

Terms of Reference of the ASEAN Labour Inspection Conference



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Terms of Reference of the ASEAN Labour Inspection Conference

The ASEAN Secretariat
Jakarta

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Terms of Reference of the ASEAN Labour Inspection Conference (ALIC)

A. Background

1. Labour inspection is an essential part of any country's labour administration system, exercising the fundamental function of labour law enforcement and compliance promotion. Labour inspection institutions have a two-fold nature. On the one hand, they supervise the enforcement of labour laws, particularly with regard to workers' rights. On the other hand, labour inspectorates provide information and advice, as well as training. This dual nature means that labour inspection is a well-suited tool for good governance as well as ensuring fairness in the workplace.
2. The functions of the system of labour inspection shall be:
 - a. To secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, safety, health and welfare, the employment of children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors;
 - b. To supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions; and
 - c. To bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions.¹

¹ Article 3 of the ILO Labour Inspection Convention, 1947 (No. 81). The ILO's Labour Inspection (Agriculture) Convention, 1969 (No. 129) contains nearly identical provisions in Article 6.

3. Effective and efficient labour inspection systems contribute to the purposes of ASEAN as stipulated in Article 1 (11) of the ASEAN Charter to enhance the well-being and livelihood of the peoples of ASEAN by providing them with equitable access to opportunities for human development, social welfare and justice. They also contribute to the ASEAN Socio-Cultural Community Blueprint 2025, particularly its Strategic Measure to promote non-discriminatory laws, policies and practices by developing effective, responsive, accountable and transparent institutions at all levels.
4. Recognising the importance of labour inspection, the 21st ASEAN Labour Ministers Meeting (ALMM) on 24 May 2010 in Ha Noi, Viet Nam agreed on the organisation of an ASEAN Labour Inspection Conference among ASEAN Member States and its partners to share experiences and good practices on the organisation and operation of national labour inspection systems, so as to come up with recommendations for enhancing the capacity and cooperation of labour inspection across ASEAN Member States towards building a strong and developed ASEAN Community. The 21st ALMM also adopted the ASEAN Labour Ministers' (ALM) Work Programme 2010-2015 which highlighted the importance of building capacity for labour inspectors in implementing labour laws and the need to organise the ASEAN Labour Inspection Conference on a regular basis under the purview of the SLOM's Working Group on Progressive Labour Practices to Enhance the Competitiveness of ASEAN (SLOM-WG).
5. Recognition of the importance of labour inspection among ASEAN Member States is anchored in the ALM' Work Programme 2016-2020, the SLOM-WG Work Plan 2016-2020, ASEAN-Occupational Safety and Health Network (ASEAN-OSHNET) Plan of Actions 2016-2020, and ASEAN Guidelines on Essential Workplace Action for Enterprises on the Prevention and Management of HIV and AIDS in ASEAN Member States which were adopted by the 24th ALMM on 15 May 2016 in Vientiane, Lao PDR.

One of the thematic areas of the ALM' Work Programme 2016-2020 is strengthening labour inspection which will contribute to ensuring harmonious, safe and progressive workplaces. Corresponding to this, the continuation of the ASEAN Labour Inspection Conference as a regular event is one of the activities in the SLOM-WG Work Plan 2016-2020. As reflected in their respective work plan, SLOM-WG and ASEAN-OSHNET also agree to collaborate with each other in strengthening labour inspection in the region.

6. The ASEAN Labour Inspection Conference has been convened since 2010 and hosted by ASEAN Member States on voluntary basis. The list of the Conferences appears as **ANNEX 1**.

B. Objectives

7. The objectives of the ASEAN Labour Inspection Conference are to:
 - a. Share information, knowledge and experiences on policies, legislations, good practices and innovations as well as challenges and solutions pertaining to achieving workplace compliance through labour inspection, both in the areas of general working conditions and occupational safety and health;
 - b. Build and sustain the network of labour inspectors in ASEAN in order to enhance labour inspection capacity of ASEAN Member States; and
 - c. Promote the professionalism of each ASEAN Member State in all aspects of labour inspection so as to promote compliance with labour laws and regulations.

