

# JAMAICA: COMPLEMENTING LABOUR INSPECTION



MINISTRY OF LABOUR &  
SOCIAL SECURITY



PREVENTATIVE APPROACH TO LAW ENFORCEMENT  
HEMISPHERIC WORKSHOP ENHANCING LABOUR COMPLIANCE IN THE AMERICAS  
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# CONTEXT

- **Jamaica is experiencing historical decline in unemployment**
  - 4.5% (July 2023)
  - Jamaica youth unemployment declined from 16.7% in July 2022 to 13.2% in July 2023
- **Several workers have exited the employer –employee relationship and opted for own-account work (entrepreneurship)**
  - In 2022 the Registrar of Companies recorded the incorporation of 5,412 new limited liability companies which was a record year for the number of new entrants being added in any given year.
- **Industries concerned about Labour Supply (suitably trained and qualified workers)**

# JAMAICA: KEY ELEMENTS OF LABOUR MARKET RESPONSE

- **Review of Industry specific current and future labour demand and supply**
- **Greater focus on Skills Training and Upskilling (STEM and TVET qualifications)**
- **Reducing informality**
- **Labour (Employment) Retention through decent work and labour law compliance high priority**
  - **Decent work** - standards relating to Holidays with Pay, Maternity Leave, Hours Worked, Minimum Wage, Flexible Work Arrangement, Employment Engagement and Termination and Occupational Safety and Health.
  - **Foreign National and Commonwealth Citizens Employment (Work Permit)**
  - **Private Employment and Placement Agencies through Licensing and Compliance Monitoring**
  - **Strategies to Eliminate Child Labour by 2025.**

# Achieving Greater Labour Law Compliance through Inspections

## MAIN CHALLENGES

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- Inspections previously reactive approach linked mainly to worker complaints
- Insufficient number of labour inspectors for field visits
- Exponential increase in the number of local industries operating as micro and small businesses, many operating in the informal sector
- Geographical challenges in locating micro and small business in remote and rural areas
- No established inspection guidelines for business operated in a full virtual space (virtual workplaces)
- Largely manual system for labour inspections
- Lack of specialized inspection training for labour officers



# NEW GENERAL LABOUR INSPECTORATE

- General Inspectoral Inspection Form established – Tier 1
- Referral and detailed inspection - Tier 2
- Digitization of the process with real-time data sharing capabilities
- Multi-user platform for database of inspection reports
- Hand-held devices (Tablets) used for interviews and data collection in field inspections
- Specialized labour inspection training for labour officer
- Increased number of staff to support labour law compliance (Jan 2024) additional 111 positions to be added to the existing 57 positions





# Benefit of the New Inspection Strategy

## Increased island wide coverage and internal coordination of the Labour Inspectorate:

- Reduced duplication of efforts amongst specialized inspection unit
- Standard Operating Procedures established to harmonize the approach of all labour inspectors
- Initiation of a comprehensive database of real time inspection findings
- Multi-user interface available on electronic inspection devices to facilitate improved supervision of the labour inspectors
- Shared database accessible to regional inspectorates to improve compliance inspection of local franchises and multi-national enterprises.
- Greater labour law compliance from major labour- intensive industries including manufacturing, hotel and tourism, industrial security, construction, and business process out-sourcing sector



# Innovative Strategies to improve Labour Compliance

## **Strengthening of Labour laws and Review of Fines and Penalties for Breaches.**

- Further to recommendations of the Covid-19 Labour Market Review Commission, the Ministry has commenced the review of the Employment Termination and Redundancy Payments Act, the Minimum Wage Act, Labour Officers Powers Act and the Labour Relations and Industrial Disputes Act.
- In keeping with the ILO Maritime Convention, the Employment Agencies Act is being reviewed to address special conditions for the employment of seafarers.
- Strengthen the prosecutorial function of the Labour Department



# Innovative Strategies to improve Labour Compliance without punitive measures

- Realignment of the organizational structure of the Inspectorate. This new organizational structure will expand the scope, authority, and number of labour officers available to conduct labour compliance duties – One Hundred and Eleven (111) new positions are to be added to the existing fifty-seven (57) positions.
- Establishing a new Labour Law compliance Unit with the dedicated function of planned inspection of industrial undertaking to ensure compliance with work permit requirements, safety and health standards, licensing of employment agencies, strategies to eliminate child labour, minimum wage and statutory payments.
- Outreach – Roadshows “**Taking the Ministry to the doorsteps of the People**”. Four (4) roadshows are held each quarter to sensitize employers, workers and jobseekers of their rights under the labour laws.





