Some Problems of Labour Inspection in European Countries

by

W. G. SYMONS
H.M. District Inspector of Factories in Great Britain

An efficient system of labour inspection is essential for ensuring that labour legislation is effectively applied, and the record of Recommendations and Conventions concerning labour inspection adopted by the International Labour Conference [1] *from the time of its First Session in 1919 shows that this necessity has been constantly borne in mind by the International Labour Organisation.*

The author of the following article, who recently carried out, as holder of a research fellowship of the University of Manchester, a comparative study of the organisation and functioning of labour inspection services in a number of countries of western Europe, presents here some of his conclusions concerning present problems and the various solutions that are being worked out.

THE Labour Inspection Convention, 1947, of the I.L.O. has set the seal on a growing realisation of the place of labour inspection in the machinery of government. It stands on the principle that a properly organised and comprehensive labour inspectorate is part of the service which the modern State owes to its working population.

The term " labour inspection " is often least familiar in those countries, like Britain, where the thing to which it refers has had the longest history. In origin the inspection of workplaces by

[1] Labour Inspection (Health Services) Recommendation, 1919; Labour Inspection Recommendation, 1923; Inspection of Emigrants Convention, 1926; Labour Inspection (Seamen) Recommendation, 1926; Inspection (Building) Recommendation, 1937; Labour Inspectorates (Indigenous Workers) Recommendation, 1939; Labour Inspection Convention, 1947; Labour Inspection Recommendation, 1947; Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947.

public officials was a technique directed against particular dangers and abuses—against excessive hours of children in textile mills or against dangers of accidents in mines. Legislation developed piecemeal, and each enactment tended to have its separate inspectorate ; factory inspection, mines inspection and wages inspection developed as largely unco-ordinated activities of government. More recently governments have accepted the responsibility not merely of protecting workers exposed to abnormal risks but also of enforcing standards of working conditions for a large part of the employed population. In many countries, therefore, protective labour legislation has developed in a more coherent form, and " labour inspection " is more easily recognised. The term is, however, equally applicable to the various inspectorates of working conditions in a country like Britain.

Labour inspection, in this sense, is concerned with conditions of work as they affect the worker. It has the primary function of enforcing legal requirements, but usually has a " penumbra " of duties related to but going beyond this central core. It may be operated by officers of central, provincial or local government or by *ad hoc* public authorities. It may be a full-time occupation or may be done by officials who also have other duties. It depends essentially on systematic, regular and direct investigation of working conditions through visits to workplaces carried out by inspecting officers.

A labour inspectorate operates in a defined field—that is, it covers certain occupations, processes or classes of workplace. It has certain functions—that is, it is concerned with certain aspects of working conditions, with safety, wage rates, duration of work, etc. The functions of an inspectorate correspond roughly to the content of the body of law which it enforces ; but this correspondence need not be exact, as some inspectorates have advisory duties and responsibilities outside their legal powers.

At the present time new labour inspectorates are being set up in many of the industrially developing countries where little or nothing existed before, or existing services are being strengthened. At the same time inspectorates are being extended and reorganised in many of the older industrial countries. These developments are revealing many problems of organisation and method, some aspects of which are touched on in this article, which is based on a survey of inspecting methods in Britain and a number of western European countries. For reasons of space no attempt is made here to deal with the inspection of conditions on seagoing ships by marine surveyors (it is sometimes forgotten that this is a part of labour inspection), and we shall be concerned with the inspection of physical working conditions rather than with wages.

The Elements of Successful Labour Inspection

The underlying purpose of labour inspection is the protection and well-being of the worker. Four distinct but related ways can be traced in which inspection can contribute to this end. These are: (1) enforcement of the law; (2) setting standards of working conditions; (3) technical advice; and (4) skilled watchfulness. The first and the last two of these are explicitly mentioned in the Labour Inspection Convention (Article 3 (1)). The second is linked with enforcement, but is sufficiently distinct to need special notice.

Enforcement of the Law

The enforcement of the law is the most obvious duty of labour inspection, and the conditions for doing it are fairly straightforward. There must be enough appropriately skilled inspectors, with adequate powers and status and with the support of the courts or judicial machinery.

The most difficult problem is simply how many inspectors are needed to cover a given volume of employment. Governments are unavoidably caught between the need for economy and the requirements for adequate inspection. The difficulty arises from the almost complete lack of a quantitative measure of the inspection time needed to cover a given part of the field adequately. Numbers of workers, numbers of workplaces, complexity of technical problems and travelling distances are all factors, but it is hard to combine these into a comprehensive formula. The fact that each workplace can be visited regularly (say once a year) is, in itself, no guarantee of effective inspection. It is much more important to ensure proper " follow-up " of defects noted.