C. Organisational Arrangements

Participation

8. Potential participants in the ASEAN Labour Inspection Conference include the following:
 - a. ASEAN Labour Inspectorate Focal Points;
 - b. Other representatives of labour inspectorate of ASEAN Member States;
 - c. Representatives of Occupational Safety and Health (OSH) and/or other relevant department of the ministry of labour of ASEAN Member States;
 - d. Representatives of International Labour Organization (ILO);
 - e. Representatives of the ASEAN Secretariat;
 - f. Representatives of regional social partners (ACE, ATUC and ASETUC);
 - g. Resource persons of relevant international and regional organisations as well as civil society organisations (e.g. IALI, IOM, UN Women, etc.); and
 - h. Resource persons from ASEAN Dialogue Partners (e.g. China, Japan, ROK, New Zealand, and Australia).
9. Invitations by the host country to other ASEAN Member States will be communicated through ASEAN Labour Inspectorate Focal Points, SLOM-WG focal points and ASEAN-OSHNET focal points.
10. SLOM-WG is responsible to regularly update their ASEAN Labour Inspectorate Focal Points for the purpose of invitation and information sharing in between the Conferences, and to communicate any changes to the ASEAN Secretariat.

Host Country

11. The ASEAN Labour Inspection Conference shall be convened on a regular basis, ideally once per calendar

year. The hosting of the Conference shall rotate among ASEAN Member States on voluntary basis. Selection of the host country for the subsequent Conference shall be a standing agenda item at every ASEAN Labour Inspection Conference.

12. The host country is responsible for reporting the outcomes of the ASEAN Labour Inspection Conference to the SLOM-WG Meeting and ASEAN-OSHNET Coordinating Board Meeting. Where relevant, the host country and the ASEAN Labour Inspectorate Focal Points may agree to share the outcomes of the Conference with other relevant ASEAN Sectoral Bodies.
13. ASEAN Secretariat provides administrative support with regard to the organisation of ASEAN Labour Inspection Conference.

Theme and Agenda

14. The host country shall consult in advance the proposed theme of the ASEAN Labour Inspection Conference with the ASEAN Labour Inspectorate Focal Points, ASEAN Secretariat and ILO for input and concurrence. The proposed theme may be based on the recommendation of the previous Conference or on emerging issues as proposed by ASEAN Member States.
15. The host country is responsible for developing the agenda. The host country may consult the ASEAN Secretariat and ILO in developing the agenda; and decide on topics of discussion and proposed speakers who may be from within and outside the region.
16. In developing the agenda, the host country may include an agenda item to review progress and achievements in implementing previous recommendations of the ASEAN Labour Inspection Conferences.

D. Resource Mobilisation

17. The host country is responsible for the logistics of the Conference and associated hosting costs. On a case-to-case basis, the host country may, depending on fund availability, extend its hospitality to the ASEAN Labour Inspectorate Focal Points by providing complementary accommodation.
18. Delegates shall cover their own participation costs.
19. Funding support from the ILO and/or other sources may be sought, as necessary, to support participation costs of ASEAN Member States and/or to assist the host country in organising the Conference.

E. Monitoring of the Recommendations of the ASEAN Labour Inspection Conferences

20. ASEAN Labour Inspectorate Focal Points together with SLOM-WG will report on how ASEAN Member States have strengthened the capacity of labour inspection based on Key Result Areas of ALM' Work Programme 2016-2020.

F. Amendment

21. This Terms of Reference may be amended in future as deemed necessary and based on consensus of ASEAN Member States.

ANNEX 1 – List of ASEAN Labour Inspection Conferences

ANNEX 1

List of ASEAN Labour Inspection Conferences

As of 2016, the following ASEAN Labour Inspection Conferences have been conducted:

1. The 1st ASEAN Labour Inspection Conference, 13-14 October 2010, Ha Long, Viet Nam
2. The 2nd ASEAN Labour Inspection Conference, 15-16 March 2012, Dong Nai, Viet Nam
3. The 3rd ASEAN Labour Inspection Conference, 3-4 July 2013, Bali, Indonesia
4. The 4th ASEAN Labour Inspection Conference, 3-4 July 2014, Manila, the Philippines
5. The 5th ASEAN Labour Inspection Conference, 11-12 November 2015, Yogyakarta, Indonesia
6. The 6th ASEAN Labour Inspection Conference, 28-29 November 2016, Putrajaya, Malaysia

ASEAN Labour Inspection Conference

13-14 October 2010

Ha Long, Quang Ninh Province, Viet Nam

Ha Long Recommendations on Labour Inspection Cooperation

Recognising the importance of labour inspection, in the ASEAN Senior Labour Officials Meeting (SLOM) in Vientiane, Lao PDR in May 2009, the SLOM proposed the organisation of an ASEAN Labour Inspection Conference among ASEAN Member States and its partnerships to share experiences on the organisation, operation so as to come up with recommendations for enhancing the capacity and cooperation of labour inspection across ASEAN Member States toward building the strong and developed ASEAN Community.

