
International Trends in Systems for Inspection of Labor Law Violations

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This article seeks to outline trends in labor inspection systems that monitor labor law violations, mainly focusing on the European Union (EU) nations. The International Labour Organization (ILO) has stated that in developed countries, it is desirable to have at least one inspector for every 10,000 workers, a standard that is generally met in the developed countries of the EU. However, there are differences among nations in terms of whether they have a single, unified labor inspection system overseeing all fields of industry, or separate systems for individual fields. There are also broad variations among nations as to the degree of authority held by labor inspectors. Meanwhile, the method of determining which work sites to inspect has emerged as another important issue. Under these circumstances, countries are engaged in ongoing explorations of various means of boosting the effectiveness of inspection systems, such as strengthening of international cooperation and utilization of the Internet. Moving forward, there is a need to amass further research findings with the goal of building more effective labor inspection systems.

I. Introduction

In Japan, labor standards inspectors (*rodo kijun kantokukan*) constitute the most important organization imposing controls on labor law violations. Looking at the international picture, at least in all developed countries there are similar organizations inspecting and monitoring labor law violations. However, in Japan there has thus far been scarcely any academic research that describes and analyzes organizations for oversight of labor law violations from an international perspective, and little is known about the practices of these organizations.¹ With this in mind, this article's objective is to clarify the organizational structure, scale, content of duties, and scope of authority of organizations corresponding to Japan's labor standards inspectors, primarily focusing on EU member states. This article will also examine recent attempts to heighten the effectiveness of monitoring of labor law violations. After offering this overview, this article will go on to elucidate issues facing labor inspection organizations from an international vantage point.

It should be noted that in this article, organizations that correspond to Japan's labor standards inspectors are collectively referred to as "labor inspectors." Also, because the objective of this article is to outline labor inspection *systems* from an international compara-

¹ One Japanese publication that comprehensively introduces and analyzes labor inspection systems from an international perspective is the Japan Labor Law Association, ed., "Rodo kijun kantoku seido no saikento [Re-examination of labor inspection systems]," *Journal of the Japan Labor Law Association*, No. 50 (1977).

tive standpoint, it does not address the nature of labor law *violations* occurring in specific countries. This is an issue that needs to be examined in detail elsewhere. Another point to note is that for the most part, this paper does not address the situation in Japan. This is because in Japan there is scant documentation of the labor inspection system and scarcely any academic studies have been done, making it difficult to examine analytically. The need to perform an accurate analysis of Japan's labor inspection system underscores the importance of supplying basic data that enables international comparisons, which hopefully we will see happen in the future. For the above-described reasons, this article primarily focuses on elucidating international trends in the labor inspection system.

This article is composed as follows. Firstly, Section II contains an overview of the frameworks for labor inspection systems established by the United Nations International Labour Organization (hereinafter referred to as "the ILO"). Section III examines what sort of labor inspection systems are in place in various EU member nations, within the ILO's international framework, and what authority they hold, as well as what sort of discussions are occurring with regard to these issues, primarily focusing on countries for which relatively reliable data is available, such as the UK, France, and Italy. Section IV outlines recent trends relating to labor inspection systems, such as enhancement of international cooperation and utilization of the Internet. Finally, Section V summarizes the findings and highlights the current status of and issues facing labor inspection systems.

II. International Frameworks Established by the ILO

1. Frameworks Formed through ILO Conventions and Recommendations

Establishment of labor inspection systems by the ILO began with the establishment of the organization itself.² Part XIII of the Treaty of Versailles, the 1919 peace treaty officially ending World War I, consisted of provisions concerning labor. These provisions included establishment of the ILO, as well as General Principles including the right of association, the adoption of an eight-hour work day, the abolition of child labor, equal pay for equal work, and a call for establishment of labor inspection systems (Article 427, "Each State should make provision for a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the employed.")

