

**DECENT WORK**

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# Strategic Labour Law Compliance, Labour Inspection and the Fishing Sector

Capacity Building Programme on Labour Inspection and Forced Labour  
Detection on Board Fishing Vessels

Indonesia

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## Today's 'world of work' presents significant challenges for labour inspection in performing its function:

- Complex global supply chains
- Vulnerable workers (fishers, domestic workers, migrant workers)
- Complex employer-worker relationships (precarious and non-standard forms employment)
- Informal enterprises and workers
- Remote / inaccessible workplaces
- Low levels of unionization



## Approach:

Labour Inspectorate conducts inspections of enterprises-

- Based on a routine schedule or discretion of inspector
- In response to worker complaints

When enterprises are found in violation the Labour Inspectorate-

- Provides the enterprise with guidance on actions needed to comply
- Imposes sanctions

## For the “Traditional Enforcement Model” to be effective in achieving compliance:

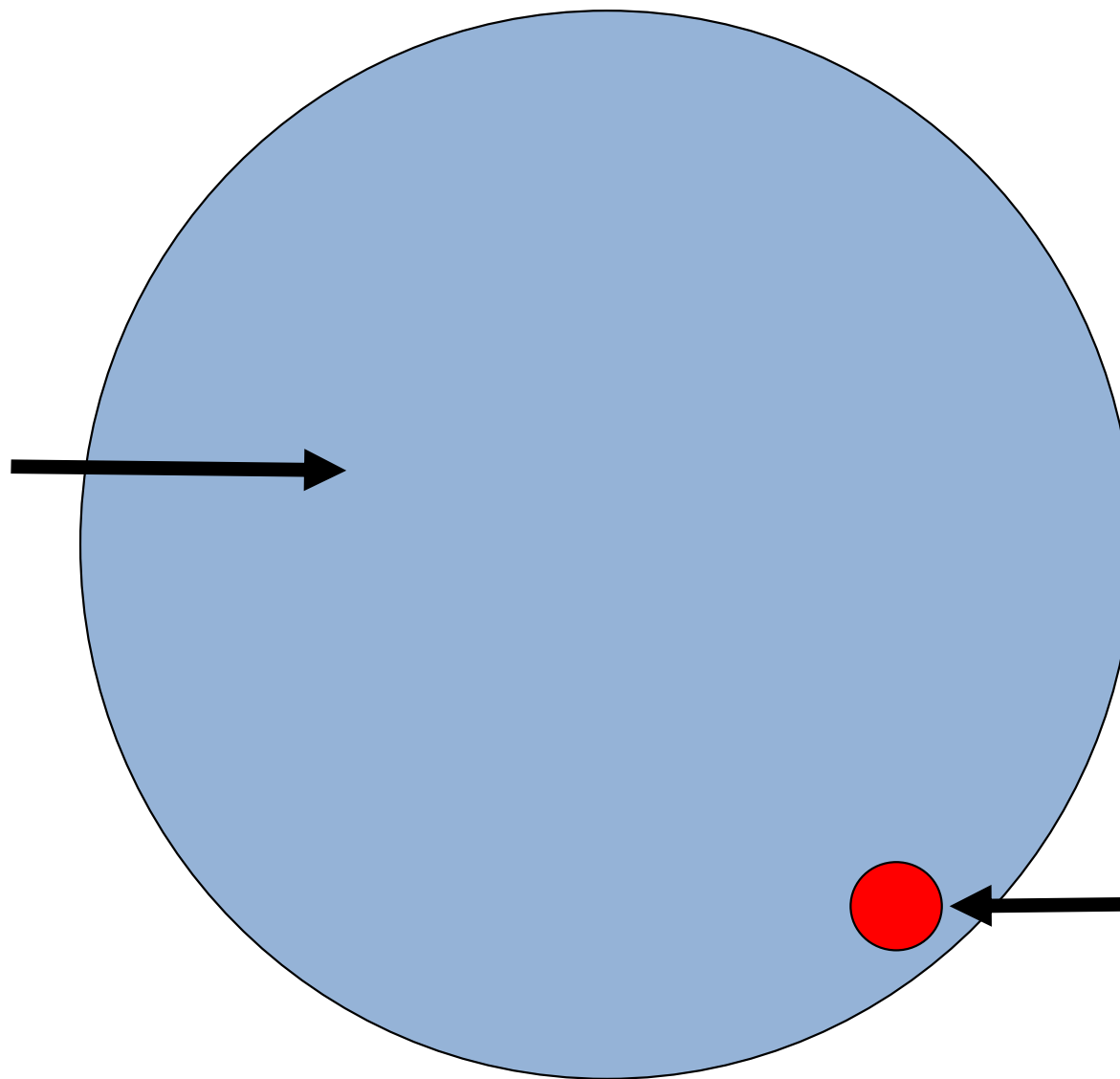
- Capacity of labour inspectorate allows for regular inspections of enterprises subject to inspection.
- Routinely scheduled inspections and complaint-driven inspections are inspecting the “right” workplaces.
- Providing guidance and/or imposing sanctions is sufficient to bring enterprises into compliance and maintain their compliance.



