos exposure

The OEL for asbestos across the European Union (EU) is to be set at 2000 fibres/m³. The new limit is 50 times lower than the current exposure limit of 100 000 fibres/m³. This will significantly improve the protection of workers against cancer causing asbestos fibres. But it is subject to a long implementation period:

- in two years, the Member States must lower the current exposure limit to 10 000 fibres/m³, Including thin fibres
- in six years, Member States will have to reduce the OEL to 2000 fibres/m³

The measurements methods to count asbestos fibres will have to change. Member states have latest after six years to phase in the electron microscopy method, which is more accurate and can also measure very thin fibres.

Extension of the list of asbestos-related occupational diseases



Member States will be required to keep a register of all medically diagnosed asbestos-related occupational diseases. The list of diseases caused by asbestos fibers has been expanded to include Asbestosis, Mesothelioma, Lung Cancer, gastro-intestinal Cancer, Ovarian Cancer, Carcinoma of the larynx and non-malignant pleural Disease. The International Agency for Research on Cancer has also identified associations between asbestos exposures and throat cancer, colorectal cancer, and stomach cancer.



Renovation Wave

Around 90 000 people lose their lives to asbestos-related cancer in the EU every year, worldwide nearly 250 000. Between 4 and 7 million EU-workers are exposed to asbestos. It is expected that that this number will grow by 4% over the next decade because of building and infrastructure renovations as part of the Green Deal.

Therefore, it is urgent for the protection of workers that Member States implement the new limit value and directive as soon as possible.

The new asbestos regulation is an important step on the way to an asbestos-free Europe

To ensure that the "green transformation" not only makes buildings fit for a climate-neutral Europe, but also preserves the health of construction and renovation workers, the measures now adopted to protect workers from asbestos in Europe.

It will be crucial that the safe removal and disposal of asbestos-containing materials takes priority over repair, maintenance, encapsulation, or sealing. After all, this is the only way to permanently remove carcinogenic asbestos fibers from the built environment.

The new asbestos regulation is an important step on the way to an asbestos-free Europe. To ensure that the "green transformation" not only makes buildings fit for a climate-neutral Europe, but also preserves the health of construction and renovation workers, the measures now adopted to protect workers from asbestos in Europe must be massively implemented.

Important projects and measures of the Commission

In addition to the innovations and tightening of the Asbestos Directive, the Commission will present a legislative proposal on the verification and registration of asbestos in buildings and will call on member states to develop national strategies for asbestos removal, as well as proposing a regulatory approach for an EU model of digital building registers. Free public access is envisaged for the digital national asbestos registers for workers, employers, fire and rescue services, owners and residents of buildings.



Member states are to develop a plan for the safe, controlled, and documented disposal of asbestos-containing waste no later than 2 years after the directive enters into force. This is to ensure the availability of appropriate waste treatment facilities. By 2050, each state must have at least one waste center capable of treating 100 percent of its asbestos-containing waste.

State labor inspectorates should monitor the enforcement of national legislation: With reference to the ILO, the ratio of labor inspectors to workers should be 1 to 10 000 in an industrial market economy.

It is time to move from words and regulations to implementation now

The ban of asbestos worldwide is politically decisive, but only the first step for the protection of public and workers, practical implementation and enforcement are most important.

The ban needs to be complemented with pro-active inspections, identification, and mapping of contamination. Training and qualifications are important steps for a controlled and responsible phasing-out of asbestos containing, products and buildings.

(1) <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2022:488:FIN>

(2) https://www.europarl.europa.eu/doceo/document/A-9-2023-0160_EN.html

Photo 1: Source Gerd Albracht,

EFBWW, IALI and Andeva talk at the European Parliament in Strasbourg with the rapporteur of the own-initiative report ,more protection for workers from asbestos, and MEPs , October 2021

Photo 2: Source Prof. Voitowitz,

A lung destroyed by asbestos fiber exposure

Photo 3: Source David Chauvin

Asbestos removal with appropriate protective equipment

Photo 4: Source Gerd Albracht

Five thousand demonstrators from 25 countries demand a worldwide ban on asbestos and compensation for victims on the occasion of Asbestos Victims Day in front of the Opera House in Paris

IALI Member Articles



The Polish Labour Inspectorate's perspective: New Technologies and new hazards in the changing world of work

In 2022 activities of the National Labour Inspectorate focused, among others, on achieving the aims set out in the EU strategic framework on health and safety at work 2021-2027. In particular they referred to two crosscutting objectives laid down in the EU strategic framework, i.e. green transformation and prevention of workplace accidents and occupational diseases. To attain the above-mentioned objectives, in 2022 the National Labour Inspectorate conducted three programmes: two concerning renewable energy sources (wind farms, servicing of electrical cars) and one concerning health hazards (reprotoxic agents in the working environment).

In the framework of the nationwide inspection programme Organisation of safe work during servicing of electrical and hybrid cars, labour inspectors conducted inspections in several entities operating as manufacturers' authorised service garages for various car makes; those entities engaged almost 6 thousand workers in total. During inspections special attention was paid to hazards for servicing staff who performed tasks connected with handling of batteries built in e-cars due to the risk of electric shock from direct or alternating current, as well as tasks involving installation, removal and forming of lithium-ion batteries due to possible risks from arch short circuit, poisonous smoke, fire or the risk of chemical scalding by acid or electrolyte. In 75% of the inspected entities the above-mentioned hazards were not identified in the occupational risk assessment for work tasks involving examination and repair of electrical and hybrid cars. An incorrect occupational risk assessment most often entailed the lack of adequate preparation of workers for work: the lack of OSH instructions for specific jobs or the failure to provide electrical-mechanics involved in servicing of e-cars with personal protective equipment, e.g. arch-resistant visors and dielectric gloves. Our labour inspectors revealed other irregularities, such as the lack of examinations of protection against electric shock for e-cars charging stations and the lack of periodic tests and examinations of electro-insulating protective equipment.

It is necessary both to continue monitoring of work safety at servicing stations dealing with diagnostic and repair servicing of e-cars, as well as to develop, by the National Labour Inspectorate, information and training materials for OSH services about electric, chemical and fire risks related to design and operation of high voltage circuits in electrical and hybrid cars.

The NLI's inspection programme Observance of occupational safety and health provisions during construction and operation of wind farms, regional in nature, was implemented by the District Labour Inspectorate in Gdańsk (northern Poland) and it resulted in inspecting 15 entities. Our labour inspectors identified breaches of occupational safety and health rules both by entities managing wind farms, and by external entities performing exploitation, measurements and maintenance on wind farm facilities. In the labour inspectors' opinion, a distinctly noticeable factor is insufficient knowledge of OSH provisions applicable to work with electric power equipment.

It is necessary to continue both inspection and preventive activities, focused on maintenance tasks, repair inside pylons or gondolas, as well as works involving external maintenance of wind turbines.

Another regional inspection and communication programme Exposure of workers to harmful reprotoxic agents in the working environment was carried out by the District Labour Inspectorate in Poznań (western Poland) and covered car garages, especially those offering comprehensive services, such as repairing and painting of car bodies, engaging at least 10 workers. 20 entities were inspected under this programme. The labour inspectors identified irregularities related to preparation of workers for work (training, preventive medical check-up, provision of protective measures), use of chemical substances and mixtures (lack of: identification, labelling, safety data sheets, measurements of harmful factors), but mainly insufficient knowledge of employers and workers about reprotoxic effect of many substances and mixtures used at work on a daily basis. Awareness-raising activities in the framework of this programme were targeted at 106 entities. During training labour inspectors instructed employers on how to understand information on labels of chemical products available on the market (pictograms, notions, phrases indicating risk types and precautions) and how to understand safety data sheets of chemical substances and mixtures, in particular how to identify phrases proving that a specific product is classified as reprotoxic. Moreover, our labour inspectors conducted educational activities in 6 largest secondary and vocational schools in the region. These were training events for young people preparing for the job of a car mechanic and a car painter – for almost 500 learners.

All the three programmes carried out by the National Labour Inspectorate, related to new technologies and new hazards in the changing world of work, but also referring to so different issues, have shown a noticeable deficit of the basic knowledge on work safety and health and the new risks entailing from the transformation of the world of work. The role of labour inspectors in this area in the coming years, both in terms of inspection and communication, is hard to overestimate.

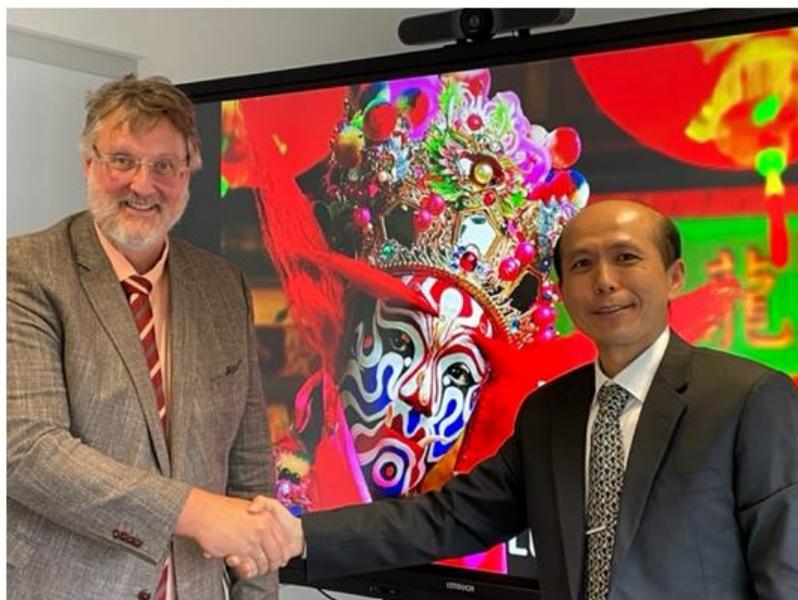
Luxemburg

Luxemburg Inspection du Travail et des Mines: Globalisation of Labour Inspection challenges and the importance of information exchange.



It is fascinating to observe the speed at which technological progress is advancing and, in its wake, the changes in the workplace and its environment. The global workforce is exposed to new forms of employment and work organization as well as demographic problems. From the point of view of the Labour Inspectorate, there are new challenges to face. In this context, it is important to exchange at international level.

On 20th of September 2022, we had the pleasure of welcoming a delegation from Taiwan headed by the Secretary General, Mr. Yu-Tang LIN, and his colleagues Mr. Yi-Pin CHANG and Mr. Tzong-Jer WU from the Occupational Safety and Health Administration Section, Ministry of Labour.



Mr Yu-Tang LIN, Secretary General, OSHA, MOL, Taiwan (r); Mr Marco Boly, Director General, ITM, Luxembourg (l)

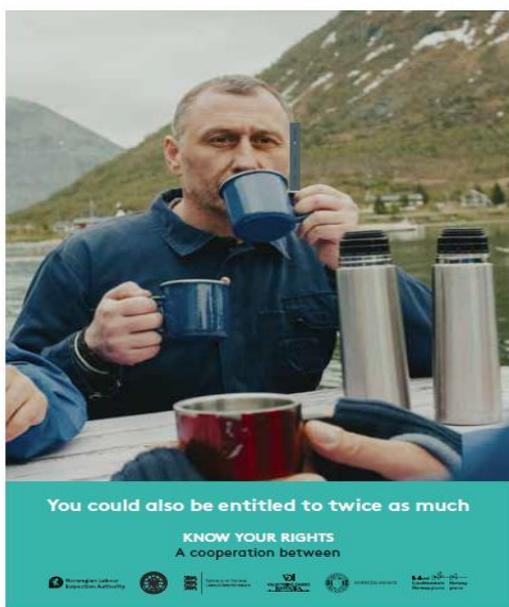
The meeting focused on an exchange of information concerning the two labour inspectorates: their strategies in terms of organisational and operational matters, especially about the training of labour inspectors.

Some particular points have been developed in order to understand each approach of Occupational Safety and Health concerning the two countries. Further subjects were about the use of new technologies to reduce the number of occupational accidents and their fatalities.

It has been agreed to continue this enriching collaboration from every point of view!



Know your Rights. Empower migrant workers: A successful communication campaign based on international cooperation



By: Eva Barth Haakensen, Norwegian Labour inspection Authority

Being a migrant worker in a new country can put you in a vulnerable position. The language, regulations, and work culture may be new and different. And you may be at risk of being exploited by employers. The labour inspectorates have a responsibility to control employers and the working conditions, but empowerment through guidance is just as important.

In the autumn of 2020, the Norwegian Labour inspectorate launched the communication campaign "Know your rights" aimed at migrant workers in Norway. The campaign had three different campaign phases and ended in September 2022.

The campaign was financed with funds from the EEA and was a collaboration between the labour inspectorates in Norway, Bulgaria, Romania, Estonia, and Lithuania. The campaign's main target group was workers in Norway from our four partner countries. We added more target groups during the campaign, including workers from Poland and Latvia. Fighting crime through empowerment

The purpose of the campaign was to make migrant workers in Norway more aware of their rights as employees. Through empowerment, we aim to prevent social dumping and work-related crime, such as undeclared work and exploitation of vulnerable workers. Our experience is that migrant workers are more exposed to labour exploitation, partly because they lack knowledge of basic rights in their employment. They often abstain from demanding the payment they are entitled to, and they are more exposed to work-related injuries and accidents.

During the campaign, we reached around 350,000 migrant workers in Norway with information about basic rights, in the target groups' own languages. The target group would not have received this information, had it not been for this campaign.

“Based on the information gathered, we conclude that the campaign has been successful in enabling the target group to know about their rights and fulfil their obligations related to employment in Norway. », concludes the analysis agency Economics Norway (Samfunnsøkonomisk analyse) in their evaluation report from 2021.

Why was the campaign a success?

The campaign was based on insight and good planning.

In advance of the campaign, we ordered a report from the research institute FAFO, “Workers and firms from Bulgaria, Estonia, Lithuania and Romania in Norway”, which gave us more insight into the target groups and where they work. Based on this insight, we narrowed down the target group to workers, primarily men, in the construction and industrial sectors, as well as the hotel and restaurant industry and the cleaning industry.

