

## PORTUGAL INSPECTION VISITS CARRIED OUT IN PAIRS – A POSITIVE IMPACT FOR OCCUPATIONAL SAFETY AND HEALTH (CASE PT1)

### 1. Introduction

Promoting effective occupational safety and health (OSH) practices is key to safer and healthier workplaces. Improving arrangements and practices for managing OSH across a whole range of industry sectors and firm sizes — large, medium and small — is stimulated, supported and sustained by a range of institutional actors and internal and external processes to firms. Scientific research highlights, among other things, the critical role that state regulators for OSH, such as Labour Inspectorates and prevention services, can play (EU-OSHA, 2021). This case study is part of a research project<sup>1</sup> conducted in Portugal to provide further insight into this topic.

The Portuguese Authority for Working Conditions (Autoridade para as Condições do Trabalho – ACT) currently employs 448 labour inspectors distributed throughout the country's decentralised services (i.e. local centres and units). Within each larger centre, the different teams of labour inspectors are divided according to the activity sectors whose codes are defined in the Portuguese Classification of Economic Activities (CAE<sup>2</sup>). The team allocated to each CAE code rotates every four years, to ensure that inspectors engage with all economic sectors, as the inspection follows a generalist model. While each inspective process<sup>3</sup> has just one inspector as a process holder (i.e. formally responsible for the process), whether for reactive or proactive inspections, inspection visits are generally carried out by two inspectors at a time (ACT, 2019). Those pairs usually also rotate within the teams.

This form of organisation — carrying out inspective visits in pairs — is a traditional practice in Portugal and will be the focus of this case study. It has been described as an example of good practice in OSH compliance carried out by labour inspectors. The benefits of this form of work organisation include learning from more experienced colleagues in a specific field, having a second witness to the situation under analysis, dealing more effectively with situations of violence against labour inspectors, task division during inspective visits and the guarantee of the complainant's anonymity during reactive inspections.

### 2. Description of the case

Since the beginning of ACT, labour inspectors have always conducted their regular visits in pairs. Each service has the autonomy to constitute the pairs for the planned visits, regarding the experience and availability of each inspector. Although the utilisation of human resources associated with this practice means that two labour inspectors must be deployed simultaneously to the workplaces being visited, the inspectors generally recognise this method of work organisation as beneficial, even in terms of the efficiency of each visit.

<sup>1</sup> The full report is available at: <https://osha.europa.eu/en/publications/portugals-approach-supporting-occupational-safety-and-health-compliance-role-labour-inspectorate-and-prevention-services>

<sup>2</sup> CAE is aligned with the International Standard Industrial Classification of all economic activities (ISIC) and NACE.

<sup>3</sup> A series of duly documented and organised actions conducted by a labour inspector during a fiscal intervention to ensure adherence to labour and occupational safety and health (OSH) laws (ACT, 2019). The inspective process begins once it enters the system and is assigned a number, concluding when the process holder considers the issue under analysis resolved. There is no deadline for this; however, one of the criteria for evaluating the inspectors is the number of pending processes. Nevertheless, the conclusion of the process may be delayed for several reasons (e.g. hold-ups in the employer sending the requested documents, as well as further questions arising after the inspector receives these documents).

## Aims

The primary purpose underlying this practice, which has warranted its persistence over several decades, is to ensure the safety of inspectors<sup>4</sup> during the inspection process. Additionally, it emphasises the importance of having a second witness present throughout the entirety of the inspection. The benefits experienced by inspectors have served as significant justifications for the continued adherence to this practice over time.

Having two labour inspectors conducting inspective visits aims to foster a collaborative and safer working environment for the inspectors. It integrates different perspectives, professional backgrounds and knowledge into the inspective action, allowing one colleague to complement the work of the other (Weissbrodt, 2018), thus also strengthening the social support between them and the efficiency of each visit.