A useful figure for comparison is the ratio of " field inspectors " (i.e., inspectors engaged in active routine inspection) to the number of persons employed in the workplaces subject to inspection. In tables I and II an estimate of this ratio is made for a number of European inspectorates, although, for reasons indicated in the notes, these figures must be used with caution.

It will be noted that the ratio of inspectors to employed persons is higher for mines inspection than for industry or commerce; this is to be expected in view of the high technical risks in mining. What is at first sight more unexpected is the higher ratio for the inspectorates that cover commerce than for most of those that are confined to manufacturing, in spite of the higher risks in manufacturing. One possible explanation is the greater inspecting time necessary to cover a given number of workers if they are

TABLE I. COMPARISON OF INSPECTING STRENGTHS—GENERAL LABOUR INSPECTORATES [1]

Country	Field of main general inspectorate [2]	Estimated employed persons in field [3] (thousands)	No. of field inspectors [4]			No. of field inspectors per million employed persons		
			Physical conditions	Wages	Insurance safety [5]	Physical conditions	Physical conditions and wages	Total [6]
Great Britain . . .	M	10,000	274	200	—	27	47	—
France	MC	6,150	561	+	175	—	91	119
Netherlands	MCA	1,960	193	105	—	99	161	—
Belgium	MCA	1,680	86	160	—	54	146	—
Luxembourg . . .	MC	76	9	+	—	—	118	—
Switzerland	M	600	21	+	17	—	35	63
Sweden	MCA	1,390	114	—	—	82	—	—
Denmark	MCA	930	70	—	—	75	—	—
Irish Republic . .	M	150	15	+	—	—	100	—
Northern Ireland .	M	241	7	2	—	29	37	—

1 These figures do not include locally appointed or part-time inspectors working in the same field. The most important of these are: Britain—sanitary inspectors (limited duties); Switzerland—police, cantonal and specialist inspectors; Sweden and Denmark—communal inspectors (small workplaces); Northern Ireland—Ministry of Labour "area inspectors" (small workplaces).

2 M=manufacture; C=commerce; A=agriculture.

3 Figures based on census figures for salaried employees and wage earners classified by "industry" (see I.L.O. *Year Book of Labour Statistics, 1951-52*, table 4). These do not correspond accurately to the fields of the inspectorates, but form an adequate basis for comparison. The fields taken are for the main (physical conditions) inspectorates, which may differ slightly from those of wages or insurance inspectors.

4 By "field inspectors" is meant all inspecting officers (including field specialists) who do regular routine inspection, but not including headquarters staffs. Factory canteen advisers in Britain and boiler surveyors in Denmark are not included. The entry "+" in the "wages" column indicates that the inspectors concerned with physical conditions also do wages inspection.

5 Inspectors attached to the government insurance organisations.

6 Including inspectors attached to the government insurance organisations.

scattered throughout a large number of small workplaces. Even when allowance is made for the uncertainty of these figures, there are significant divergences between the inspecting strengths in different countries. It might be added that even those inspectorates which appear to be best staffed numerically are convinced that they are badly understaffed—but this perhaps is a chronic condition of civil servants.

One point needs emphasis. The success of a labour inspectorate in its work of enforcement is not to be measured by contraventions detected, nor by successful legal proceedings; these are merely means to an end. Its success is shown by how completely the law is in fact observed. This depends partly on the numbers and coercive powers of inspectors, but even more on their "persuasive abilities"—in the main, on how seriously their words and actions are taken by mid-level industrial management. This in turn depends on the status and qualifications of the inspectors and especially those who are engaged in active routine inspection.

TABLE II. COMPARISON OF INSPECTING STRENGTHS—MINING INSPECTORATES

Country	No. employed in field (thousands)	Field inspectors	No. of field inspectors per million employed persons
Great Britain	844	133	157
Netherlands	50	23	460
Sweden	15	8	530

Setting Standards

A great deal of labour legislation, especially that concerned with physical conditions, is unavoidably indefinite; it requires "reasonable" facilities, "safe" methods, "suitable" accommodation, and so on. The precise meanings of "reasonable", "safe" and "suitable" can only be elucidated in the light of varied practical circumstances. Legal and judicial systems vary, and the part that an executive authority can play in interpreting law varies with them. But even in countries (like Britain) where there is the strictest theoretical separation between executive and judicial functions, inspectors have a powerful practical influence in determining what are "accepted standards".[1]

