

RIAL TECHNICAL COOPERATION EXERCISE

VISIT TO ARGENTINA, JUNE 27 – 29, 2011

FINAL REPORT

Brief Description of the Activity

The technical cooperation exercise involved a visit to Argentina by three(3) officials from the Ministry of Labour, Small and Micro Enterprise Development from Trinidad and Tobago:-

1. Morton Mitchell - Chief Labour Inspector Specialist
2. Farouk Mohammed - Senior Labour Inspector Specialist
3. Roxanne Tarkus - Business Systems Analyst

General Objective

The goal of the visit by the delegation was to develop a powerful scalable multi tier web solution i.e. Labour Inspectorate Information System. The web based solution will be a user friendly reporting tool that will perform complex queries and provide analytical information to executive management. Such a tool will facilitate the accurate accumulation and analysis of labour market information and will allow management to track the progress of individual cases and the Labour Inspectorate Unit as a whole.

Such a system will allow for:

- The implementation of a secure web enabled information system which will provide accessibility to information from the Ministry's Head Office and its regional offices.
- The enhancement of the quality and timely delivery of the services which the Labour Inspectorate provides to the public.
- The elimination of redundant papers files and reduces the excessive use of paper.
- The provision of a system that will allow for performance monitoring and management of staff.
- Real-time methodical risk profiling of Industrial Establishment that will highlight various categories of legal breaches that exist in an establishment based on an officer's input of weighted values.
- The provision of accurate, timely and relevant management information to all levels of management.
- The development of centralized electronic storage systems that will facilitate the archival and access to the agency's large number of Industrial Establishment files from local and remote sites.

The objective was broadened by Argentina to identify elements that contribute to capacity building and to control inspection work by improving the management system and monitoring of workplaces.

Activities

The Cooperation Exercise involved the following sessions which were held over the period 27th June 2011 to 29th June 2011:-

1. Inspection Planning in Argentina – Facilitator Laura Rua, Director of Operational Planning
 - i. Surveillance Planning
 - ii. Information Sources
 - iii. Surveillance Recommendations
 - iv. Final Planning
 - v. Evaluation of Results

2. Complaints : Filing and Assignment – Facilitator Victor Solazzo, Head of Complaints Department
 - i. Sources of Complaints
 - ii. Structured format Online for recording Complaints
 - iii. Assignment of Complaints
 - iv. System designed to eliminate errors
 - v. Monitoring of Inspection Visits to Complaint

3. Monitoring and Control of Inspection – Facilitator Emiliano Re, Director of Monitor and Control
 - i. Organisational Chart
 - ii. Surveillance Stages
 - iii. Follow-up and Control Division Structure
 - iv. Surveillance Control

4. National Plan for Labour Regularization – Facilitator Dr. Guillermo Alonso Navone, Undersecretary for Labour Inspection and Social Security
 - i. Labour and Social Security Inspection
 - ii. Agreements on Labour Surveillance
 - iii. Functional and Territorial Dispersion
 - iv. Historical Evolution
 - v. Inspection Competences and Structure
 - vi. Inspectors' Powers
 - vii. Joint Action

- viii. Goal – Decent employment
5. Labour Inspection system in Trinidad and Tobago – Facilitator Morton Mitchell, Chief Labour Inspector Specialist
 - i. Role and Function of the Labour Inspectorate Unit
 - ii. Labour legislation
 - iii. Powers of the Inspector
 - iv. Public Advocacy
 6. Child Labour Eradication in Argentina – Facilitator Silvia Kutcher, Head of Monitoring on Labour Inspection and Child/Teenager Labour Protection
 - i. National plan for the Eradication of Child Labour
 - ii. Collection and Analysis of Quantitative and Qualitative Data
 - iii. Dimension and Characteristics of Child Labour
 - iv. Formulation and Evaluation of Programs
 7. Occupational Risks – Facilitator Leonardo Pietro, Superintendent of Occupational Risks
 - i. Agency Relation to Ministry
 - ii. Stakeholders and their responsibility
 - iii. Insurance Company Role to Protect workers
 - iv. High Risk Sectors and Risk Maps
 - v. Federal Jurisdiction
 - vi. Acts and Resolutions
 - vii. IT Development
 - viii. Environmental Issues
 8. Inspection Proceedings – Facilitator Guido Gonzalez Bellini, Director of Federal Inspection and Carlos Martin Diaz, Head of Department of Document Verification and File Management
 - i. Data Forms
 - ii. Assignments to Inspectors
 - iii. File Management
 - iv. Information Processing
 - v. Document Control
 - vi. Notice of Violations and Hearings
 9. Inspection Field Visit Facilitated by the Federal Inspection Department of the State of Buenos Aires – Facilitator Guido Gonzalez Bellini, Director of Federal Inspection
 - i. Use of wireless Netbooks during Inspection Visit
 - ii. Inspector’s observations and techniques
 - iii. Update of Information to Database in real-time