Afterward, at the 5th General Conference in 1923, the ILO adopted Recommendation No. 20, the Recommendation Concerning the General Principles for the Organization of Systems of Inspection to Secure the Enforcement of the Laws and Regulations for the Protection of the Workers. This recommendation stated that "the institution of an inspection system is undoubtedly to be recommended as one of the most effective means of ensuring the enforcement of Conventions and other engagements for the regulation of labour condi-

² Among Japanese publications, refer to Hirano (1977, 96*ff.*) for a discussion of the ILO's creation of labor inspection systems.

tions” (Recommendation No. 20, Preamble). It advised ILO member states that the main duties of inspection systems established in accordance with Article 427 of the Treaty of Versailles were the implementation of laws and regulations governing labor conditions, and the protection of workers engaged in work activities (Recommendation No. 20, Article 1). However, as this was merely a recommendation, i.e. guidance for formation of policies and legislation, there was an urgent need to put it in the form of a binding convention. For this reason, at the 30th General Conference of the ILO in 1947, the Convention Concerning Labour Inspection in Industry and Commerce (hereinafter referred to as “Convention No. 81”) and a recommendation adding specific content to this convention (“Recommendation No. 81”) were adopted.³ Somewhat later, in the agricultural sector, the Convention Concerning Labour Inspection in Agriculture (hereinafter referred to as “Convention No. 129”) and an accompanying recommendation (“Recommendation No. 133”) were adopted at the 53rd General Conference in 1969. For the public sector and other sectors, because appropriate legislation had not been passed although there existed occupational risks similar to those of the industry and commercial sectors, the Protocol of 1995 to the Labour Inspection Convention, 1947 (“1995 Protocol”) was passed in 1995, extending the provisions of the 1947 convention to cover workers in these sectors. The framework primarily consisting of the above-described Convention No. 81 and Convention No. 129 acts as the foundation for labor inspection systems under the auspices of the ILO as they exist to this day. It is not possible to outline the contents of this framework in detail due to space constraints, but basically, Convention No. 81 directs governments to set up labor inspection organizations staffed with labor inspectors, who have secure positions and the authority to conduct on-site inspections, question related persons, and require submission of documents in order to ensure compliance with regulations (Sugeno 2013, 123*ff.*). Article 3 of the Convention describes the functions of labor inspection systems as (i) to ensure the implementation of legal provisions regarding labor conditions including working hours, wages, safety, health and welfare, child and youth labor, and the protection of workers, (ii) to provide management and workers with technical information and guidance about the most efficient ways to comply with these legal provisions, and (iii) to inform the relevant governmental authorities of defects or abuses not specifically covered by existing legal provisions (also see Convention No. 129, Article 6).

2. Status of Ratification in Various Countries Including Japan

As of 2011, of the 183 ILO member countries, 141 countries have ratified Convention No. 81. Even among countries that have not ratified the Convention, many appear to be laying the groundwork for its ratification (ILO 2011, 5). However, only 11 countries have ratified the 1995 Protocol, which expands the scope of the Convention to apply to more

³ It should be noted that at the 30th General Assembly, Recommendation No. 82 covering labor inspection recommendations for the mining and transportation industry was also adopted.

occupational sectors, and the number of ratifying countries shows no signs of increasing (ILO 2011, 6). Various reasons for this have been noted, including (i) that in most developed countries, labor inspection systems already cover the entire range of industries, and there is no perceived need to ratify a new Protocol, (ii) that some countries are unable to ratify the Protocol because of exceptions made by the nation's labor inspection system, such as for local governments, religious groups, or nuclear power plants, which contradict the terms of the Protocol, and (iii) that among developing countries in particular, a labor inspection system covering all sectors is not feasible due to financial difficulties (ILO 2011, 6). Also, only 50 nations have ratified Convention No. 129, which calls for the establishment of labor inspection systems for the agricultural sector. A major reason cited for this is that in many countries, the agricultural sector is treated as exempt from legal provisions governing labor to begin with and thus falls outside the scope of the labor inspection system. In addition, in many countries the agricultural sector is viewed as in the private (rather than public) domain, and landowners are recognized as having something like extraterritorial rights, which acts as another hurdle to ratification (ILO 2011, 6).

Japan ratified Convention No. 81 in 1953, but has yet to ratify the 1995 Protocol or Convention No. 129.