Use of social and digital media

We also gathered insight into the target groups' use of digital media and social channels. We found that most of the population in the relevant countries use social media, such as Facebook and YouTube. These are cost-effective channels where we can reach a high proportion of our target group at a relatively low cost. We therefore chose to advertise through social media platforms, as well as in the largest digital online newspapers for the various countries.

A clear and distinct message: Money talks!

The preparatory work also told us that money is the target group's most important motivator for migrating to Norway. A campaign concept was drawn up, of which the main element was a film that aimed at creating engagement with a catchy message: “you could

also be entitled to twice as much”. The film, and message, were spread through paid advertising in relevant social and digital channels.

Most importantly: A landing site with relevant and understandable messages in the target groups' own languages

The idea was to “lure” the workers over to the campaign’s landing site www.knowyourrights.no.

The landing site was created in close collaboration with colleagues who have experience and knowledge of the needs of migrant workers, mainly from the Service Centre for foreign workers (SUA) and from our partner countries.

Translated into several languages, the landing site provides simple and understandable information about payment, working hours, employment agreement, a safe working environment and contact information for the Norwegian Labour Inspection Authority.

Today, the landing site serves as the Norwegian Labour Inspectorate's main information source aimed at migrant workers. Language was an important factor

Economics Norway carried out an evaluation of the campaign in the autumn of 2021, on behalf of the Norwegian Labour Inspection Authority and our partner countries: “Evaluation of the campaign Know Your Rights”. The purpose was to measure the effect of the campaign.

In addition to assessing media statistics and other statistics about the campaign and target groups, Economics Norway also carried out a survey aimed at people who visited the campaign’s landing site, to measure what the visitors thought of the campaign and the content of the site.

In addition, 24 in-depth interviews with selected survey respondents from Bulgaria, Estonia, Latvia, Lithuania, Poland, and Romania were conducted.

The results of the survey showed that most respondents were positive about the campaign's main message. They confirmed that information in their own language was an important prerequisite for understanding the content. Around a third of the respondents said they wanted to act in their current work relationship based on information from the campaign.

There were approximately 2,300 people who responded to the survey. Everyone who visited the landing site during the second campaign period in 2021 was asked to participate in the survey.

The respondents gave the campaign very good feedback:

- About 85 percent answered that the content was understandable, and that the landing site was easy to use.
- 80 percent of the respondents answered that information in their own language was important for their understanding.
- About 75 per cent found the information relevant to them, and overall, there was a good match between the information the target group felt they need, and the information provided.
- As many as 30 per cent of the respondents answered that through information from the campaign, they discovered a breach of Norwegian laws and regulations at their current workplace.
- Of these, 66 per cent answered that they either have or are planning to do something to improve their situation.

“If those who stated that they want to improve their working situation are successful, it is likely that the campaign will have contributed to reduced work-related crime”, says Economics Norway in their evaluation report. The Norwegian Labour Inspectorate will examine this in more detail in a new survey, which we hope to carry out in 2023.

The campaign has been a great success. Although the campaign has ended, the Norwegian Labour Inspectorate continues to further develop and promote the landing site. It has now turned from campaign to operation. We have translated the site into additional languages, including Ukrainian because of the refugee situation. We also used what we learned during the campaign to reach migrant workers in Norway with relevant messages on social media about infection control and regulations during the corona pandemic.

Venturing into Known Unknowns and Unknown Unknowns: The Nordic Labour Inspections Insights into the Future of Work

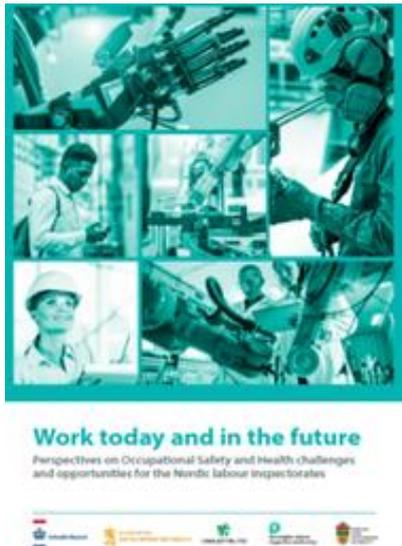
By: Yogindra Samant, The Norwegian Labour Inspection Authority

The Director Generals at Nordic Labour Inspections established the Future of Work and OSH (Occupational Safety and Health) Group in 2016. The group's mandate is to provide a scoping review of our challenges and opportunities in emerging technologies and global phenomena. In 2020 FOW group provided 72 unique recommendations to the Nordic Labour Inspections to meet future challenges.

Some recommendations, for example, using Machine Learning technology in identifying high-risk businesses, are already adapted, while many others are in the works. The many recommendations this report offers are Nordic in character but could be adapted globally. The FOW group addresses global technologies such as Artificial Intelligence and Robotics and universal phenomena such as migration and climate change. These factors are bound to impact the safety and health of workers and, in turn, labour inspections both in the Nordic region and globally.

More recently the Nordic Director Generals requested the FOW group to survey a sample of inspectors to gather the inspector's perspectives on the Future of Work challenges in Nordic Countries. A sample of data were qualitative and quantitative collected from the Nordic Labour Inspectorates. A novel report with the inspector's perspective and priorities on the various challenges vis-a-vis Future of Work and OSH will be published in autumn 2023. The results from the inspectors' surveys and the AI will be presented at a special session in collaboration with, among others, IALI at the ILO World Safety and Health Congress in Australia.

In addition, the group was requested to compile a Nordic draft on the workplace hazards of Artificial Intelligence (AI) and draft recommendations for the Labour Inspections to follow up. Below we present some preliminary findings from that work.



Potential Workplace Hazards of Artificial Intelligence:

- Some examples of physical hazards include autonomous machines that may malfunction and could lead to inadvertent activation of, for example, robotic arms causing grievous injury.
- Despite using AI technologies in traditional operations (welding, etching etc.), they may still cause hazardous exposure such as chemicals and radiation. This could be in course of maintenance operations or inadvertent failures in algorithms or programs.
- Automation due to the use of AI might lead to work intensification, increased workload, and time pressure. Reduced control regarding work pace may increase both physical and psychosocial hazards.
- Psychosocial hazards related to AI may include job insecurity and social isolation due to reduced contact with colleagues and managers as AI may replace workers with menial jobs with technology.
- AI systems may monitor and track workers' activities, leading to a need for more privacy. Constant surveillance could lead to stress and anxiety among workers.
- AI may reduce workers' autonomy, understanding and control over work tasks and increase the risk of burnout and exhaustion.
- AI may be used for managerial decision-making, threatening workers' participation and influencing decisions that may harm the psychosocial working environment.
- AI may raise ethical concerns such as bias, discrimination and privacy issues, leading to psychological distress among workers.

Recommendations for Labour Inspections to address the potential hazards emanating from artificial intelligence.

1. Develop/provide regulations and guidelines concerning worker health and safety in designing, deploying, and using AI technologies.
2. Recruit labour inspectors with competence in Artificial Intelligence technologies and provide training opportunities for inspectors to get insights in to work-related risks of AI applications.
3. Develop/provide risk assessment and training programs for workers, employers, designers and others on safely using robotic systems based on AI.
4. Worker engagement/user involvement and participation in developing, implementing, and evaluating AI technologies to address workers' health and safety concerns are important. Encourage the development of ethical AI technologies that prioritise human-centred development of technology, fairness, and transparency.
5. Principle of the hierarchy of control should continue to guide interventions deployed by Labour Inspections to mitigate the hazards.

Relazione Forum ANIV 2022- 29/5- 2/6/2022.

Associazione Nazionale Funzionari Ispettivi Pubblici (ANIV)



Amiche e Amici, colleghe e colleghi, illustri ospiti, siamo arrivati al 40° Forum: Un traguardo importante per la nostra Associazione. Da quaranta anni ci troviamo ogni anno, a proprie spese, è sempre bene ricordarlo, per affrontare, dibattere, ascoltare e proporre soluzioni, sulle questioni di volta in volta portate all'attualità da nuove norme, nuove modalità

operative, nuove prospettive. Da quarant'anni il format è sempre lo stesso il chè non vuol dire che non siamo inclini a modifiche o cambiamenti ma significa, invece, che così com'è strutturato questo Forum piace. Piace perché coniuga tutti gli aspetti: quello fondamentale dello studio e approfondimento delle tematiche portate al tavolo del dibattito, grazie alla presenza, da sempre, di autorevoli ospiti; quello professionale mediante la condivisione delle svariate problematiche riscontrate sul proprio territorio tra colleghi provenienti da tutte le regioni d'Italia e da diverse Amministrazioni (quest'anno ed è un grande piacere, partecipano anche gli ispettori del MISE) e per ultimo, non certo per importanza, l'aspetto sociale mediante la conoscenza, l'amicizia anche delle rispettive famiglie, durante i momenti di svago.

Da quarant'anni, non ci piace fare i falsi modesti, abbiamo contribuito alla soluzione dei molti problemi riscontrati nella pratica applicazione delle norme; abbiamo elaborato proposte normative (spesso tenute in considerazione) sempre nell'interesse dei lavoratori e delle aziende sane. Abbiamo collaborato con le nostre amministrazioni per elaborare applicativi in grado di individuare con maggior precisione le aziende a rischio. Sul fronte interno, cioè quello della tutela della professionalità del corpo ispettivo, abbiamo

contribuito al passaggio del verbale di accertamento scritto a penna e con la carta carbone al verbale su valigetta ispettiva;

abbiamo ottenuto il profilo ispettivo e poi il reclutamento di ulteriore personale ispettivo attraverso selezione interne e dall'esterno con specifico concorso pubblico. Prima l'incarico era annuale e veniva deciso di volta in volta dal dirigente. Abbiamo ottenuto, primi fra tutto il personale degli enti, il cellulare, il pc e la stampante. Abbiamo ottenuto, inoltre, la specifica indennità di funzione.

Quarant'anni di battaglie, quarant'anni di appassionato lavoro, gratuito, da parte di tutti coloro che hanno ricoperto e ricoprono incarichi a tutti i livelli in Aniv. Ed è proprio a tutti i colleghi che si sono impegnati e continuano a impegnarsi giornalmente (rubando il tempo ai propri interessi e alle proprie famiglie) che voglio esprimere, con il cuore, i miei ringraziamenti perché se siamo ancora qui dopo quaranta anni e se siamo ancora considerati una grande risorsa per le nostre amministrazioni significa che ci viene riconosciuto il nostro grande valore sociale, la nostra coerenza, la nostra lealtà.

Non tutte le battaglie, però, sono state vinte. Le più recenti, per non dire le più importanti, sono quelle relative al decreto legislativo 149 del 2015 e alla legge 215 del 2021. Sul decreto legislativo 149 del 2015, che, cito i primi articoli del testo della legge:

1. Al fine di razionalizzare e semplificare l'attività di vigilanza in materia di lavoro e legislazione sociale, nonché al fine di evitare la sovrapposizione di interventi ispettivi, è istituita, senza nuovi o maggiori oneri a carico della finanza pubblica, ai sensi dell'articolo 8 del decreto legislativo 30 luglio 1999, n. 300, una Agenzia unica per le ispezioni del lavoro denominata «Ispettorato nazionale del lavoro», che integra i servizi ispettivi del Ministero del lavoro e delle politiche sociali, dell'INPS e dell'INAIL.

2. L'Ispettorato svolge le attività ispettive già esercitate dal Ministero del lavoro e delle politiche sociali, dall'INPS e dall'INAIL. Al fine di assicurare omogeneità operative di tutto il personale che svolge vigilanza in materia di lavoro, contribuzione e assicurazione obbligatoria, nonché legislazione sociale, ai funzionari ispettivi dell'INPS e dell'INAIL sono attribuiti i poteri già assegnati al personale ispettivo del Ministero del lavoro e delle politiche sociali, ivi compresa la qualifica di ufficiale di polizia giudiziaria secondo quanto previsto dall'articolo 6, comma 2, del decreto legislativo 23 aprile 2004, n. 124 e alle medesime condizioni di legge.

Da sette anni vi tedio sulla questione delle presunte sovrapposizioni che da studi dei dati che ho ripetutamente esposto, non solo in occasione dei Forum Aniv, non esiste e comunque i pochi casi che si dovessero verificare non li può evitare l'ispettorato nazionale del lavoro, anzi.

L'Aniv non è contraria all'istituzione di un unico apparato che si occupi di vigilanza ispettiva tant'è che abbiamo proposto anche in sede di audizioni nelle commissioni lavoro della camera e del senato, l'istituzione di un ruolo unico ispettivo presso l'Inps. Perché presso l'Inps?? Perché ritenevamo e riteniamo che sia un Ente in grado di poter gestire tale attività grazie alla sua storia, al suo modello organizzativo, alla sua dislocazione capillare sul territorio e alle potenzialità nella gestione delle banche dati.

Ma torniamo a oggi: Il tema scelto per il Forum di quest'anno: "Professionalità e inter professionalità nel mondo del lavoro, per una migliore definizione dei ruoli di coloro che operano nell'ambito della legislazione sociale" è sicuramente di grande attualità anzi sembra che faccia riferimento ai due sopra citati provvedimenti legislativi che hanno la pretesa di modificare e incrementare pesantemente le competenze di ogni singolo corpo ispettivo. Rimarrete sbalorditi, o forse no, se vi rivelo che questo titolo, in realtà, e non è stata cambiata nemmeno una virgola, è esattamente il titolo del primo convegno aniv che si è tenuto a Capri nel 1983. Corsi e ricorsi storici, ci troviamo dopo quasi 40 anni a discutere della stessa problematica.

E ci troviamo a discutere di tutto ciò anche perché qualcuno, e mi dispiace che non sia presente e che non abbia aderito all'invito a partecipare, nonostante le mie ripetute insistenze, ritiene di estendere al personale ispettivo ordinario dell'ispettorato nazionale del lavoro, al personale ispettivo dell'inail e dell'inps, la competenza su una materia così delicata e importante che è la sicurezza nei luoghi di lavoro.

