**INTERNAL PROCEDURE**

**MANUAL**

**(UAV INSPECTION)**

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| **OBJECTIVES** |

The use of video recording and photo equipment in labor inspection planning and execution is a supportive tool for identifying establishments to be inspected, aiding in the detection of unregistered labor, child labor, working conditions related to safety and hygiene, forced labor, and human trafficking for labor exploitation. Additionally, its use in inspecting large or difficult-to-access establishments allows for a comprehensive understanding of the environment, georeferencing of positions, image collection, distance, perimeter, and surface calculations, as well as identifying various access points to potential inspection targets.

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| **GENERAL CLARIFICATIONS** |

As established in Point 8 of the GENERAL PROTOCOL FOR THE USE OF FILMING DEVICES IN LABOR INSPECTIONS, Annex to MTEySS Resolution No. 17/2017, this Manual aims to describe and systematize the Internal Procedure that the National Inspection Directorate will use, delegating responsibility to the Directorate of Operational Programming in the execution and operation of Unmanned Aerial Vehicles (UAV) equipped with video recording and imaging devices as an auxiliary tool in inspections conducted within the Ministry’s jurisdiction in labor and social security inspections. This includes developing criteria for the operation and management of Equipment, Drone Service Requests, Drone Usage, Operational Setup and/or Perimeter Verification, Operational Execution of UAVs, Data Management and Storage, Classification, and Information Transfer.

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| **OPERATION AND MANAGEMENT OF EQUIPMENT** |

Agents tasked with operating an Unmanned Aerial Vehicle will be designated by the Directorate of Operational Programming or as assigned by the National Inspection Directorate and must hold authorization issued by the National Civil Aviation Administration (ANAC, by its acronym in Spanish), per the provisions of ANAC Resolution No. 527/2015, or its future equivalent. The necessary tools and training to obtain such authorization (unmanned aerial vehicle pilot registration) will be provided by the jurisdiction.

Once registered, agents may operate aerial vehicles in services requested and authorized by the responsible Authority (Directorate of Operational Programming) or a superior authority. It is essential, though not mandatory, for the Drone Operator to be a labor inspector from the jurisdiction or, failing that, for technical personnel to be accompanied at all times by an inspector familiar with the area being inspected, who will provide instructions for operating the Drone (including when to start capturing images, from where, the zone, etc.).

The Directorate of Operational Programming (DPO) will oversee and supervise the services requested by the Regional Directorates and/or Territorial Agencies and the guidelines for their use during inspections conducted by its inspection corps.

**DRONE SERVICE REQUESTS**

The highest authority of the Regional Directorates, Territorial Agencies, or the Federal Inspection Directorate must request the inclusion of Drone use in the inspection from the Directorate of Operational Programming according to the requirements established in Annex I, no less than 10 calendar days before the inspection and/or perimeter verification date. The DPO will authorize UAV use for requests meeting the requirements based on priority, operational capacity, and/or urgency.

**DRONE USAGE**

**Use of Drones in Inspection Planning**

1. The use of aerial images for inspection planning will be a supplementary tool to those already in place, particularly in cases where their special characteristics require more advanced technology to enhance the effectiveness of gathering accurate information about the objectives to be inspected.
2. The use of these devices will be managed by the Directorate of Operational Programming through the **Central Planning Department**, with authorization from the National Inspection Directorate, at the request of the Regional Directorates, Territorial Agencies, the Federal Inspection Directorate, or authorities that, in the future, have labor inspection and/or unregistered labor inspection powers in their organic actions. They may be used in activities conducted in rural areas, areas of difficult access, and/or where obstacles may hinder the inspection task due to factors such as the size and boundaries of the area to be inspected, the number of workers employed, and in specific inspection operations where the use of this auxiliary tool is justified.
3. Before using this tool, several elements should be considered to determine its appropriateness. Some particularities of the selected target should be reviewed (pre-visualizing using programs like Google Earth to get an initial view of the terrain, cadastral data, PNRT history, data provided by other public or private organizations, proposals from various social actors such as trade unions and/or business chambers).
4. Once the areas to be filmed have been selected, the person responsible for carrying out the reconnaissance tasks will determine the start and end times of video recording, the location of the device, the exact places where the piloting will be conducted, and any other relevant instructions to obtain better identification of the targets. Once the images are obtained, the responsible party must secure the memory card or device where the media resulting from the recordings is stored in a sealed envelope, attaching a form with reference data. This material will remain under the custody of the responsible party, who will deliver it to the administrative headquarters.
5. The responsible party designated by the National Inspection Directorate through the Directorate of Operational Programming will download the video from the memory card or device where the recorded content resides into the corresponding management application. During this process, they must generate the corresponding metadata by completing the mandatory and additional fields required by the application based on the initial configured parameters to enable efficient media searches later[[1]](#footnote-1).