III. Comparison of Labor Inspection Systems in Different EU Countries

1. Scale of Labor Inspection Systems

Generally speaking, the more labor inspectors there are, the more effectively labor inspection can be carried out. Because industries and infrastructure differ from country to country, it is difficult to determine how many labor inspectors constitutes a sufficient number in any given country, but the ILO provides a rough index. According to this, one inspector for every 10,000 workers is viewed as desirable in developed nations, one for every 20,000 workers in emerging nations, and one for every 40,000 workers in developing nations (Weil 2008, 351; Casale and Sivananthiran 2010, 45–46).

So, how many labor inspectors are actually working in EU member states? As noted above, one inspector for every 10,000 workers is viewed as desirable in developed nations, and nearly all EU countries either meet this criterion or come close to meeting it. For example, in France, as of 2012 there were 2,236 inspectors, with a ratio of one inspector to every 8,229 workers.⁴ According to ILO surveys from 2003 through 2006, there were 1,587 labor inspectors in Spain and 3,810 in Germany. The only EU country in which the number of workers for each labor inspector greatly exceeded 10,000 was the Czech Republic, where it

⁴ However, this is the value of the combined number of labor inspectors in the strict sense (inspecteur du travail) and the supplementary labor inspectors who assist with their duties (contrôleur du travail). The number of labor inspectors in the strict sense was 743 as of 2012. French statistics are from *Bilans & Rapports l'inspection du travail en France en 2012*, Ministère du Travail, de l'Emploi, de la Formation professionnelle et du Dialogue social, 2012.

is said to be approximately 20,000.⁵ It is notable that among developed countries, the one that falls the farthest below the ILO recommendation is the United States. Due to a lack of willingness to allocate funds for labor inspection administration, the current number of labor inspectors is extremely small at approximately one for every 75,000 workers.⁶

2. Presence or Absence of a Comprehensive Inspection System

(1) Circumstances in Each Country

To make effective use of limited resources and streamline and simplify the chain of command, it is better to carry out unified labor administration at the national level. To do so, it is ideal for labor inspectors to be under the direct control of a central (national) government. Convention No. 81, Article 4, Paragraph 1 advises that the labor inspection system of each country be placed under the supervision and control of a central authority. However, for countries that are federations, the term “central authority” can mean either a federal authority or a central authority of a federated unit (i.e. a state, province, etc.) (Convention No. 81, Article 4, Paragraph 2).

Many of the EU countries have labor inspection systems under the jurisdiction of the central government. However, among these are both countries in which a single labor inspection system covers the entire wide range of duties, and those with individual labor inspection systems that specialize in specific fields. France is an example of the former.⁷ In the past, there were four separate labor inspection organizations in France, each covering an industrial sector, but a 2008 decree united these in a single organization under the direct control of the Direction Générale du Travail (the bureau of labor).⁸ Actual day-to-day regulatory administration is carried out by DIRECCTE (Les Directions Régionales des Entreprises, de la Concurrence, de la Consommation, du Travail et de l’Emploi), a coalition of regional organizations.

Italy also passed an amendment in 2004 that created an inspection organization known as the DGAI (General Directorate for Inspection Activities), which carries out labor inspection administration in close cooperation with the Ministero del Lavoro e delle Politiche Sociali (Ministry of Labor and Social Policy), one of the central government ministries and agencies (Fasani 2011, 19–20). Another 2004 amendment established the Commissione Centrale di Coordinamento dell’Attività di Vigilanza (Central Commission on Coordination of Inspection Activities). This committee consists of 15 members including the Minister of Labor, officials responsible for labor inspection administration, and those re-

⁵ In the neighboring countries of Russia and Ukraine, there is approximately one inspector for every 30,000 people.

⁶ The number of labor standards inspectors in Japan was 3,954 as of 2014 now. The number of workers at that time was approximately 55,410,000, meaning that there was approximately one inspector for every 14,000 workers.

⁷ For an overview of the French labor inspection system, see Kapp, Ramackers, and Terrier (2013).

⁸ Décret n° 2008-153 du 30 décembre 2008.

sponsible for local health administration, as well as four persons each representing workers and management respectively. In addition to formulating guidelines and setting the order of priorities for labor inspection administration, the committee carries out various activities including utilizing past inspection data to advise the Minister of Labor on how to improve the efficiency of labor inspection organizations.