# Innovative Strategies to improve Labour Compliance without punitive measures

- Radio Series – The MLSS and You.

The programme airs weekly providing information on the services of the Ministry, and most importantly provides public education on the provisions of the labour laws.

- Social Media – WhatsApp.

The Industrial Relations arm of the Ministry has strategically expanded its use of social media for labour law guidance and settle disputes initially during the period of movement restrictions due to the pandemic.

- Labour Officers Training.

A customized internal training and certification programme has been developed for labour officers and inspectors.

- Synchronizing of Labour and Social Security database

Preliminary work has commenced through geo-referencing to map services and labour law compliance data generated by the Labour Department. Additionally, overlays of social protection data have been added for a complete depiction of the compliance challenges, programme intervention and the scope for prevention through social protection interventions.



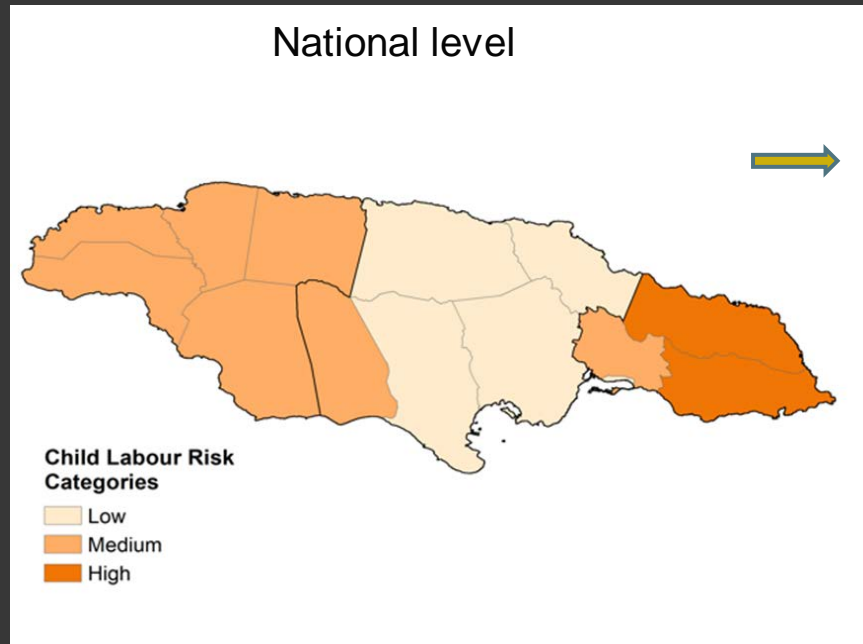
# Innovative Strategies to improve Labour Compliance – **HEAT MAPS**

- **Inspection data analysis has resulted in increased use of Geo-mapping “HEAT MAPS” for evidence-based interventions, and improvements in inter and intra Ministerial collaboration**
- **See below example of inspection data use in the efforts to eliminate Child Labour and ensure compliance with Convention 138 Minimum Age and C182 Prevention of the Worst Forms of Child Labour Recruiting of Workers Act (Jamaica)**