One of the most important tests of a labour inspectorate is whether it can develop flexible but consistent standards of compliance and keep those standards in touch with progress in technique. The possibility of doing this depends partly on the qualifications of individual inspectors, but far more on organisation. The setting of standards is essentially a collective activity of the inspectorate as a whole; it cannot be imposed from above, nor can it be achieved by individual field inspectors acting independently of each other. Various methods are used to establish standards and to make them known to the inspecting officials. In France the main method is the circulation of administrative instructions, which is important but, by itself, inadequate. In Britain greater use is made than in most countries of the routine scrutiny of inspectors' reports by senior inspectors. In general, staff conferences play an increasing part. In Sweden and the Netherlands there are weekly staff conferences in each district, with less frequent regional or national conferences. In Switzerland, where

[1] This fact has had judicial recognition in a recent British High Court decision, *Carr* v. *Mercantile Produce Co. Ltd.*, 1949 (King's Bench Division, 601). The decision itself was adverse to the Factory Department, but the Lord Chief Justice made it clear that the courts, in interpreting the law, should take into account the attitude of the inspectorate.

the four federal inspection districts are administratively separate, the whole inspectorate, together with some of the insurance safety inspectors, have an annual conference. In Britain regional conferences of field inspectors and national conferences of superintending inspectors take place about three times a year.

The importance of this function suggests one matter in which enforcement by the local authority is inferior to inspection by officials of the central government. It is almost impossible for officials attached individually or in small groups to a series of separate authorities to achieve the same consistency of standards that can be achieved by a centralised department. This is less serious in the case of clear-cut requirements (such as hours of work and shop closing hours) but is vitally important in questions of health and safety, where requirements are formulated more flexibly and need to be interpreted in practice.

Unless an inspector has the backing of accepted standards, recognised and applied by all his colleagues, there is a constant tendency for enforcement to slip back to the bare minimum that can be read into the words of the law. In such circumstances inspectors will take objection to conditions only when they are so bad as to be patently and obviously contrary to the law. If that happens it is impossible to keep up the steady pressure for better conditions which is the mark of a successful inspection service.

Technical Advice

Article 3 (1) *(b)* of the Labour Inspection Convention states that an inspectorate should " supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions ". The case for this is sometimes thought to be self-evident, but it contains a legal and practical difficulty. In general, if a person has a legal duty to perform he has the responsibility for finding out how to do it, and there are objections to a government organ taking this responsibility from him. If inspectorates undertake too detailed an information service they may usurp or duplicate the functions of employers or encourage them to neglect the ordinary non-official sources of technical information. Inspectorates sometimes come under pressure to lay down authorised standards on things which would be better dealt with as questions of good technical and engineering practice—for example, dimensions and methods of construction of lifting equipment. It is therefore a quite difficult problem of policy to decide just how far labour inspectorates should go in handling, publishing and making available technical information, and there are wide differences in practice.

The French labour inspectorate adopts, on the whole, the more limited view of inspectors' functions. French labour inspectors are primarily legal officers qualified to explain the content of the law, and they leave to employers and others the responsibility of solving the technical problems of how to obey the law. The inspectorate publishes very little directly in the way of technical advisory material. It is interesting to note, however, that the Social Security Administration in France is now setting up an advisory service, with an inspectorate, which aims at giving very much the same technical advice on industrial health and safety as is given directly by the labour inspectorate in many countries. In addition, the semi-official National Safety Institute in Paris publishes a wide range of advisory material.

At the other extreme there has recently been a growth in several countries of government advisory services in which the element of advice very much outweighs that of compulsion. The Factory Canteen Advisory Service in Great Britain is an example. This was set up during wartime but has been retained as a regular wing of the factory inspectorate with the task of helping employers to improve the standards of catering for industrial workers. In the Netherlands the women social inspectors are giving an increasing proportion of their time to advice on personnel management, education and other subjects concerning which there are no enforceable legal standards.

In most countries labour inspectorates give a fairly wide range of advice on matters of health, safety and welfare which arise directly out of the legal provisions they enforce. To some extent this advice is made available directly to the public by the headquarters organisation of the inspectorate by means of pamphlets, placards and other literature. Several inspectorates have "museums" displaying methods of industrial health and safety, of which the pioneer is in Amsterdam. In many inspectorates where there are specialist branches (covering medical problems, electrical hazards, etc.) the headquarters office of the branch supplies information on its subject to industry, government and the public. In addition, the British factory inspectorate has developed an "intelligence service", a central agency for technical information staffed by three officers recruited from the inspectorate.