Noi riteniamo che una problematica così vitale e di grande impatto sociale, non si possa affrontare e risolvere con tanta superficialità. Chi lo dice, noi, non vuole difendere interessi di nicchia o di parte, chi lo dice è l'associazione professionale dei funzionari ispettivi pubblici alla quale aderiscono ispettori dell'Inail, dell'Inps, dell'ispettorato nazionale del lavoro, i tecnici della prevenzione delle asl e, da circa 1 mese, anche gli ispettori del Ministero dello sviluppo economico che svolgono attività ispettiva sotto l'aspetto mutualistico nei confronti delle cooperative.

E le nostre sono considerazioni serie, non proclami, non slogan, non dichiarazioni rilasciate ad hoc per fare presa (presa in giro) sull'opinione pubblica. Le nostre considerazioni non le esterniamo dopo un infortunio mortale. Le nostre considerazioni sono frutto di uno studio approfondito della problematica, dei dati (e i numeri non mentono); i nostri suggerimenti sono frutto dell'esperienza maturata sul campo e confrontata giornalmente tra tutti gli attori (ispettori, lavoratori, datori di lavoro, consulenti del lavoro, associazioni di categoria, sindacati e molti altri).

Prima di parlare della sicurezza nei luoghi di lavoro vorrei soffermarmi, però, richiamando il titolo del Forum, sulle specifiche materie di competenza degli ispettori di ogni singola amministrazione. Ho preparato una tabella, che non credo sia completa, rispetto alle materie di competenza di ogni singolo corpo ispettivo. Non leggo le singole voci perché passeremmo mezza giornata per elencarle tutte ma guardando la tabella si intuisce facilmente quanto siano ampie e complesse le materie che ogni singolo corpo ispettivo deve conoscere e conoscere bene perché quando si redige un verbale ci si assume una responsabilità civile e penale che pochi altri dipendenti pubblici hanno.

Ogni ispettore, che sia un funzionario di vigilanza Inail, inps, inl (non cito gli ispettori del mise perché per fortuna (per adesso) non sono stati coinvolti nel folle disegno del decreto legislativo 149 del 2015 e dell'altrettanto folle progetto del decreto legge 146 del 2021 poi convertito in legge) ogni ispettore, dicevo, si assume grandi responsabilità nel lavoro quotidiano per le materie di propria competenza. Come si può pensare che un ispettore possa occuparsi contemporaneamente di ispezioni in materia previdenziale, assicurativa, giuslavoristica e di sicurezza nei luoghi di lavoro. Qualche autorevole rappresentante del Governo ha affermato recentemente che negli altri paesi europei esiste un ispettore del lavoro che si occupa di tutto. A parte il fatto che tale affermazione non risulta corretta, mi fa sorridere, per non dire piangere, che si citano gli altri paesi solo quando conviene. Non è stato detto, per esempio, e lo dico solo per dovere di completezza di informazione non per rivendicare alcunchè, che negli altri paesi, per esempio in Spagna, un ispettore del lavoro senza particolari incarichi porta a casa ogni mese circa 3.300 euro netti.

Tornando alla sicurezza nei luoghi di lavoro devo ricordare, che noi "l'avevamo detto" purtroppo e, guardate, non è bello e non porta soddisfazioni, non siamo contenti, tutt'altro, perché in questo caso parliamo di infortuni, di morti, di lavoratori con danni permanenti e gravi.

Noi siamo coerenti, tenaci, insistenti e non ci arrendiamo. La sicurezza nei luoghi di lavoro non si tutela controllando le carte, non si tutela con le sanzioni. Per i controlli, poi, si deve impiegare personale specializzato (ispettori tecnici dell'INL e tecnici della prevenzione delle ASL) che sappia distinguere una presa di corrente regolare da una irregolare, che sappia distinguere un ponteggio sicuro da uno pericoloso. Che senso ha controllare se esiste in azienda il piano di evacuazione se poi le porte di uscita di sicurezza o le scale esterne risultano inaccessibili perché vi sono posizionati scatoloni di documentazione (e di esempi in tal senso nei telegiornali ne abbiamo purtroppo visti tanti, anche negli ospedali); Che senso ha controllare il documento di valutazione dei rischi se non viene confrontato con la situazione attuale e reale per verificare se è stato aggiornato come prevede la norma? E di esempi potrei farne a decine. E' perfettamente inutile, pertanto, distogliere risorse e tempo utilizzando per tale compito personale ispettivo che deve, invece, occuparsi di altro, altrettanto importante e determinante. Questa volta tale affermazione è supportata dai dati ISTAT:

L'ultimo report ISTAT, infatti, pubblicato il 19.10.2021, sull'economia non osservata, relativo all'anno 2019, quantifica in 3 milioni 586 mila le unità di lavoro non regolari, pari al 14,9% della forza lavoro registrata. Si tratta dell'insieme delle posizioni irregolari sia di lavoro dipendente sia di lavoro autonomo. Il valore economico di tanta illegalità corrisponde a 167 miliardi e costituisce il 9,3% del PIL realizzato nel 2019.

2019 – dati ISTAT		% su lavoro regolare
ULA	3.586.000	14,9
Valore finanziario	167.000.000.000	
% rispetto a PIL	9,3	

Dal recentissimo bollettino trimestrale dell'INAIL, relativo ai mesi di gennaio, febbraio e marzo 2022, i danni alla salute a causa del lavoro risultano tutti in osceno aumento, rispetto al pari periodo del 2021. I risultati statistici contraddicono tanta buona volontà e anche non poche infondate dichiarazioni trionfalistiche. L'esame comparato del primo trimestre dell'andamento infortunistico 2021–2022, conferma l'inaccettabile aumento degli infortuni sul lavoro, compresi quelli mortali, e delle malattie professionali.

<i>INAIL Primo trimestre comparato 2021 - 2022</i>	2021	2022	%
Italia Infortuni	128.671	194.106	50,85
Italia Infortuni mortali	185	189	2,16
Italia malattie professionali	13.583	14.517	6,88

Rispetto a tale sconcertante risultato, appare ancora più incomprensibile e agghiacciante l'affermazione del direttore dell'Ispettorato nazionale del lavoro, il quale nella postfazione al libro di Marco Patucchi – Morire di lavoro – a pagina 157 serenamente afferma: il lavoro uccide perché tutti noi non facciamo il nostro dovere.

Di chi e di cosa sta parlando? Certamente non delle colleghe e dei colleghi dell'Ispettorato, dell'INPS, dell'INAIL e dei servizi di prevenzione delle aziende sanitarie locali. Parla forse di quanto da lui attuato: per esempio all'aumento statistico delle sanzioni, che comprendono anche le contestazioni formali per 37 euro oppure le più onerose sanzioni di natura penale in materia di salute e sicurezza, derivanti non da oggettivi inadempimenti, bensì da interpretazioni e valutazioni unilaterali che considerano non conforme non l'assenza dell'adempimento, bensì l'occasionale mancato perfezionamento formale.

Con questi presupposti sicuramente l'ISTAT certificherà ancora l'incremento del lavoro irregolare e purtroppo, come già confermato, non è stato interrotto e nemmeno frenato, il tragico aumento delle morti sul lavoro.

A proposito di infortuni dove finiscono i danni alla salute e i morti provocati dal lavoro irregolare?

Di sicuro chi recluta e avvia al lavoro in maniera illegale, certamente, non fornisce i dispositivi di protezione e tanto meno predispone il documento di valutazione dei rischi. In alcuni casi l'inevitabile ricorso al pronto soccorso consente l'individuazione sia dell'infortunio sia del rapporto di lavoro irregolare. Coraggiosi medici non si girano dall'altra parte e decidono di segnalare le ferite mortali conseguenti a una caduta dall'alto, magari attribuite a un improbabile incidente stradale. Altri e numerosi eventi restano inghiottiti dalla paura e dall'omertà. Altri ancora in maniera truffaldina finiscono a carico delle imprese ove i doppio-lavoristi operano legalmente.

Circostanza confermata dai dati INAIL, secondo i quali il lunedì è il giorno con il più alto numero di infortuni.

Queste osservazioni ci consentono di affermare e confermare l'utilità e la necessità delle culture e tecniche ispettive espresse dall'INPS, dall'INAIL e dagli ispettori ordinari dell'Ispettorato Nazionale del Lavoro, da sempre concentrate sul contrasto degli elementi sostanziali dell'illegalità del lavoro e sull'individuazione ed eliminazione dei vantaggi economici ottenuti mediante il lavoro illegale. Un assai efficace strumento di contrasto del vantaggio economico improprio è il ricorso allo strumento dell'obbligo solidale a carico di committenti.

Spesso gli obbligati sono soggetti benpensanti dagli occhi bendati, ben spalancati però nell'individuazione del costo più basso, superando limiti etici e di sostenibilità finanche ostentati sui propri siti. È talmente vera questa nostra affermazione, che di recente la Guardia di Finanza ha avviato e valorizzato dei filoni d'indagine fondati proprio sulla meticolosa individuazione del percorso illegale del lavoro.

La cultura dell'adempimento formale, al contrario, necessita di un quadro già noto ove piazzare le classiche e costose ciliegine sulla torta per il reperimento delle risorse necessarie al funzionamento degli apparati, magari in conseguenza di una mancata comunicazione totalmente e sostanzialmente ininfluenza rispetto alla legalità e sicurezza del lavoro. Una tendenza che rifiutiamo nella maniera più assoluta, tant'è che nella nostra carta dei valori è riportato: "Allo stesso modo si afferma che le somme incassate dalla pubblica amministrazione mediante le azioni di vigilanza non siano mai utilizzate per sostenere in forma diretta o indiretta i costi degli apparati ispettivi". E a proposito della qualità dei provvedimenti prodotti dalla vigilanza, con orgoglio ricordiamo e rivendichiamo le solenni scelte affidate alla nostra carta dei valori: "L'Associazione Professionale dei Funzionari Ispettivi Pubblici ritiene inoltre inderogabili i valori della integrità e trasparenza quali elementi irrinunciabili e caratterizzanti sia i comportamenti sia gli atti prodotti dal personale ispettivo. I provvedimenti devono essere espressi e redatti in modo da risultare pienamente comprensibili e specificatamente motivati".

Siamo obbligati a queste riflessioni innanzitutto perché corrispondono al vero. Senza alcuna riserva ci dichiariamo letteralmente innamorati della dignità, legalità e sicurezza del lavoro. Agiamo per l'equità e l'interesse generale del paese. Da sempre contribuiamo all'attuazione di una moderna e avanzata pubblica amministrazione inflessibile con l'illegalità del lavoro, ma proattiva rispetto a formali incoerenze non sostanziali, originate anche da tanta bulimia normativa non priva d'incertezze e di effetti paradossali. Com'è ben noto, da sempre la legalità non è garantita dalla sola azione di repressione. La chiave

del successo deriva anche dalla condivisione e dalla ragionevolezza, condizioni sicuramente mortificate dalle contestazioni fondate sulla mancata attuazione burocratica delle formalità.

Alle critiche però, e noi ne facciamo tante ma sono costruttive, devono seguire anche le proposte e i suggerimenti ed ecco quindi ecco il nostro punto di vista. Riteniamo che la sicurezza nei luoghi di lavoro sia prima di tutto un fatto culturale, in secondo luogo possono contribuire a migliorarle la condivisione di banche dati, il monitoraggio e, per ultimo, i controlli e le sanzioni.

Per questo occorre rivedere la logica con cui si “costruisce” il percorso di sicurezza.

Si devono contemplare tutte le fasi sopra citate: cultura e formazione, implementazione e condivisione delle banche dati, un nuovo sistema di monitoraggio, i controlli e le eventuali sanzioni.

Partiamo dalla cultura e formazione sulla legalità e sicurezza nei luoghi di lavoro:

è innegabile, lo abbiamo già detto che la sicurezza nei luoghi di lavoro è, prima di tutto un fatto culturale e di formazione generale. Solo con una coscienza collettiva sull'importanza della legalità e della sicurezza sul lavoro si possono ottenere buoni risultati. La legalità, a 360 gradi è condizione essenziale e viaggia di pari passo con il rispetto delle norme sulla sicurezza.

Proprio per questo suggeriamo:

L'introduzione obbligatoria della materia inerente “legalità e sicurezza sui luoghi di lavoro”:

- nei corsi di laurea tecnici (Ingegneria, architettura, economia aziendale, ecc)
- nelle scuole professionali
- negli istituti tecnici e scientifici

La programmazione di una campagna informativa pubblica sul tema della legalità e sicurezza nei luoghi di lavoro e la nostra associazione, come sempre, vuole rendersi utile e offre la disponibilità, a titolo gratuito, dei funzionari di vigilanza per incontri informativi nelle scuole/università e presso le associazioni di categoria su questa tematica.

Per quanto riguarda il secondo punto, quello delle banche dati, riteniamo che sia necessario istituire un sistema informativo integrato attraverso la creazione di un archivio centralizzato nel quale deve confluire, con trasmissione obbligatoria telematica, tutta la documentazione sulla sicurezza, in un formato tale da poter interagire con le altre banche

dati.

Questo Sistema informativo integrato per la sicurezza nei luoghi di lavoro deve contenere un archivio centralizzato con trasmissione telematica obbligatoria, lo ribadiamo, di tutti i documenti sulla sicurezza (DVR, POS etc.)

Nei documenti trasmessi devono essere indicate il maggior numero di informazioni utili quali:

- Date di redazione e scadenza dei documenti;
- Soggetto che ha redatto il documento;
- tutte le apparecchiature a rischio medio ed elevato presenti in azienda con le tipologie e classi di rischio;
- le misure di sicurezza specifiche per ciascuna apparecchiatura;
- i lavoratori abilitati ad operare sulle singole apparecchiature con l'indicazione dei corsi di formazione svolti, date, Ente formatore;
- I suddetti documenti telematici andrebbero a implementare altri archivi quali, per esempio,

Un'anagrafe nazionale degli operatori della sicurezza coinvolti in ciascuna azienda (Datore di lavoro, RSP, ASPP; RSS, RLS, medico competente, soggetti formatori, soggetti certificatori, ecc...)