Regarding how inspective visits in pairs are conducted, it is important to emphasise the flexibility afforded to decentralised services in determining the composition of these pairs. Typically, the pairing system operates on a rotation basis; however, it may also be structured in a fixed manner for a designated timeframe. Moreover, various criteria can be employed in the formation of these pairs, such as the inspectors' training background or their areas of specialised expertise. There is a clear recommendation regarding the pairing of inspectors with different levels of experience (e.g. inspectors with less seniority are generally paired with more experienced inspectors), aligned with the International Labour Organisation's (ILO) recommendation for less experienced inspectors to be accompanied by more experienced inspectors for the technical-practical training process of inspection activities (ILO, 2023). One of the Portuguese inspectors mentioned that more experienced inspectors usually accompany new inspectors to stimulate knowledge exchange. This is described as a form of dealing with possible limitations posed by the generalist approach that the Portuguese Labour Inspectorate follows, especially in situations that may require specialised knowledge to intervene:

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*'We're constantly learning from each other. ... after a few years, perhaps we all acquire tendencies. Some are better, and others are worse. And I think sharing [information] with colleagues and going out with colleagues from different generations enriches us. So, I think it's good.'* (Labour inspector, Female, 28 years of seniority)

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In addition, some inspectors have described inspection visits carried out by two as a protective factor when handling conflictual situations, such as when there is a risk of violence against them (Weissbrodt, 2018), and also for the gathering of evidence to be used as proof in court:

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*'One of the topics I work on in my training is the risk of violence against labour inspectors, particularly physical violence. It's much safer to have two people than just one because the risk is where you least expect it.'* (Labour inspector, Female, 26 years of seniority)

*'It's teamwork, even to protect ourselves ... because we're inspectors and nobody likes to be visited by inspectors. It's also to defend ourselves, right?'* (Labour inspector, Female, 28 years of seniority)

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<sup>4</sup> To reinforce the safety of the labour inspectors, in 2014, the 'Working Group for the Prevention and Management of Risks in the Activity of Labour Inspectors' was established in Portugal. In addition to the coordinator, it comprises labour inspectors who have training in psychology and law. Its aim is to create conditions for reporting instances of violence against inspectors and to provide training to address these situations from a preventive perspective. Training to handle this type of situation encompasses theoretical aspects related to risk management and communication, alongside simulations of conflict situations and discussions on potential actions that enhance the safety of inspectors. As part of this training, inspectors are also informed about QUEVIT, and in 2015, a year when approximately half of the total registered cases were reported, this increased awareness was regarded as a consequence of the training and the heightened visibility afforded to these issues in this context. Since this group's establishment, approximately 30 incidents of violence against inspectors have been reported through the 'Victimisation Questionnaire' (QUEVIT), created specifically for this purpose by the Working Group, although these figures may indicate an under-reporting of such incidents (data provided directly by ACT).

*'Normally, we go [on inspective visits] with a colleague, an inspector. ... if I conduct an inspective visit, we do it more for safety reasons and also because, in court, it's easier if there are two of us than if we're alone. In terms of producing evidence.'* (Labour inspector, Female, 23 years of seniority)

Furthermore, inspectors mentioned that this practice helps maintain the anonymity of the complainant, who is frequently an employee, in the case of reactive interventions resulting from a complaint. The presence of two inspectors allows each one to focus on different aspects to be assessed and minimises the risk of identifying the person who submitted the complaint.

*'We have a higher directive regarding working as a team, meaning there are two inspectors — each responsible for their own case — but in which a colleague will accompany me to some extent, witnessing my intervention. The idea is for the colleague who is not in charge of the case to assist and participate, which also depends on the dynamic between the two colleagues. But generally, my experience tells me we work as a team. Sometimes, the correspondent [at the site] doesn't even know which one of us is in charge of the case. Although the one who holds the process asks the questions and directs the inspection visit, I never finish the visit without asking my colleague if there is anything important I might have missed.'* (Labour inspector, Female, 28 years of seniority)

In brief, conducting inspections in pairs is justified by the following factors:

- It is a **preventive measure to ensure the safety and health of labour inspectors** regarding risks of physical violence, harassment and intimidation when visiting third-party premises, which are often unknown and/or located in remote areas.
- It is a **measure to prevent workers from fleeing the location** being inspected, as it allows for better control of its access points (entrances and exits), especially in cases involving undeclared work, concealed work and human trafficking [without prejudice to the possibility of involving law enforcement agencies, based on the risks and the size/location of the workplace].
- It acts as a **legal safeguard**, as having a second inspector who personally and directly witnesses a potential infraction is crucial, especially when dealing with practices that can only be observed on-site or in informal labour relationships.
- It is an **operational efficiency measure**, as tasks such as identifying/interviewing employers, workers or other individuals at the workplace, as well as identifying, investigating and collecting evidence of potential violations and preparing inspection procedures, can be conducted more swiftly. At the same time, the inspection activity has a lower impact on the inspected establishment's normal operation and contributes to the harmonisation of inspection practices.
- It contributes to the **individual technical development of labour inspectors**. As ACT operates as a 'generalist' inspection service, covering all sectors of activity and areas of labour relations and OSH, it employs inspectors with diverse academic and professional backgrounds, thus allowing the elements of these pairs to learn from each other.
- It is a **preventive measure against corruption and related risks**, such as: the leaking of information about scheduled actions, which could warn targeted employers; conflicts of interest; irregularities in the drafting of reports on infractions, or their cancellation; and the improper acceptance of gifts, as stipulated in the 'Compliance Program of the Authority for Working Conditions', third version, dated 10 February 2023.

## Target group

This practice primarily targets Labour Inspectorates, as it is considered a preventive measure to ensure the safety and health of labour inspectors. In a larger sense, this practice also targets, for instance, workers in vulnerable situations, as it enhances the operational efficiency of labour inspections and thereby ensures more effective protection for these individuals. However, it can also apply to situations of common inspections with other authorities.

## What was done, and how?

As explained above, the individual responsible for each decentralised service (or team coordinators in larger decentralised services) has the autonomy to define and schedule teams. The commonly used criteria are the inspectors' availability, knowledge, experience and aptitude. It is important to note that, in instances of unplanned visits — specifically those that are urgent or reactive and necessitate immediate intervention — teams are established through an 'on-call' system. This system comprises a rotating cohort of inspectors who are designated and available to respond to such situations.

However, there are still cases where inspectors conduct visits by themselves, particularly when it comes to follow-up visits (e.g. when there has been a prior notification to take action and the new visit aims to ensure that the intervention was carried out within the expected timeframe) or when the decentralised services determine that it is unnecessary to allocate as many resources to the task at hand (e.g. visits to very small and low-risk work contexts).

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*'We are organised [by] divisions. There are about 18 inspectors, and we are divided into three groups. Within the groups, we have a programme of outings, external service, visits to organisations, and then we make teams of two people to conduct inspection visits to organisations.'* (Labour inspector, Female, 23 years of seniority)

*'They rotate within a schedule. For example, in our specific team, there are five of us, and we take turns. I might go out on a Monday with A, and then on a Thursday with B, and the following week I might not be [placed] with any of those two colleagues, although one of them sometimes will be repeated, right?'* (Labour inspector, Female, 30 years of seniority)

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When asked how they divide their tasks during a visit, inspectors describe this as an informal agreement. While the inspector in charge of the process tends to lead the contact with those responsible for the company, the other establishes contact with the workers. In other moments, each of them talks to different groups of workers or works on separate legal documents that are needed to notify the companies.

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*'Normally, when we have requests for intervention, we use the drive on the way there to talk a little about them to our colleague. In other words, I normally explain to the colleague what brings me there. I give a small description of what I have in my request for intervention and what is important, as he is the one who will listen to the workers. For example, if it's a matter of working hours, we need to take that into account. If we have a complaint saying 'I have never done any medical exams', I need my colleague to ask very specific questions. We usually have the same typology of questions, but it may be necessary to focus on certain aspects [depending on the case].'* (Labour inspector, Female, 30 years of seniority)

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## Degree of innovation

Considering the results from the interviews and focus groups with labour inspectors in Portugal, this practice was considered traditional in the country and is also used in other EU Member States.



## Approach

Conducting inspective visits in pairs follows a preventive approach. It is a direct orientation from ACT towards the organisation of labour inspection activities in the country. However, depending on the company's characteristics and the specificities of the case (e.g. if the inspectors know that it involves an employee complaint), it may also be considered a supervision approach. This means that when the inspectors can anticipate certain aspects of the case (e.g. topics under analysis, knowledge of the company), they may adapt their approach (e.g. adjusting their line of questioning or the timing of their visit, discussing whether it is crucial to have two inspectors visiting the company or not).

