

Observation (CEACR) - adopted 2015, published 105th ILC session (2016)

[Labour Inspection Convention, 1947 \(No. 81\)](#) - Brazil (Ratification: 1989)

The Committee notes the observations made by the National Union of Labour Inspectors (SINAIT), received on 1 April 2014 and 31 October 2014, and the Gaucha Association of Labour Inspectors (AGITRA), received on 7 April 2014. The Committee also notes the joint observations of the National Confederation of Industry (CNI) and the International Organisation of Employers (IOE), received on 1 September 2015.

Articles 3(1), 10, 16 and 21(e) of the Convention. Number of labour inspectors for the effective discharge of the functions of the system of labour inspection. In its previous comments, the Committee requested the Government to indicate whether there was any specific initiative under way to increase the number of budgeted labour inspection posts and to provide up-to-date information on the number of labour inspectors and their geographical distribution, the distribution of assignments and duties among labour inspectors, both in central and regional offices, and the number and geographical distribution of the workplaces liable to inspection and the workers employed therein.

The Committee notes that the CNI and IOE indicate that the legislation is in line with the Convention and, moreover, that the Ministry of Labour and Employment (MTE) establishes directives for labour inspectors through a large number of administrative provisions. There is nevertheless still room for improving the system in order to achieve a balance between needs, legislation and the role of inspectors.

The Committee notes that the SINAIT and AGITRA allege in their observations that the number of labour inspectors (*auditores fiscais do trabalho*) posts established by

law is inadequate and does not meet the requirements of *Article 10* of the Convention or remotely meet the needs of such a large country confronted with forms of labour akin to slave labour and child labour, deaths caused by work-related accidents and occupational diseases. They also state that not even the number of labour inspectors established by law is respected. Recent studies estimate that more than 5,000 additional inspectors are needed.

The Committee notes that, in its reply to the observations of the two organizations, the Government recognizes that increasing the number of labour inspectors is an important step towards adequately meeting the demands of society, guaranteeing the rights of workers, protecting the health and lives of workers and reducing the high costs of social security and costs related. The Government indicates that the MTE sent the Ministry of Planning, Budget and Management (MPPG) Notice No. 002/14 on the need to increase the number of labour inspection posts, as well as Notice No. 97/2014 requesting 800 labour inspection posts to be filled. The MPPG replied that authorization to fill the vacancies first required the adoption of the 2015 Annual Budget Bill, and that the MPPG is not responsible for the Bill's legislative passage. As to increasing the number of labour inspectors, the MPPG also replied that it is for the legislature to approve the MTE's initiative to create new posts, as the number of inspectors needed (4,500) exceeds the number authorized by law (3,644). The Government hopes that through the gradual increase in the number of labour inspectors, taking into account the present budgetary constraints, it will be possible to address the shortage progressively.

The Government also indicates in its report that the MTE and the labour inspection secretariat have made efforts to increase the number of inspectors in every region by holding new competitions. In 2013, a competition was launched to fill 100 vacancies, and the successful candidates have already taken up their posts. The MPPG has received new requests to authorize further competitions to fill the available vacancies. The Government also reports that a bill to create 1,406 new labour inspection posts is before the National Congress.

The Committee notes that, according to the table contained in the Government's

report, there were 2,629 labour inspectors as of the end of April 2015. The Committee notes the measures envisaged and adopted by the Government to progressively increase the number of labour inspection posts and to fill the vacancies within the current limit authorized by the law. ***The Committee requests the Government to continue taking steps to strengthen the number of labour inspectors with a view to optimizing coverage of inspection needs.***

Article 6. Conditions of service of labour inspectors. The Committee notes the indications of the SINAIT that a considerable number of inspectors have left the Ministry to take up posts with better salaries in other public or private entities. ***The Committee requests the Government to provide its comments on this matter. The Committee further requests the Government to provide detailed information on the remuneration of labour inspectors in different categories. It also requests the Government to provide information on the level of remuneration of labour inspectors in relation to other public servants exercising similar functions.***

Article 11. Financial and other resources and material conditions of work of labour inspectors for the effective discharge of their duties. In its previous comments, the Committee requested the Government to provide information on the transport facilities at the disposal of labour inspectors and their geographical distribution, as well as the accessibility of labour inspection offices, any developments in any improvements in the working conditions of inspectors in decentralized units.

The Committee notes that the SINAIT emphasizes the precarious nature of the facilities, furnishings, computer equipment and vehicles at the disposal of labour inspectors. Labour inspectors are obliged to cover their travel expenses for the inspection of enterprises, as the allocated daily allowance does not even cover the cost of fuel. There are vehicles that are broken down, not serviced and deteriorating in garages.

The Committee notes the Government's indication that in 2014 approximately 8.5 million Brazilian reais (BRL) (equivalent to approximately US\$2.245 million) were spent on investments and improvements in the facilities of decentralized units.

Regarding means of transport, the Government indicates that labour inspectors can use either their own vehicles, in which case they receive a fixed transport allowance, or the available official vehicles or public transport. The legislation also establishes that the free passage of labour inspectors and occupational safety and health officials must be granted upon the presentation of their accreditation (including via toll roads). The Government indicates, however, that the vehicles it provides have not been renovated and it recognizes the difficulties it has in providing the financial resources necessary for the renovation and servicing of vehicles. The labour inspection secretariat is nevertheless looking at ways of resolving the problem, for example by outsourcing transport services.

With regard to material means and office equipment, the Government indicates that the labour inspection secretariat has purchased computers, printers and scanners for the use of inspection staff. The Committee notes the measures adopted to improve the working conditions of labour inspectors. ***The Committee requests the Government to continue providing information on any measures adopted to give full effect to Article 11 of the Convention.***

The Committee is raising other matters in a request addressed directly to the Government.

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