The content produced from the video inspections will be stored by the application in a Data Bank (Data Storage System) within the main DC and subsequently replicated to the second DC, generating secondary copies. From this point on, the content will be available in the application for access by authorized personnel, both locally and remotely, via a web application with secure access levels through various logins.

This content will be stored in the Data Storage System located in the Main DC and the Secondary DC for as long as the National Inspection Directorate (D.N.F.) deems necessary. This retention period will be configured in the application by the responsible parties of the National Inspection Directorate through the Directorate of Operational Programming so that the application manages them during the indicated retention period. This period may be as short or as long as the D.N.F. decides, and the retention of the content will be the exclusive responsibility of the National Inspection Directorate. After this period, the materials will be deleted. To centralize the solution with a provider with knowledge and experience in managing audiovisual solutions, it will be valued that the provider covers both aspects (DC + Media Management Applications), along with implementation and local support services. Furthermore, the main solution to be installed must be in a DC within the Autonomous City of Buenos Aires (CABA), and the infrastructure must be physical (not virtual).

Only those with the necessary permissions granted by the National Inspection Directorate (Electronic Authorization Form with access levels) will have access to these images.

1. If children are identified working during inspection planning through Drones, the Procedure for Inspecting Prohibited Child Labor must be applied, as outlined in the Material for Inspecting Child and Adolescent Labor (<https://trabajo.gob.ar/downloads/inspeccion/2017_guia_de_inspectores.pdf>)
2. If during the inspection planning process, signs of potential human trafficking or related crimes are detected, the Unified Protocol of Articulation contained in JGM Resolution 1280/15 must be applied.

**CHAPTER 2:**

**Use of Drones in the Inspection Process**

***2.1 Decision to Use Drones***

The use of this equipment will be determined by the National Supervision Directorate, delegating the task to the Operational Programming Directorate or a higher authority, considering that its use is aimed at:

* Surveying rural targets and large establishments to allow the visualization of individuals in work situations from above.
* Monitoring access points (entry and exit), the dimensions of establishments, and/or their building characteristics, which are easily visible from above.
* Identifying children working prior to or at the start of the inspection process, and communicating such indications to the operational coordination. In case of identifying, at the beginning or during the inspection, signs of possible human trafficking or related crimes.
* Any other anomalous situation deemed relevant for worker supervision.

Once the decision to use the drone is made, at the request of the Regional Directorates, Territorial Agencies, the Federal Inspection Directorate, or future authorities with labor inspection or unregistered work inspection powers in their organizational functions, the Operational Programming Directorate (DPO) will assign the equipment to a trained inspector (Remote Pilot), who must operate it, or alternatively, accompany the technical personnel trained[[2]](#footnote-2) for the task.

The inspector designated for operation will be responsible for ensuring that the equipment is ready for use (UAV device, batteries, radio, storage device, etc.) before the inspection begins.

***2.2 To supervise the assigned target, the inspector in charge will proceed as follows:***

The inspector will be responsible for operating the devices and setting the navigation route parameters, as well as the start and end times of the flight.

They will observe and communicate to the inspection team the possible entry and exit points for personnel at the establishment and the location of workers.

Based on the activity being inspected, the characteristics of the establishment, and the UAV's flight autonomy, they will evaluate the following flight types:

* Initiating the flight prior to the inspection team's arrival at the establishment to assess the situation before the inspectors address it.
* Initiating the flight at the moment the inspectors enter the establishment to provide information on the location and movement of workers.

