

**Terms of Reference of
ASEAN Labour Inspection Committee
and
ASEAN Labour Inspection Conference**



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The Association of Southeast Asian Nations (ASEAN) was established on 8 August 1967. The Member States are Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam. The ASEAN Secretariat is based in Jakarta, Indonesia.

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The ASEAN Secretariat
Jakarta

Terms of Reference of the ASEAN Labour Inspection Committee and ASEAN Labour Inspection Conference

A. Background

1. Labour inspection is an essential part of any country's labour administration system, exercising the fundamental function of labour law enforcement and compliance promotion. Labour inspection institutions have a two-fold nature. On the one hand, they supervise the enforcement of labour laws, particularly with regard to workers' rights. On the other hand, labour inspectorates provide information and advice, as well as training. This dual nature means that labour inspection is a well-suited tool for good governance as well as ensuring fairness in the workplace. Labour inspection ensures protection for workers and also encourages business sustainability.

2. The functions of the system of labour inspection shall be:
 - a. To secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, safety, health and welfare, the employment of children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors;
 - b. To supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions; and
 - c. To bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions.¹

¹ Article 3 of the ILO Labour Inspection Convention, 1947 (No. 81). The ILO's Labour Inspection (Agriculture) Convention, 1969 (No. 129) contains nearly identical provisions in Article 6.

3. Effective and efficient labour inspection systems contribute to the purposes of ASEAN as stipulated in Article 1 (11) of the ASEAN Charter to enhance the well-being and livelihood of the peoples of ASEAN by providing them with equitable access to opportunities for human development, social welfare and justice. They also contribute to the ASEAN Socio-Cultural Community Blueprint 2025, particularly its Strategic Measure to promote non-discriminatory laws, policies and practices by developing effective, responsive, accountable and transparent institutions at all levels.

4. Recognising the importance of labour inspection, the 21st ASEAN Labour Ministers Meeting (ALMM) on 24 May 2010 in Ha Noi, Viet Nam agreed on the organisation of an ASEAN Labour Inspection Conference among ASEAN Member States and its partners to share experiences and good practices on the organisation and operation of national labour inspection systems, so as to come up with recommendations for enhancing the capacity and cooperation of labour

inspection across ASEAN Member States towards building a strong and developed ASEAN Community. The 21st ALMM also adopted the ASEAN Labour Ministers' (ALM) Work Programme 2010-2015 which highlighted the importance of building capacity for labour inspectors in implementing labour laws and the need to organise the ASEAN Labour Inspection Conference on a regular basis under the purview of the SLOM's Working Group on Progressive Labour Practices to Enhance the Competitiveness of ASEAN (SLOM-WG).

5. Recognition of the importance of labour inspection among ASEAN Member States is anchored in the ALM' Work Programme 2016-2020, the SLOM-WG Work Plan 2016-2020, ASEAN-Occupational Safety and Health Network (ASEAN-OSHNET) Plan of Actions 2016-2020, and ASEAN Guidelines on Essential Workplace Action for Enterprises on the Prevention and Management of HIV and AIDS in ASEAN Member States which were adopted by the 24th ALMM on 15 May 2016 in Vientiane, Lao PDR. One of the thematic areas of the

ALM' Work Programme 2016-2020 and 2021-2025 is strengthening labour inspection which will contribute to ensuring harmonious, safe and progressive workplaces. Corresponding to this, the continuation of the ASEAN Labour Inspection Conference as a regular event is one of the activities in the SLOM-WG Work Plan 2016-2020 and 2021-2025. As reflected in their respective work plan, SLOM-WG and ASEAN-OSHNET also agree to collaborate with each other in strengthening labour inspection in the region.

6. The ASEAN Labour Inspection Conference has been convened regularly since 2010 and hosted by ASEAN Member States on voluntary basis. As recommended by the 5th ASEAN Labour Inspection Conference on 11-12 November 2015 in Yogyakarta, Indonesia, the list of ASEAN labour inspectorate focal points was developed and has been updated regularly. The 12th SLOM-WG Meeting held on 6-7 August 2019 in Chiang Mai, Thailand, agreed on the alphabetical rotation of the host countries

starting from the 10th Conference hosted by Brunei Darussalam in 2021.