- iv. Notice of infraction to Employer
- v. Notice to Employer to attend Hearing

10. Resolutions – Dr Leonardo Rodrigues, Director of Audit Resolution

- i. Audit Procedure
- ii. Penalties
- iii. Reduction of Penalties for compliance prior to Hearing
- iv. Structure and Caseload of the Resolution Department

11. Conclusions and Future Programming

Main Results and Findings

1. National Plan for Labour Regularization as a Public Policy Document that establishes the Ministry of Labour, Employment and Social Security as the Surveillance Agent for Labour Relationships in favour of Decent Work with clearly defined:-

- i. Goals
- ii. Action – Preventive and Educational
- iii. Joint Actions – Collaboration
- iv. Planning Processes and Projections

2. Labour Inspection Structure

- i. Separation of Functions – Surveillance Planning, Inspection Division, Resolution Division, Operating Schedule Division and Follow-up and Control Division.
- ii. Collaboration and Communication between Divisions
- iii. Surveillance Stages – Planning, Inspection, Verification of Infringements, Hearings, Resolution.
- iv. Follow-up and Control Division – Operating Management Department, Diagnosis and Procedure Department, New Surveillance Operations Department.
- v. Clearly defined role and function among the various Divisions, Departments, Units and Sub-Units

3. IT System and use of Technology

- i. Recording and assignment of Complaints
- ii. Inspections and online filing of reports in real time
- iii. Use of Wireless Net-books by Inspectors on the field to access information online and identify infractions immediately
- iv. Automated System of Date Selection for Hearings of Infractions

- v. Use of Technology to reduce time taken between Receiving Complaints to Resolution
- vi. IT Communication among the divisions
- vii. IT System designed to generate statistics at all levels and across divisions

4. Social Security System

Social Security is a function under the Ministry of Labour, Employment and Social Security in Argentina. The registration of employees for Social Security is monitored by Labour Inspectors as one of their primary functions during investigations and this breach carries severe penalties. This function appears to be practical and appropriate since Argentina is of the view that employers who comply with registration of employees for Social Security are more likely to comply with other labour laws.

Next Steps

1. Trinidad and Tobago should develop and implement, in collaboration with all stakeholders, a National Plan of Action for Labour Inspections, with clear and concise goals and guidelines as it relates to the role and function of the Labour Inspectorate Unit and obligations and expectations of employers and employees, respectively.

2. A review of the structure of the Labour Inspectorate Unit should be undertaken to identify as follows:-
 - i. Separation of the functions of the Labour Inspectorate Unit into sub-units with clearly defined roles encompassing the entire spectrum of Labour Inspections from Planning - Advocacy - Investigation – Enforcement - Conciliation – Resolution with Monitoring and Evaluation across the process.
 - ii. Adequate human resources with the requisite skills, training, knowledge and experience for all sub-units to effectively meet the needs of the working population by geographic location and mandate.
 - iii. Decentralisation of the Labour Inspectorate Unit with the creation of Satellite Offices with appropriate accommodation, staff and tools to allow for ease of access of services to stakeholders in urban and rural areas throughout the country.
 - iv. Specialized training in areas like Child Labour, Migrant work, HIV/AIDS in the Workplace.
 - v. Effective system for Collaboration and Communication between Sub-Units

3. Use of Technology

- i. Review, revise and strengthen the Work Flow Process with a view to streamlining the process for computerisation
- ii. Review and revise Inspection Forms to be computer compatible
- iii. Design and implementation and monitoring of a centralised IT system for collection, storage and retrieval of data across the Inspection process and at all levels of the Unit
- iv. Use of wireless netbooks by Inspectors during investigations to update the online database in real time
- v. Appropriate training for Inspectors and support staff to effectively use the IT system
- vi. Use of Technology to reduce time taken between Receiving Complaints to Resolution
- vii. IT System designed to generate statistics at all levels and across Unit

4. Legislative Framework

Develop and Implement Standards and Regulations for particular sectors with specific instructions to clarify legislation and to guide employers and employees on their obligations and entitlements, respectively.