In the 21st ASEAN Labour Ministers Meeting (ALMM) convened in May, 2010 in Viet Nam, the proposal for organising the ASEAN Labour Inspection Conference was agreed by the Ministers. The 21st ALMM adopted the ASEAN Labour Ministers' Work Programme 2010 – 2015 which highlighted the importance of building capacity for labour inspectors in implementing labour laws and the need for organisation of the ASEAN Labour Inspection Conferences.

The ASEAN Labour Inspection Conference was consequently conducted in Ha Long, Viet Nam on 13-14 October, 2010 with the participation of ten ASEAN Member States; Republic of Korea; experts from International Labour Organization, in particular from the LAB/ADMIN Programme in Geneva, Decent Work Technical Support Team in Bangkok and the ILO Hanoi Office; Ms. Michele Patterson – President of International Association of Labour Inspection (IALI); Mdm. Shi Yanping – Vice President of IALI; experts from the US Department of Labour and other international and national experts in the field of labour inspection. The participants agreed to propose the following recommendations to

the SLOM-WG for consideration, in order to enhance the capacity of labour inspectors in ASEAN.

1. To encourage the cooperation of labour inspectorates with other relevant labour administration institutions as well as social partners to enhance and enforce labour law, sound industrial relations, good working conditions including occupational safety and health, increased productivity and decent work, including the development of national programmes and priorities for labour inspection;
2. To ensure that labour inspectorates have a sufficient number of staff composed of women and men, with appropriate conditions for hiring, training and service, and that the staff are given the necessary resources to perform their tasks effectively;
3. To encourage the ratification and implementation of ILO Conventions No. 81 on Labour Inspection and 129 on Labour Inspection in Agriculture (where applicable);
4. To continue to cooperate with the ILO, IALI and other organisations and the social partners, in the development of the human and institutional capacity of labour inspection systems in particular through the sharing of good practices and through training;
5. To promote and develop the regional cooperative partnership of ASEAN through strengthening the network of labour inspectorates in ASEAN Member States, particularly with regard to systems and models for effective labour inspection;
6. To identify and understand the challenges which labour inspection systems are facing and work towards solutions for topics and emerging issues identified as priorities by ASEAN Member States;

7. To continue to build knowledge and share information and experiences on good practices in areas such as: good governance and effective organisation of labour inspection; professional standards; data collection and performance measurement; and training on modern inspection methods to improve labour inspectors' efficiency and effectiveness;
 8. To encourage the use of IALI's Global Code of Integrity for Labour Inspection as guidance towards enhancing the ethical behavior of labour inspectors in ASEAN countries; and
 9. To recognise the priority in the ASEAN Labour Ministers' Work Programme 2010-2015 to promote activities in the area of labour inspection, including the organisation of an annual labour inspection forum for ASEAN Labour Inspectorates with a view to continuing to convene such an ASEAN Labour Inspection Conference on a regular basis.
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The 2nd ASEAN Labour Inspection Conference
15-16 March 2012, Dong Nai, Viet Nam
Recommendations towards Better Safety
and Health at Work

Recognising the objectives of the ASEAN Labour Ministers' Work Programme for 2010-2015 in relation to labour inspection and occupational safety and health standard, the Second ASEAN Labour Inspection Conference in Dong Nai, Viet Nam, on 15-16 March 2012, discussed possible actions aimed at strengthening occupational safety and health in the ASEAN region by taking into account the recommendations resulting from the OSHNET Strategic Conference on Prevention Risk Management Social Security "The Seoul Roadmap Towards Better Safety and Health at Work" held in Ha Noi, Viet Nam, on 15-16 March 2010. These recommendations were previously taken note of by the 11th ASEAN-OSHNET Coordinating Board Meeting held from 21-22 April 2010 in Bali, Indonesia. The Second ASEAN Labour Inspection Conference was attended by seven ASEAN Member States, notably: Cambodia, Indonesia, Malaysia, the Philippines, Singapore, Thailand, and Viet Nam.

1. *Collect, share and improve information about accident insurance and reporting, occupational safety and health, labour inspection and other preventive measures and undertake comparative studies in the field.*

Actions:

- To share information on national OSH profiles in ASEAN so that benchmarking could be done to help identify gaps and good practices among ASEAN Member States (AMS). The information shared could include accident and disease reporting.