This direct distribution of advice to the public is valuable, but the main channel of technical information is inevitably through the field inspectors in the course of their routine work. How this can best be done is an important problem of organisation. It is obvious that no inspector, however well trained, can carry in his head the full range of technical advice which may be useful in the varying circumstances which he encounters during inspection. The common

practice of circulating technical periodicals to inspectors, although useful for their general education, is of limited value here. The important thing is that when a problem is encountered an inspector should know what information is available and be able to turn it up even though that information had been circulated to him much earlier. The key to this is the proper filing of technical information in local offices.

Most inspectorates are beginning to realise that technical information needs different handling from administrative instructions, which are the normal concern of government departments. Several inspectorates, including those in Britain and Denmark, are at present reorganising their subject filing system. The Swedish inspectorate adopts the universal decimal classification commonly used in libraries. This may seem cumbersome at first sight, since it is devised to cover the whole range of human knowledge, but it has the great advantage of flexibility as the interests of the inspectorate develop to cover new subjects. A question which still has to be settled is how far the filing of technical subjects can be organised from headquarters and how far it is necessary to have the skilled work of classification done at the local office, where the material has to be used. Centrally run schemes have often failed because the headquarters office has difficulty in appreciating the precise conditions under which the material is to be used. Local classification presents no great difficulties where (as in Sweden and the Netherlands) there is a fairly large staff attached to each local office. In the Netherlands, for example, one of the senior office staff (who, in Britain, would be in the " executive " grade) is responsible in each office for the filing and indexing of all incoming technical material. The problem is more difficult where, as in Britain and Denmark, there is only a small clerical staff at each local office. The handling of technical material is, however, of such central importance for efficient inspection that it should almost certainly have the attention of the district inspector even at the cost of some additional office work.

Inspectorates in smaller countries often find it difficult to carry an adequate specialist organisation for assembling technical information. These countries depend very much on the publications of the I.L.O. and of inspectorates in larger countries. An interesting development is the collaboration of the Scandinavian countries in producing safety documentation for use in all four countries.

Another important question is the best relationship between the technical advisory services of the inspectorates and non-governmental organisations working in the same field. There is close co-operation in Britain between the inspectorate and voluntary bodies like the Royal Society for the Prevention of Accidents, the

Industrial Welfare Society and the British Institute of Standards, and similar relations exist in other countries.

Skilled Watchfulness

The British Factory Commission of 1833, which recommended the appointment of the first factory inspectors in Britain, said that inspectors should " report periodically to the Government for the use of the legislature ". This has become a widely accepted and valued responsibility of inspectorates and was incorporated in the Labour Inspection Convention, 1947. Labour inspection involves a constant two-way process. Laws, regulations and instructions are passed down from the legislature and government to the field inspectors. At the same time information about conditions of work is passed back through the machinery of the inspectorate to the appropriate minister and to the legislature. In short, the inspectorate is not merely the hands of government making its will effective ; it is also the eyes of government, continuously providing information which otherwise could be obtained only sporadically by special inquiries and commissions. Inspectors in almost all countries have come to see their work as far more than detecting contraventions of existing law. They have learnt to be alert for anything within their general range of responsibility which may affect the worker—for example, a new process or a hitherto unsuspected risk. A measure of the importance of this function is the extent to which protective labour legislation is now almost always " departmental legislation "—that is, regulations and instructions based on the experience of those responsible for enforcing the law. This has been a powerful factor in the steady development of labour legislation. Inspectors have a professional interest in perfecting the legal " tools " which they handle, and in keeping these tools adapted to the changing conditions of industry.

This indicates another disadvantage in delegating labour inspection to local government authorities. This " passing back " of information can take place readily only if an inspectorate is attached to the same government authority (central, provincial or local) as that which makes the law which that inspectorate enforces. This is not, in itself, an argument for centralisation ; there may be a good case for local autonomy in some matters of labour legislation. It is, however, a very strong argument against a combination of centralised legislation and locally based inspection for enforcing that legislation.