In countries that employ a single labor inspection system, such as those described above, inspectors carry out comprehensive oversight and enforcement in a wide range of fields. Italy is notable in that labor inspectors are also responsible for oversight and administration of social security programs, and their duties include monitoring whether companies' social security programs are properly maintained and providing employers or workers with advice regarding implementation of these programs. However, in Italy there are also labor oversight and enforcement agencies specifically tailored to respective fields, such as the Istituto Nazionale della Previdenza Sociale (National Institute of Social Security and Welfare, hereinafter referred to as "the INPS"), a supervisory agency that deals exclusively with the social security system. In cases like these, both organizations cooperate closely with one another in carrying out their duties (Fasani 2011, 23–26). For example, with regard to oversight of the social security system, when the INPS performs an inspection of a certain company, it reports this fact to labor inspectors so as to avoid duplication of inspections. Also, during the inspection, if the INPS finds a legal violation outside the scope of its own jurisdiction, it provides information to labor inspectors and other institutions so they can examine the need for administrative guidance or criminal penalties. Meanwhile, in the field of occupational health and safety, in addition to labor inspectors there are Regional Health Administrations (ASL) under the direct control of the Ministero della Salute (Ministry of Health). Here as well, the two agencies cooperate closely, with Regional Health Administration officials conducting technical inspections related to machinery safety and so forth and dispensing relevant guidance, while labor inspectors look at the big picture, monitoring companies to determine whether they are violating labor laws, and giving advice and guidance. Labor inspectors are expected to carry out more comprehensive duties encompassing all aspects of labor oversight and enforcement, including education and training.

On the other hand, in the UK, labor oversight and enforcement duties are divided among a number of organizations.^{9, 10} Among them, the most important organization is the Health and Safety Executive (hereinafter referred to as "the HSE") established by the Health and Safety at Work etc. Act of 1974 (hereinafter referred to as "the HSWA"). The HSE performs only duties related to occupational safety and health, its functions being (i) providing advice to personnel involved in implementing the provisions of the HSWA, (ii)

⁹ For an overview of the UK labor inspection system, see Mantouvalou (2011) and the ILO website. http://www.ilo.org/labadmin/info/WCMS_112675/lang--en/index.htm.

¹⁰ Besides the UK, other countries with this type of system include Germany and Denmark. *A mapping report on Labour Inspection Services in 15 European countries*, A SYNDEX report for the European Federation of Public Service Union (2012, 11).

conducting surveys and publicizing their results, carrying out training, and providing information, (iii) offering information and advice to the central government, local governments, labor and management, etc. and (iv) proposing laws and regulations (HSWA 11 [2] [3]). In the UK, besides the HSE there exist a variety of organizations engaged in labor oversight and enforcement for specific fields, including the Employment Agency Standards Inspectorate (EAS), which aims to improve the labor conditions of workers through the supervision of employment agencies, and the Gangmasters Licensing Authority (GLA), which oversees businesses that procure human resources for the agriculture, forestry and fisheries industries and the food processing industry, and HM Revenue and Customs, which monitors compliance with the minimum wage.

(2) Debate regarding Inspection Organizations

With regard to the scope of labor inspectors' duties, there is some debate as to whether it is better to have a single labor inspection system cover all duties, or to have labor inspection system in which separate agencies specialize in their respective fields, such as health and safety.

With a single labor inspection system, a labor inspector will have a very broad and inclusive job description. This has the disadvantage of diluting the position's character as one entailing technical oversight of management in specific fields, and reinforcing the aspect of administrative and legal oversight. In addition, it has been pointed out that while an individual inspector's degree of ability has a significant impact on oversight activities, diversification of job duties makes it more difficult to evaluate this degree of ability (Kapp, Ramackers, and Terrier 2013, 64–65).

At the same time, there is an advantage to a broad scope of duties in that each labor inspector is able to carry out activities with a broad-based perspective and a coherent and consistent viewpoint, leading to efficient oversight with no wasteful duplication (Kapp, Ramackers, and Terrier 2013, 64–65). Also, it is said that a single labor inspection system makes it easier to adopt a unified strategy in implementing measures for illnesses and injuries, such as mental illnesses and musculoskeletal disorders, that must be resolved by comprehensively addressing a range of personal and organizational factors including working hours, working conditions, labor intensity, and labor-management dialogue (Bessiere 2011, 1024). However, because a single labor inspection system encompasses various fields and requires a wider range of knowledge, entailing the need for coordination of discussions among various experts, there is a perceived need for more intensive education and training of labor inspectors (Fasani 2011, 26).