Un archivio nazionale delle apparecchiature ed impianti a rischio medio ed alto. Le aziende utilizzatrici, nonché le aziende produttrici e di commercializzazione di apparecchiature ed impianti che rappresentino un rischio significativo, sono tenute ad implementare la banca dati nazionale con matricola della macchina, produttore, soggetto certificatore, tipologia di rischio, acquirenti della apparecchiatura, ecc..;

Implementazione dei flussi mensili delle denunce contributive con indicazione del livello e della tipologia di rischio di ciascun lavoratore;

Implementazione dell'archivio infortuni sul lavoro con indicazione della apparecchiatura su cui è avvenuto l'infortunio.

Questo è un primo passo, anche relativamente semplice, ed evita di dover effettuare controlli puramente documentali nelle aziende, permettendo di focalizzare i controlli sulle aziende che non trasmettono i dati o in quelle dove, con verifiche a monte e sistemi di analisi predittiva, si notino incongruenze.

Sul Sistema informatizzato di monitoraggio attivo sui sistemi di sicurezza, premesso che, anche considerando le apparecchiature ad alto rischio infortuni, è tecnicamente

impossibile un monitoraggio completo e costante da parte dei funzionari di vigilanza, si ritiene necessario ed utili adottare sistemi di monitoraggio remoto da parte degli organi di vigilanza.

Si propone quindi la creazione delle “security box” da installare su tutte le apparecchiature ed impianti a rischio medio ed alto. In sintesi, le “security box” hanno il compito di monitorare la non manomissione dei sistemi di sicurezza delle macchine ed impianti ad alto rischio (sistema di vigilanza “silenziosa”) e di verificare gli addetti che vi operano (riconoscimento biometrico con impronte digitali o altro).

Le “Security box” trasmettono i dati e possono essere dotati di diversi sensori nonché di sistemi di verifica video. Tramite le “Security box” può essere simulato da remoto un “incidente” o può essere richiesta agli operatori la simulazione istantanea per verificare l’efficacia delle protezioni.

Le “security box” possono fungere anche da “allarme di seconda istanza”.

Controlli e sanzioni, che abbiamo posizionato in fondo al percorso, saranno in questo modo molto più mirati e molto più utili a evitare gli incidenti sul lavoro.

Solo in questo modo, umilmente riteniamo, si potrà porre un freno agli incidenti nei luoghi di lavoro e, nel contempo, utilizzare il corpo ispettivo Inail, Inps e gli ispettori ordinari dell’ispettorato nazionale del lavoro per la tutela della legalità nel mercato del lavoro.

Non serve sbandierare nuove assunzioni (certamente utilissime) ma che non risolvono il problema della sicurezza nei luoghi di lavoro, non serve andare nelle trasmissioni radio televisive o sulle pagine dei giornali a raccontare quanto stiamo diventando belli e bravi. Non serve creare mega strutture, interne alle nostre amministrazioni, ogni riferimento all’ispettorato nazionale del lavoro è puramente casuale, che non fanno altro che burocratizzare ulteriormente una già altamente burocratizzata attività ispettiva.

Utilizziamo i fondi del PNRR per iniziative realmente utili, e la proposta che vi ho illustrato sommariamente lo è, utilizziamoli per il bene del Paese attraverso una vera e seria lotta all’illegalità e una vera e seria azione per garantire la sicurezza nei luoghi di lavoro. Chi si reca a lavoro giornalmente non può e non deve più correre il rischio di non tornare a casa.

Giancarlo Sponchia

ANIV Presidente

English version

Aniv (National Association of Public Inspector)



For forty years, we have contributed to solve multiple problems encountered in the practical application of regulations; we have developed legislative proposals (often taken into consideration) always in the interest of workers and of viable companies. We have collaborated with our

administrations to develop tools capable of identifying companies at risk with greater precision. On the internal front, that is, the protection of the professional integrity of the inspection body, we contributed to the transition from handwritten assessment reports with carbon paper to reports using an inspection briefcase; we obtained the inspection profile and then the recruitment of additional inspection personnel through internal selection and external recruitment with specific public competition. Previously, the appointment was annual and was decided on a case-by-case basis by the manager. We obtained, first for the staff of the entities, the mobile phone, the PC, and the printer. Furthermore, we obtained the specific function allowance. Forty years of battles, forty years of passionate, unpaid work by all those who have held and continue to hold positions at all levels in Aniv. And if we are still here after forty years and are still considered a great asset to our administrations, it means that our great social value, our coherence, our loyalty is recognized.

The theme chosen for this year's Forum "Professionalism and inter-professionalism in the world of work, for a better definition of the roles of those operating in the field of social legislation" is certainly very topical. Indeed, it seems to refer to legislative measures that aim to significantly modify and increase the competencies of each individual inspection body. You will be amazed, or perhaps not, if I reveal to you that this title and not a comma has been changed, is exactly the title of the first Aniv conference held in Capri in 1983.

Historical recurrences, we find ourselves discussing the same issue almost 40 years later. And we find ourselves discussing all of this because it is believed to extend to the ordinary inspection personnel of the INL (National Labor Inspectorate), the inspection personnel of INAIL (National Institute for Occupational Accident Insurance), and INPS (National Institute of Social Security), the competence in such a delicate and important matter as safety in the workplace. We believe that such a vital and socially impactful issue cannot be addressed and resolved with such superficiality. Those who say this, us, do not want to defend partisan interests; those who say this are the professional association of public inspection officials to which inspectors from INAIL, INPS, the National Labor Inspectorate, and technicians for the prevention of local health companies adhere.

And our considerations are serious, not proclamations, not slogans, not ad hoc statements made to influence public opinion. We do not express our considerations after a fatal accident. Our considerations are the result of an in-depth study of the issue, of data (and numbers don't lie); our suggestions are the result of the experience gained in the field and compared daily among all the actors (inspectors, workers, employers, labor consultants, trade associations, unions, and many others). Before talking about workplace safety, I would like to dwell on the title of the Forum, recalling that, however, we "had said it" unfortunately, and look, it's not nice and it doesn't bring satisfaction, we are not happy, quite the opposite, because in this case we are talking about accidents, deaths, workers with permanent and serious injuries.

We are consistent, tenacious, persistent, and we do not give up. Workplace safety is not protected by checking documents, nor is it protected by sanctions. For inspections, specialized personnel must be employed (technical inspectors from the National Labor Inspectorate and prevention technicians from Local Health Companies) who know how to distinguish a regular power outlet from an irregular one, who know how to distinguish a safe scaffold from a dangerous one. What sense does it make to check if there is an evacuation plan in the company if then the emergency exit doors or external stairs are inaccessible because there are boxes of documentation positioned there; What sense does it make to check the risk assessment document if it is not compared with the current and real situation to verify if it has been updated as required by the regulation? I could give dozens of examples. Therefore, it is perfectly useless to divert resources and time using inspection personnel for this task, which should, instead, deal with something else,

equally important, and decisive. This time, this statement is supported by data from ISTAT (National Institute of Statistics):

The latest ISTAT report, in fact, published on 19.10.2021, on the unobserved economy, relating to the year 2019, quantifies 3,586,000 non-regular work units, equal to 14.9% of the registered workforce. This includes both irregular positions of dependent and self-employed work. The economic value of so much illegality corresponds to 167 billion and constitutes 9.3% of the GDP realized in 2019.

2019 – ISTAT data		% on regular work
ULA	3.586.000	14,9
Financial value	167.000.000.000	
% compared to PIL	9,3	

From the very recent quarterly report from INAIL, relating to the months of January, February, and March 2022, health damages due to work are all in obscene increase, compared to the same period of 2021. The statistical results contradict much goodwill and not a few unfounded triumphalistic statements. The comparative examination of the first quarter of the accident trend 2021–2022 confirms the unacceptable increase in workplace accidents, including fatal ones, and occupational diseases.

INAIL First quarter compared 2021 - 2022	2021	2022	%
Italy Accidents	128.671	194.106	50,85
Italy Fatal Accidents	185	189	2,16
Italy Occupational Diseases	13.583	14.517	6,88

Speaking of accidents, where do the health damages and deaths caused by irregular work end up? Certainly, those who recruit and start work illegally certainly do not provide protective equipment, let alone prepare the risk assessment document. In some cases, the inevitable recourse to the emergency room allows for the identification of both the accident and the irregular work relationship. Brave doctors do not turn a blind eye and decide to report the fatal wounds resulting from a fall from a height, perhaps attributed to an improbable road accident. Other numerous events are swallowed up by fear and omertà. Still, others, in a fraudulent manner, end up being borne by the companies where the double-workers operate legally. This circumstance is confirmed by INAIL data, according to which Monday is the day with the highest number of accidents.

These observations allow us to affirm and confirm the usefulness and necessity of the inspection cultures and techniques expressed by INPS, INAIL, and the ordinary inspectors of the National Labor Inspectorate, always focused on countering the substantive elements of work illegality and identifying and eliminating the economic advantages obtained through illegal work. An effective tool for countering improper economic advantage is the use of the joint liability tool against contractors.

Often, the obliged parties are well-intentioned individuals with blindfolded eyes, but wide open when it comes to identifying the lowest cost, exceeding ethical and sustainability limits even boasted on their own websites. Our statement is so true that recently the Finance Police has initiated and enhanced investigative lines based precisely on the meticulous identification of the illegal path of work. We are obliged to these reflections first because they correspond to the truth. Without any reservation, we declare ourselves literally in love with the dignity, legality, and safety of work. We act for the fairness and general interest of the country. We have always contributed to the implementation of a modern and advanced public administration that is inflexible regarding work illegality but proactive with respect to formal non-substantial inconsistencies, which also originate from a great deal of normative bulimia not devoid of uncertainties and paradoxical effects. As is well known, legality has always been guaranteed not only by the action of repression alone. The key to success also derives from sharing and reasonableness, conditions certainly undermined by disputes based on the bureaucratic non-implementation of formalities.

However, criticisms, and we make many, but they are constructive, must also be followed by proposals and suggestions, and here is our point of view. We believe that workplace safety is first and foremost a cultural matter, and secondly, the sharing of databases, monitoring, and, finally, inspections and sanctions can contribute to its improvement.

For this reason, we need to reconsider the logic with which the safety path is "constructed". All the phases must be contemplated: culture and training, implementation and sharing of databases, a new monitoring system, inspections, and possible sanctions.

Let's start with the culture and training on legality and safety in the workplace: it is undeniable, as we have already said, that safety in the workplace is, first, a cultural and general training matter. Only with a collective awareness of the importance of legality and safety at work can good results be achieved. Legality, all-encompassing, is an essential condition and goes hand in hand with respect for safety regulations.

For this reason, we suggest the mandatory introduction of the subject "legality and safety in the workplace":

- in technical degree courses (Engineering, Architecture, Business Administration, etc.)
- in professional schools in technical and scientific institutes.

The planning of a public information campaign on the theme of legality and safety in the workplace, and our association, as always, wants to be helpful and offers the availability, free of charge, of inspection officials for informative meetings in schools/universities and at trade associations on this subject.

Regarding the second point, that of databases, we believe it is necessary to establish an integrated information system through the creation of a centralized archive where all safety documentation, in a format that can interact with other databases, must be sent with mandatory telematic transmission. This integrated information system for workplace safety must contain a centralized archive with mandatory telematic transmission, we reiterate, of all safety documents (DVR, POS, etc.). The transmitted documents should indicate the highest number of useful information such as: dates of preparation and

expiration of the documents; the entity that prepared the document; all medium and high-risk equipment present in the company with types and risk classes; specific safety measures for each piece of equipment; workers authorized to operate on individual equipment with indications of the training courses undertaken, dates, training provider; These telematic documents should complement other archives such as, for example,

A national register of security operators involved in each company (Employer, RSP, ASPP; RSS, RLS, competent doctor, training providers, certifying bodies, etc...)

A national archive of medium and high-risk equipment and systems. Using companies, as well as manufacturing and marketing companies of equipment and systems that represent a significant risk, are required to update the national database with the machine's serial number, manufacturer, certifying body, risk type, equipment purchasers, etc.; Implementation of monthly flows of contributory reports indicating the level and type of risk for each worker; Implementation of the archive of workplace accidents indicating the equipment on which the accident occurred. This is a first, albeit relatively simple, step, which avoids purely documentary checks in companies, allowing for the focus of checks on companies that do not transmit data or in those where, with upstream verifications and predictive analysis systems, discrepancies are noticed. Regarding the computerized system for active monitoring of safety systems, assuming that, even considering high-risk accident equipment, it is technically impossible to achieve complete and constant monitoring by inspection officials, it is considered necessary and useful to adopt remote monitoring systems by oversight bodies.

Therefore, we propose the creation of "security boxes" to be installed on all medium and high-risk equipment and systems.

In summary, the "security boxes" are responsible for monitoring the non-tampering of safety systems for high-risk machinery and equipment (silent surveillance system) and verifying the operators who work on them (biometric recognition with fingerprints or other). The "Security boxes" transmit data and can be equipped with various sensors as well as video verification systems. Through the "Security boxes," a "incident" can be simulated remotely, or an instant simulation can be requested from the operators to verify the effectiveness of the protections. Inspections and sanctions, which we have placed at the end of the process, will be much more targeted and much more useful in preventing workplace accidents. Only in this way, we believe humbly, can we put a brake on workplace

accidents and, at the same time, use the inspection body of Inail, Inps, and the ordinary inspectors of the National Labor Inspectorate to protect legality in the labor market. It is not necessary to flaunt new hires (certainly very useful) but which do not solve the problem of workplace safety, it is not necessary to go on radio and television programs or on the pages of newspapers to talk about how beautiful and skilled we are becoming. It is not necessary to create mega structures within our administrations that only further bureaucratize an already highly bureaucratized inspection activity.

Let's use the funds from the PNRR for initiatives that are truly useful, and the proposal I have briefly outlined is one of them; let's use them for the good of the country through a real and serious fight against illegality and a real and serious action to guarantee safety in the workplace. Those who go to work every day cannot and should no longer run the risk of not coming back home.

