

Overview of Occupational Health and Safety Inspection Systems and New Strategies

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ABSTRACT

Integrated Labor Inspection Systems (ILIS) are most essential in terms of risk related to (aids, mental illness, migrant workers and child labor) due to without work-life balance, globalization and the race of economy growth. Therefore, this study purpose is to enlighten the influencing factors, such as job inspection, inspection procedures, practices and technical development implementation. This study suggested that utilization of existing resources, can provide better services and to increase supervisors in workplaces. Likewise, cooperation between employers and trade unions is necessary. The main actors here are the employers, the trade unions, and other social parties. These groups should develop a tripartite structure in the field of occupational health and safety. Finally, this study is beneficial for strategy formulation to carry over to labor inspectors, control organizations, occupational health and safety workplace boards and worker representatives.

Keywords: Integrated Labor Inspection Systems (ILIS); occupational health and safety; job inspection; inspection procedures.

INTRODUCTION

With the onset of the 21st century, organizations in the business and socio-political sectors entered a period of profound differentiation; has undergone rapid and dynamic changes. Job inspection has also taken its share from this socio-economic change. It has become a necessity for labor inspectors to understand the nature of this change and how it affects business life and its main actors. In this process, a pile of problems has arisen in front of labor inspectors. The main problems among these are rapid and complex technological changes, new regulations in standards, new structures in business life, the vulnerability of the workforce against social and economic advances, and new developments in business organizations. This shift has led business inspectors to a choice for renewal and policy-making, and the inspection mechanism has started to increase its efficiency and competence with new policies and strategies. Statistics on working conditions show that countries that do not have a modern occupational safety inspection system and do not allocate sufficient resources to inspection systems are the countries that lag behind in the world ranking in terms of working condition¹.

¹ Bjørn Erikson / Ian Graham, 10.

On the other hand, the role of business inspection is also being re-addressed. While many work inspection systems continue to support protective labor legislation, they are still discovering their potential to develop new strategies. Business inspection systems maintain operations in a social, economic, technological, medical and legal environment. The elements mentioned in this environment are intertwined. Nowadays, even though business inspection systems have many similar roles, authorities and intervention methods, organizational structures and management modes vary widely. This is due to the fact that labor inspection organizations are a part of the general civil administration of the countries in which they are located. The traditions, procedures, political and administrative cultures of the countries also affect the structure of labor inspection organizations. According to the Job Management Convention No. 150 and in its accompanying Recommendation 158, the labor inspection organization is considered in conjunction with the national labor management organization (Ministry of Labor and/or Ministry of Social Affairs or equivalent organizations). Convention 81 does not contain any clear or explanatory provisions in this regard. It is stipulated in the Convention that the control and inspection of labor inspection is held by a central authority (again, as a rule, the Ministry of Labor) (art.4). Article 6 of the Convention states that the labor inspectors are public officers, their status and conditions must be secure in employment; it has adopted its independence from government changes and negative external factors. This is an important condition for business inspection execution that has been adopted worldwide. It is possible for the inspection system to be heterogeneous in the member countries within this structure of the International Labor Organization. The situation is more complicated in the member countries of the International Labor Organization, which have a federal structure. In federal states such as Australia, Canada and the United States, the heterogeneous structure is valid in some states; the system may vary between states. Although article 3/1-c of Convention 81 is ignored in the labor inspection practice, it is in fact a very important provision; it envisages notification of defects or errors of supervisory system and competent authorities. Similarly, article 6/1-c of the Convention No. 129 on Labor Inspection in the Agricultural Sector goes further. Accordingly, the labor inspection organization, along with the authorities, should present certain recommendations for the development of laws and regulations. If this task is carried out properly and dynamically, it can be a major factor in social development. Labor inspectors are the first representatives of governments in the business world. They guarantee the existence of a single state in their respective workplaces. Liberalization, deregulation and political trends tend to undermine the importance and impact of this main task. However, with the direct information provided by the business community, they constantly update their actions, allowing labor inspectors to be prepared for new developments. Making the best use of this task requires social dialogues in an ongoing process in organizations. These social dialogues should be led by the labor inspector and encouraged by their superiors. Labor inspectors also have an active role in the preparation and subsequent stages of occupational health and safety regulations. Representatives of the inspection institution may perform this task in a national business advisory board platform. In countries such as Denmark, Norway, the United States and Germany, supervisory organisations appear to have taken such role in the creation of occupational health and safety legislation².