2. *Strengthen networks of experts in safety and health at work at the enterprise, sectoral, national and regional levels to promote prevention, risk management and social security.*

Actions:

- To continue to organise workshops with tripartite partners (such as the Regional Social Dialogue and ASEAN-OSHNET Policy Dialogues) where OSH and labour inspection experts could take part to share experience, and where social dialogue on OSH-related issues can take place;
 - To consider organising a conference in conjunction with ASEAN-OSHNET CBM to enhance the sharing of information and raise the profile of OSH in ASEAN Member States;
 - To continue discussions and sharing of information on OSH and labour inspection issues at appropriate forums such as the ASEAN Labour Inspection Conference.
3. *Promote integration of occupational safety and health in training programmes for workers.*

Action:

- To share information and experience on the integrating of OSH standards trainings for workers and employers (including vocational and entrepreneur training) among ASEAN Member States.
4. *Promote the ratification and application of ILO Promotion Framework for OSH Convention (No. 187, 2006), ILO Guidelines on OSH Management Systems and other key ILO OSH instruments.*

Action:

- To share information on the readiness of ASEAN Member States to ratify the ILO Convention no. 187.

5. *Intensify, in cooperation with ISSA and ILO the dialogue between ASEAN and the EU, Korea, Japan and others on occupational accident and disease preventive measures and insurance.*

Actions:

- To consider participation at upcoming regional meetings such as the ASEM OSH Conference in September 2012;
 - To consider extending invitations to ISSA Mining and IALI to the upcoming the 13th Meeting of ASEAN-OSHNET CBM on 18-19 April 2012 in Manila, the Philippines.
6. *Promote the principles enshrined in the Seoul Declaration to enterprises, sectors as well as countries and the region as a whole, especially in SMEs.*

Actions:

- Work undertaken under other recommended actions will contribute to this recommendation which is to promote culture of prevention;
 - To share best practices in adopting principles in the Seoul Declaration on Safety and Health at Work (for example, KOSHA could be invited to share these best practices at the 13th ASEAN-OSHNET CBM).
7. *Share OSH information and good practices through ASEAN-OSHNET, report them to the ASEAN Senior Labour Officials Meeting (SLOM) and the ASEAN Labour Ministers Meeting (ALMM) and incorporate prevention, risk management and social security in ASEAN plans of action.*

Action:

- Noted that this action has been undertaken.

8. *Convene meetings to review the implementation of the Seoul Declaration on Safety and Health at Work, and these recommendations at regular interval (e.g. every three years).*

Action:

- To consider sharing information on the implementation of principles under the Seoul Declaration on Safety and Health at Work among ASEAN Member States.
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The 2nd ASEAN Labour Inspection Conference

15-16 March 2012, Dong Nai, Viet Nam

Dong Nai Action Plan to Implement the Ha Long Recommendations on Labour Inspection Cooperation for 2012-2015

Recognising the objectives of the ASEAN Labour Minister's Work Programme 2010-2015 in relation to labour inspection, this Second ASEAN Labour Inspection Conference in Dong Nai, Viet Nam on 15-16 March 2012 aims to agree upon actions to give effect to the agreed recommendations from the First ASEAN Labour Inspection Conference that was held in Ha Long City, Viet Nam on 13-14 October 2010. The Second ASEAN Labour Inspection Conference was attended by seven ASEAN Member States, notably: Cambodia, Indonesia, Malaysia, the Philippines, Singapore, Thailand, and Viet Nam.

The following actions propose one practical goal for each of the nine Ha Long Recommendations on Labour Inspection Cooperation, intended to be deliverable by the ASEAN Member States during 2012- 2015:

1. *Encourage cooperation, development and strengthening of national programmes and priorities for labour inspection.*

Actions:

Explore the identification of elements required for national programmes to be effective so that priorities of ASEAN Member States can be better defined and gaps better addressed.

- 2. Ensure sufficient number of staff –women and men– with appropriate conditions for hiring, training and service and necessary resources to carry out the work.*

Actions:

Appoint Malaysia to coordinate the collection of factual data relating to human resourcing of each inspectorate in ASEAN Member States, and the following actions:

- AMS to review information on the number of inspectors to size of workforce based on the circumstances of each country to ensure sufficient resources are available;
 - Where number of women (or men) are low or out of balance, identify the practical gender barriers to entering inspectorates; and
 - Feed the resulting assessment back to each ASEAN Member State with, where necessary, information about what improvements to their human resourcing arrangements would be desirable for their inspectorate to be effective.
- 3. Encourage ratification of relevant ILO Conventions on Labour Inspection (i.e. no. 81 and, where relevant, no. 129).*

Action:

Continue to share information on the ratification of ILO Conventions related to Labour Inspection.