7. The 8th ASEAN Labour Inspection Conference on 18-19 December 2019 in Bangkok, Thailand, recommended SLOM to consider elevating the ASEAN Labour Inspection Conference to be a subsidiary body of SLOM that will facilitate cooperation among labour inspectorates in areas of mutual interest. SLOM agreed to strengthen the relations among labour inspectorates of ASEAN Member States and promote their cooperation by institutionalising it as the ASEAN Labour Inspection Committee. The Committee will meet back-to-back with the ASEAN Labour Inspection Conference and report to the SLOM-WG. The modalities of the Committee are reflected in this updated Terms of Reference which was endorsed ad-referendum by SLOM on 31 August 2021 and subsequently adopted by the ALMM on 29 October 2021.

B. Objectives

8. The objectives of the ASEAN Labour Inspection Committee are to:
 - a. facilitate sharing of knowledge, best practices and innovations to support high enforcement of legal provisions relating to work conditions and protection of workers in ASEAN Member States;
 - b. promote regional cooperation and cross-sectoral coordination to strengthen the efficiency and effectiveness of labour inspection in the hard-to-reach sectors and referral systems;
 - c. consider the Recommendations of the ASEAN Labour Inspection Conferences and initiate implementing actions at regional level towards harmonious, safe and progressive workplaces across ASEAN Member States by taking into account the priorities and resources of the ASEAN Labour Inspection Committee;

- d. supply technical information and advice to the ASEAN Confederation of Employers (ACE), ASEAN Trade Union Council (ATUC), ASEAN Services Employees Trade Union Council (ASETUC) and relevant ASEAN Sectoral Bodies concerning the most effective means of complying with labour laws.
- e. increase the capacity and professionalism of labor inspectors in ASEAN.
- f. promote collaboration on cross border labour related cases.
- g. promote collaboration, supply technical information and advice to the ASEAN Confederation of Employers (ACE), ASEAN Trade Union Council (ATUC), ASEAN Services Employees Trade Union Council (ASETUC) and relevant ASEAN Sectoral Bodies concerning the most effective means of complying with labour laws.

9. The objectives of the ASEAN Labour Inspection Conference are to:
- a. share update information, knowledge and experiences on policies, strategies, legislations, good practices and innovations as well as challenges and solutions pertaining to achieving workplace compliance through labour inspection, both in the areas of general working conditions and occupational safety and health;
 - b. build and sustain the network of labour inspectors in ASEAN in order to enhance labour inspection capacity and professionalism of ASEAN Member States; and
 - c. promote the professionalism of each ASEAN Member State in all aspects of labour inspection so as to promote compliance with labour laws and regulations.

C. Organisational Arrangements (Refer to ANNEX 1)

C.1. ASEAN Labour Inspection Committee

10. The Committee comprises of Labour Inspectorate Focal Points of ASEAN Member States and reports to SLOM-WG.
11. The regular Meeting of ASEAN Labour Inspection Committee is convened annually, back-to-back with the ASEAN Labour Inspection Conference. Engagement with any external party in the Meeting shall be decided by the Focal Points in accordance with paragraph 14 below.
12. The ASEAN Labour Inspection Committee shall adopt a consultative and consensus approach in its decision making process in accordance with Article 20 of the ASEAN Charter.

C.2. ASEAN Labour Inspection Conference

13. The ASEAN Labour Inspection Conference shall be conducted annually.

14. Potential participants in the ASEAN Labour Inspection Conference include the following:
- a. ASEAN Labour Inspectorate Focal Points;
 - b. Other representatives of labour inspectorate of ASEAN Member States including association of labour inspectors;
 - c. Representatives of Occupational Safety and Health (OSH) and/or other relevant department of the ministry of labour of ASEAN Member States, association profession on OSH, and other relevant parties;
 - d. Representatives of International Labour Organization (ILO);
 - e. Representatives of the ASEAN Secretariat;
 - f. Representatives of regional social partners (ACE, ATUC and ASETUC);

- g. Resource persons of relevant international and regional organisations as well as civil society organisations (e.g. IALI, IOM, UN Women, etc.); and
 - h. Resource persons from ASEAN Dialogue Partners (e.g. China, Japan, ROK, New Zealand, and Australia).
15. Invitations by the host country to other ASEAN Member States will be communicated through ASEAN Labour Inspectorate Focal Points, SLOM-WG focal points and ASEAN-OSHNET focal points.