Giancarlo Sponchia. ANIV President

Russian Federation

Региональные форумы инспекторов труда – новый этап регионального сотрудничества инспекционных органов.

Federal Service on Labour and Employment (Rostrud)

10 - 12 августа 2022 года в Ташкентской области Республики Узбекистан прошел Первый региональный форум государственных инспекторов труда стран центральноазиатского региона. В работе Форума приняли участие более 70 государственных инспекторов труда из Казахстана, Кыргызстана, России, Таджикистана, Туркменистана и Узбекистана.

Форум подобного масштаба проводился впервые и стал результатом и продолжением формирования регионального профессионального сообщества государственных инспекторов труда.

Основой и предпосылкой для такого более тесного профессионального взаимодействия стало сотрудничество инспекционных органов в рамках Евро-Азиатского регионального альянса

инспекций труда, включающего инспекционные органы 10 стран (перечислить), а также проводимые с 2015 года ежегодные Всероссийские форумы молодых инспекторов труда.

Проводимые Всероссийские Форумы молодых инспекторов труда были обусловлены поиском современных эффективных методов развития профессиональных компетенций специалистов, призванных стать носителями новой системы ценностей, основанной на открытости и сотрудничестве между инспекцией, работниками и работодателями. В этих форумах ежегодно принимают участие более 100 молодых государственных инспекторов труда в возрастной категории до 35 лет, имеющих высокие показатели эффективности профессиональной деятельности, при этом Форум является площадкой для раскрытия и развития профессионального потенциала молодёжи.

Всероссийский Форум – мероприятие международного уровня, в 2016 году в Форуме принимали участие представители Национального института труда, занятости, профессиональной подготовки (INTEFP) Франции, в 2017-2018 годах своим опытом и знаниями делились специалисты по инспекции труда и охране труда Департамента по инспекции труда и охране труда Бюро Международной организации труда (МОТ) в Женеве, а также специалисты по регулированию вопросов труда, инспекции труда и охране труда Московского Бюро МОТ для стран Восточной Европы и Центральной Азии, в 2020-2021 годах государственные инспекторы труда Республики Узбекистан.

Всероссийский Форум получил высокую внешнюю оценку, заняв в 2017 году первое место в конкурсе «Лучшие кадровые практики в системе государственного и муниципального управления» в номинации «Мотивация кадров».

В августе 2022 года было принято решение о расширении формата Форума и приглашении к участию в нем стран Центральной Азии.

Первый региональный Форум государственных инспекторов труда стран Центральной Азии был организован Министерством занятости и трудовых отношений Республики Узбекистан при финансовой поддержке Программы развития Организации Объединенных Наций (ПРООН) и организаторской и методической поддержке инспекционного органа России.

В ходе подготовки к Форуму были разработаны концепция и программа Форума, определены форматы и формы обучения, проведены тренинги, направленные как на профессиональный, так и личностный рост государственных инспекторов труда.

В рамках данного международного мероприятия представители государственных инспекций труда стран-участниц обсудили вопросы, касающиеся основополагающих принципов Международной организации труда, миграционного законодательства, концепции нулевого травматизма, расследования несчастных случаев на производстве, принудительного труда и другие вопросы.

Главными итогами первого регионального Форума государственных инспекторов труда стран Центральной Азии и России стали укрепление взаимодействия в реализации политики в области государственного надзора в сфере труда, повышение уровня осведомленности по вопросам внедрения современных механизмов обеспечения безопасных условий труда и защиты трудовых прав работников в разных странах, повышение уровня знаний, эффективности и результативности деятельности государственных инспекторов труда.

Форум получил высокую оценку всех стран – участниц, в том числе как мероприятие, которое внесло значительный вклад в формирование регионального сообщества молодых инспекторов труда, активно вовлеченных в процесс решения наиболее актуальных проблем в сфере защиты трудовых прав граждан и интересов работодателей, а также обеспечения безопасности, сохранения жизни, здоровья и благополучия работников.

Планируется, что Форум станет одним из постоянных мероприятий по укреплению сотрудничества инспекций труда в регионе, обмену национальным опытом и изучению лучших мировых практик осуществления государственного надзора в сфере труда.

English version:

Regional Forums of labour inspectors - a new stage of regional cooperation of inspection bodies

The First Regional Forum of State Labour Inspectors of Central Asian countries was held in the Tashkent region of the Republic of Uzbekistan on August

10-12, 2022. More than 70 state labour inspectors from Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Turkmenistan and Uzbekistan took part in the Forum.

A forum of such magnitude was held for the first time and became the result and continuation of the formation of a regional professional community of state labour inspectors.

The basis and prerequisite for such closer professional interaction was the cooperation of inspection bodies within the Euro-Asian Regional Alliance of Labour Inspections, which includes the inspection bodies of 10 countries (Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Russia, Tajikistan, Uzbekistan and Ukraine), as well as the annual All-Russian Forums of Young Labour Inspectors held since 2015.

The ongoing All-Russian Forums of Young Labour Inspectors were aimed at finding modern effective methods for developing the professional competencies of specialists designed to become bearers of a new value system based on openness and cooperation between the inspection, employees and employers. More than 100 young state labour inspectors up to 35 years old with high rates of professional activity take part in these forums every year, while the Forum is a platform for discovering and developing the professional potential of young people.

The All-Russian Forum is an international event, in 2016 representatives of the National Institute for Labour, Employment and Occupational Training of France took part in the Forum, in 2017-2018 specialists in labour inspection and labour protection of the Department of Labour Inspection and labour protection Bureau of the International Labour Organization (ILO) in Geneva as well as specialists in labour regulation, labour inspection and labour protection of the Moscow Bureau of the ILO for Eastern Europe and Central Asia, in 2020-2021 state labour inspectors of the Republic of Uzbekistan.

The All-Russian Forum received a high external assessment and took first place in the Best HR Practices in State and Municipal Government competition in 2017 in the Personnel Motivation nomination.

In August 2022 it was decided to expand the format of the Forum and invite the countries of Central Asia to participate in it.

The first regional Forum of State Labour Inspectors of the Central Asian countries was organized by the Ministry of Employment and Labour Relations of the Republic of Uzbekistan with the financial support of the United Nations Development Program (UNDP) and organizational and methodological support of the inspection body of Russia.

During the preparation for the Forum the concept and program of the Forum were developed, formats and forms of training were determined, trainings were held aimed at both professional and personal growth of state labour inspectors.

As part of this international event representatives of the state labour inspections of the participating countries discussed issues related to the fundamental principles of the International Labour Organization, migration legislation, the concept of "vision zero", investigation of accidents at work, forced labour and other issues.

The main results of the first regional Forum of State Labour Inspectors of the countries of Central Asia and Russia were the strengthening of interaction in the implementation of policies in the field of the labour law enforcement, raising awareness on the implementation of modern mechanisms for ensuring safe working conditions and

protecting the labour rights of workers in different countries, raising the level of knowledge, efficiency and effectiveness of the activities of state labour inspectors.

The forum was highly appreciated by all participating countries including as an event that made a significant contribution to the formation of a regional community of young labour inspectors who are involved in the process of solving the most current issues in the field of the protection of labour rights and the interests of employers as well as ensuring safety, preservation of life, health and well-being of employees.

It is planned that the Forum will become one of the permanent events to strengthen cooperation between labour inspections in the region, exchange national experience and study the best world practices in the implementation of the labour law enforcement.



Classification erronée des employés dans l'industrie du transport routier au Canada

Préparé par :

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Direction des opérations régionales et de la conformité programme du travail

La classification erronée des employés dans l'industrie du transport routier au Canada

La classification erronée des travailleurs est un problème que le gouvernement canadien prend au sérieux. Dans un effort concerté de sensibilisation, d'amélioration de la sécurité et de protection des travailleurs, des modifications au Code canadien du travail sont entrés en vigueur le 1er janvier 2021, faisant clairement de la classification erronée intentionnelle des employés une infraction à la loi.

Dans cet article, nous examinerons ce que ces changements signifient pour les travailleurs, en particulier dans l'industrie du transport routier, et nous soulignerons les mesures prises par le Programme du travail du Canada pour protéger les travailleurs canadiens grâce à des inspections proactives des normes du travail dans les lieux de travail réglementés par le gouvernement fédéral.

Qu'est-ce que la classification erronée ?

La classification erronée des employés est une pratique qui consiste à classer à tort des travailleurs comme entrepreneurs indépendants plutôt que comme employés. En conséquence, ces travailleurs sont privés des avantages, protections et droits à laquelle les employés salariés canadiens ont droit.

Comment les employés de l'industrie du transport routier sont-ils mal classifiés ?

La classification erronée intentionnelle des employés est une forme d'exploitation des travailleurs qui est devenue courante dans l'industrie du camionnage au Canada, une pratique communément appelée « Chauffeurs incorporés ».

Dans le cadre de cette pratique, les entreprises de camionnage invitent généralement leurs employés à s'enregistrer en tant que société ou encore ils embauchent des chauffeurs par l'intermédiaire d'une agence de personnel et les paient par l'intermédiaire de cette agence. Au lieu de traiter le travailleur comme un employé, les entreprises de camionnage tentent de le faire travailler comme un entrepreneur, tout en continuant à contrôler le travail, y compris le lieu de travail, les horaires, les taux de rémunération et les outils ou véhicules nécessaires à l'exécution du travail.

Dans ces cas, le conducteur incorporé n'est pas réellement un entrepreneur indépendant puisqu'il n'a pas le contrôle sur son travail.

En contrepartie, le chauffeur devient responsable de toutes les dépenses liées au transport qu'il effectue, telles que le carburant, l'entretien, les réparations et l'assurance, et il devient également responsable de remettre les déductions prévues par les lois de l'impôt aux instances de revenu plutôt que d'avoir celles-ci déduites à la source, ce qui est plus complexe que pour les employés traditionnels. Le conducteur peut également assumer une responsabilité supplémentaire en cas d'accidents ou de blessures subies par lui-même ou par d'autres personnes.

En classant à tort les chauffeurs comme des entrepreneurs indépendants, on les prive de droits, de prestations et d'avantages importants.

Implications pour les conducteurs de camions

Bien que la classification erronée puisse sembler offrir certains avantages aux conducteurs de camions, tels qu'une plus grande flexibilité dans les itinéraires et la

possibilité d'un salaire net initial apparemment plus élevé, la charge financière liée à la gestion de toutes les dépenses connexes ou à la responsabilité juridique constitue un inconvénient important. Cela est particulièrement vrai pour les nouveaux conducteurs qui manquent parfois d'expérience et des ressources nécessaires pour s'acquitter de ces tâches correctement.

En classant à tort les chauffeurs routiers comme des entrepreneurs indépendants plutôt que comme des salariés, les entreprises de camionnage évitent de payer les droits et avantages prévus par la législation canadienne, tels que le salaire minimum garanti, les congés de maladie payés, les cotisations de l'employeur à l'assurance-emploi et au régime de retraite, et refusent l'accès à d'autres congés payés importants.

Cette façon de réduire les coûts peut également avoir de graves conséquences sur la sécurité des conducteurs, qui risquent de ne pas recevoir la formation, l'équipement ou les ressources nécessaires pour conduire leur véhicule en toute sécurité. Cette pratique peut entraîner une baisse du niveau de vie des conducteurs et de leurs familles, ce qui les empêche de planifier leur avenir et les expose à des difficultés financières s'ils tombent malades ou sont blessés.

Bien entendu, il existe des entrepreneurs indépendants légitimes qui exercent leur activité en étant propriétaires de leur entreprise et en la contrôlant légitimement. Selon les dispositions du Code canadien du travail relatives à la classification erronée, la classification erronée intentionnelle d'un employé par un employeur dans le but de le priver de ses droits constitue une violation directe de la loi.

Mesures prises par le gouvernement pour atténuer les erreurs de classification des salariés

L'erreur de classification des camionneurs reste très répandue au Canada, et les décideurs politiques et les dirigeants de l'industrie ont une grande volonté de prendre des mesures significatives pour renforcer les activités d'application et de conformité afin de protéger les travailleurs et d'assurer des conditions de concurrence loyale. Alors que les parties prenantes continuent de débattre de la question, il est essentiel d'examiner ses implications pour les conducteurs et le secteur du camionnage.

Au Canada, le Programme fédéral du travail est chargé de promouvoir des conditions de travail sûres, saines, équitables et inclusives, ainsi que des relations de coopération sur le lieu de travail. Il est également chargé de faire respecter les normes de travail et de santé

et sécurité au travail dans les lieux de travail réglementés par le gouvernement fédéral et de veiller à ce que les employeurs se conforment au Code canadien du travail.

Le Programme du travail a reconnu l'impact significatif de la classification erronée des employés sur les travailleurs et a pris des mesures pour s'attaquer à ce problème en combinant des changements législatifs, de l'éducation auprès du public, de la sensibilisation et des mesures d'application qui comprennent des inspections proactives sur les lieux de travail. Un projet pilote lancé en 2021, visant à identifier les employeurs non conformes, a confirmé qu'un pourcentage important d'employeurs procédaient à des erreurs de classification des employés.

Le Programme du travail a intensifié ses activités d'inspection, en concentrant ses efforts sur l'identification des cas de classification erronée afin de s'assurer que les employeurs respectent leurs obligations légales. En novembre 2022, le gouvernement du Canada a annoncé qu'un financement de 26,3 millions de dollars sur cinq ans, à partir de 2023-24, serait alloué pour renforcer sa capacité à accroître l'éducation proactive et les inspections en lien avec les erreurs de classification des employés.

Conclusion

La classification erronée des camionneurs en tant qu'entrepreneurs indépendants au Canada est un enjeu important qui a fait l'objet d'une attention d'un bout à l'autre du pays au cours des dernières années. Le gouvernement canadien a réagi en introduisant des modifications au Code canadien du travail, en mettant en œuvre des mesures d'application de la loi et en adoptant des mesures de contrôle de la conformité.