I. TRADITIONAL SUPERVISION MODELS

a) Generalist Model

² Von Richthofen, 33.

In the generalist model, labor inspectors have broad responsibilities. Labor inspectors are authorized and responsible not only in the field of occupational health and safety, but also in working hours, holidays and other legislation aimed at protecting the worker (e.g. migrant workers and informal work). In these systems, a significant portion of the labor inspectors carry out inspections, especially in the areas of wages and social insurance. In these systems, the labor inspectors also have duties and powers in industrial relations, conciliation and arbitration. In France and other countries that follow the French model, labor inspectors take on a task similar to the judicial one, thus acting as a social judge. The termination of employment contracts of workplace union representatives can be given as an example. In this model, labor inspectors can be accountable to the government as well as local governments. This pattern is followed in Portugal, Spain, and most French and Spanish-speaking countries. The Japan Bureau of Labor Standards also has these broad responsibilities³.

b) Anglo-Scandinavian Model

The general feature of this model is that inspectors are assigned and authorized especially in the field of occupational health and safety and general working conditions. Scandinavian countries originally established this model by adopting the 1975 British model. Later on, Ireland and New Zealand also adopted this model⁴. In Sweden, which follows the same model, national occupational health and safety inspectors work under the Working Conditions Authority, and these inspectors are also responsible to a tripartite national assembly. Sweden limits the scope of labor inspection only to occupational health and safety; does not allow labor inspectors to intervene in matters other than occupational health and safety⁵.

The current system in England was created by the establishment of new institutes and improving the old situation with the Health and Safety at Work Act of 1974. Two new institutions have been established regarding occupational health and safety with the Health and Safety at Work Act (HSWA). These two main institutions are the Health and Safety Commission (Occupational Health and Safety Commission - HSC) and the Health and Safety Executive (Occupational Health and Safety Administration - HSE)⁶.

Health and Safety at Work Commission, which has legal autonomy, is the main institution responsible for enacting and implementing legislation on occupational health and safety in England. The main duty of the Health and Safety at Work Commission is to take and implement the necessary measures to protect the health, safety and welfare of the workers, to conduct research, produce information and provide suggestions for the development of laws and standards related to the task it undertakes in this regard, and to control dangerous and explosive substances. Food safety, port and air safety, pollution and consumer-related areas are outside of their scope of duty. The Commission does not directly and actively implement the Health and Safety at Work Law. The implementation of the law is carried out by the Health and Safety at Work Administration and local authorities, which are the operational arm of the Commission. Health and Safety at Work Administration is a sub-unit of the Health and Safety at Work Commission and is charged with implementing the occupational health and safety policies determined by the Commission⁷. There are advisory committees operating under the Health and Safety at Work Commission. Each of the advisory committees is specialized in its own industrial field or in certain hazardous and harmful substances and provides assistance and advice to the Commission. Committees were classified according to their expertise and sectors.

³ Von Richthofen, 38.

⁴ Von Richthofen, 39.

⁵ De Baets, 40.

⁶ Ellis, 54.

⁷ Görücü, 90.

Most of the different inspectorates in the United Kingdom are being united under the umbrella of the Health and Safety at Work Administration. The UK restricts its mandate to occupational health and safety only. The Health and Safety at Work Administration is an excellent example of the labor inspection system. They can both investigate and make criminal charges (file criminal charges). The inspectors carrying out the occupational health and safety inspections are organized under three different directorates that are affiliated to the Health and Safety at Work Administration. These directorates are the Field Operations Directorate (FOD), the Hazardous Installations Directorate (HID), and the Nuclear Facility Inspection Department (Nuclear Safety Directorate - NSD). Labor inspectors work in the Health and Safety Management - Operations Department within the body of the Health and Safety at Work Commission.

Important duties and responsibilities have also been granted to local authorities within the British Health and Safety at Work Administrative System. The British Health and Safety at Work Act has left task of implementing and imposing sanctions of its own and its other legislation related to occupational health and safety to the local administrations along with the Health and Safety at Work Administration.