The " watchfulness " of labour inspectors is not confined to matters which may require legislative action ; it is an attitude which should permeate all their work. The adjective " skilled " is

used advisedly, since their most distinctive skill is the ability to adopt this attitude. This skill has no simple equivalent in other walks of life, and is often misunderstood. An ordinary non-specialist inspector, in the course of his work, comes into contact with a very wide range of occupations and processes ; he frequently meets potential risks which fall outside the range of his first-hand knowledge. He needs to be able to recognise a risk or a matter needing attention, even though he has never met it before, to know where to obtain further information about it and at what point to call in specialist advice. Perhaps the best analogy, although it is only an analogy, for this skill is that of a general medical practitioner—it is, in effect, a kind of " diagnostic " skill.

Most general inspectorates are concerned with physical conditions, duration of employment and, in some cases, wage rates. Inspectors have therefore to be alert for a very wide range of matters. These include highly technical matters (e.g., unsuspected chemical, electrical and mechanical hazards) and also risks of exploitation or hardship arising out of the social and economic structure of industry. The idea that an engineering graduate with a knowledge of the law is automatically a skilled inspector is very far from the truth.

The Extension of Labour Inspection

The two main extensions of labour inspection from manufacture and mining have been to cover commerce (shops and offices) and agriculture. Of these commerce has perhaps proved the harder to cover, owing to the difficulty of organising efficient inspection of a very large number of small workplaces. In some countries (e.g., France, Belgium, Luxembourg and the Netherlands) the main labour inspectorates are responsible for shops along with factories, but inspectors have often found it difficult to keep up adequate routine inspection. In some cases no lists of shops are kept, and visiting seems to be mainly on complaint. In Luxembourg, where full figures are published, the statistics for 1950 showed that, although almost all factories except the smallest were visited within the year, only 4 per cent. of shops and 5½ per cent. of hotels and cafés were visited in the same period.

In some countries (e.g., in Britain, Denmark and Sweden) an attempt has been made to solve this problem by delegating inspection duties to local authorities. The methods adopted vary. In Britain there is a complete separation between factories and shops, which are subject to different bodies of law. The factory inspectorate covers all places, large and small, where manufacture is done, and the local authorities are responsible for all shops.

In Denmark and Sweden the separation is less complete. In general the same law applies to both, and the division of duties is decided administratively. The labour inspectors visit large workplaces, including large shops, and those with mechanical hazards ; the locally appointed " commune inspectors " visit small factories as well as shops. The labour inspectors have some supervision over the work of the commune inspectors.

It has already been noted that, while local authority inspection may be a useful enforcement device for certain types of legal provision (like shop closing hours), it falls short of providing a full labour inspection service in two respects : it lacks the means for developing coherent standards and it lacks simple machinery for passing information back to the appropriate legislature. This is not due to incompetence on the part of local officials ; it is simply a matter of organisation. The main advantage of local enforcement is that, in certain circumstances, it may economise manpower. This is possible only if labour inspection can be done part-time, along with other work. Clearly a full-time locally appointed inspectorate is not, in itself, any cheaper than one centrally appointed ; indeed it may be less efficient as a result of limitations imposed by administrative boundaries. The real economy occurs only when local authority officials can check labour conditions at the same time as they visit workplaces for some other purpose and thereby can save actual inspecting time. The inspection of shops for purposes of labour legislation is often combined (e.g., in parts of Britain and Sweden) with the enforcement of public health laws and especially those governing cleanliness of food ; this is all the easier because the majority of shops are, in fact, food shops. The need for economy in manpower is so great that this argument is a powerful and perhaps even a determining one. It is important to note, however, that although local authority inspection may be an economy, it may also mask a hidden waste of manpower. The cost of a full-time inspectorate attached to the central government is obvious and readily measured. An equivalent expenditure of " man-hours " may be spread over a number of local authorities almost unobserved, but the resultant drain on the national resources is the same. Local authority enforcement may at times be merely an attempt to economise national at the expense of local taxation.

Labour inspection in agriculture has been more straightforward. In France and Britain inspection is so far mainly confined to wages and is undertaken in each country by an inspectorate attached to the Ministry of Agriculture. In many other countries, including the Netherlands and the Scandinavian countries, inspection covers mechanical and chemical risks and other physical

conditions in agriculture. It has usually been found desirable for farms to be visited by inspectors with an agricultural background, specially appointed for this purpose; they are better able to understand the farmer's problems and "to speak his language". These inspectors, however, form part of the general labour inspectorate, and this arrangement has very clear advantages. Firstly, a great deal of inspection and travelling time is saved. There are in rural areas many manufacturing processes (e.g., in grist mills and dairies) of a semi-agricultural nature, which can readily be visited by the agricultural inspectors by arrangement with the labour inspectorate. Secondly, the principles of mechanical and chemical safety are much the same in agriculture and industry, so that agricultural inspectors can usefully exchange experience with their industrial colleagues, and this is much more easily done within a single inspectorate. Thirdly, the design of new machinery is a very important factor in agricultural safety. The headquarters of most labour inspectorates are accustomed to discuss design with machine makers and can discuss agricultural machinery at the same time.