En s'attaquant aux erreurs de classification, le Programme fédéral du travail continuera à promouvoir des lieux de travail équitables, sûrs, collaboratifs et productifs en tenant responsables les industries et milieux de travail sous réglementation fédérale qui se livrent à cette pratique et en veillant à ce que les travailleurs soient protégés par la loi canadienne.

Bien qu'il reste encore du travail à faire, ces efforts représentent une avancée importante pour relever les défis posés par un modèle d'entreprise fondée sur la classification erronée des employés et qui prive les travailleurs canadiens de leurs droits minimaux en matière de normes du travail et de santé et sécurité au travail.

Les informations présentées dans cet article sont fournies à titre d'information générale uniquement et ne constituent pas un avis juridique ou professionnel. Les lecteurs sont

invités à effectuer des recherches plus approfondies et à consulter des professionnels compétents avant de prendre des décisions sur la base des informations fournies dans cet article.



Inspection intervention in the digital era

The world of labour evolves and expands its fields of intervention, changing both nationally and internationally, with great impact also on the inspection activity. The globalization of the economy, the mobility of people and businesses, and the new technologies have created new forms of work and challenge the way in which work is perceived and carried out, creating the need for the labour inspection to reinforce its operational activity in order to achieve its mission of promoting the improvement of working conditions. The fast-paced social, economic and technological changes have given rise to new forms of employment across Europe.

Many of these forms are quite different from the "work" to which we have traditionally been accustomed. They transform the internalized personal relationship between employer and employee, which based essentially on face-to-face contact and fixed, stable workplaces. New work standards and unconventional workplaces are now well defined and characterized. It therefore, would be necessary to modernize the definition of the concept of employment contract in order to broaden the perimeter of application of labour law.

The fast changes at work brought about by the impact of the recent pandemic crisis and the solutions found there, necessarily accelerated by the urgency of dealing with it, are long-term trends that require appropriate responses. The technologies appear more and more consistent due to the simplification and speed of communication and with great impact in the way of doing business, in the streamlining of tasks, creating changes in the workers' profile. Nowadays, new trends also modify the will of workers.

They bring, however, issues on privacy and data security and pressures on collective labour relations. The transformation of the world of work will continue to renew itself,

requiring constant improvement of legislation to meet old and new challenges. The global interdependence of markets and the expansion of the collaborative economy demand similar responses from different countries. They also demand the development of people's skills and of labour inspections.

Currently, the psychosocial risks associated with the lack of boundaries between work and leisure, as well as the difficulty in balancing personal, family and work life, are gaining particular relevance. The right to disconnect is on the agenda. New ways of providing work and labour relations emerge, digital platforms, teleworking, social protection in new ways of providing work and new associated occupational risks, stress, isolation, sedentary behavior interfere with the mental health of workers and pose challenges to labour inspectorates both in terms of regulating labour relations and in terms of occupational safety and health.

Legislation is seeking to adapt. In the Portuguese case, among other special duties, it was expressly included the obligation of the employer to refrain from contacting the worker during the rest period¹.

The most recent amendment², also pays attention to digital platforms, this time adding article 12-A, which aims to update some of the characteristics of the way work is provided, whose verification may lead to the presumption of an employment contract within a digital platform.

The Portuguese Labour Inspection Statute³ guarantees labour inspectors technical autonomy and independence mechanisms, as well as specific rules of professional deontology and lists the set of activities and powers of the labour inspector constituting a core element of the Statute. It provides them with the power to act in a way that allows them to apply criteria of opportunity both in the selection of priorities for inspective intervention and in the delimitation of the scope of inspective visits to workplaces through the selection of appropriate methodologies and instruments of action in order to make the result of this action effective. In addition, guarantees the technical independence and autonomy in the decision regarding the inspection of working conditions, thus fulfilling the requirements imposed by ILO Conventions 81 and 129.

The exercise of these powers, which constitute a central element of the inspector's activity, guided by the relevance for the development of the inspection action with the

¹ **Article 169 - B of the Labour Code, as amended by [Law n° 83/2021](#), of 6 December.**

² [Law 13/2023](#) of 3 April

³ [Decree-Law n° 102/2000](#) of 2 June

objective of ensuring the respect of the workers' rights and promoting the improvement of the working conditions, including safety, hygiene and health at work.

Digitalization, however, has brought significant changes in the way activities and workplaces are organized. Intervening in a 'virtual' workplace may require different skills from the ones the labour inspector uses to intervene in a workplace on the company's premises.

This substantial difference demands the need to rethink both the competences of labour inspection and the modification of labour norms in order to create conditions for an effective intervention in these new fields of work.

Data collection and processing have long been recognized as having the capacity to identify phenomena, trends and patterns, which has allowed for the development of methodologies over time, thus constituting an essential support for the development of strategies, not only for labour inspection, but also for governments in the creation of national policies and programs.

Digitalization has further highlighted the potential of data knowledge. It has facilitated the collection, processing, storage and use of data for various purposes. Currently, machine learning and algorithm training stand out, as well as their use to improve decision-making processes.

Technology is able to create far efficient labour inspection. We have seen the use of electronic platforms to facilitate communication within the organizations themselves and to liaise with external companies and other organizations. Inspection procedures issued by electronic means. Some inspections carried out based on evidence gathered by crosschecking data in the databases of various bodies and document analysis, without on-site inspections. There is also a progressive adaptation on the approach that anticipates geographical areas or sectors where targeted interventions are needed the most and thus, increasing its effectiveness.

The use of algorithms, automation, indicator-based models or artificial intelligence for risk assessment in the areas of labour law, labour mobility and safety gives a better perception and ability to direct the inspection intervention focused on the analysis of the results obtained in this way, but it can also create several biases related to its use.

On the other hand, there may also be the issue of the evidence obtained by this means. Algorithms, or the resulting conclusion, is not proof.

The access and use of data for the planning and greater effectiveness of the inspection intervention should ensure that it does not infringe fundamental rights such as privacy or the right of defense.

Today as before, if not more acutely, it continues to be of utmost importance that states and international institutions manage to generate synergies that allow the development and implementation of effective instruments leading to the recognition and realization of fundamental rights. For a job exercised with strict respect for labour rights, promoting and guaranteeing the surveillance and health of workers, their physical, intellectual and moral capacities and ensuring equal pay for work of equal value.

In short, the future will not be the same as normally known in the past. It will demand more attention from society and public policies from different areas and levels of government; however, it will continue to be the job of the labour inspectorate to play an essential role in guaranteeing the right to decent work with a fair income, with safety and health and social protection for all women and men.

The Labour Inspector - Ernestina Silva



Basisarbeit: Mittendrin (in der Gesellschaft) und außen vor (beim Arbeitsschutz)

Association of German Labour Inspectors (VDGAB)

Dr.Eng. Bernhard Raebel

Deutschland ist ein Land mit international anerkannt sehr hohem Niveau einer beruflichen Ausbildung in nichtakademischen Bereich. Dennoch: Etwa 20% der hier Beschäftigten verrichten Tätigkeiten, die keine eigene, formale Qualifikation erfordern, sondern durch Einarbeitung „on the job“ erlernt werden können. Hierunter fallen so unterschiedliche Tätigkeiten wie z.B. Maschinenbedienung und Verpackung in der Industrie, Lager- und Kommissioniertätigkeiten in der Logistik, Regalbefüllung und Kassieren in Supermärkten, Zustellung von Pizza oder Paketen, Reinigung von Gebäuden, Hilfe in der Kranken- und Altenpflege. Wie wichtig gerade solche Tätigkeiten für den Alltag der Gesellschaft sind

zeigte sich im shut down der Pandemie - ihre Tätigkeit war unentbehrlich und für sie alle war home office nicht möglich. Ihre Tätigkeiten sind der Unterbau für die qualifizierteren Tätigkeiten, eben die Basis. Deshalb hat man sich im politischen Bereich auf den Begriff „Basisarbeiter“ geeinigt.

Sehr viele Basisarbeiter bekommen nur den gesetzlichen Mindestlohn. Und nur wenige Basisarbeiter sind Mitglied in einer Gewerkschaft, die ihre Interessen vertreten könnte. Trotz ihrer Bedeutung findet der Arbeitsschutz für Basisarbeiter bei den Aufsichtsdiensten oft nicht genug Beachtung. Sehr oft sind Basisarbeiter nicht Angehörige des Betriebes, in dem sie arbeiten. Ihr Arbeitgeber ist eine Dienstleistungsfirma. Viele Basisarbeiter haben keinen festen Arbeitsplatz, an dem sie regelmäßig angetroffen werden können. Viele arbeiten auch nur wenige Stunden am Tag. Oder arbeiten fast unbemerkt nachts (Reinigung).

Das deutsche Arbeits- und Sozialministerium hat ein Gesprächsforum initiiert, in dem viele gesellschaftliche Gruppen und Basisarbeiter selbst die derzeitige Situation der Basisarbeit und Möglichkeiten zu deren Verbesserung diskutieren. Der Verein Deutscher Gewerbeaufsichtsbeamter vertritt dabei die staatliche Arbeitsschutzaufsicht. Es besteht Einigkeit unter allen Teilnehmern, dass die gesellschaftliche Wertschätzung der Basisarbeit wieder steigen muss. Das bedeutet nicht nur bessere Bezahlung. Verbessern muss sich auch die Gewähr eines Schutzes vor schneller Kündigung.

Ein großer Erfolg war Ende 2020, dass Leiharbeit in der Fleischwirtschaft gesetzlich verboten wurde und alle Beschäftigten einen regulären Arbeitsvertrag haben müssen. Ganz entscheidend hat dazu die Arbeitsschutzaufsicht mit der Dokumentation der schlechten Arbeits- und Unterkunftsbedingungen für Leiharbeiter in der Fleischwirtschaft beigetragen.

Der nächste Schritt wird in der Regulierung der Arbeitsbedingungen bei den Paketzustelldiensten bestehen. Den großen weltweit agierenden Paketdiensten soll verboten werden, mit Subunternehmern und Scheinselbständigen zu arbeiten. Das maximale Gewicht auszutragender Pakete soll auf 20 kg je Paket festgelegt werden. Auch in diesem Bereich hat die Arbeitsschutzaufsicht schon vor Jahren gesundheitsgefährdende Arbeitsbedingungen dokumentiert.

Mit klaren gesetzlichen Regelungen verbessern sich nicht nur die Bedingungen für die Basisarbeiter, sondern auch die Möglichkeiten der Aufsichtsbehörden, effizient gegen „schwarze Schafe“ vorzugehen.

Nicht zuletzt gibt es auch andere Möglichkeiten, die Lage der Basisarbeiter zu verbessern. Wird die Gebäudereinigung von der Nacht in den Tag verlegt, entfällt die für das Familienleben schwierige Dauernachtschicht. Und die Wertschätzung der Reinigungsarbeit in den gereinigten Objekten steigt nachgewiesenermaßen, die Arbeit selbst und die sie Verrichtenden werden sichtbar für die Gebäudenutzer, sind auf einmal Menschen und nicht unsichtbare Nachtgespenster.

Zur Verbesserung von Sicherheit und Gesundheitsschutz am Arbeitsplatz der Basisarbeiter bleibt noch viel zu tun, doch ein Anfang ist gemacht.

English version:

Grassroots work: In the middle (in society) and on the outside (in occupational safety and health)

Germany is a country with an internationally recognised very high level of vocational training in non-academic fields. Nevertheless, about 20% of the people employed here do jobs that do not require a formal qualification, but can be learned on the job. These include such diverse activities as machine operation and packaging in industry, warehousing and order picking in logistics, stocking shelves and cashiering in supermarkets, delivering pizzas or parcels, cleaning buildings, helping in nursing and caring for the elderly. How important such activities are for the everyday life of society was shown during the shutdown of the pandemic - their work was indispensable and for all of them home office was not possible. Their activities are the foundation for the more qualified activities, the basis. That is why the term "grassroots workers" has been agreed upon in the political sphere.

Very many grassroots workers receive only the legal minimum wage. And only a few grassroots workers are members of a trade union that could represent their interests. Despite its importance, occupational health and safety for grassroots workers is often not given enough attention by the supervisory services. Very often, grassroots workers are not members of the company where they work. Their employer is a service company. Many grassroots workers do not have a fixed workplace where they can be found on a regular

basis. Many also work only a few hours a day. Or work almost unnoticed at night (cleaning).

The German Ministry of Labour and Social Affairs has initiated a discussion forum in which many social groups and grassroots workers themselves discuss the current situation of grassroots work and ways to improve it. The Association of German Labour Inspectors represents the state labour inspectorate. There is agreement among all participants that the social appreciation of grassroots work must increase again. This does not only mean better pay. The guarantee of protection against quick dismissal must also improve.

A major success at the end of 2020 was the legal prohibition of agency work in the meat industry and the requirement that all workers have a regular employment contract. The Occupational Health and Safety Inspectorate played a crucial role in this by documenting the poor working and accommodation conditions for agency workers in the meat industry.

The next step will be to regulate working conditions in parcel delivery services. The large globally operating parcel services are to be prohibited from working with subcontractors and bogus self-employed workers. The maximum weight of parcels to be delivered is to be set at 20 kg per parcel. In this area, too, the Occupational Health and Safety Inspectorate documented working conditions that were hazardous to health years ago.

With clear legal regulations, not only the conditions for grassroots workers improve, but also the possibilities of the supervisory authorities to take effective action against "black sheep".

Last but not least, there are other ways to improve the situation of grassroots workers. If building cleaning is shifted from night to day, the continuous night shift, which is difficult for family life, is eliminated. And the appreciation of the cleaning work in the cleaned objects demonstrably increases, the work itself and those doing it become visible to the building users, are suddenly people and not invisible night ghosts.

Much remains to be done to improve health and safety at the workplace for grassroots workers, but a start has been made.

United States of America

Elevating Worker Voice in Promoting Healthier and Safer Work Environment in the United States

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The COVID pandemic created a new awareness of the importance of occupational safety and health. Workers in healthcare, food services, fuel delivery and other activities put their health and in some cases their lives at risk to maintain essential services during the lockdown. The pandemic also expanded the role of the platform economy, creating whole new classes of workers and presenting new challenges for occupational safety and health, and particularly, mental health.