In Finnish law, the general competent authority in terms of occupational health and safety inspection is the Occupational Health Service established within the Occupational Health and Safety Department. The purpose of this service is to advance occupational health and safety standards and practice. For this reason, this system applies control tactics and techniques with result-oriented management tools. The Finnish Occupational Health Service is essentially a preventive health system. The aim of occupational health protection is to establish a healthy and safe workplace environment. The Health and Safety at Work Law obliges every employer to purchase health services from a public health unit or a private health clinic of the company (if the number of employees is sufficient and the necessary conditions exist). The Occupational Health Service is obliged to convey professional and relevant recommendations to employers and workers; its duties are to impose and disseminate this information to the business community. It especially focuses on preventing biological, chemical and physical risks. Most attention has been directed to industrial accidents. The reason is to protect the health and working capacity of workers. In addition, the Service tries to prevent bad habits such as drinking, smoking and aggression in the workplace. In Finland, healthcare services are mainly provided by municipal health centers. In addition, current occupational safety and health institutions or integrated services are also concerned with occupational safety and health⁸.

The first task of the Occupational Health Service is workplace inspections. Workplace inspections, one of the most important activities aimed at protecting occupational health, provide information about the risks that may arise about work and working conditions and enhance the meaning of this on the health of workers. The other duty of the Service is to provide information and guidance. Within the scope of this duty, both employees and employers are informed about health risks, occupational accidents and the issues to be done in order to prevent risks. Health examinations are also among the duties of the Occupational Health Service. Preliminary examination and periodic health examinations are carried out in case it is suspected that some elements in the workplace will cause specific risky diseases or health-related accidents. In particular, reviews include measuring workers' ability to work,

⁸ Mikko Hurmalainen, 22.

specific circumstances that pose a risk of illness, and the functional capacity of the hourly wage worker⁹.

The Finnish Occupational Health Service system aims to identify, promote and support the working capacity and working ability of all people at all stages of their careers, throughout their working life. For this purpose, observations and measurements are made that cover work methods, working conditions and the work environment. As a result of these observations and measurements, solutions such as changing the work of the worker, changing the working hours, applying rehabilitation can be decided. Disabled employees working in the workplace are also within the scope of the Occupational Health Service. It can offer treatment or rehabilitation to disabled workers if necessary¹⁰.

In Holland, the labor inspectorate is not accountable to a tripartite assembly, but its responsibilities are limited. The mandate and jurisdiction of the labor inspection organization are largely related to occupational health and safety in Holland. Similarly, in Austria there is a labor inspection system with the same concept. This system is centrally managed and directed. However, there is a separate system of agricultural labor inspection organized in the states¹¹.

The primary function of Labor Inspectorate of Holland is to check compliance with the labor law. In this context, the Labor Inspection Board is also responsible for providing the policy-making departments with relevant information to the Ministries and the Assembly. Policy-making institutions use the information conveyed to them by the Labor Inspection Agency while doing their own work. The Labor Inspection Institution, which was in a regional structure until April 1, 2003 and worked as a workplace branch, started to serve at the national level after this date. The Agency has departments named construction directorate, industry directorate, public services directorate, commercial services directorate, main damage control directorate and labor market corruption directorate. The Institution also has support units. The Inspection Support Directorate embodies all the supporting activities of the institution (personnel affairs, IT, finance, special support)¹². The inspection system in Holland has been restructured by determining a new approach in the context of information services on occupational health and safety. According to the new regulations, the labor inspectorate's website provides information on legislation and general problems for the relevant parties¹³.

In Belgium, labor and social inspectors get their authority from the Labor Inspection Act of 8.12.1972. More than one type of inspection has been regulated in this law. International Labour Organization experts strongly criticized the lack of a fully integrated work inspection system in 1978 and 1985. The Belgian Royal Commission on Social Security proposed an organization called the general social inspectorate service, but this was not concluded. There has been a trend towards more uniformity since 1989. With the amendment made in the labor inspection law, the authority and responsibilities of labor inspectors were aligned with the Convention No. 81. Thus, the exchange of information between different institutions has been improved. The necessary coordination between labor inspectors was achieved in 1993 with a formal cooperation protocol¹⁴.

c) Federal Model

⁹ Hurmalainen, 22.

¹⁰ Hurmalainen, 22.

¹¹ Von Richthofen, 39.

¹² Labour Inspection Board, Holland Legislation 15.

¹³ Ellis, 56.

¹⁴ De Baets, 40.