In addition to trying to cover these large sectors of commerce and agriculture, many countries are now exploring the problem of bringing other groups within the scope of regular labour inspection. These include land transport workers, the entertainment industry, workers on river and canal craft and many smaller groups too varied for general discussion.

The General Organisation of Inspection

It has been noted that the term "labour inspection" has an unfamiliar ring in Great Britain, and that this springs from a difference in history and organisation compared with most other countries in western Europe. British protective labour legislation consists of a series of completely separate Acts of Parliament, each covering a sharply defined and limited field (factories, mines, quarries, shops, etc.) and each administered (with very minor exceptions) by a separate inspectorate. In contrast, in many European countries the legislation tends to be codified; it is more inclusive in character and often covers a large part of the employed population. It is usually administered by a general "labour inspectorate" covering manufacture, building work, commerce and often agriculture and quarrying. In most of the larger countries, mines inspection is separate and attached to a separate ministry, but in the smaller countries (e.g. Luxembourg and the Irish Republic) it may be merged with the main labour inspectorate. Occasion-

ally the labour code is enforced in some other branches of employment (e.g., transport) by separate inspectorates.

The most systematic unification of labour inspection is in Sweden, and dates from 1949. In this system there are a series of inspecting " wings "—specialist services for mining, forestry, transport, etc., and a general labour inspectorate for manufacture, commerce and agriculture. These all form part of a single administration (the Swedish Workers' Protection Service) under the control of a Director-General.

Unification of the Swedish type has three practical advantages. Firstly, the specialist branches (medical, electrical, etc.) can be shared between the various inspecting wings (mining, forestry, general labour, etc.), whereas in the British system each inspectorate has to carry its own specialist branches. Thus, there is in Britain no administrative connection, even at headquarters level, between the electrical inspectors of factories and the electrical inspectors of mines, or between the corresponding medical inspectors, although these officials have wide common technical interests. This does not prevent practical collaboration (like that of the British factory inspectorate in the Mines Department testing station at Buxton) but it makes for more complications, as two ministries are involved.

Secondly, a unified inspectorate reduces " boundary problems ". A surprising amount of employment takes place on or near the boundaries between mining, manufacture, retailing and agriculture. Thus manufacture, retailing and office work are sometimes done by the same persons and often in the same workrooms ; workers from each share the same equipment, (e.g., lifts, washrooms and canteens). It is increasingly hard, especially with mechanisation, to draw a clear line between farm work, initial processing and manufacture of agricultural products. If retailing, agriculture and manufacture are subject to different legal standards and inspected by different officials, patent anomalies and gaps easily arise ; time is wasted on boundary discussion. These things can be settled far more easily by administrative decision within a more comprehensive inspectorate.

Finally, a unified inspection system provides a focus within the machinery of government for all matters bearing on working conditions or on occupational health and safety, wherever these may arise. The Director-General of Labour in the Netherlands or the Director-General of the Swedish Workers' Protection Service are both clearly in this position. The chief inspectors of factories or of mines in Britain are, in strictness, solely concerned with conditions in workplaces coming within the scope of the Factories Acts or the Mines and Quarries Acts, respectively. There is no single centre

of responsibility in the British Government structure for the conditions of other employed persons. This was made plain in the report of the recent Gowers Committee of Inquiry into health welfare and safety in non-industrial employment.[1]

On the other hand, there are undoubted advantages in a government department closely concerned with a particular sector of economic life taking responsibility for labour conditions in that sector, of which it is likely to have more knowledge of the technical problems and conditions. Inconsistencies between labour policy and other sides of economic policy may be avoided, and it may be possible to save inspecting manpower by combining duties (although this perhaps is less likely).

It must also be remembered that although unification reduces boundary problems, it does not eliminate them. There is still the question of what is the proper scope of government regulation of working conditions. How far, for example, should peasant agriculture or domestic work be subject to labour law, and therefore to inspection ?

One of the few discussions, from the theoretical end, of this question of the unification of labour inspection as a whole is contained in the report of the Haldane Committee on the machinery of government, published in Britain in 1918.[2] It is of interest that this British committee proposed a system of labour inspection almost identical with that now existing in Sweden, but quite unlike that in Britain.