# Application of the CLRISK in JAMAICA

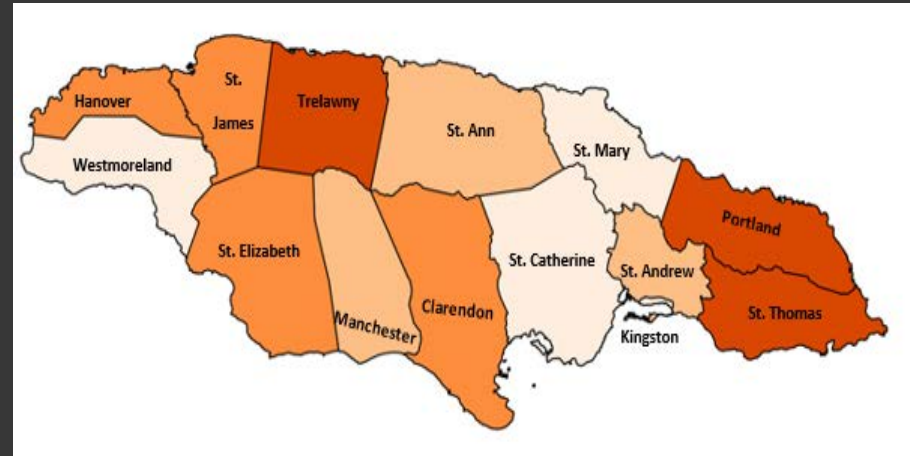
## Geo-referenced ALERTS Levels of risk of child labour identified



Rate of child labour  
in 3 counties

JAMAICA

Parish level

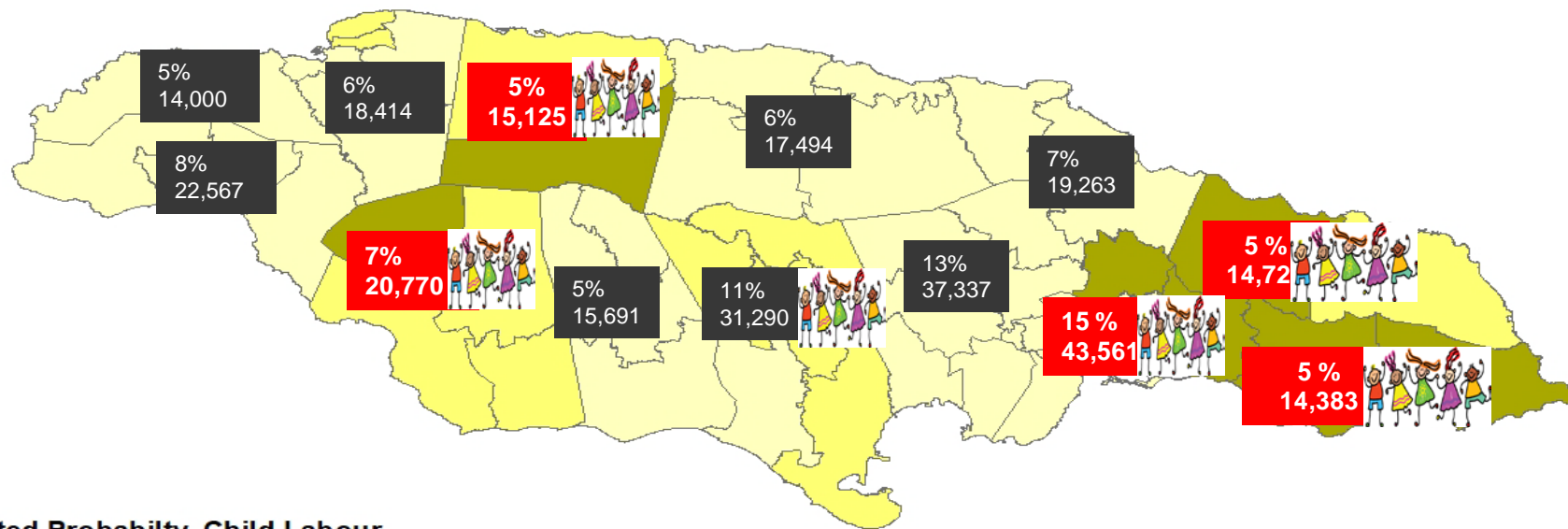


Estimates for 14 Parishes

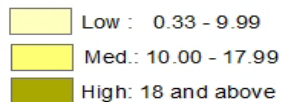
# JAMAICA:

## ILO Project for Community Level Engagements (PATH Social Worker, Educators, Civil Society, Children)

Parish level coverage June 2023

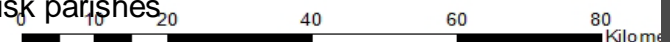


### Estimated Probability, Child Labour



37% - PATH Cash Transfers in highest risk parishes

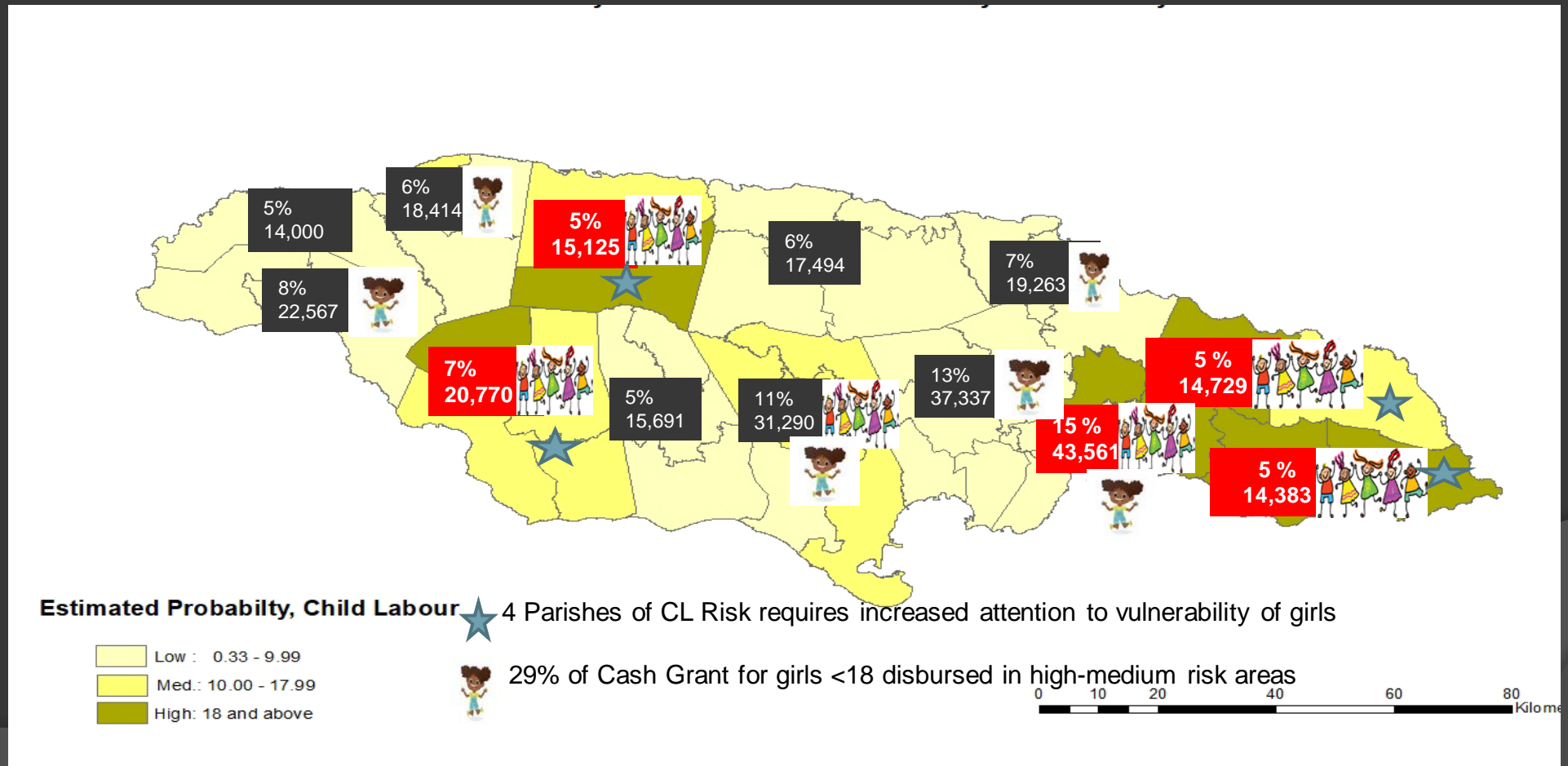
54%- PATH Cash Transfers in CL high –medium risk parishes