3. Degree of Authority in Performance of Duties

(1) Inspection Procedures and Administrative Measures

Labor inspectors are vested with a broad scope of authority. According to the ILO Convention No. 81, Article 12, when inspections are in progress, labor inspectors may enter

work sites freely, day or night, without giving advance notice. In addition, if there are reasonable grounds to believe monitoring is necessary, labor inspectors can enter any building whatsoever during the day. When it is judged necessary in order to verify strict compliance with legal provisions, any type of survey, test, or investigation may be carried out, detailed procedures for which are outlined in the Convention.

If the results of the inspection indicate an imminent threat to the health and safety of workers, labor inspectors can take immediate measures to eliminate risk factors, including ordering a suspension of operations. Also, if legal violations are discovered, labor inspectors have the authority to take administrative measures including providing guidance and imposing fines (Convention No. 81, Articles 13, 18; Convention No. 129, Articles 18, 24).

With regard to administrative measures, in Italy, for example, when inspections uncover legal violations punishable by imposition of a civil fine, labor inspectors are required to give management a “Warning” and set a certain period of time within which improvements must be made. If management makes the improvements and eliminates the illegal labor practice as ordered, in cases where there are maximum and minimum fine amounts set, management pays the minimum amount, and in cases where there is a fixed fine amount, management is charged 1/4 that amount. This type of warning is delivered in cases where improvements can be made to eliminate legal violations, and in such cases, labor inspectors are unable to impose fines, etc. without going through the Warning procedure (Fasani 2011, 30–33). On the other hand, in the field of occupational health and safety, when it is deemed necessary in order to prevent industrial accidents, labor inspectors have the authority to give management not a “Warning” but an “Order” to eliminate the violation. Because laws and regulations do not specify what management is supposed to do in such cases, labor inspectors have broad discretionary authority in issuing any type of order. If management fails to follow the order, the result is not a civil fine, but criminal penalties where applicable, and the process shifts from civil to criminal proceedings.

In inspections by the HSE in the UK, there is no provision for administrative measures in the form of imposition of fines, but in some cases employers may have permits or licenses revoked or restricted. Another characteristic of HSE administrative measures is the serving of two types of notices, “improvement notices” and “prohibition notices” (Mantouvalou 2011, 4). Improvement notices are issued either for violations of the Safety and Health Law, or to employers who have committed violations in the past, where there is a possibility of the same violation being committed again (HSWA, Article 21). These notifications state the contents of the violation (or possibility thereof) and the inspector’s reason for making this judgment, and give management a directive to improve the relevant labor conditions. On the other hand, prohibition notices are directives to suspend activities, and are issued when specific business activities are causing serious injuries or threaten to do so (HSWA, Article 22). If businesses fail to comply with the directives in either of these notices, criminal proceedings are instigated.

(2) Criminal Prosecution

When employers' actions have a high degree of illegality, labor authorities may move beyond administrative measures to impose criminal penalties. However, labor inspectors' degree of authority varies depending on the country, and while there are countries where labor inspectors themselves are granted prosecutory authority, there are others where inspectors are not vested with prosecutory authority, but are able to recommend cases to prosecutors. In France, for example, prosecutory authority is expressly limited to prosecutors and denied to labor inspectors themselves (Kapp, Ramackers, and Terrier 2013, 430–51). Instead, when French labor inspectors identify legal violations deemed to be worthy of criminal prosecution, they create records of interrogation known as *procès-verbal*. They then submit these records to the provincial governor and the prosecutor, and request a decision on indictment or non-indictment. As long as there is no evidence to the contrary, the *procès-verbal* is recognized as evidence that a legal violation has occurred.

As for the UK, in Scotland inspectors engaged in occupational health and safety inspections do not have prosecutory authority (Mantouvalou 2011, 4). Scottish inspectors instead submit reports to a district public prosecutor known as the Procurator Fiscal, and seek a decision on whether or not to indict. However, in England and Wales, inspectors engaged in occupational health and safety inspections are vested with prosecutory authority.