In most countries the main labour inspectorate is attached to the Ministry of Labour or its equivalent, but has relative independence. For example, in Denmark the Directorate of Labour and Factory Inspection is responsible to the minister, but independent of the rest of the ministry ; in Sweden the Workers' Protection Service has a semi-independent status ; in Britain the factory inspectorate forms a separate organisation, although the wages inspectorate is more closely linked with the industrial relations side of the ministry. One outstanding exception is France, where labour inspection is closely integrated with the rest of the Ministry of Labour. Work in each administrative area (département) is controlled by a " departmental director ", who is recruited from the inspectorate and possesses inspector's powers ; he is, however, in charge of employment exchanges, manpower services and industrial relations as well as labour inspection in his area. This organisation has its difficulties ; it can throw on to officials a very wide and diffuse range of responsibilities and can raise

[1] Cmd. 7664 of 1949.

[2] Cmd. 9230 of 1918 ; see especially Part II, Chapter VI.

questions of incompatibility of function.[1] On the other hand it also has substantial advantages. When any new or unexpected problem arises which affects labour in any way, the departmental director has undoubted responsibility for dealing with it locally; he has, as much as anyone can have, official access to all the relevant facts. In this way some problems can be handled directly which in other forms of organisation are apt to hang awkwardly between departments or to go by default.

Another problem which is emerging as governments or government-sponsored bodies take over insurance functions is the relation between the accident prevention work of the labour inspectorates and the insurance of industrial workers. In France and Switzerland safety inspection is divided between the ordinary labour inspectorates and special safety inspectorates attached to the insurance organisations. The origin of this arrangement is easy to understand. Reduction of accidents results in direct financial savings for insurance undertakings, so that they are ready to spend money on it, whereas the corresponding saving resulting from the work of the ordinary labour inspectorates is less obvious. If the insurance undertaking fixes contribution rates on the basis of risk, the insurance inspectors can use the offer of a decrease or the threat of an increase in rates to persuade employers to adopt safe methods—a sanction which is often more powerful than legal action.

This arrangement breaks the work of accident prevention in two, and it is not easy to work out a practical division of duties between the two inspectorates. One important difficulty is that only one inspectorate can do the routine investigation of accidents (at present, the labour inspectorate in France and the insurance inspectorate in Switzerland). Yet it is only by the constant practical investigation of accidents that a field inspector can build up the fund of experience necessary for the intelligent enforcement of safety provisions; an inspector who lacks this experience is largely "working blind" in matters of safety. One solution, of course, would be to hand safety inspection entirely to the insurance inspectors, but so far these do not appear numerous enough to undertake routine safety inspection of the smaller workplaces. An interesting development on different lines is the arrangement in the Netherlands whereby the insurance organisation gives annually to the labour inspectorate a sum of money which can be used more freely than ordinary departmental funds for research and experiment.

[1] It may be recalled that Paragraph 8 of the I.L.O. Labour Inspection Recommendation, 1947, provides that "the functions of labour inspectors should not include that of acting as conciliator or arbitrator in proceedings concerning labour disputes".

One of the most difficult problems of organisation, which is still far from a solution in most countries, is the relation between the work of the labour inspectorates concerned with occupational hygiene and the general medical and public health services of the country. This is too complex a problem for detailed discussion here. Most inspectorates have specialist medical inspectors—that is, inspectors who are fully qualified medical practitioners. The widespread difficulty of recruiting these inspectors is, perhaps, a symptom of problems yet to be solved. An interesting experiment has been made in Denmark, where the inspectorate has a small diagnostic clinic attached to the Rigshospital in Copenhagen. Attached to this clinic are seven doctors, who combine consultant work in the hospital, research, lecturing in the medical school of the university and active medical inspection of workplaces. Possibly this combination of medical inspection with other medical work may point to a solution of this problem.

Inspection and Specialisation

Of even greater importance than the problem of the general organisation of inspectorates is the problem of the use of specialist knowledge at the local level for purposes of inspection. As has been mentioned, ordinary inspection requires the use of a wide range of knowledge and what has been called " diagnostic " skill. Sometimes an attempt is made to tackle this problem by specialisation in inspection either by field or function.

Specialisation by field often takes place relatively informally—one inspector in a district will concentrate on building operations, dock work or some particular trade. Specialisation of this type raises no serious problems, but may waste time in travel if carried too far in rural areas. It is easier in those inspectorates where there is a fairly large team of inspectors in each district (as in the Netherlands), than in countries (such as Britain or Denmark) where districts are smaller.