5. Public Advocacy

Creation of a Sub-Unit within the Labour Inspectorate Unit to design, develop and implement a Public Education Programme to disseminate information and empower and stakeholders about the laws in order to create a culture of compliance.

6. Collaboration

There is a need for collaboration through the sharing of information and resources between the Labour Inspectorate Unit and other departments:-

- i. National Insurance Board
- ii. Occupational Safety and Health Agency
- iii. Ministry of National Security

Evaluation of the Activity and Recommendations

The Technical Cooperation Exercise met and exceeded the intended objectives.

1. The presentations by the Undersecretary for Labour Inspection and Social Security and the various Heads of Divisions were informative, relevant, appropriate and comprehensive. Level of participation particularly by the Undersecretary for Labour Inspection and Social Security and the various Heads of Divisions underscored the commitment of the Government of Argentina to the technical cooperation exercise.
2. The resource material provided, CD, books, manuals, Data Forms etc, are valuable as we conduct a comparative analysis of the Labour Inspection System in the two countries.
3. The Inspection Field Visit was particularly helpful as we were able to observe the approach and techniques of the Inspectors during their investigation.

Recommendations

During the Technical Cooperation exercise, ten (10) subject areas were covered by the various divisions with regard to Labour Inspections. From our review and evaluation of the exercise, seven (7) of those areas relevant to the Labour Inspectorate Unit and can be replicated or adapted in Trinidad and Tobago to strengthen our Labour Inspection System.

These areas are:-

1. Inspection Planning in Argentina – Laura Rua, Director of Operational Planning
2. Complaints : Filing and Assignment – Victor Solazzo, Head of Complaints Department
3. Monitoring and Control of Inspection – Emiliano Re, Director of Monitor and Control
4. National Plan for Labour Regularization – Dr. Guillermo Alonso Navone, Undersecretary for Labour Inspection and Social Security
5. Child Labour Eradication in Argentina – Silvia Kutcher, Head of Monitoring on Labour Inspection and Child/Teenager Labour Protection
6. Inspection Proceedings – Guido Gonzalez Bellini, Director of Federal Inspection and Carlos Martin Diaz, Head of Department of Document Verification and File Management

7. Resolutions – Dr Leonardo Rodrigues, Director of Audit Resolution

However, in order to accomplish this, further Technical Cooperation between both countries is necessary to build on the valuable information and systems that we have been exposed to. We recommend that an Argentina Delegation visit Trinidad and Tobago to assess firsthand, our system of Labour Inspection, and assist with the development of a Labour Inspectorate Information System

A technical team from Argentina will be in a better position to replicate and adapt their system and tailor it to strengthen the need of Trinidad and Tobago instead of us having to design and build a new system from scratch.

The Surveillance Information System of Argentina's Ministry of Labour, Employment and Social Security has its genesis in the National Plan for Labour Regularisation.

It is a menu driven, custom designed data base with a high level of granularity that ensures data validity and verification from the point of data input.

The activities that comprise the surveillance process are broken up into discreet tasks with incremental levels of complexity. These activities are carried out by different Divisions with responsibility for clearly defined roles. This approach translates into a highly efficient work flow with specific outcomes. These outcomes are both measurable and capable of providing reports on any aspect of the process in near real time.

All systems, whether manual or automated, consist of three basic components: input – process – output. The usefulness of the Argentine system lies not so much in the technology employed as it does in the conceptualization of what constitutes labour surveillance, the most efficient and effective ways of carrying out those activities and the desired outcomes.

The applicability of the Argentine system to the needs of Trinidad and Tobago rest primarily in its ability to provide a guide to reviewing established procedures based on a clear understanding of their purpose and functions.

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