# Traditional Enforcement Model



**Number of  
Workplaces  
Liable to  
Inspection**



**Number of  
Workplaces  
Inspected**

 **Are inspections conducted based on routine schedules or in response to complaints inspecting the “right” workplaces?**

- What percentage of all enterprises inspected are found to be compliant vs. non-compliant?
- If inspections are complaint-driven and vulnerable workers don't complain, are the workplace where the most vulnerable workers work being inspected?



## Guidance and/or Sanctions?

- Is providing guidance sufficient to bring enterprises into compliance and maintain their compliance?
- Are sanctions sufficient incentive to bring enterprises into compliance and maintain their compliance?

## Approach:

- **Proactive** (labour inspectorate drive), **targeted** (focused on labour inspectorate priority compliance issues and targets) and **tailored** (responsive to diagnosis of the causes of noncompliance).
- **Fully utilizes inspection authority and powers** to ensure effective and efficient inspections (unannounced inspections, surveillance, subpoenas and search warrants).



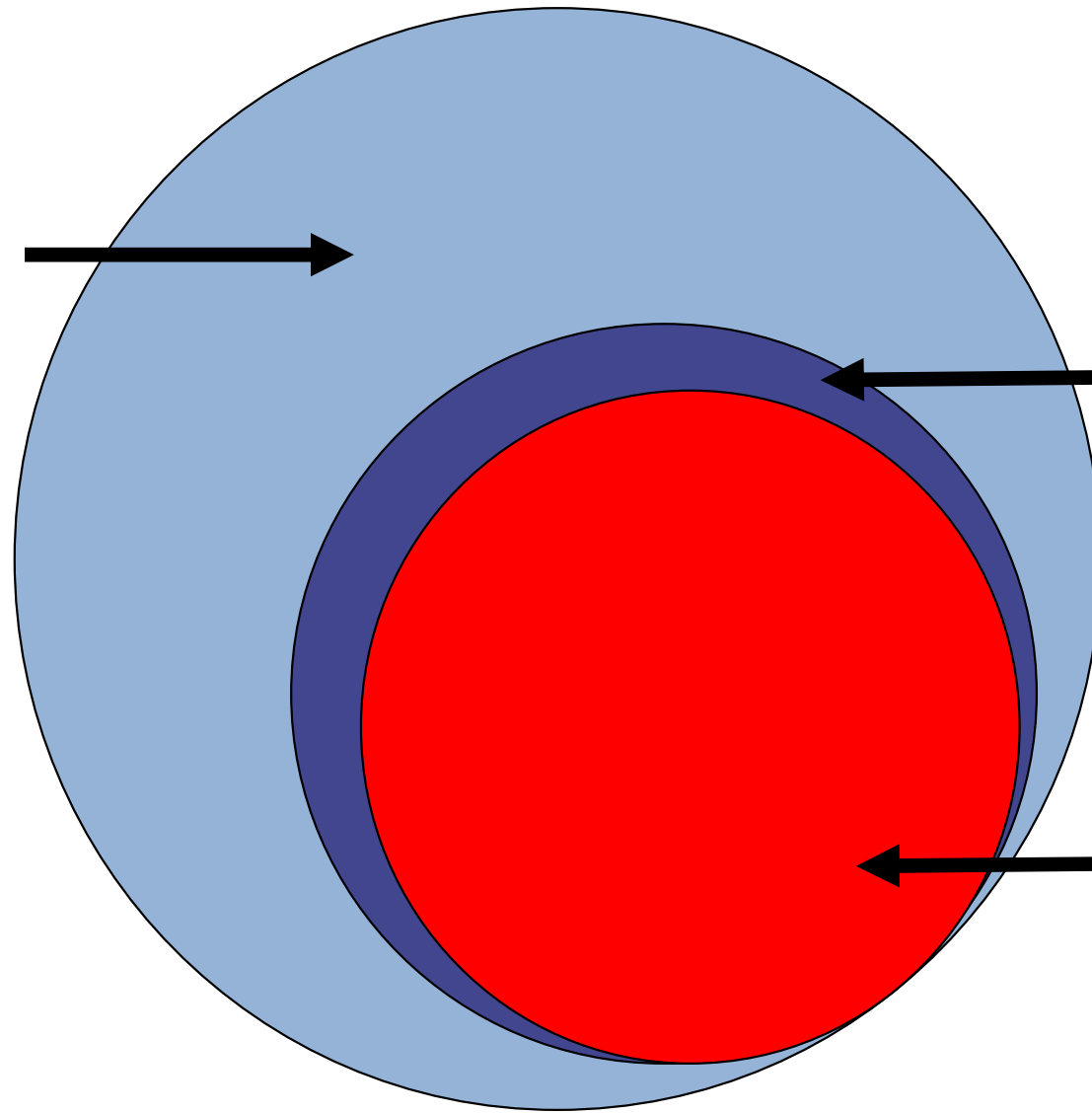
## **Approach** (continued):