Specialisation by function, on the other hand, raises more problems, since it involves more than one inspector visiting the same workplace. In many countries wages inspection is completely separate from the inspection of physical conditions. There is good ground for this separation, except perhaps in very thinly-populated areas, since the techniques of inspection for these two purposes are quite different.

Specialisation has sometimes been taken further, as in Belgium, where there are separate and largely independent medical, technical and social inspectorates, and a chemical inspectorate is being established. This arrangement has obvious advantages. It prevents

one aspect of the work (e.g., accident prevention) from crowding out other aspects, and enables each of the specialised functions to be in the hands of inspectors with appropriate qualifications. The good progress in Belgium on factory amenities (washing facilities, clothing accommodation and mess-rooms) is almost certainly due to this specialisation.

There are, however, difficulties. Firstly, there is a danger that things falling on the boundaries between the areas of the different specialists may be missed. Secondly, inspectors may overlap in their work, and give apparently inconsistent advice. Many problems (e.g., risks from fumes or dust) require a co-ordination of medical, chemical and engineering knowledge, and complete specialisation makes this difficult. Thirdly, and perhaps the most important, it is difficult for a specialised inspectorate to provide an adequate system of inspection in the smaller workplaces without waste of skilled manpower. It is sometimes suggested that specialists need only visit the places where their concerns are likely to be important. This suggestion ignores the fact that inspectors have not only to remedy risks but also to find them. Chemical risks, for example, are not confined to " chemical works " in the ordinary sense ; indeed, the managements of large chemical factories are usually well aware of these risks and qualified to prevent them. More serious risks may arise from apparently innocuous processes in a small factory, perhaps in a remote village. There is little likelihood of a chemical specialist visiting such a works on his own initiative ; yet if the inspector who actually visits small workplaces has no responsibility for such risks in the larger works, he is unlikely to detect them in the smaller places.

The Belgian organisation, therefore, is a valuable experiment which will be watched with interest by other countries. The most likely line of development, however, especially in the less densely-populated countries, is the establishment of a staff of general branches (e.g., medical, electrical and chemical) upon whom inspectors can call. The British factories and mines inspectorates are well established examples of this form of organisation and the inspectorates in the Netherlands and Sweden have developed a similar structure. This organisation, if it is to be fully successful, requires a delicate balance of responsibility and confidence between the specialists and the general inspectors. It will fail if the general inspector tries to be a " jack of all trades " and ignores the specialists, or if he hands all technical problems blindly to them ; it will fail, too, if the specialists do their work out of touch with the general inspectors.

One of the most fundamental questions of labour inspection, therefore, is what are the best qualifications for inspectors, and

this is a much more difficult question in relation to general inspectors than to specialists who are applying a recognised body of professional knowledge. In France inspectors are mainly, but not exclusively, graduates in law—in other words, they have similar qualifications to other graduate members of the French Civil Service. In most other European countries the higher ranks of the inspectorate are the preserve of graduates in engineering or applied science. Many of these inspectorates have a lower non-graduate grade which has little or no prospect of promotion to the higher ranks. The British factory inspectorate is unusual in that it is, by deliberate design, a " mixed " inspectorate, recruited mainly, but not exclusively, from university graduates in science. Among the inspectors are graduates in the arts and social sciences and non-graduates, some of whom have worked at the bench or, in a few instances, held trade union office before appointment. The inspectorate, however, forms a single professional group and is not graded according to educational qualifications ; at one time there was such a grading but this was discontinued some years ago. Most British inspectors have had some outside experience, usually industrial, between finishing their education and entering the inspectorate ; in contrast, the graduate members of some European inspectorates are mainly recruited direct from college.

In assessing the advantages of these and other qualifications the conditions for successful inspection which were discussed earlier must be borne in mind. A field inspector needs to have a status which enables him to maintain his authority with management. He needs to be able to deal intelligently with a great variety of technical matters, on most of which he cannot be a specialist. He needs a keen understanding of the personal and social situation of employed persons. He must be able " to handle papers ", in the administrative sense, as well as technicalities. These qualifications do not fit any simple professional pattern, and the variety of practice is understandable.

The above are only a few of the problems which are emerging today. It is clear that there is no " pure theory " of labour inspection which is independent of circumstances. Methods have to take account of the economic condition of a country, its structure of government, its educational resources, and many other factors. Both the differences and the similarities of practice suggest many ways in which different countries may fruitfully learn from each other in this important branch of government action.