(3) Debate regarding When to Commence Inspections¹¹

There is some debate on what ought to prompt labor inspectors to perform inspections, with two contrasting models coexisting. In one, inspections are triggered by reports from workers, while in the other, regular inspections are conducted according to a predetermined inspection plan. Here we shall refer to these as “report-based inspections” and “regularly scheduled inspections.” What are their characteristics, and which model is more effective?

In many countries, report-based inspections account for a high percentage of inspections overall. For example, in the United States in 2007, 75% of inspections into wages, working hours and so forth were triggered by reports from workers (Weil 2008, 356). Report-based inspections are highly pragmatic in that they make it easy to carry out inspections at work sites where serious issues are actually occurring, especially in cases where there is a need for inspectors to take immediate measures. However, there are a significant number of problems. First of all, (i) since report-based inspections are based on the premise of workers reporting violations, in some cases these violations have already caused serious consequences by the time the inspection is carried out. In many cases, inspections are not performed in time to protect the safety and health of workers. Also, (ii) as a rule, workers only report violations when they are extremely serious, more serious than inspectors themselves would consider worthy of reporting. If violations at a given work site are not severe enough that workers feel compelled to report them, an inspection may never be performed.

¹¹ This section is primarily based on the discussion in Weil (2008, 349).

Furthermore, (iii) since in an overwhelming number of cases reports from workers are only submitted when the workers themselves have actually suffered damage, even when investigations are carried out, they may not extend to damage caused by structural defects lurking in work sites, and inspections may not lead to a fundamental improvement in the working environment (Weil 2008, 356). On top of that, a survey carried out in the United States found that (iv) there is not a very significant correlation between the number of reports from workers and the actual number of violations occurring, and worker reports are not necessarily an accurate reflection of the labor environment (Weil 2008, 357). (v) What's more, it seems that in some cases, workers who have personal grudges against their employers request inspections by way of revenge, so as to cause trouble to the employer (Fasani 2011, 28).

By contrast, regularly scheduled inspections are carried out without any prelude, having a significant “surprise effect” on management, and are generally said to have a higher probability of boosting compliance with laws and regulations (Fasani 2011, 28). However, numerous problems with regularly scheduled inspections have been pointed out as well (Weil 2008, 364–68). First of all, (i) it is difficult to determine a policy on which to base selection of work sites to inspect. A common practice is to focus inspections intensively on industries with a high frequency of occupational accidents, but aside from this, it has proven difficult to identify other valid indicators to determine inspectors' order of priority in conducting inspections, making it difficult to set priorities. Large companies are often prioritized because of the high number of workers, but this is not necessarily an effective approach, as the evidence points to fewer legal and regulatory violations the larger a company is. Also, (ii) regularly scheduled inspections often fail to find a significant number of violations. These inspections are carried out with no knowledge of whether or not violations are occurring, and if so what sort of violations, and as a result they often prove to have been unnecessary. In addition, (iii) regularly scheduled inspections only identify violations that exist at individual companies, and are incapable of revealing the big picture in terms of fundamental structural problems leading to violations occurring across entire industries.

As we have seen, both methods (report-based inspections and regularly scheduled inspections) have both advantages and drawbacks, and as a result there is no option but to employ a combination of both. However, there have scarcely been any persuasive surveys or studies on how the two methods ought to be combined for maximum effectiveness.

IV. Innovation in Labor Inspection Systems

1. Systems That Transcend National Borders

In recent years, various attempts have been made to further streamline the duties of labor inspectors. Notable among these is the endeavor to build labor inspection organizations that transcend national frameworks. Within the EU European Commission, there is an organization called the Senior Labour Inspectors Committee (hereinafter referred to as “the

SLIC”). The SLIC, after being established in informal form in 1982, was officially launched by the Commission Decision of 1995 (95/319/EC). The main missions of the SLIC are to establish occupational safety and health principles that are shared across national borders, and to define procedures for oversight of individual countries’ systems so as to fulfill these principles. In addition, the committee seeks to promote mutual understanding of countries’ labor inspection systems and the exchange of information. The SLIC also carries out a wide range of other activities, including providing support to third-party nations regarding international labor issues, working to build more effective systems for supervision of occupational health and safety, and investigating the labor inspection systems of other countries.¹² SLIC members consist of European Commission members as well as one representative of each of the labor inspection organizations of the EU countries. Committee meetings are held once every six months.

