

PORTUGAL. INSPECTION ACTIVITIES

Title of the inspection activities: **Health and safety for temporary workers**

Duration of the inspection activities: **12 months**

Aim of the inspection activities: **Ensure that temporary workers benefit, in terms of occupational health and safety, from the same level of protection as other workers in the company and/or user establishment.**

Scope of the inspection activities: **Temporary employment agencies, temporary workers, user companies and occupational health and safety services.**

Sector covered by inspections: **Temporary work sector**

The number of establishments inspected in the framework of the activities: **635**

The number of labour inspectors involved in implementing the inspection activities: **169**

The number of persons involved in supervising the implementation of the inspection activities (including development of inspection documents and summarizing results of inspections): **not possible to specificity**

Short summary of the outcome of the inspection activities: **The “Health and Safety for Temporary Workers” Campaign was mainly aimed at temporary employment agencies, temporary workers, user companies and occupational health and safety services. The Campaign’s strategic objective was to stimulate a culture of risk prevention, safety and good practices in the placement and reception of temporary workers and to reduce workplace accidents.**

No.	question	yes/no	comment
Inspection activity			
A. Selecting priority areas for inspection			
1.	What sources of information did you use in selecting the priority area for inspection?		<input checked="" type="checkbox"/> inspectorate's own database of workplace accidents <input checked="" type="checkbox"/> proposals of stakeholders – trade union organizations, others (unions in sectors of activity that are more vulnerable to the use of temporary work, such as construction unions; HORECA unions. <input checked="" type="checkbox"/> EU Strategic Framework on Health and Safety at Work 2021-2027 <input checked="" type="checkbox"/> ILO recommendations (which ones?) Strategic Policy Framework 2010–15 ; Decent Work Agenda (ILO) <input checked="" type="checkbox"/> complaints;
2.	What was the main reason for selecting the inspection priority area?		<input checked="" type="checkbox"/> stakeholders' expectations
3.	What was defined as priority area?		<input checked="" type="checkbox"/> a particular sector(s) of economy
4.	What was the predominant aim of workplace inspections?		<input checked="" type="checkbox"/> to examine the problem <input checked="" type="checkbox"/> to provide the inspected entities with information on legal requirements <input checked="" type="checkbox"/> to provide the inspected entities with information on how to ensure compliance with legal requirements <input checked="" type="checkbox"/> to enforce compliance with the law in the inspected entities
5.	How did you determine the number of entities to be inspected?		<input checked="" type="checkbox"/> other criteria (please specify) The minimum number of organisations to be inspected was established centrally in the action plan. The specific selection was the responsibility of the deconcentrated services, taking into account the criteria defined, such as history of non-compliance;

			number of existing complaints; number of reported accidents at work, and taking into account the number of inspectors working in each of the local centres to carry out the intervention.
6.	What was taken into consideration when determining the number of inspections to be carried out by individual field offices (regions):		<input checked="" type="checkbox"/> the number of entities typical of a given programme in the region; <input checked="" type="checkbox"/> the number of inspectors carrying out inspection tasks in a given region; <input checked="" type="checkbox"/> the hazard level as measured by the rate of workplace accidents;
7.	Were IT tools used to identify the priority area in the described inspection campaign?	NO	
8.	Were IT tools used to identify the target group of inspected entities in the described inspection campaign?	NO	
B. Determining the time span of inspection activities			
9.	How was the breakdown of inspections planned? Were the inspections carried out:		
a)	evenly throughout the whole period of the planned activities	NO	
b)	as a series of intensified inspections in predetermined short periods of time	YES	<input checked="" type="checkbox"/> two inspection periods during the campaign;
10.	What was the average duration of a workplace visit conducted in the framework of the programme implementation (the time it took to complete inspection activities at an individual establishment)?		<input checked="" type="checkbox"/> within one day, no longer than 2 hours;
11.	What was the average duration of the activities carried out in the office of the labour inspectorate (excluding		<input checked="" type="checkbox"/> within one day, between 2 and 4 hours;

	the penal and administrative sanctions)?		
C. Selecting establishments for inspection.			
12.	What criteria were used when selecting establishments for inspection?		<input checked="" type="checkbox"/> the number of workers employed in conditions specifically relating to the subject of the campaign <input checked="" type="checkbox"/> accident rate in a particular workplace <input checked="" type="checkbox"/> the number of complaints concerning a particular company <input checked="" type="checkbox"/> sectoral criterion <input checked="" type="checkbox"/> others (please specify) Please see comment on number 5.
13.	What sources of information were used when selecting establishments for inspection?		<input checked="" type="checkbox"/> inspectorate's own database <input checked="" type="checkbox"/> databases of institutions registering economic activity
14.	Were IT tools used to select specific inspected entities in the described inspection campaign?	NO	
D. Provision of staff for carrying out inspections			
15.	What group of inspectors was involved in the inspection activities?		<input checked="" type="checkbox"/> nearly all inspectors were involved (at least 80%);
16.	How were inspectors prepared for the inspection activities (additional training)?		<input checked="" type="checkbox"/> other (please specify). Two training sessions for LI It should be pointed out that the inspectors have already been trained for the intervention. The training referred to here, focused on the specifics of the Campaign, such as understanding the objectives, criteria and modus operandi.
17.	Were IT tools used to prepare labour inspectors to carry out activities within the described inspection campaign?	NO	