- **Strategically applies guidance, penalties and other sanctions** to create the incentive for the inspected enterprise to come into compliance and for enterprises who have not been inspected to assess their practices.
- **Engage and leverage other actors capacity to influence compliance** (other government agencies, worker and employer organizations, non-government organizations, media, and other stakeholders) to enhance, amplify and expand the impact of its inspections and to make the labour inspectorate "bigger than it is".

# Strategic Compliance Model



**Number of  
Workplaces  
Liable to  
Inspection**



**Prioritized  
Workplaces  
for Compliance  
Interventions**

**Number of  
Workplaces  
Impacted by  
Compliance  
Interventions**

## Labour Inspectorates are uniquely positioned to diagnose causes of non-compliance and design and lead multifaceted interventions involving multiple actors:

- Compliance is their mandate.
- Access to and ability to collect Information and data on compliance:
  - ✓ Inspection data
  - ✓ Other government data
  - ✓ Information from employers
  - ✓ Information from workers
- Ability to engage and facilitate collaboration and cooperation among other actors who can wield influences.



## *Strategic Compliance Planning Methodology*

Six step process:

1. Explore the Labor Inspectorate
2. Explore Issues & Targets
3. Explore Influences
4. Explore Stakeholders
5. Explore Interventions
6. Operationalize the Strategic Compliance Plan



# Five Types of Strategic Interventions



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**Education**



**Communication**



**Enforcement**



**Political**



**Systemic**

# Some Examples





# Some Examples



# Some Examples





# Examples of Strategic Compliance Approaches



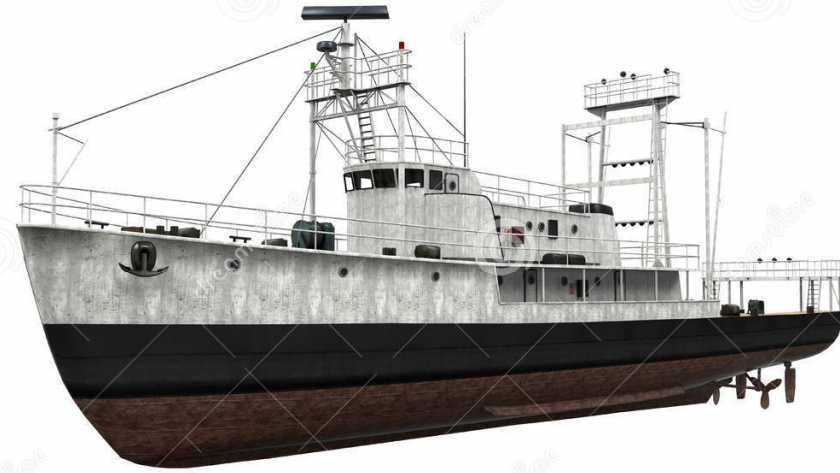
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Portugal



# Some Examples



## SCP and Work in Fishing – Lessons Learned (1)

- Is improving decent work in fishing a **priority**?
- **Data** on fishing and compliance?
- Inspection **visits are not the only tool**
- **Consider systemic** interventions
- Some countries focus on **targeted issues**  
(forced labour, wages, OSH, violence)
- **Awareness** about key labour rights for both employers and workers (e.g. model contracts)
- Special **LI training and assignments**

## SCP and Work in Fishing – Lessons Learned (2)

- **Coordination** between agencies (joint?)
- **National policy and local action** – both
- **Legal framework, LI mandate and inspection operating procedures** must be clear
- **Risk-based** vessel targeting (for FL or generally)
- Meaningful **enforcement and sanctions strategy**
- **Self-assessments** are not sufficient and are not labour inspection actions



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## SCP and Work in Fishing – Lessons Learned (3)

- **Port vs. At-Sea** inspections – it depends
- **Port state and Flag state** inspection
- Forced labour and poor working conditions
- **Dialogue with employers and workers** in the sector for better industry insight and joint problem solving (LI feedback function)
- Need for **written plan with indicators**
- Need for **sustained action, monitoring**



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## SCP and Work in Fishing – Lessons Learned (4)

- **Interviewing workers** is key and requires special care



**Thank you!**