Recognizing these worldwide trends, the International Labor Organization (ILO) responded in 2022 adding occupational safety and health to the list of core or fundamental international labor standards. The ILO's action had a good news/bad news aspect: the good news—countries acting in concert to emphasize the importance of occupational safety and health; the bad news—the ILO acted because the situation had become dire.

As the ILO works on a tripartite basis, the elevation of occupational safety and health received support from governments, employers and workers. The recently published ILO Guidelines on General Principles of Labor Inspection (March 2022) emphasizes the importance of collaboration among government labor inspectorates and representatives of workers and employers. Improving occupational safety and health depends on all three.

One of the main arms of the U.S. government in promoting worker safety and health is the Occupational Safety and Health Administration (OSHA). OSHA currently has more than 890 inspectors at the federal level and state partners have approximately the same number. These inspectors have responsibility for the health and safety of 130 million workers at more than 8 million worksites. Because it would take 160 years for OSHA to inspect each workplace once, OSHA employs other methods to encourage compliance.

The Voluntary Protection Programs (VPP) recognizes private and public employers who maintain injury and illness rates below national averages. OSHA sets criteria for safety and health systems, then assesses participating employers against these criteria, including a rigorous onsite evaluation by a team of OSHA safety and health experts. Injury and illness rates for VPP sites are at least 50% or lower than the national averages for their industries.

Most employers, however, are outside the VPP program. OSHA's Alliance Program works with groups committed to worker safety and health to develop tools to educate workers and employers about their rights and responsibilities in preventing fatalities, injuries and illnesses. These groups include unions, consultates, trade or professional organizations, businesses, faith- and community-based organizations, and educational institutions.

In January 2023, for example the U.S. Department of Labor's Occupational Safety and Health Administration and a group of elevator industry stakeholders signed a five-year alliance agreement to protect nearly 75,000 workers who construct, install, repair and maintain elevator industry conveyances. Alliance participants will develop safety programs, provide training, share injury, illness and fatality data, and cross-train agency staff. OSHA has also established the 15-member Advisory Committee on Construction Safety and Health to advise the Secretary of Labor on developing standards and policies affecting the construction industry. Committee members represent employees, employers, state safety and health agencies and the public.

The Department of Labor recognizes, however, that workers are most affected and most influential in any workplace safety effort. Workers inhabit the environment daily and are best placed to report on conditions and share practices that make workplaces safer. Department of Labor officials gathered with workers, union representatives and labor organizers from a range of industries to discuss the value of building relationships and collaborating on ideas to address workers' concerns at its September 2022 Workers' Voice Summit. They focused on trends affecting workers and identifying workplace problems and solutions.

The best insurance that workers have a voice are unions, providing organized representation of workers' views. Evidence is clear that trade unions improve the health and safety of workplaces by providing health insurance and paid sick time, requiring safety equipment, and empowering workers to report unsafe conditions without fear of retaliation. Unfortunately, due to a variety of trends, union density throughout the world is declining. According to research by the Economic Policy Institute, in 2021, 15.8 million workers (or 11.6%) in the United States were represented by a union—a decline of 581,000 from 2019. In the private sector, only about six percent of workers are organized. Without the collective bargaining power of trade unions, workers are not fully represented in employers' decisions that would potentially impact their safety and health.

Emphasizing the importance of unions and workers in promoting occupational safety and health, in 2022 OSHA partnered with unions on heat stress injury prevention and initiatives within the care economy. Since heat stress is a significant occupational hazard OSHA, trade unions and worker organizations collaborated to raise awareness and develop preventive strategies on providing education, resources, and guidance to workers and employers. The trade unions ensured incorporation of workers' perspectives to create more effective strategies and propose new standards for workers in high-temperature environments.

The care economy's unique occupational hazards require targeted efforts to ensure workers' safety and well-being. OSHA, trade unions and labor advocates developed industry-specific guidelines, training materials, and resources to promote occupational safety and health measures, address workplace violence and harassment, and safeguard the rights of workers.

To further the effort to ensure worker voice in safety and health issues internationally, the Department of Labor launched “M-POWER” in 2022. M-POWER, the Multilateral Partnership for Organizing, Worker Empowerment, and Rights, is a global initiative that brings together governments, unions, labor academics, civil society organizations, and philanthropy in a collaborative effort to uphold and promote worker empowerment and rights. M-POWER partners continue to expand global efforts to create opportunities for free exercise of worker voice in promoting a safer and healthier work environment.

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Inspeção do trabalho no Brasil atua em prol do cidadão e pela promoção do trabalho decente

Sindicato Nacional dos Auditores-Fiscais do Trabalho (SINAIT)



A existência de um sistema eficaz de inspeção do trabalho, que enfrente os desafios de uma sociedade e de uma organização produtiva em constante mudança e de crescente complexidade, é um elemento central para a promoção do trabalho decente. A sensibilidade da inspeção para identificar essas transformações viabiliza uma adaptação maior às realidades sociais e econômicas que exigem novos serviços, novas políticas e novas maneiras de aplicar a legislação.

O Direito do Trabalho sofre várias modificações desde sua gênese. Assim tem ocorrido também com a Inspeção do Trabalho,

uma instituição inicialmente criada de forma tímida, apenas para cumprir com as obrigações do “bom Estado”, tornando-se, com o tempo, uma das principais responsáveis pela garantia da efetivação da ordem jurídica trabalhista e previdenciária, na maioria dos países. Dessa forma, ao acompanhar a evolução do Direito do Trabalho, a Inspeção do Trabalho conta com novos desafios para a efetivação do próprio direito a que visa assegurar.

Com o passar dos anos, conforme mudaram os desafios do mundo do trabalho e também as leis trabalhistas, a Inspeção do Trabalho expandiu-se, adaptou-se e evoluiu para abarcar mais funções, mas sempre tendo como objetivo o equilíbrio das relações entre patrões e empregados e justiça social.

Atualmente, o Sistema Federal de Inspeção do Trabalho é fundamental para assegurar o cumprimento de fundamentos inscritos na Constituição Federal, como o da dignidade humana e o do valor social do trabalho. É uma área que exige atenção e investimentos, os quais, se não forem feitos, podem resultar em prejuízos para o País.

É consenso que países que investem em fiscalização trabalhista crescem mais. A tendência nos países desenvolvidos tem sido a ampliação e o fortalecimento da Inspeção do Trabalho, a fim de fazer frente a uma crescente precarização das relações laborais.

Infelizmente, no Brasil a Inspeção do Trabalho tem sido negligenciada e atacada. No dia 2 de janeiro de 2019, com a reforma administrativa e o advento de um governo neoliberal, o Ministério do Trabalho e Emprego foi extinto, a Secretaria de Inspeção do Trabalho virou Subsecretaria de Inspeção do Trabalho, o que significou rebaixamento estrutural com perda de independência e prerrogativas administrativas.

Paralelamente a perda dessa independência, o orçamento da fiscalização foi desmembrado e reduzido. Em 2019, os recursos orçamentários eram R\$ 70,4 milhões. Em 2022, a fiscalização trabalhista recebeu apenas R\$ 26,2 milhões para despesas de custeio, e ainda R\$ 4,22 milhões, para investimentos, com redução nas metas de fiscalização de empresas.

Em 2021, o Ministério do Trabalho e Previdência foi recriado. No entanto, as prerrogativas não foram retomadas, automaticamente, o que exigiu do Sindicato Nacional dos Auditores-Fiscais do Trabalho (SINAIT) atuações, gestões, reuniões e negociações durante o ano de 2022, na busca de recomposição de estrutura e independência administrativa.

No entanto, a perda de independência e a redução orçamentária prejudicou ações do SINAIT em prol da recomposição do quadro por meio de concurso público para o cargo de Auditor-Fiscal do Trabalho, que atuava com o menor número dos últimos 30 anos. Em 2009, a fiscalização do trabalho contava com 3.113 Auditores; hoje, 2023, são apenas 1.940 servidores efetivos na Inspeção do Trabalho nacional. Redução do quadro que pode ter refletido no aumento de casos de trabalho escravo que quase triplicaram nos últimos anos, passando de 938 em 2020, para 2.575, em 2022. Em 2023, os resgates até abril representam mais que a metade dos ocorridos no mesmo período do ano passado.

Atualmente, com a retomada de um governo progressista para o Executivo Federal, emendas encampadas pelo SINAIT, com ajuda de comissões e parlamentares, garantiu a ampliação de recursos para a fiscalização na ordem de R\$ 7,7 milhões.



Neste sentido, o SINAIT reforça a importância da recomposição do quadro de inspetores com urgência, a fim de atender a importante missão da carreira, que é, entre outras, a de combater o trabalho escravo e infantil, atuar em ações de prevenção voltadas para a Saúde e Segurança do Trabalhador (SST), inclusão de adolescentes e jovens aprendizes em trabalho seguro e o cumprimento de cotas para pessoas com deficiência no mercado de trabalho.

Além da recomposição do quadro, o SINAIT também trabalha, dentre tantas frentes, em prol da segurança do Auditor-Fiscal do Trabalho que sofre constantes ameaças e ataques durante fiscalizações de rotina e de combate ao trabalho escravo. Ameaças que levaram o SINAIT a lutar por um Protocolo de Segurança e pela instituição de Procedimento Especial de Segurança Institucional para os integrantes do Sistema Federal de Inspeção do Trabalho.



O caso emblemático da Chacina de Unaí, que vitimou três Auditores-Fiscais do Trabalho e um motorista do Ministério do Trabalho, em 2004, ocorrido depois de ameaças ao Auditor-Fiscal, Nelson José da Silva, morto na chacina, escancarou o problema para a sociedade e para o mundo. Desde então, o SINAIT reforçou a luta por mais segurança para a categoria.

Mesmo com a constante pressão do Sindicato, em diversas instâncias, incluindo o Poder Legislativo e a Organização Internacional do Trabalho – OIT, somente em 2021 a reivindicação foi atendida e o Protocolo começou a ser implantado.

No entanto, é preciso lembrar que os mortos da Chacina de Unaí ainda não lograram justiça, na medida em que mandantes e intermediários do crime encontram-se em liberdade, apesar de condenados a penas acima de 50 anos de reclusão.

Nessa seara, a fim de promover segurança e proteção social para os Auditores-Fiscais do Trabalho, trabalhadores e aos cidadãos, o SINAIT contribui com a revisão do arcabouço jurídico-trabalhista, incluindo a Reforma Trabalhista de 2017, para que este assegure a promoção e proteção dos direitos fundamentais no trabalho, conforme preconizados pela Declaração dos Direitos e Princípios Fundamentais no Trabalho e Seu Seguimento, de 1998, da Organização Internacional do Trabalho (OIT).

Declaração dos Direitos e Princípios Fundamentais no Trabalho

Para o SINAIT, a Declaração dos Direitos e Princípios Fundamentais no Trabalho preconizados pela OIT parte do fortalecimento da organização sindical e a negociação coletiva; Integração plena do direito fundamental a um meio ambiente de trabalho seguro e saudável na legislação constitucional e infraconstitucional; Normatização da proteção em face da automação, nos termos do art. 7º, XXVII, da CF88, incluída a regulação do trabalho realizado por meio dos aplicativos/plataformas digitais, com especial atenção à Declaração do Centenário da OIT sobre o Futuro do Trabalho, de 2019.

Além disso, assegurar ao Sistema Federal de Inspeção do Trabalho (SFIT) autonomia técnica e financeira adequadas, assim como independência e condições plenas de exercício da autoridade trabalhista administrativa, salvaguardada de interferências indevidas na organização e atividade de fiscalização, que possam comprometer a imparcialidade e a efetividade das ações de fiscalização; Focar a atuação do SFIT na promoção e proteção dos direitos fundamentais no trabalho, conforme preconizados pela Declaração. Também realizar revisão legislativa de todos os diplomas que regulam a atividade do SFIT com vistas a atualizá-lo de acordo com o preconizado pela Convenção nº 81, da OIT, assim como pelas Diretrizes Sobre os Princípios Gerais da Inspeção do Trabalho, adotadas na reunião de peritos em inspeção do trabalho, de 16 de dezembro de 2021, e referendadas pelo Conselho de Administração da OIT, em sua 344ª Sessão, de março de 2022, entre outras.

As orientações emanadas das Diretrizes demonstram a necessidade de fazer o enfrentamento à crescente precarização do mundo do trabalho, retomando o papel do Estado na proteção do trabalhador. Para tanto, o Sistema Federal de Inspeção do Trabalho – um serviço público altamente qualificado, de baixos custos e potentes retornos – constitui-se na instituição mais vocacionada e preparada para a promoção de trabalho decente e desenvolvimento social. Basta dar-lhe meios.

English version

Labour inspection in Brazil acts on behalf of the society and for the promotion of decent work



The existence of an effective labour inspection system, that deals with the social challenges derived from a productive organization in constant, fast-paced change and increasing complexity, is pivotal for the promotion of decent work. The inspector’s highly developed skills in identifying these transformations enables greater adaptation to social and economic realities that require new services, new policies and new ways of applying legislation.

The Brazilian labour law has undergone several modifications since its inception. This has also occurred with the Labour Inspection, an institution initially created timidly, just to comply with the obligations of the “good State”, which became, over time, one of the main responsible for guaranteeing the effectiveness of the labour law and social security, in most countries. Thus, by accompanying the evolution of labour law, currently the Labour Inspection also faces new challenges for the completion of its missions.

Over the years, as the challenges of the World of work and the regulation changed, the Labour Inspection expanded, adapting and evolving to cover more functions, but always with the main objective of balancing relations between capital and labour and promoting social justice.

Currently, the Brazilian Federal System of Labour Inspection is essential to ensure compliance with fundamental rights at work inscribed in the Federal Constitution, such as human dignity and the social value of work. It is an area that demands attention and investments, which, if not done, could result in losses for the whole society.

It is a consensus that countries that invest in labour inspection systems grow under a better social balance context. The trend in developed countries has been the expansion and strengthening of the labour inspection systems, in order to cope with the growing precariousness of labour relations.