18.	What materials were at the inspectors' disposal during the activities?		<input checked="" type="checkbox"/> the rationale of the inspection activities; <input checked="" type="checkbox"/> description of the inspection activities' objectives; <input checked="" type="checkbox"/> checklists; <input checked="" type="checkbox"/> examples of reactive actions to be taken by inspectors upon identification of typical cases of incompliance; <input checked="" type="checkbox"/> manuals of good practice regarding the issues covered by the inspection activities; <input checked="" type="checkbox"/> promotional and communication materials for employers;
19.	Did labour inspectors use IT tools when carrying out activities within the described inspection campaign?	YES	<p>- A brief description of IT tools:</p> <p>Internal computer program that allows the recording and maintenance of information relating to each employer, namely, inspection interventions, number of workers covered, inspection procedures adopted and a report on each inspection intervention.</p> <p>- IT tools were used :</p> <p><input checked="" type="checkbox"/> when summarizing and documenting the results of the inspection in a specific inspected entity</p> <p>- how did they support the labour inspector in (please provide a short description):</p> <p>- preparation for an inspection?</p> <p>The tool contains the history of inspection interventions and addresses of workplaces</p> <p>- summarizing and documenting the results of the inspection?</p> <p>The report is prepared by filling in pre-existing tabs.</p>
E. Involvement of other regulators, institutions, authorities for labour protection and social partners in the implementation process.			

20.	Can other regulators, institutions, authorities for labour protection and social partners submit their proposals of inspection topics to the inspectorate's plan of work?	YES	Any organisation that identifies irregular situations or phenomena within the scope of ACT's competence can submit suggestions or requests for inspection.
21.	Was the inspection activity the result of a proposal submitted by another regulator, institution, authority for labour protection or social partner?	NO	
22.	Was there any cooperation between the labour inspectorate and another regulator, institution, authority for labour protection or social partner?	YES	Sector and social partners.
23.	At which stage was the cooperation with another regulator, institution, authority for labour protection or social partner initiated?		<input checked="" type="checkbox"/> at the planning stage; <input checked="" type="checkbox"/> at the communication stage regarding the onset of the inspection activity;
24.	What did the cooperation with another regulator, institution, authority for labour protection or social partner involve?		<input checked="" type="checkbox"/> others – please specify: participation in preparation of supplementary materials for employers (OSH guide)
25.	Are there any legal requirements obliging other regulators, institutions, authorities or social partners to make their data accessible to the labour inspectorate for inspection needs?	YES	State bodies are legally bounded to cooperate between them. e.g. Access to identification of temporary work agencies
26.	Does the labour inspectorate have direct online access to information and data collected by other bodies, institutions and authorities?	YES	Social Security - Information on the declaration of the employment contracts of the workers on duty, as well as the employers' compliance with contributions for the respective workers, among others.
27.	What information obtained in the above manner was used for		Please indicate the cooperating institutions and the type of data / information used in the described inspection campaign:

	implementing the inspection campaign?		See reply above
F. Supporting inspection activities with training provided for employers or workers (combining inspection and educational activities)			
28.	Were establishments covered by inspections provided with information or training prior to the commencement of the inspection task ?	YES	<p>Inspective campaign was preceded by an information and an awareness-rising campaign.</p> <p>What percentage of establishments selected for inspections participated in training events (or other forms of provision of information)?</p> <p>The training events were publicly disclosed and all interested parties' participations were accepted.</p>
29.	Is the effectiveness of prior information or training activities taken into account when evaluating the results of the inspections?	NO	
30.	Once the inspection activity is completed , are representatives of inspected establishments provided with recommendations and proposed corrective measures – in the form of guidance or training – regarding the identified compliance level in establishments operating in the field covered by inspection?	NO	<p>What percentage of establishments selected for guidance/training (or other forms of communication activities) actually attended?</p> <p>Since the inspection campaign was preceded by an information and awareness-rising campaign, the warnings and recommendations followed the usual inspective procedures.</p>
G. Monitoring the implementation of inspection activities			
31.	Was the implementation of inspection activities in any way monitored and coordinated?	YES	<p>How many people were involved in monitoring and coordination of the inspection activity?</p> <p>As stated in the beginning of the questionnaire it is not possible to give a concrete number of people involved., but they were mainly members of the</p>