In 2003, the SLIC conducted its first large-scale Europe-wide campaign with the goal of improving occupational safety and health environments in the construction industry. This campaign involved the mass media and heightened public recognition of the relevant issues, and in addition to contributing to a lower occupational accident rate in the construction industry, is said to have reduced the number of cases where administrative measures had to be taken. Following up on this success, since 2003 campaigns with a variety of themes have been held every year, and significant progress has been achieved across the EU (ILO 2011, 95).

2. Utilization of the Internet

(1) Internal Use within Labor Inspection Systems

In the field of labor oversight and enforcement, adoption of information technology has gradually progressed, and has made noteworthy contributions to improving the quality of labor oversight and enforcement. For example, in France, the Ministry of Labor established an Internet network system known as SITERE in 2000. This system is intended to support labor inspection operations, provide a database of administrative documents, and facilitate exchange of information among inspectors. Currently, more than 3,000 central government and local government documents are saved on this site, and labor inspectors use them in the performance of their duties. In particular, the section of the site called CAP SITERE aggregates all manner of information about internal conferences and data obtained from inspections of work sites. Labor inspectors analyze this data when drawing up plans for future inspections, and prepare and release statistical materials on inspections and so forth. Also, in the section of the site known as Rédac, inspectors can document their day-to-day supervisory activities, and an application called RHRC is available, both mechanisms helping ensure that in serious cases that could result in termination of workers’ employment, the central government can carry out more efficient monitoring (ILO 2011, 54).

¹² For details on the SLIC, see <http://ec.europa.eu/social/main.jsp?catId=148&intPageId=685>.

In addition to providing information, websites can serve to train and educate inspectors, and there are sites for which this is the primary role. For example, Belgium has launched a network site called the Belgian Federal Public Service Employment, Labour and Social Dialogue with the goal of investigating labor discrimination, which features a program to train inspectors in how to identify discrimination and what sort of measures to take against it (ILO 2011, 54).¹³

There have also been attempts to build cross-border online networks. In the EU, in 2011, the Spanish labor inspectorate spearheaded the creation of an international computer network system called CIBELES (Convergence of Inspectorates Building a European Level Enforcement) with funding from the European Commission. The project aims to establish a unified EU-level labor inspection system, and to address stubbornly persistent international labor law violations such as illegal migrant labor, and has the primary purposes of exchanging information about labor inspection systems in EU countries and promoting mutual cooperation. The current participants are Austria, Belgium, France, Germany, Hungary, Malta, Italy, Portugal, and Spain (ILO 2011, 58).

(2) Utilization Aimed at Encouraging Compliance with Laws and Regulations

When businesses commit legal violations, the final step in the enforcement process is imposition of a fine. In some cases, however, the amount of the fine is not particularly high, and especially for large companies, the problem is that penalties do not have a deterrent effect sufficient to discourage illegal labor practices. To address this, EU countries have taken measures such as raising fines, and some nations have sought to utilize the Internet to augment the effectiveness of deterrence. A well-known example of this is Denmark's "smiley scheme" (ILO 2009, 33). In this scheme, the Danish Working Environment Authority investigates each company and lists company names on its website alongside smiley faces of three different colors reflecting the quality of its health and safety environment, with green, yellow, and red smileys indicating level of quality, in that order. In addition, companies that have earned the top "green smiley" are eligible to earn an "elite smiley" wearing a crown, if they achieve a particularly outstanding safety and health environment. It is expected that companies whose health and safety environments are a matter of online public record will take voluntary measures to improve their health and safety environments.¹⁴

(3) Issues in Utilizing the Internet

As we have seen, active utilization of Internet networks for labor oversight and en-

¹³ Other countries have also begun utilizing the Internet not only for internal labor oversight administration, but also to share information with other government agencies. As of 2011, in Spain, a system was being created for labor inspectors and the social security agency to share information. (ILO 2011, 55)