Unfortunately, in Brazil, the Labour Inspection has been neglected and attacked. On January 2, 2019, with the administrative reform and the advent of a neoliberal government, the Ministry of Labour and Employment was abolished, the Secretariat for Labour Inspection became the Undersecretariat for Labour Inspection, which represented a substantial structural downgrade with loss of independence and administrative prerogatives.

Parallel to the loss of independence, the inspection budget was dismembered and reduced. In 2019, budget resources were BRL 70.4 million. In 2022, labour inspection received only BRL 26.2 million for current expenses, and another BRL 4.22 million for investments, with a substantive reduction in workplace targets.

In 2021, the Ministry of Labour and Social Security was recreated. However, the labour inspectorate's prerogatives were not automatically resumed, which required the National Union of Labour Inspectors (SINAIT) to keep pressuring the government during the year

2022, in the search for the recomposing of the previous structure and administrative autonomy.

Nevertheless, the loss of independence and the budget reduction hampered SINAIT's actions in favour of recomposing the staff through a public tenure for the position of labour inspectors, which reached the lowest number of members in the last 30 years. In 2009, the Brazilian Labour Inspection were formed by 3,113 inspectors; currently, in 2023, there are only 1,940 effective servants in the Federal System of Labour Inspection. This reduced frame may have reflected in the increase in cases of slave labour that almost tripled in recent years, going from 938 in 2020 to 2,575 in 2022. In 2023, rescues of workers from slave-like conditions represent more than half of those that occurred in the same period last year.

Currently, with the resumption of a progressive government for the Federal Executive, amendments offered by SINAIT, with the help of commissions and parliamentarians, ensured the expansion of resources for inspection in the order of R\$ 7.7 million. In this sense, SINAIT continues reinforcing the importance of urgently recomposing the body of inspectors in order to fully meet its mandate, which is, among others, to tackle slave-like conditions and child labour, act in preventive actions aimed at Occupational Health and Safety (OSH), provide the inclusion of adolescents and young apprentices in safe work, and guarantee the compliance with quotas for people with disabilities in the labour market.



In addition to pushing for the recomposing the staff, SINAIT also works, among many other fronts, for the safety of the labour inspectors, who are constantly threatened and attacked during routine inspections. The emblematic case of the Unaí Slaughter, which resulted in the manslaughter of three labour inspectors and a driver in 2004, opened the problem for the society and the World. Since then, SINAIT has reinforced the fight for more

safety for the inspectors. These threats led SINAIT to push for the establishment and implementation of an institutional security protocol for inspectors.



The emblematic case of the Unaí massacre, which killed three labour inspectors and a driver from the Ministry of Labour in 2004 after threats were made against the inspector, Nelson José da Silva, who was killed in the massacre, exposed the problem to society and the world. Since then, SINAIT has stepped up the fight for more security for the labour inspectorate.

Even with the constant pressure from SINAIT in several institutional instances, including offering complaints to the Legislative Power and the International Labour Organization – ILO, it was only in 2021 that the protocol started to be implemented. However, it must be remembered that those killed in the slaughter have not yet been brought to justice, as the

masterminds and intermediaries of the crime are still free, despite being sentenced to more than 50 years in prison.

In this area, in order to promote security and social protection for labour inspectors, workers and citizens, SINAIT contributes to the revision of the labour legal framework, including the 2017 Labour Reform, in order to ensure the promotion and protection of fundamental rights at work, as advocated by the Declaration of Fundamental Rights and Principles at Work and its Follow-up, 1998, of the International Labour Organization (ILO).

In addition, it also aims at ensuring the Federal System of Labor Inspection adequate technical and financial autonomy, as well as independence and full conditions for the exercise of its mandate as an administrative labour authority, safeguarded from undue interference in the organization and inspection activities. There is also an urgent need to proceed with a complete legislative revision of all the diplomas that regulate the activity of the Brazilian Labour Inspection in order to update it in accordance with the provisions of Convention No. 81, of the ILO, as well as the Guidelines on the General Principles of Labor Inspection, adopted at the meeting of experts in labor inspection, of December 16, 2021, and endorsed by the ILO Board of Directors, at its 344th Session, in March 2022, among others.

The directions emanating from the Guidelines demonstrate the need to tackle the growing precariousness of the World of work, resuming the role of the State in protecting workers. To this end, the Federal System of Labor Inspection – a highly qualified, at a low-cost and high-return public service – is the institution best suited and prepared for the promotion of decent work and social development. Just give it means.

Calendar of Events

2022

EVENT	DATE AND PLACE	COMMENTS/UPDATES
February		
33rd International Conference on Occupational Health 2022	Date: 6 – 10 Feb 2022 Venue: Melbourne, Rome & Virtual	IALI President to give a congratulatory speech at the beginning of the conference.
March		
IALI EC Meeting	Date: 2 Dec 2021 Venue: Virtual	4th Executive Committee meeting.
Working Party Asbestos	Date: 2 March 2022 Venue: Brussels	Implementation of the EP's own initiative asbestos report for the negotiation with the EU-Council and Commission. Attended by Technical Advisor Gerd Albracht, french labour inspector, EFBWW and the rapporteurs of the EP
Webinar Safety and Health Coordination Group EFBWW	Date: 17 March 2022 Venue: Brussels	Consultation on the initiative of the European Parliament on working towards an asbestos-free future. Attended by TA Gerd Albracht, worker representatives and IALI members of EU-member states
April		
OSHAfrica webinar: Compliance, monitoring and enforcement	Date: 8 April 2022 Venue: Virtual	Attended by Vice President Samantha Peace

EVENT	DATE AND PLACE	COMMENTS/UPDATES
OSHAfrica meeting with IALI President, Secretary General and Treasurer	Date: 4 April 2022 Venue: Virtual	Agenda: <ul style="list-style-type: none"> • Introductions • OSHAfrica and knowledge gaps • OSHAfrica webinar - Compliance, Monitoring and Enforcement • Other items
May		
Conference of the Regional Alliance of Labour Inspections of CIS and Mongolia	Date: 27 May 2022 Venue: Nur-Sultan, Republic of Kazakhstan	IS was lead the Conference and presented to RALI members information about current IALI activities.
10th Kazakhstan International OSH Conference and Exhibition «KIOSH-2022»	Date: 26 May 2022 Venue: Nur-Sultan, Republic of Kazakhstan	IS took part in a Plenary Session with report about compliance of international OSH standards and the role of Labour Inspections.
Workshop on Addressing Challenges of Occupational Health in the Future of Work	Date: 17 – 18 May 2022 Venue: TBC	IALI President represented IALI and presented on the topic ‘Labour Inspection and Occupational Health during & post pandemic’
Vision Zero Summit – Japan	Date: 11 – 13 May 2022 Venue: Virtual	IALI President.
40 Forum ANIV 2022	Date: 30 may – 1 June 2022 Venue: Marina di Camerota (SA), Italy	VP Ana Ercoreca represented IALI at the national meeting of Labour Inspectors of Italy and gave a speech during their congress

EVENT	DATE AND PLACE	COMMENTS/UPDATES
July		
International Symposium as part of Korea's Safetyweek	Date: 5 July 2022 Venue: Seoul, Korea	IALI President presented on the Role of Labour Inspection in OSH with focus on severe penalty for OSH related incidents Fully funded by organizer. KOSHA
August		
ORP Congress 2022 Session "Towards a healthy and sustainable business culture"	Date: 3 – 5 August 2022 Venue: Cartagena de Indias, Colombia. (Hybrid)	IALI President gave a pre-recorded congratulatory speech at the beginning of the Congress.
September		
Conference of the Regional Alliance of Labour Inspections of CIS and Mongolia in the framework of 7th Russian Labour Safety Week	Date: 27 September 2022 Venue: Sochi, the Russian Federation	IS was lead the Conference and presented to RALI members information about current IALI activities.
The Singapore WSH Conference 2022	Date: 19/20 September 2022 Venue: Singapore	IALI has been invited as a Conference Partner IALI President is moderating Symposium 4: Dial Up Your Development on competency building
G20 OSH Network	Date: 12/13 September 2022 Venue: Bali, Indonesia	Side event held in conjunction with the G20 OSH Network Annual Meeting.
October		
International Conference of the Labour Inspectorate in Poland	Date: 27-28 October 2022 Venue: Wrocław, Poland	Topic for presentation by IALI President on day 2: Framework for Measurement of Performance of OSH Inspection.

EVENT	DATE AND PLACE	COMMENTS/UPDATES
IALI EC Meeting	Date: 7 October 2022 Venue: Cuence, Spain	Seminario Conciliar de San Julián Pl. la Merced, 3, 16001 Cuenca, Spain
National Congress of the Labour and Social Security Inspectors Union, Spain	Date: 6-7 October 2022 Venue: Cuenca, Spain	Seminario Conciliar de San Julián Pl. la Merced, 3, 16001 Cuenca, Spain
5th Occupational Safety and Health international conference in conjunction with the fourth Occupational Safety and Health Arab conference.	Date: 3-5 October 2022 Venue: Riyadh, Saudi Arabia	IALI President invited to speak at the Conference. Pending confirmation as at 4 Aug 22
November		
Meeting between IALI and the Brazilian Labour Inspectorate	Date: 21 November 2022 Venue: Virtual	President and Secretary General met with Brazilian Labour Inspectorate regarding Membership.
ILO Technical Forum	Date: 16-17 November 2022 Venue: Valencia, Spain	VP S Peace represented IALI at the ILO forum.
Meeting between IALI and the European Labour Authority (ELA)	Date: 14 November 2022 Venue: Virtual	Secretary General and VP P Lund attended a virtual meeting with the European Labour Authority (ELA).
38th National Meeting of Labour Inspectors of Brazil and Iberoamerican Conference of Labour Inspectors	Date: 20-25 November 2022 Venue: Recife, Brazil	VP Ana Ecoreca represented IALI at the national meeting of Labour Inspectors of Brazil and participated at the Iberoamerican Conference of Labour Inspectors.

EVENT	DATE AND PLACE	COMMENTS/UPDATES
December		
EC Special meeting	Date: 12 December 2022 Venue: Virtual	Acknowledgement of resignation of Secretary General and election of new Secretaria General.
ASEAN OSHNET Meeting	Date: 6 – 7 December 2022 Venue: Virtual	Attended by Secretary General
IALI 50th anniversary online event with Senior Labour Inspectors Committee of European Union (SLIC)	Date: 14 December 2022 Venue: Virtual	Presentations from President, VP Samantha Peace and VP Bernhard Raebel.

World Congress on Health and Safety at Work Sydney 27th of November, 2023

The International Association of Labour Inspection (IALI), the International Labour Organization (ILO), the Australian Fair Work Ombudsman (FWO), the Australian and New Zealand Heads of Workplace Safety Authorities (HWSA) and The International Commission on Occupational Health (IOCH), have agreed to co-host a side event at the 23rd World Congress on Health and Safety at Work (The Congress) to be held on Monday 27 November 2023 at the International Convention Centre (ICC) in Sydney, Australia (meeting room C.4.6).

Labour Inspection in the Changing World of Work.

- **9:00 Welcome address by ILO and IALI**
 - ❖ **Joaquin Pintado Nunes**, Chief Labour Administration, Labour Inspection and Occupational Safety and Health Branch at ILO.
 - ❖ **Ho Siong Hin**, President of IALI and Senior Director at Ministry of Manpower of Singapore.

- **9:10 Challenges of Labour Inspection. Good practises to tackle these challenges.**

- ❖ **Ho Siong Hin**, IALI President.

- **9:20 The Role of Labour Regulators in preventing Psychosocial Risk, including Workplace Violence and Harassment.**

Moderated by **Ana Ercoreca de la Cruz**, Secretary General of IALI and President of the Trade Union of Labour Inspectors of Spain (SITSS).

- ❖ **Mahinda Seneviratne**, Chair, ICOH Scientific Committee on Occupational Health in Small-Scale Enterprises & Informal Sectors and State Inspector, SafeWork NSW, Australia.

- ❖ **Pal Hilmar Lund**, Special Adviser at the Norwegian Labour Inspection Authority and Vice President of IALI.

- ❖ **Renato Bignami**, Director of Labour Inspector of Trade Union for Labour Inspectors of Brazil (SINAIT).

- **10: 00 Rol of Labour Regulators in preventing Psychosocial Risk, including Workplace Violence and Harassment.**

Moderated by **Ana María Trillo Palanca**, Head of the Specialized Unit of the Occupational Health and Safety Unit in the Labour Inspection of Albacete and secretary of the Trade Union of Labour and Social Security Inspectors of Spain (SITSS).

- ❖ **Martyn Campbell**, Head of Safety, Health, Security and Risk Harmony Gold Mining, Chair at National Psychosocial Safety Network and Technical Advisor to the IALI.
- ❖ **Yasmin Cox**, Heads of Workplace Safety Authorities Chair, Australia | New Zealand, Executive Director, Specialised Health and Safety Services, Office of Industrial Relations, Workplace Health and Safety Queensland.
- ❖ **Rachel Volzke**, Deputy Fair Work Ombudsman.
- **10:40 Guidelines for Labour Inspectors in Vision Zero companies.**
 - ❖ **Ho Siong Hin**, President of IALI and Senior Director at Ministry of Manpower of Singapore.
 - ❖ **Bernhard Raebel**, Member of the board of Association of German Labour Inspectors and Vice President of IALI.
- **11:00 - 11:30 Coffee break**
- **11:30 Services provided by IALI (Competency Framework for Labour Inspection and IBOR)**
 - ❖ **Samantha Peace**, Director of Field Operations Health and Safety Executive and Vice President of IALI.
 - ❖ **Jean Parrat**, Labour Inspector in Switzerland and Technical Advisor for IALI.



- **11:45 Panel Discussion. Challenges of the LI. C 155 and debate**

- ❖ **Zhao Li**, Deputy Director of International Relations and Economic Research, US. Department of Labor and Vice President of IALI.

- **12:15 Closing remarks**





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MORE INFO

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