## What was achieved?

At this time, there are no precise indicators that specifically confirm the results of working in pairs in inspection activities. However, the labour inspectors participating in the study mentioned that working in pairs allows for safer, more efficient inspections and learning from colleagues with different experiences and backgrounds.

## Success factors and challenges

Although carrying out labour inspection visits in pairs is a traditional practice, it is seen as enriching the work of labour inspectors in the country. Moreover, this practice is upheld in the annual inspection plans, which are consistently submitted for validation to the Consultative Council of ACT, comprising social partners (workers representatives and employers' associations). Nevertheless, there are some shortcomings.

While each inspector is officially responsible for about 120-130 processes per biennium, labour inspectors end up conducting double the number of visits as the visits only officially count for the performance evaluation of the process holder. Thus, this practice may require more resources (e.g. time and personnel), which are already limited throughout Europe (ILO, 2020) and conceal the actual amount of work each inspector actually does. Despite the apparent overload this can entail, labour inspectors recognise that working in pairs is a good and successful strategy they would like to keep.

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*'In Portugal, it's always been done [conducting visits in pairs], and I think it should continue to be done. ... we're regularly assessed by SLIC - the Commission of Labour Inspectors, which, I remember a few years ago, [this] was one of the criticisms that always came up in the SLIC report [The inspector refers, in this case, to the Assessment Report on the Portuguese Labour Inspection System from 2007, produced by SLIC and based on a mutual audit system, which operates on a voluntary and collegial basis, through which the plans of national labour inspectorates are tested and compared with common inspection principles]. Because they thought it was a waste of time for two inspectors to conduct the visits. I don't think it's a waste of time at all, for two reasons. One is from the point of view of our safety .... It's safer when two people go out as the risk is where you least expect it. ... And, sometimes, it helps because I always learn from the colleague I go with, either because I didn't remember to ask that question and the colleague did, or because the colleague saw something that I didn't see... Because for those who appreciate teamwork and understand that teamwork is always an added value ... At least there is some integration and some work being done together, thinking together about the issues we have to deal with.'* (Labour inspector, Female, 26 years of seniority)

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## Transferability to other European countries

The practice of conducting inspection visits in pairs is not exclusive to Portugal, nor to labour inspectors — as it is also used by inspectors with the Economic and Food Safety Authority (Autoridade de Segurança Alimentar e Económica – ASAE) and by Social Security — and holds significant potential for applicability in other contexts. Several advantages associated with this practice could potentially be realised through the integration of technology, even in cases of common inspections with other authorities, contingent upon the regulatory frameworks of each country. Examples are recording of visits via video with remote oversight from a colleague, or the utilisation of technological devices (e.g. as drones and other equipment) to supplement the efforts of a single inspector during an inspection.

However, they still do not ensure the safety of inspectors during the inspection process. In Portugal, these technological aids are not currently in use.

In short, this practice is recommended in cases where it is important to prevent situations in which inspectors may be exposed to intimidating, aggressive or violent behaviours during the inspection visit. Also, it can be used by other European countries, especially within countries following a generalist approach like Switzerland (Weissbrodt, 2018) and Greece (Konstantinou et al., 2020). Still, formal recognition of the work developed by both inspectors conducting the visits is essential to provide visibility to their time and contributions to the process outcomes.

## Further information

Autoridade para as Condições de Trabalho: Homepage: <https://portal.act.gov.pt/Pages/Home.aspx>

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*Authors: Liliana Cunha and Sarah Maggioli, Center for Psychology at University of Porto (CPUP); Faculty of Psychology and Education Sciences at University of Porto (FPCEUP), Portugal*

*Sara Ramos, Centre for the Study of Socioeconomic Change and the Territory (DINÂMIA'CET); University Institute of Lisbon (ISCTE), Portugal*

*Project management: Dietmar Elsler, Ioannis Anyfantis, European Agency for Safety and Health at Work (EU-OSHA).*

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