- 4. Development of human and institutional capacity of labour inspection systems through sharing of good practices and training.*

Actions:

Develop and commit to a regional programme of trainings on the 2012-2015 priorities for labour inspection in the ASEAN region, with the coordination, contribution and participation of ASEAN Member States, and with the support of relevant partners.

- Encourage ASEAN Member States to share relevant information on competencies of labour inspectors, and

consider conducting training programmes to help raise competencies.

5. *Promote and develop the regional cooperative partnership of ASEAN through strengthening the network of labour inspectorates, particularly with regard to systems and models.*

Actions:

Develop ASEAN guidelines and good structural and operational models for effective and credible labour inspection that ASEAN Member States could adapt to their respective national circumstances and context.

6. *Identify and understand challenges for labour inspectors and work towards solutions for topics and emerging issues.*

Action:

As part of the priorities for labour inspection across ASEAN for 2012-2015, identify which challenges may be best addressed with regional action (as opposed to internal resolution) and devise specific regional actions to assist in resolving these challenges.

7. *Share information on good practices: good governance, effective organisation of labour inspection, professional standards, data collection and performance measurement, training on modern methods for efficiency and effectiveness.*

Action:

Leverage the ASEAN OSHNET's initiative of compiling the national OSH profiles in designing and developing regional data collection of labour inspection performance in line with the ILO Convention no. 187. This initiative is expected to enable ASEAN Member States to benchmark their performance for the purpose of continuous improvement.

8. *Encourage use of IALI's Global Code of Integrity of Labour Inspection as guidance to enhance the ethical behaviour of labour inspectors.*

Action:

Share experiences and good practices among ASEAN Member States in adopting a Code of Integrity based on IALI's Global Code of Integrity for Labour Inspection, for the purpose of providing a practical local example of the process, challenges and solutions.

9. *To recognise the priority of the ASEAN Labour Ministers Work Programme to promote activities in the area of labour inspection, including holding an annual forum.*

Actions:

- Convene the ASEAN Labour Inspection Conference regularly and rotated among ASEAN Member States. The readiness of Indonesia to host the Third Conference back-to-back with the 27th APOSHO Conference and Exhibition in July 2013 was welcomed and appreciated by other ASEAN Member States.
 - Recommend the Philippines to host the Fourth Conference in 2014. The Philippines was requested to confirm its availability in due course.
 - Starting from 2014 onwards, the Conference will be convened in cooperation between SLOM-WG and the ASEAN Occupational Safety and Health Network (OSHNET) to facilitate closer inter-sectoral information sharing and coordination on various aspects of labour inspection.
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The 3rd ASEAN Labour Inspection Conference

3-4 July 2013, Bali - Indonesia

Progress Updates on Action Plan to Implement the Ha Long Recommendations on Labour Inspection Cooperation for 2010-2015

Recognising the objectives of the ASEAN Labour Ministers' Work Programme 2010-2015 in relation to labour inspection, this Third ASEAN Labour Inspection Conference in Bali, Indonesia on 3-4 July 2013, aims to take note of the progress update in the implementation of the Action Plan developed in the Second ASEAN Labour Inspection Conference held in Dong Nai, Viet Nam on 15-16 March 2012.

The Third ASEAN Labour Inspection Conference was attended by nine ASEAN Member States (AMS), notably: Brunei Darussalam, Cambodia, Indonesia, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Viet Nam and Plus Three Countries attended by the Republic of Korea. To be noted, Lao PDR presenting in absentia with available presentation material. Other organisations attended this Conference were ILO, IALI, ASETUC, and Malaysia Employers Federation on behalf of ASEAN Confederation of Employers.

Considering the importance of labour inspection role in assuring labour standard compliance, H.E. Minister for Manpower and Transmigration in his opening address highlighted the need improve compliance through labour inspection and the need to take anticipatory measures on labour norms. He also highlighted an effective and efficient labour inspection system requires an integrated and coordinated system that is adequately resourced in terms of number and quality of inspectors to deliver decent work.

The Third Labour Inspection Conference in Bali noted the following progress made by various ASEAN Member States in the implementation of the Dong Nai Action Plan and areas for further

enhancement, intended to be deliverables by ASEAN Member States during 2013-2015.

Realising labour inspection networking and cooperation are being strengthened in ASEAN, while considerable efforts and progress already take place in the different ASEAN Member States, regional cooperations in this field should be enhanced to complement the national programs.