			Inspective Activity Coordination Department. What was the function of those persons in relation to labour inspectors who implemented the activity (fellow labour inspectors, immediate supervisors, national coordinator at the labour inspectorate's headquarters)? Fellow Labour Inspectors, but working at a central level
32.	What was the scope of monitoring and coordinating actions regarding the inspection activity?		<input checked="" type="checkbox"/> assistance in solving problems: over the phone, via email, formally (official correspondence), other (what?) via email, formally (official correspondence) <input checked="" type="checkbox"/> monitoring the implementation level of the developed quantitative plan
33.	Were IT tools used to carry out monitoring and coordination activities as part of the described inspection campaign?	YES	- A brief description of IT tools: Excel sheets - IT tools were used to: <input checked="" type="checkbox"/> monitoring the implementation level of the developed quantitative plan
H. Communicating the information about inspection campaign and its results.			
34.	Did you develop any plan to communicate the information about the inspection activities to:		
a)	stakeholders in the sector covered by the inspection activity ?	YES	What information did the communication plan contain? Rights and duties of all parties; Practical Guide - OSH; Radio Spot
b)	the general public?		What information did the communication plan contain?

			<p>All information tools are available in digital format on the ACT website at www.act.gov.pt.</p> <p>An information booklet containing “Questions and answers on the legal framework for temporary work” and a practical OSH guide are also available at ACT’s website.</p>
35.	What was the scope of information communicated to:		
a)	stakeholders in the sector covered by the inspection activity ?		<p>Rights and duties of the temporary worker</p> <p>Rights and duties of cooperation and information of the temporary employment agency</p> <p>Steps for welcoming and successfully integrating temporary workers</p>
b)	the general public?		Rights and duties of the temporary worker
36.	How was the information about the inspection activities communicated to stakeholders and the general public?		<p>What information did the communication plan contain?</p> <p>Poster;</p> <p>Leaflet "Rights and duties of the temporary worker";</p> <p>Leaflet "Rights and duties of cooperation and information of the temporary employment agency";</p> <p>Leaflet "Steps for welcoming and successfully integrating temporary workers";</p> <p>Information booklet;</p> <p>Practical Guide - OSH;</p> <p>Radio Spot</p> <p>A total of 127 awareness-raising activities were carried out, with approximately 6,430 participants, aimed at temporary workers,</p>

			temporary employment agencies, companies using temporary work, companies providing external OHS services, occupational safety technicians and occupational physicians.
I. Evaluating the results of the inspection activities. Evaluation methods and tools.			
37.	How were the results of inspection campaign evaluated?		
b)	based on the number of legal measures issued	YES	
c)	based on the type of legal measures issued	YES	
d)	based on the number of implemented legal measures	YES	
e)	based on the type of implemented legal measures	YES	
38.	How was the information about the effects of inspection campaign obtained (e.g. about the elimination of irregularities, introduction of higher standards)?		
a)	information provided by the employer		<p>What form did the information provided by the employer have?</p> <p>Measures taken</p> <p>Was the information provided by employers randomly verified by labour inspectors?</p> <p>Yes</p> <p>What is the employer's liability for providing false information?</p> <p>Administrative fines for violation of legal standards</p> <p>What is the ratio of information provided by the employer to the overall pool of information about the effects of inspections?</p> <p>Information not available</p>
b)	information provided by the labour inspector who conducted the next inspection at the workplace		<p>What form did the information provided by the inspector have?</p> <p>Inspection report</p>

			<p>What is the ratio of information provided by the labour inspector who conducted the next inspection at the workplace to the overall pool of information about the effects of inspections?</p> <p>100%</p>
39.	What performance indicators were used to evaluate the effectiveness of the inspection campaign?		<p>Please list and briefly describe the indicators:</p> <p>Number and type of inspection procedures carried out, including number of offences identified; number of voluntary regularisations and number of sanctions applied.</p>
40.	Were IT tools used to assess the effectiveness of the inspection campaign?	NO	
41.	How were the project effects evaluated?		
a)	Was any final summary evaluation of the inspection task (inspection campaign) made?	YES	<p>What was the scope of such evaluation?</p> <p>The evaluation covered the non-inspective and the inspective campaign</p>
b)	Were partial assessments made during the inspection activity?	YES	<p>What was the frequency and scope of such assessments?</p> <p>An intermediate assessment was made in October 2017.</p>
c)	Did you prepare a formal document with evaluation of the inspection activity after its completion?	YES	<p>Was the formal evaluation document prepared by the labour inspectorate or an external evaluator?</p> <p>Please name the entities which conducted such external evaluation.</p> <p>The document was prepared internally.</p> <p>If so, what aspects of the evaluation were included in the formal document? (Please specify and describe the evaluation shortly).</p> <p>Number of LI involved</p>

			<p>Temporary workers benefiting from the action</p> <p>Number of covered employers</p> <p>Number of visited work places</p> <p>Inspection procedures adopted (notifications for immediate OSH actions, warnings, administrative fines)</p> <p>How were the report conclusions disseminated?</p> <p>Internally, by email referring to the link;</p> <p>Externally at ACT's web site, disclosed in the last news banner.</p>
42.	How was the final document utilized in practice?		<p>The final document is a basis for learning and a benchmark for measuring the sector's progress in terms of compliance with the legal framework and fulfilment of legal requirements. A starting point for further action in the sector.</p>