**3. The inspector in charge of the DRONE operation will focus on:**

3.1 Detecting individuals engaged in work.

3.2 Monitoring the entry and exit points of the establishment.

3.3 Identifying situations that hinder the collection of information on all workers present in the establishment by the owner or responsible party of the company.

3.4 Highlighting internal, makeshift, and poorly visible structures within the premises, as well as the boundaries of the land pertaining to the rural or commercial exploitation.

3.5 Identifying, to the extent possible, the presence of children working.

3.6 Identifying, to the extent possible, signs of possible human trafficking or related crimes.

3.7 Any other anomalies deemed relevant for the inspection of workers.

**4. If the inspector observes situations that include those mentioned above or other relevant situations for the inspection, they will immediately communicate via radio or cellphone with the team of inspectors inside the establishment to report their observations.**

4.1 If situations are observed that obstruct the inspection process, the inspector must inform the team of inspectors so they can immediately issue a notice to the owner or responsible party of the establishment to cease the obstructive behavior, under threat of issuing an infringement report as per Article 8, Annex 2 of Law No. 25,212.

4.2 If the inspectors inside the establishment issue an obstruction report based on evidence captured by the DRONE, the inspector in charge of the DRONE operation must co-sign the report with them.

4.3 In cases where any filming device captures workers performing tasks that identify non-compliance with safety and hygiene regulations posing a serious and imminent threat to health and/or safety, the inspector must immediately contact the inspectors at the establishment to inform them of the observed conditions. They should proceed to issue a Work Suspension Report, indicating the reasons for the suspension and including the following statement: "The footage has been recorded and is safeguarded by this authority and available for the competent control body." The Local Labor Authority must also be immediately involved. The report must be signed jointly with the inspector in charge of operating the DRONE.

**5. Inspection within the establishment:**

5.1 Inspectors will enter the establishment and identify themselves in accordance with the Procedural Manual approved by Res. MTEySS No. 931/2013.

5.2 Once identified and informed of the reasons for the visit, the inspector must formally notify the owner or responsible party of the establishment that the entire inspection process will be filmed using UAVs.

5.3 If the employer or responsible party does not consent, the inspector will inform them that they are acting under the powers provided by current regulations and that the video inspection will proceed, with a warning of obstruction if they impede the inspectors' work.

5.4 In the inspection reports resulting from the survey, the "Observations" section must include the following text: "This inspection has been filmed, and the footage is safeguarded by this authority."

5.5 If the inspector responsible for the DRONE operation reports situations obstructing the inspection, they must inform the acting inspectors who will notify the owner or responsible party of the observations from the DRONE and demand that they cease the obstructive action.

5.6 If the owner or responsible party persists in obstructing the inspection, the inspectors will grant a reasonable deadline for reconsideration based on the case circumstances.

5.7 If the obstructive attitude persists, an infringement report for obstruction of the inspection will be issued as per the ST-DIT-SSF-05 “*Instructive for completing actuarial instruments of the the "Manual of Procedures for the Inspection of Unregistered Labor"*, taking into account the following model text for its specification: ***"This document is prepared due to the refusal to allow the inspection of workers observed working within the establishment, whose images were recorded and obtained today using filming devices (UAVs), and which are now safeguarded by this enforcing authority."***

5.8 After issuing the report, the acting inspectors will request the signature of the DRONE operator on the report.

**6. Information Safeguarding:**

6.1 Immediately after the inspection, the inspector responsible for operating the DRONE must store the memory card or media containing the footage in an envelope, along with the registration form attached in **Annex I** to identify the footage with the corresponding survey.

6.2 The inspector will deliver the envelope containing the memory card and completed form to the administrative office responsible for entering the information into the management application.

6.3 The agent will upload the video inspection information into the management application.

6.4 Once the video is uploaded to the content management application and the information has been correctly transferred to the database, with the master and copies generated, the agent will delete all audiovisual information obtained from the SD memory card or other media used for the video inspection.