The Third Labour Inspection Conference concluded the following:

- a. Continue ASEAN cooperation programmes on labour inspection, taking into account Dong Nai Action Plan and Ha Long Recommendations with more focused on goals and progress updates in overcoming common obstacles or country specific issues;
 - b. Continue sharing of information and exchange of views at the regional level to foster labour inspection function in promoting safe, fair, healthy, and productive workplace condition in ASEAN and Plus Three Countries, possibly with the involvement of trade union, employers organisation and relevance stakeholders, where appropriate;
 - c. Initiate further activities within and among ASEAN Member States that are aimed at generating responsive labour inspection system, particularly on capacity building, strengthening working methods through better coordination and collaboration, and developing possible performance indicator/tools of labour inspection;
 - d. Take note of the call from ASEAN employers and union representatives on the need for professional and ethical labour inspection; and
 - e. Call to continue this conference on labour inspection to enhance cooperation and raise capacity of labour inspection system in ASEAN Member States.
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Conclusions and Recommendations
of the 4th ASEAN Labour Inspection Conference
3-4 July 2014, Manila, Philippines

This Conference was attended by delegates from ASEAN Member States (AMS): Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Viet Nam, along with representatives of the International Association of Labour Inspection (IALI), ASEAN Services Employees Trade Union Council (ASETUC), ASEAN Confederation of Employers (ACE), ASEAN Trade Union Council (ATUC), and the International Labour Organization (ILO).

The Conference highlighted, within the context of the Ha Long Recommendations in 2010, the Dong Nai Action Plan in 2012 and the Progress and Updates noted in Bali by ASEAN Member States in 2013, the presentations of the Philippines, Singapore and Viet Nam on good practices on labour inspection (ASEAN Models on Inspection); Cambodia, Indonesia, Malaysia and Thailand on capacity building and training; and Myanmar, Lao PDR and Brunei Darussalam on challenges and solutions on inspection and emerging issues (Occupational Safety and Health and migrant workers).

The Conference also highlighted the sharing of ideas and experiences of ILO, IALI, ATUC, ASETUC, and ACE.

The Conference noted:

1. That in pursuit of the Ha Long Recommendations, all or some Member States:
 - a. Have put in place infrastructure for labour inspection including data analysis in support of policy making; secured resources from organisations to strengthen capacities of labour inspectorate; made some progress in pushing forward the ratification of international labour inspection

standards; and conducted capacity building activities for labour inspectors;

- b. Have affirmed the development of ASEAN guidelines and organisational and operational models for effective and credible labour inspection; and the need to identify labour inspection challenges and solutions at national and regional levels;
 - c. Have recognised the adoption of IALI's Global Code of Integrity for Labour Inspection and the lead role of Singapore in sharing information on their experience with labour inspectors across ASEAN; and have affirmed the need to continue sharing of experiences and implement good practices in adopting a code of integrity guided by IALI's Global Code of Integrity on Labour Inspection and the ASEAN-OSHNET Code of Integrity for Occupational Safety and Health Inspections; and
 - d. Have affirmed the need for the ASEAN Labour Inspection Conference to be convened in cooperation with the Senior Labour Officials Meeting Working Group on Progressive Labour Practices to Enhance the Competitiveness of ASEAN (SLOM-WG) and the ASEAN-OSHNET.
2. The significant cooperation of ASEAN Member States in addressing the issues of migrant workers in the region as contemplated in the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers and other relevant international standards.

The Conference acknowledged:

3. The strategic objective in the ASEAN Socio-Cultural Community Blueprint for incorporating decent work principles in ASEAN work culture, safety and health at work, through building the capacity of labour inspection for compliance, strengthening occupational safety and health capacities and standards, raising the profile of OSH programmes and strategies within the region, ensuring fair and comprehensive migration policies

and adequate protection for all migrant workers in accordance with the laws, regulations and policies of respective ASEAN Member States and implementing the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers;

4. The need for ASEAN Member States to continue cooperation with other stakeholders including employers' and workers' organisations, international organisations, and civil society organisations to protect and promote the rights of workers in ASEAN, taking note of the upcoming ASEAN Economic Community 2015;
5. The guidance provided under the 2010 Ha Long Recommendations on Labour Inspection Cooperation, "to recognise the priority in the ASEAN Labour Ministers' Work Programme 2010-2015 to promote activities in the area of labour inspection, including the organisation of an annual labour inspection forum for ASEAN Labour Inspectorates with a view to continuing to convene such an ASEAN Labour Inspection Conference on a regular basis";
6. The ALMM statement in the 2012 Dong Nai Action Plan supporting the implementation of the Ha Long Recommendations on Labour Inspection Cooperation to "develop ASEAN guidelines and good structural and operational models for effective and credible labour inspection that ASEAN Member States could adapt to their respective national circumstances and context"; and
7. The government has the indispensable role in developing effective labour inspection with the support and cooperation of social partners and other relevant stakeholders.