The general features of this inspection model are that it includes a wide range of inspection responsibilities; includes all legislation on worker protection, along with occupational health and safety. It has been authorized by labor inspectors, local governments and authorities. Austria, Brazil, Canada, Germany, India, Switzerland and the United States are more or less compatible with this model. They are not involved in arbitration or conciliation. In Canada, the responsibility of labor inspectors is divided between federal authorities and central government in terms of nationwide activities (for example, railroads and cross-provincial organizations). It is applied in a similar way In Australia and Switzerland. Although the United States labor inspection system does not directly comply with any model, it is more like a federal model. The Occupational Health and Safety Act (OSHA) is directly responsible for labor inspection in more than half of the states. It has the authority to oversee the activities of the health and safety inspectors in other states¹⁵. Federal Occupational Health and Safety Administration inspectors are solely responsible for occupational health and safety. While the Spanish labor inspection system is organized and guided under the general model, the Italian labor inspection system has some features from the federal model. In Italy, authority and responsibilities regarding labor inspection are shared between the central government and local health authorities. In some states in Nigeria, the central government is in charge of the business control¹⁶.

While the authority to develop legislation in Germany belongs to the Federal Ministry of Labor, the task of implementing, monitoring and supervising the legislation related to working life belongs to the Central Inspection Boards established within the State Ministries of Labor. The authority and duty to implement all policies related to the inspection of working life belongs to the central inspection boards. The responsibility to monitor the implementation of the state-level labor legislation lies with the State Occupational Safety Authority (Landesanstalt für Arbeitsschutz-LafA), the Government Occupational Safety Authority (Staatliches Amt für Arbeitsschutz-StAfA) and the Regional Administrations (Regierungspräsidenten-Rpen)¹⁷. State Occupational Safety Authorities are responsible for identifying occupational health and safety issues, conducting research on occupational health and safety, developing programs and providing consultancy services. To carry out the management and inspection duties regarding occupational health and safety, ensure the implementation of occupational health and safety measures in workplaces, determine risks together with regional authorities and to create programs for them, organize the work of the social partners in the process of creating the occupational health and safety legislation and to provide consultancy services on this subject. fall within the work duty scope of the Government Occupational Safety Authority. Central Inspection Boards are responsible for supervising environmental legislation as well as occupational health and safety legislation. State ministries have regional directorates and provincial directorates. Provincial directorates in the surrounding provinces are subordinate to the Regional Administrative Offices established in certain provincial centers. Regional Directorates of Administration organize regional occupational safety institutions, ensure information exchange, and try to ensure that practices on occupational health and safety are of the same standard. Labor inspection units operate under the Regional Administrative Presidencies. In Germany, the inspectors of the Central Labor Inspection Board in the state centers perform the inspection service throughout the state, and the inspectors in the Regional Administration Presidencies perform the inspection service throughout the region. Controllers, on the other hand, perform some inspection duties on a provincial basis. Inspection services are not provided at provincial directorates or lower levels.

¹⁵ Elaine L. Chao / John L. Henshaw, 18.

¹⁶ Von Richthofen, 39-40.

¹⁷ Ceran, 14.

Since Australia is a federation, occupational health and safety legislation is enforced by state governments; the central government is only concerned with the occupational health and safety of workers in the federal government. In other words, each state and region has its own labor inspection agency. The federal government also has a separate inspectorate for its workers. At the federal level there is the tripod Australian Security and Compensation Council. This is to coordinate national initiatives on occupational health and safety and workers' compensation¹⁸. In South Australia, labor inspectors deal with occupational health and safety and industrial relations. Inspectors are grouped among themselves as industry teams and country teams. Each group consists of inspectors who are experts in different fields. They are also supported by the senior advisors in each risk area¹⁹.

II. NEW STRATEGIES

A more effective inspection system can be established by separating harmonized tasks from others through a functional approach system. Although the French supervisors describe themselves as generalists, they are highly specialized in industrial relations with regard to worker protection. German labor inspectors are qualified as experts. The functional approach also enables the implementation of important developments and changes in the inspection system. Despite all this, a general international consensus on worker inspection systems has not yet been achieved²⁰. In Brazil, 10 steps are foreseen to strengthen labor inspection. These steps can be listed as structure and organization, allocation of resources, training, setting priorities, consolidating inspections, publicizing best practice, providing management systems and the necessary tools to labor inspectors, working in partnership, networking and prevention that will create a culture²¹.

The problems encountered in the occupational safety inspection in African countries arise from the fragmented inspection organizations. Uganda has a dual inspection system. While the inspection of factories is centralized, inspection of other workplaces is not centralized at the local authority level. This prevents incompatibility and effective cooperation. Dual inspection systems could not meet the needs of workers and employers; it even led to an increase in bureaucracy and confusion. In Sudan, all inspection services were transferred to regional and state governments by the central government. This is the same in Ethiopia. Inspections have weakened considerably in terms of co-operation and coherence when central governments have delegated the authority of inspection services to regional or federal states.