¹⁴ As of June 20, 2016, 3,989 companies have earned the crown-wearing "elite smiley," 80,161 the green smiley, 5,489 the yellow smiley, and 567 the red smiley. <http://arbejdstilsynet.dk/>.

forcement can facilitate information sharing among labor inspectors and improve their capacity to do their jobs effectively. Also, there are advantages in terms of public relations, in that government-held information can be delivered to people quickly, and the viewpoints of the public are more likely to reach the government. For this reason, if Internet networks are used, it is possible that labor oversight and enforcement can be streamlined without aggressively expanding physical infrastructure, such as by hiring additional labor inspectors or creating additional inspection departments, and that geographic inequalities can be resolved. Due to these numerous advantages, utilization of the Internet in labor oversight and enforcement is expected to continue as an international trend.

However, the construction of such Internet networks requires a significant amount of funding and technology, including ongoing maintenance and program updates. Also, as long as these networks are online, system failures can cause serious hindrances to the performance of duties, and constant vigilance is required due to the risk of unauthorized access and leakage of companies' private information. To make full and effective use of such systems, it will be necessary for each country to formulate appropriate guidelines.¹⁵

V. Conclusion

1. International Trends in Labor Inspection Systems

In this article, we have examined trends in other countries, primarily in the EU, pertaining to labor inspection systems that play a central role in monitoring labor law violations. With regard to the scale of labor inspection systems, the ILO has set a standard for developed countries of one or more inspectors for every 10,000 workers, at least in developed countries in the EU, the criteria are generally met, and significant disparities between countries do not exist. However, there is an ongoing debate about whether it is preferable to have a single labor inspection system to oversee all areas or a labor inspection system subdivided according to field, with different EU countries falling on different sides of the debate. Although single labor inspection systems tend to carry out activities in a more unified and efficient fashion, they make it more difficult to provide technical guidance, and there are discussions underway about whether more extensive training is required. There are also differences among countries in terms of the scope of labor inspectors' authority, for example, whether or not they are able to impose fines or pursue criminal prosecutions. However, it is difficult to perform a comparison that clearly reveals the degree of difference in inspections' effectiveness depending on inspectors' scope of authority, and it is impossible to reach a definitive conclusion at this time. *Vis-à-vis* inspections, another important issue that has emerged is that of how to determine which work sites to inspect. There are two models, inspections in response to worker reports and regularly scheduled inspections, both of which have advantages and disadvantages, and no clearly effective method for determining

¹⁵ With regard to the above, see ILO (2011, 58).

inspection targets has yet been identified.

Under these circumstances, each country continues to explore means of carrying out duties more effectively, such as Internet utilization and enhancement of international cooperation. Although it can be said that these efforts are still at the trial and error stage, if things go well, there is a possibility of achieving much more efficient labor oversight and enforcement, and it is likely that similar endeavors will become more widespread in the future.

2. Toward More Pragmatic Labor Oversight and Enforcement

This paper has analyzed frameworks for oversight of labor law violations in the labor inspection systems of various countries, in terms of scale, content, scope of authority and so forth. However, the duties of labor inspectors and the process of labor oversight and enforcement do not entail only creation of various supervisory frameworks to ensure the effectiveness of laws and regulations. They have other important missions to provide employers and workers with information and understanding about the legal system or health and safety concerns (ILO 2011, 59). More than penalizing violators, it is important to ensure that companies do not fall into a state of violation in the first place, and in light of this fact, differences in the details of labor inspection systems' contents and scope of authority are perhaps not very important. In addition to creation of frameworks for oversight and enforcement, there should be ample discussion of measures to raise awareness and pre-empt violations, including utilization of the Internet and cooperation with other public institutions, labor unions and so forth.¹⁶ However, in the Japanese and international materials analyzed for this paper, there were scarcely any analyses of these points, and this is an area where we hope to see much more research and discussion in the future.

In any case, there is currently a severe shortage of materials studying and analyzing labor oversight and enforcement in general. Moving forward, it is essential to analyze the infrastructure status and effectiveness of individual countries' labor inspection systems, and further enrich the literature of international comparative studies, so as to realize more effective labor oversight and enforcement.

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¹⁶ For an introduction to initiatives in the UK, see Mantouvalou (2011, 23–25).

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