The Conference considered:

8. Sharing good practices among ASEAN Member States on Labour Inspection, including the areas such as codes of conduct, innovative approaches to compliance, use of new technology, incentives, role of social partners, private compliance initiatives among others, is important for mutual

learning and building shared knowledge for the strengthening of national labour inspection systems in the context of greater integration within ASEAN;

9. The continued importance and relevance of human and institutional capacity development strategies and tools for labour inspection systems;
10. Cooperation with social partners and collaboration with other relevant national and regional institutions, including ASEAN-OSHNET constitute vital contribution towards achieving workplace compliance through labour inspection;
11. Development of ASEAN Guidelines on labour inspection in migrant-reliant sectors, taking into consideration the relevant national laws of the ASEAN Member States, with special attention to vulnerable workers, would contribute to enhanced understanding of the role of labour inspection in the protection of the rights of migrant workers and to support the implementation of the ASEAN Declaration on the Protection and Promotion of the rights of Migrants Workers; and
12. Continued support from and cooperation with ILO, IALI and other international organisations to bring additional expertise and comparative knowledge to support the strengthening of national and regional compliance initiatives.

The Conference recommended:

13. To continue regional platforms for sharing of knowledge and good practices and capacity development;
14. To support the inclusion in the post-2015 ASEAN Labour Ministers Work Programme priority areas in promoting decent work, setting up of a regional network of labour inspectorates, and upholding and developing capacity on occupational safety and health;
15. That the annual ASEAN Labour Inspection Conference be continued in 2015 and its hosting to coincide with the

scheduled ASEAN Chairmanship subject to confirmation. The Conference recommended Indonesia to host the 5th ASEAN Labour Inspection Conference in the event that the ASEAN Chair may not be able to host subject to confirmation; and

16. To support the development of guidelines for labour inspection in migrant reliant sectors, led by ASEAN Member States in partnership with labour and employer organisations, international organisations such as ILO and IALI, adhering to the principles of the ASEAN Declaration on the Protection and Promotion of the rights of Migrants Workers.

Unanimously Adopted. 04 July 2014, Manila, Philippines.

**Recommendations of the
5th ASEAN Labour Inspection Conference
“Enhancing Labour Inspection through Information
and Communication Technology”**

The ASEAN Labour Ministers’ Work Programme 2010-2015 strategic priorities highlight the importance of assuring labour rights and conditions of work are protected in law and applied. It also states the need for Governments to have adequate capacity to enforce the labour law and relevant regulations including through labour inspection.

The ASEAN Labour Inspection Conference is a recurrent activity that aims to build national capacity of inspection to ensure workplace compliance, with the intermediate goal of promoting the exchange of regional best practices with respect to Labour Ministries inspectorates oversight of workplace compliance with labour law.

In this regard, the delegates acknowledge that labour inspection could make important contribution to the UN Sustainable Development Goal number 8 (To promote inclusive and sustainable economic growth, employment and decent work for all), and that the use of ICT by labour inspection systems should be used to contribute to measuring progress towards decent work for all.

In the context of the Senior Labour Officials Meeting Working Group on Progressive Labour Practices to Enhance the Competitiveness of ASEAN (SLOM-WG), the 5th ASEAN Labour Inspection Conference was held in Yogyakarta, Indonesia on 11-12 November 2015, under theme: “Enhancing Labour Inspection through Information and Communication Technology”. Delegates from Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Singapore, Thailand, Viet Nam, China, New Zealand and representatives of IALI, ILO and ASEAN Secretariat attended the Conference.

The Conference concluded that the subject is relevant as a contribution towards achieving decent work for all workers within ASEAN Member States (AMS). Complementing national labour inspection strengthening efforts, ASEAN Member States support the use of ICT to enhance the efficiency and effectiveness of labour inspection activities. In addition to the various experiences and development level of ASEAN Member States, the Conference concluded that there is a need for better understanding and know how of ICT in labour inspection management system.