**CHAPTER 3:**

**DOCUMENTAL VERIFICATION AND INSTRUCTION**

**3.1 Procedure P.N.R.T. – Receipt of Actuarial Instruments:**

3.1.1 The administrative agent assigned by the Operational Programming Directorate receives the complete actuarial instruments. In cases where inspections are carried out within the country, Regional Directorates or Territorial Agencies will assign administrative agents responsible for receiving the complete actuarial instruments.

3.1.2 If the owner or responsible party does not impede the inspection:

3.1.2.1 If the accused or their duly accredited representative appears before, during, or after the hearing and requests to view the footage obtained during the inspection, they will be provided with the necessary form to complete, as outlined in Annex II.

3.1.2.2 Notification of Denial of Access to Video Inspection: The Regional Delegate or the Federal Inspection Director, as appropriate, will sign the denial document following the model in Annex III and proceed with its notification.

3.1.2.3 If the accused submits a written objection to the denial of access to the video inspection, it will be processed internally, creating a File 1, and the objection will be resolved by the office handling the PNRT File. The objection file will not be added to the PNRT File, which will continue separately until resolution.

3.1.2.4 According to the personal data protection regulations, access to the video inspection will be granted only if there is a judicial resolution ordering such a measure. In this case, the interested party will be notified that they can view the video footage through the website, with a password provided for accessing the site and viewing the footage.

3.2 Procedure Law No. 18,695 – Case where the owner or responsible party impedes the inspection (Obstruction):

The numbering of the forms used in the Obstruction Reports will be verified. This stage of the procedure is regulated by Articles 5 to 9 of Law No. 18.695 and, subsidiarily, by the National Administrative Procedures Law (Law 19.549 and its regulations) and the Civil and Commercial Procedural Code of the Nation (CPCCN, by its acronym in Spanish).

3.2.1 Summary Instruction: The summary will be labeled in the MESA System, with the Obstruction Report serving as the summary's lead document. If the employer's address is within the Regional Delegation's territorial jurisdiction, an administrative summary will be initiated according to Law 18.695.

If the address is outside this jurisdiction, the labeled Summary will be sent to the competent Regional Delegation.

3.2.2 Summary Preparation and Hearing Summons: The summary preparation must include:

* Cover page: The initial page of the summary showing the number and name of the accused employer. The cover page should not be numbered.
* Accusatory instrument: The Obstruction Report detailing the alleged violations.
* Supporting Documents: Survey forms, documentation receipt reports, document requests, INDI-CFed report, and other actions preceding the violation charge.

After summary preparation, a hearing will be scheduled according to Article 7, and the Summary will proceed until final resolution per Law No. 18.695.

3.3 If the accused or their duly accredited representative appears before, during, or after the hearing and requests to view the footage obtained during the inspection:

3.3.1 Notification of Denial of Access to Video Inspection: The Regional Director, Territorial Agency Chief, or Federal Inspection Director, as appropriate, will sign the denial document following the model in Annex III and order its notification.

3.3.2 If the accused submits a written objection to the denial of access to the video inspection, it will be processed internally, creating a File 1, and the objection will be resolved by the office handling the Summary. The objection file will not be added to the Summary, which will continue its processing until resolution.

3.3.3 According to personal data protection regulations, access to the video inspection will be granted only if a judicial resolution orders such a measure. In this case, the interested party will be notified that they can view the footage through the website with a password provided for access.

**4. Reasons for Denial of Access to Video Inspection:** Under Article 17 of Law 25.326 on Personal Data Protection, access to registered information may be denied for the following reasons:

Subsection 1) – Data bank managers or responsible users

* For national defense
* Public order and safety
* Protection of third-party rights and interests.

Subsection 2) – Personal data information:

* When it could obstruct ongoing judicial or administrative proceedings related to tax or social security compliance
* The performance of health and environmental control functions
* The investigation of criminal offenses
* The verification of administrative infractions

These reasons apply both to procedures governed by Res. MTEySS No. 655/05 and those established by Law 18.505. A model of the denial document is provided in Annex III.

**5. Closing of the Instruction phase and Sending to the Directorate of Inspection Resolution (DRF by its acronym in Spanish) for resolution:** Once the evidence has been gathered, the case file is ready to be forwarded to the Directorate of Inspection Resolution for the issuance of the administrative act. Closing the investigation involves a comprehensive assessment of the case file to ensure full compliance with the guidelines set by the applicable regulations.