# JAMAICA:

## PATH Cash Grants addressing the Highest Vulnerability of Girls <18 and remaining areas of focus)

Parish level coverage June 2023





High risk of Child Labour detected from desk review (CLRISK Model)....confirmed by site inspection/ investigation conducted by the Labour Department, Jamaica

Labour Inspection, Data Analysis and Evidence-based Community intervention reveals that Infrastructure damage is the main cause of low school attendance and rising Child Labour in the community of Troy and adjoining districts in Trelawny and St. Elizabeth, Jamaica

**MAINLY TEACHERS, STUDENTS AND FARMERS AFFECTED BY THE INFRASTRUCTURE COLAPSE**



# KEY LESSONS LEARNT WITH NEW GENERAL LABOUR INSPECTORATE

- (a) Labour Department must pivot and be in a continuous change mode to remain current with trends in the changing world of work and to also proactively plan for the future labour market needs.
- (b) Right fitting the Labour Department for greater labour law compliance requires expansion of the human capital (people), broadening of the analytical/cognitive abilities (skill set of labour officers) and a simultaneous expansion in digital systems to strengthen service deliver, data analysis and reporting
- (c) Establish a common platform of key indicators synchronized with Regional and global targets. Firm commitment to shared goals and targeted outcomes within the strategic Units of the Labour department, as well as at the national and regional levels.
- (a) Geo-referencing and digital dashboards are effective platforms for real-time analysis and evidence-based interventions



# KEY LESSONS LEARNT WITH NEW GENERAL LABOUR INSPECTORATE

- e) Immediate strategies are required to ensure compliance of entities operating in a fully virtual space. Digital systems (apps) for online monitoring and system of sanctions/penalties are required urgently to prevent mayhem in the virtual work environment,
- f) Multi-sectoral mapping and sharing of data-sets has led to greater synergy and achievement of strategic outcomes e.g fisheries and labour (collaboration for strengthening work permit compliance and eliminating child labour aboard local and foreign vessels)
- g) Cross-border labour relations is becoming more important as the dynamics of employment changes to facilitate employees staying local and working global.
- h) Increased planned inspections as part of the preventative strategy to encourage greater labour law compliance.

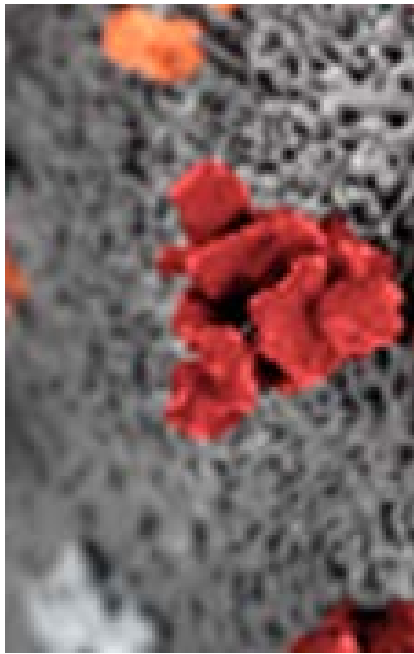


# POLICY RECOMMENDATIONS TO INCREASE LABOUR LAW COMPLIANCE

- (a) Establish guidelines for Cross-border contractual engagement including flexible employment and dispute resolution for remote workers.
- (b) Key labour inspection modalities to track labour law compliance for entities operating in a fully virtual environment.
- (c) Increased focus on gender in data collection and analysis to address inequalities in the labour market and gender-specific labour law compliance issues.
- (d) Strategies to tackle and prevent informality using innovative technology in labour inspections (Risk Identification Model – showing geographical locations and industries most at risk of increased informality)
- (e) Focused strategy for public education on labour standards for employers and workers in industries with predominantly micro and small entities including the orange economy
- (f) Remote inspection strategies to increase labour law compliance in domestic work and the wider care economy







THE END

THANK YOU