In many African countries, the number of job inspectors has been reduced by 20-40% due to public service reforms, savings, the discontinuation of the appointment of new supervisors, and the failure to fill natural-cause gaps (death, retirement). In Kenya, for instance, the number of supervisors has declined by 30% (from 175 to 124) as a result of public sector reforms. On the other hand, the responsibilities of labor inspectors have increased in line with new demands and changing business environment²².

¹⁸ Patterson, 48.

¹⁹ Von Richthofen, 41-42.

²⁰ Von Richthofen, 41-42.

²¹ Moure, 39.

²² Nyambari, 30.

The most important aspect in the development process of job inspection systems in the 1990s was the approach towards the integration of tasks under a single inspection service. This development was more prevalent in the transition economies of central and eastern Europe. Union inspections, employment conditions, illegal migrant labor, and labor controls are included in the scope of these new structures. The Baltic countries and Bulgaria have successfully combined occupational health and safety inspections within the Ministries of Health with general labor conditions inspections. Other countries also tend to follow this policy. In some applications, even further, occupational health and safety inspections and social security inspections are combined, as in some states of Australia and New Zealand. The themes of these functional combinations are not just to achieve more efficiency; it is also about being more effective. In order to implement the prevention policy, it is necessary to establish, develop and strengthen an integrated inspection system. Occupational health and safety issues are under the responsibility of different inspection units; it is not possible to talk about a preventive policy that is effectively and efficiently organized by assigning different administrative responsibilities to different, irrelevant and non-cooperative services. In contrast, when bringing together employment-related activities under the umbrella of labor inspection (as in Hungary, Kenya and South Africa), inspection performance consolidates and strengthens the prevention capacity of the system both quantitatively and qualitatively²³.

Risks specific to AIDS, child labor, rural informal economy, agriculture, construction and mining sector require a holistic approach. For these reasons, work inspection requires well-coordinated systems under a unified central authority. A process of holistic change focused on management systems is essential for work inspection. One of the options necessary to improve production and competition is the mobilization and use of job control resources. In addition, it is essential to manage work inspection systems in line with knowledge and skills and to make them more effective in education and research and development. Republic of South Africa and Kenya can be given as examples of integrated and successful occupational safety inspection systems. In South Africa, a single service operates and managerial decisions are made at local levels, where inspectors are not expected to be experts but are knowledgeable of all general business conditions and aspects of occupational health and safety. After the merger of the services, especially in 2002 - 2004, the work inspection system increased the production / results ratio by 100% by using the same number of resources (capital and people). The Kenya Tripartite Labor Inspection Project (KTLIP) was built on the ILO Convention No. 81 and focuses on general business conditions, business relations, solutions, employment services, basic occupational safety, health, hygiene and welfare. The project increased the work inspection production/result ratio by more than 500%. The strategy implemented in Kenya was initially created with the participation of social partners (government, employees and employers); This has created an effective cooperation and synergy in inspection. The top management at the National level was accepted as the second in the project; local authorities and labor inspectors were involved in the project in the final stage²⁴.

CONCLUSION

In a conclusion, Integrated Labor Inspection Systems (ILIS) are more needed in the face of new risks (aids, mental illness, migrant workers and child labor) that have increased in recent years due to changes in working life, globalization and growth of the world economy. The purpose of the combined job inspection is to integrate the authorized management units, inspection procedures and practices and technical elements in a consistent manner. This system also aims to be at the center of

²³ Von Richthofen, 42-43.

²⁴ Nyambari, 31.

existing resources, to provide better services and to increase supervisors in workplaces. To achieve this, cooperation between employers and trade unions is necessary. Integrity requires success at four levels (operational level, sectoral strategic level, national political level, and global political level). The combined supervisory system should be applied at global level together with ILO, UN, EU and other regional structures and governments. The business system components should create a synergy with the government in its framework with a holistic approach. The main actors here are the employers, the trade unions, and other social parties. These groups should develop a tripartite structure in the field of occupational health and safety. Finally, in this area, this strategy is carried over to labor inspectors, control organizations, occupational health and safety workplace boards and worker representatives²⁵.

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²⁵ Albracht, 67.

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