As a follow-up to the Conference, the following recommendations are provided:

1. Continue to build the capability and capacity of labour inspectorates including the areas of basic labour inspectors' knowledge and competencies, as well as strengthening the usage of ICT in ASEAN Member States;
2. Encourage the sharing information and best practices among ASEAN Member States at regional and bilateral levels with the view to strengthening labour inspection capability and capacity through ICT;
3. Explore regional cooperation to support the promotion of ICT in labour inspection in migrant reliant and hard to reach sectors such as fishing, mining, agriculture and maritime;
4. Strengthen regional and bilateral cooperation for the development of national ICT plans and systems for labour inspection including through technology transfer, technical advice, and, as appropriate, financial assistance;
5. Call on the ILO to provide continued support to the ASEAN Labour Inspection Conference as well as provide technical assistance to ASEAN Member States upon request for the development and/or strengthening of ICT systems in the field of labour inspection; and

6. Encourage IALI to provide continued support to the ASEAN Labour Inspection Conference and to assist in enhancing cooperation among ASEAN Member States particularly in labour inspection system through ICT.

We recommended that Terms of Reference (TOR) of the ASEAN Labour Inspection Conference, list of labour inspectorate focal points, and online platform of communications among the focal points should be developed to strengthen ASEAN cooperation on labour inspection. We requested Malaysia with the support of the ASEAN Secretariat and ILO to prepare the draft TOR for discussion at the 6th Conference in 2016 and subsequent submission to SLOM for adoption.

We expressed our appreciation to the Ministry of Manpower of Indonesia for the hospitality and excellent arrangement of the conference. We also expressed our appreciation to Malaysia for the confirmation to host the 6th ASEAN Labour Inspection Conference in 2016 with the theme “Utilisation of Labour Inspection in Combating Forced Labour”.

**Putrajaya 2016 Conclusions and Recommendations
the 6th ASEAN Labour Inspection Conference**

28-29 November 2016, Putrajaya, Malaysia

**“Combating Unacceptable Forms of Work through
Labour Inspection”**

Noting that the 6th ASEAN Labour Inspection Conference on 28- 29 November 2016 in Putrajaya, Malaysia was attended by ten (10) ASEAN Member States (AMS): Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam. Other organisations presented include ASEAN Secretariat, International Labour Organization (ILO), International Association of Labour Inspection (IALI), ASEAN Services Employees Trade Union Council (ASETUC), ASEAN Confederation of Employers (ACE), ASEAN Trade Union Council (ATUC), Malaysian Employees Federation (MEF), Malaysian Trade Union Congress (MTUC) and Bar Council Malaysia.

Expressing appreciation to the importance of labour inspection’s role in combatting unacceptable forms of work as highlighted by the Honourable Deputy Minister of Human Resources Malaysia in his opening remarks; the need of monitoring and enforcing compliance to provisions of labour laws standards. Also highlighted was the fact that the role of labour inspectorates should be constantly strengthened and fully equipped with efficient standard operating procedures and mechanisms.

Realising labour inspection networking and cooperation are being strengthened in ASEAN, while considerable efforts and progress are already taking place in the different ASEAN Member States, regional cooperation in this field should be enhanced to complement the national programmes.

Noting the definition of unacceptable forms of work by International Labour Conference (ILC) in June 2013 that it is work in conditions that deny fundamental principles and rights at work, put at risk

their lives, health, freedom, human dignity and security of workers or keep households in conditions of poverty.

Recognising the theme of the conference “Combatting Unacceptable Forms of Work through Labour Inspection”, the 6th ASEAN Labour Inspection Conference has come out with conclusions and recommendations as follows:

1. To continuously cooperate in giving priority and attention to labour inspectorates to protect workers from unacceptable forms of work;
2. To further deliberate the key challenges facing labour inspectorates of ASEAN Member States in combatting unacceptable forms of work;
3. To share best practices among ASEAN Member States in addressing issues raised, by initiating joint labour inspection with stakeholders in order to strengthen capacity and cost effectiveness;
4. To improve labour inspections in relation to vulnerable categories of workers in the following sectors with unacceptable forms of work: Fisheries, Agriculture, Construction, Garment, Domestic Work, Security Services, Entertainment and other sectors;
5. To strengthen sectoral approaches by labour inspectorates to combat unacceptable forms of work in a more targeted and strategic manner by raising awareness and various forms of campaigns among workers, employers and the general public through traditional media and social media;
6. To encourage ASEAN Member States to ratify and apply relevant International Labour Standards for the protection of workers from unacceptable forms of work;

7. To improve the effectiveness of labour inspection in combatting unacceptable forms of work through strengthening of labour inspections tools and techniques, collaboration with social partners and civil societies, and development of sector-specific Standards Operating Procedures and checklists;
 8. To further improve technical and other capacity of labour inspectors to identify and address unacceptable forms of work through specific trainings; and
 9. To continue the commitment in organising the Conference of labour inspection towards promoting and improving compliance and enforcement of labour laws, policies and regulations.
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