



# Inspection of other conditions of work in construction



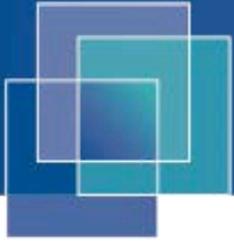
## Introduction:

- Before starting the inspection of the conditions of work, it is important to identify the standards setting the conditions to be applied to the workers in the workplace inspected (national laws – labour law, labour code,...-, sectorial regulations –construction regulations,...-, collective agreements-sector, firm...)
- *The order in which the following items are to be inspected depends on the main purpose of the inspection visit.*
- *Generally, the first condition to check is the employment relationship: the nature of the relation between the worker and the employer*



## 1. Identification of employer/s

This is always essential, but more in those cases where, according to national legislation, there is joint liability amongst contractors and subcontractors for non-compliance situations.



## 2. Employment relationship

ILO Recommendation 198:

the determination of the existence of such a relationship should be guided primarily by the facts relating to the performance of work and the remuneration of the worker, notwithstanding how the relationship is characterized in any contrary arrangement, contractual or otherwise, that may have been agreed between the parties.



## 2. Employment relationship

ILO Recommendation 198: Indicators to define the existence of an employment relationship are ( the fact the the work):

- is carried out according to the instructions and under the control of another party;
- involves the integration of the worker in the organization of the enterprise;
- is performed solely or mainly for the benefit of another person;
- must be carried out personally by the worker;
- is carried out within specific working hours or at a workplace specified or agreed by the party requesting the work;
- is of a particular duration and has a certain continuity;
- requires the worker's availability;
- or involves the provision of tools, materials and machinery by the party requesting the work;



## **3. Workers' representation rights**

Labour inspectors have to check the existence of:

➤ workers 'representatives

➤ bi-partite committees,

which have a significant role in guaranteeing labour law compliance in enterprises.

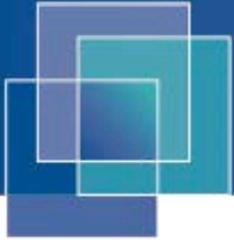
Labour inspectors should take into account workers' representatives comments and inform them about their findings and actions.



## 4. Salaries and wages

Labour inspectors have to review that the salary paid to workers is the correct one.

- Enforcing minimum wages
- Equity in payment (non-discrimination)
- Conditions of wages (legal tender, periodicity, payments are made correctly and in a timely manner...)
- Deductions
- Notification of wages (payslips)



## 5. Working hours, rest periods and overtime

**Quantitative** aspects of working time:

- Hours of work:
  - Daily
  - Weekly
- Overtime
- Rest periods:
  - Daily rest periods
  - Time off between shifts
  - Weekly or bi-weekly rest periods
  - Leave arrangements



## 5. Working hours, rest periods and overtime (cont'd)

### Qualitative aspects of working time:

- Organization of hours of work:
  - Shift Work
  - Night work
  - Flexible hours
- Part-time work



## 6. Child labour

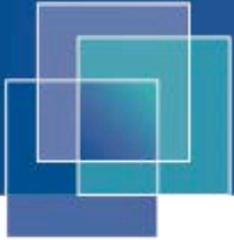
- Construction activity is classified as highly labour intensive method. Very often, workers are exposed to harsh working conditions and tough physical labour. It is a work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health of young persons, and the minimum age should not be less than 18 years.
- Inspectors need to know the legal minimum age for admission to employment and how hazardous is considered the construction activity for children in the national legislation, and enforce strictly those provisions.



## 7. Social security contributions

The regular payment of social contributions to the social security is then crucial for the system to achieve its goals (and to avoid unfair competition from undeclared activities). Labour inspectors must verify:

- Registration of the company with the Social Security Institution
- Registration of workers
- Registration of self-employed workers with the Social Security Institution
- Deduction of the workers' contributions
- Payment of the total contribution by the employer or the self-employed worker



## 8. Qualification and Training

- Workforce qualification is covered generically in the Human Resources Development Convention, 1975 (No. 142). It requires ILO member States to develop policies and programmes of vocational training sufficient to meet employment needs.
- Ensuring adequate workforce qualification and training is one of the most effective ways of preventing accidents and other OSH problems in the workplace.



## **9. Equality of opportunity and treatment** **(non-discrimination)**

- Workers have been recruited and promoted on the basis of skills qualifications and experience.
- The enterprise has an equal opportunities policy that covers, at the minimum, recruitment, promotion, division of work and dismissal of staff.