**CHAPTER 4:**

**IMAGE STORAGE – MONITORING CENTER**

4.1 Agents assigned to the Monitoring Center for image storage will be designated by the National Inspection Directorate, receive relevant training (equipment use and regulations), and sign a confidentiality agreement.

To safeguard personal data and comply with current regulations, access to the Monitoring Center will be restricted to authorized personnel, with external personnel allowed only by express authorization.

4.2 The authority of the Regional Directorates, Territorial Agencies, Federal Inspection Directorate, or future authorities with inspection powers must inform the National Inspection Directorate (D.N.F. by its acronym on Spanish) of the following details: activity and/or area of inspection; start date and time; estimated end time; coordinates and confirmation of 4G or Wi-Fi connection (if available); responsible inspector. The Directorate of Operational Programming (DPO) will assign the personnel responsible for operating the UAVs, specifying the quantity and types of equipment to be used; equipment IDs; memory card IDs; and all necessary equipment for carrying out the required inspection activity.

4.2.1. Prior to the inspection, establish communication with the responsible inspector and verify remote viewing of the images and/or sounds captured by the equipment.

4.2.2. If the technological means permit, establish a connection and remote viewing of the images and/or sounds captured by the equipment.

4.2.2.1. If remote connection is achieved, the Monitoring Center may be used, in the designated space for this purpose, by the relevant authority to view the inspection live, allowing interaction with field agents.

During the video inspection process, the Monitoring Center will not only be able to view the contents but also capture them live and upload them to the application.

4.3. The resulting information captured by the Monitoring Center will be stored on the server, and all other records of the same (such as hard drives or SD cards) must be destroyed and/or formatted.

4.4. If remote connection was not achieved, the relevant Delegation authority must send the SD cards or medium containing the inspection footage to the Monitoring Center, where they will be stored on the server according to the guidelines provided by the Ministry's Directorate of Information Technology and Technological Innovation.

4.5. Once the inspection is completed, the inspectors responsible for operating the drone and personal cameras must provide information on 4G connectivity in the inspected areas or areas where intelligence and/or reconnaissance tasks were performed. With the gathered 4G or Wi-Fi connectivity information, a map will be generated showing the detected connection zones.

4.6. Retention and Archiving Period for Information: The images to be entered into the DC (Data Center) will be those resulting from inspections where illicit activities, crimes, and/or irregularities within the Ministry's jurisdiction have been detected.

Records of images and sounds showing irregularities sanctioned by this Ministry will be archived for a period of three (3) months following the date the sanctioning resolution becomes final. After this period, the records will be deleted.

Records of images and sounds contained in the Data Bank where illicit activities and/or the presumption of criminal offenses that lead to a relevant complaint have been verified will be archived until they are requested and sent to the intervening court.

4.7 Upon request by the competent authority (internal or external), the relevant information will be provided to the interested party in accordance with current regulations and/or as per a resolution issued by the Directorate of Inspection Resolution.

4.8 The operators of the Monitoring Center will be responsible for deleting the images according to the instructions provided by the competent authorities.

**CHAPTER 5:**

**COMMUNICATION TO AUTHORITIES**

Upon detecting images and sounds that reasonably suggest the potential commission of illegal activities, immediate communications must be sent to ensure the efficient intervention of the competent authorities. In this regard, appropriate measures must be taken to safeguard, maintain confidentiality, and ensure the security of the recorded images and sounds.

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1. In the event of detecting errors such as mandatory fields left blank, the application will not allow the information to be saved and will highlight potential solutions that the operator must select in order to continue with the process. The application will highlight these fields in color and, by positioning the mouse pointer over them, will indicate a possible solution. However, it will not permit saving the content if the mandatory fields are not completed. [↑](#footnote-ref-1)
2. Until there are inspectors who have the certification for drone operation granted by the ANAC, the Remote Crew will consist of the technical personnel operating the drone, who will be accompanied at all times by an inspector familiar with the area where the oversight is being conducted. The inspector will provide instructions on how to operate the drone, including when to start taking images, from which locations, the area, etc. [↑](#footnote-ref-2)