C.3. Focal Points

16. The Labour Inspectorate Focal Points of each ASEAN Member State shall be composed of one senior representative in charge of labour inspection duly designated by each ASEAN Member State as the head of delegation and supporting officials from labour inspectorate and/or other relevant departments.

17. The ASEAN Labour Inspectorate Focal Points are responsible to regularly update their respective composition and contact details for the purpose of invitation and information sharing in between the Conferences and Meetings, and to communicate any changes to the ASEAN Secretariat.

C.4. Host Country, Chairmanship and Vice-Chairmanship

18. The hosting of the Conference and regular Meeting of ASEAN Labour Inspection Committee shall rotate among ASEAN Member States on alphabetical order starting from Brunei Darussalam in the year of 2021. Confirmation of the host country for the subsequent Conference shall be a standing agenda item at every ASEAN Labour Inspection Conference.
19. The Chairmanship of the ASEAN Labour Inspection Committee is assumed by the host country of the Meeting. The Vice-Chair is the incoming Chair and host country of the next Meeting. The Chairmanship and Vice-Chairmanship will

be rotated annually in the beginning of the Meeting.

20. The Chair of the ASEAN Labour Inspection Committee is responsible for:
 - i) reporting the outcomes of the regular Meeting of ASEAN Labour Inspection Committee, ASEAN Labour Inspection Conference, and other meetings to the SLOM-WG Meeting and ASEAN-OHSNET Coordinating Board Meeting;
 - ii) chairing the Meeting and undertaking appropriate actions to ensure that the Meeting is effective and efficient;
 - iii) encouraging the Committee to initiate regional cooperation, in coordination with SLOM-WG and/or ASEAN-OHSNET, to enhance capacities of labour inspectorates and implement recommendations of the ASEAN Labour Inspection Conference;
 - iv) facilitating, on behalf of the Committee, information sharing, coordination and collaboration with other relevant ASEAN sectoral bodies and stakeholders to support effective

labour law enforcement pertaining to cross-cutting issues such as but not limited to child labour; trafficking in person for forced labour; gender-based violence in the workplace; protection of workers with HIV, workers with disabilities and other vulnerable workers; and occupational health during pandemic.

- v) representing the ASEAN Labour Inspection Committee at international and regional events. The Chair may designate the Vice-Chair or other Focal Points as an alternate representative;
- vi) preparing a handover report for the incoming Chair at the conclusion of its Chairmanship.

21. The ASEAN Secretariat provides administrative support with regard to the organisation of ASEAN Labour Inspection Conference and Meeting of the ASEAN Labour Inspection Committee.

C.5. Theme and Agendas

22. The host country shall consult in advance the proposed theme of the ASEAN Labour Inspection Conference with the ASEAN Labour Inspectorate Focal Points, ASEAN Secretariat and ILO for input and concurrence. The proposed theme may be based on the recommendation of the previous Conference or on emerging issues as proposed by ASEAN Member States.
23. The host country is responsible for developing the agenda of the ASEAN Labour Inspection Conference. The host country may consult the ASEAN Secretariat and ILO in developing the agenda; and decide on topics of discussion and proposed speakers who may be from within and outside the region.
24. The Chair of the Committee is responsible for developing the agenda of the Meeting with the support of the ASEAN Secretariat. The agenda shall be circulated to all Focal Points for their consideration, possible comment and adoption at the beginning of

the Meeting. The agenda shall support the objectives of the Committee by incorporating:

- i) a review of progress and achievements in implementing previous recommendations of the ASEAN Labour Inspection Conferences; and
- ii) issues to be deliberated by the ASEAN Labour Inspectorate Focal Points, include matters to be followed up from the previous Meetings.

D. Resource Mobilisation

25. The host country is responsible for the logistics of the Conference and Meeting, as well as associated hosting costs. On a case-to-case basis, the host country may, depending on fund availability, extend its hospitality to the ASEAN Labour Inspectorate Focal Points by providing complementary accommodation. The Conference and Meeting may also be convened virtually.

26. Delegates shall cover their own participation costs.
27. Funding support from the ILO and/or other sources may be sought, as necessary, to support participation costs of ASEAN Member States and/or to assist the host country in organising the Conference.

E. Monitoring of the Recommendations of the ASEAN Labour Inspection Conferences

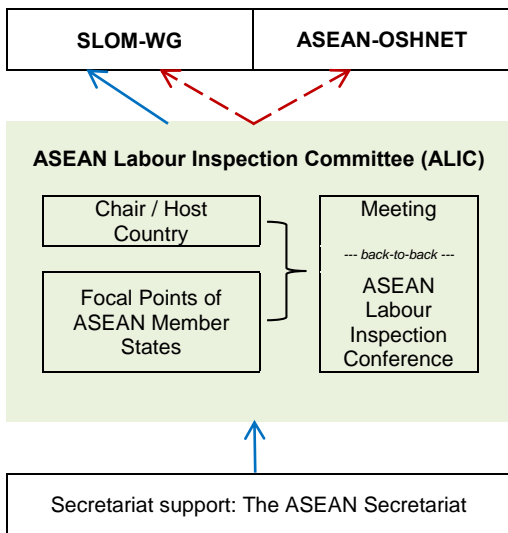
28. ASEAN Labour Inspectorate Focal Points together with SLOM-WG and ASEAN-OSHNET will report on how ASEAN Member States have strengthened the capacities of labour inspectorates towards achieving the Key Result Areas of the ALM' Work Programme 2021-2025.

F. Amendment

29. This Terms of Reference may be amended in future as deemed necessary and based on consensus of ASEAN Member States. Any amendment agreed by the ASEAN

Labour Inspection Committee shall be consulted with SLOM for endorsement and subsequent adoption by ALMM.

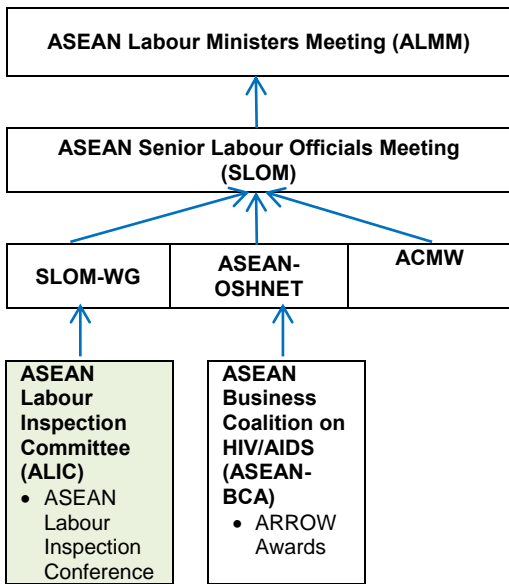
ANNEX 1



→ = Reporting line

- - - → = Coordination and cooperation line

Overall structure



List of ASEAN Labour Inspection Conferences in 2010 - 2021

	Venue and Dates	Themes
The 1 st ALIC	Ha Long, Viet Nam, 13-14 October 2010	-
The 2 nd ALIC	Dong Nai, Viet Nam, 15-16 March 2012	-
The 3 rd ALIC	Bali, Indonesia, 3-4 July 2013	-

	Venue and Dates	Themes
The 4 th ALIC	Manila, Philippines, 3-4 July 2014	-
The 5 th ALIC	Yogyakarta, Indonesia, 11-12 November 2015	Enhancing Labour Inspection through Information and Communication Technology
The 6 th ALIC	Putrajaya, Malaysia, 28-29 November 2016	Combating Unacceptable Forms of Work through Labour Inspection

	Venue and Dates	Themes
The 7 th ALIC	Ho Chi Minh City, Viet Nam, 27-28 September 2018	Strategic Labour Inspection for Decent Work Including in Global Supply Chains
The 8 th ALIC	Bangkok, Thailand, 18-19 December 2019	Securing Decent Work in the Fisheries Sector through Labour Inspection in ASEAN
The 9 th ALIC	Virtual, hosted by Singapore, 27-28 May 2021	Strengthening Labour Inspection Capability in the Post COVID-19 Era

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