

# Theme 1- Supervising Working Relations and Conditions

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# Clarify the Role of the Labour Courts and the Labour Inspectorate

- **Courts are for resolving labour disputes**
  - On the application and interpretation of the law
  - Examples
    - Individual dismissals
    - Determine salary debts
    - Interpretation of collective agreements, etc.
- **Labour Inspectors are for enforcing the law**
  - Violations of Labour law beyond any reasonable doubt
  - Examples
    - **Illegal work or Prohibitions** on forced labour, minors, etc.
    - **Massive breach** on e.g, salaries, labour contracts, etc.
    - **Protection of human rights** e.g. equality, dignity, union activities, etc.

# Prohibitions or illegal work

- **Forced labour**
  - Women' traffic (in cooperation with the Police because it goes beyond workplaces)
- **Minors**
  - Children working under the age of 16 (in cooperation with Education Authorities of the area)
- **Foreign workers**
  - Without authorization to work in the respective country (in cooperation with border police or interior authorities)

# Massive breaches of Labour law

- **Payment of salaries**
  - Payment below the Minimum Salary or the applicable collective agreement
  - Non-payment within the legal period limits
- **Working Time** (OSH and Labour issue)
  - Overtime
  - Legal limits for shift and night work
  - Compliance of resting time, breaks and leaves
- **Atypical contracts** (precariousness)
  - Part-time contracts
  - Temporary contracts

# Protection of Human Rights

- **Protection of individual rights**
  - **Violence and Bullying at work**
    - Physical violence of employers against workers
    - Psychological violence against workers: bullying
  - **Gender Equality**
    - Discrimination
    - Sexual and sex-related harassment
- **Protection of union activities**
  - Persecution or discrimination for being members of an employees association
  - Lack of participation or consult before specific decisions according to the law

# Examples of cooperation between the Courts and the Labour Inspectorate

- **Non-payment of salaries**
  - Inspectorate could initiate ex-officio the process in cases of particular abuse
- **Equal treatment**
  - Inspectorate could report cases of indirect discrimination
- **Massive layoffs**
  - Inspectorate could make surveillance of notifications and procedures
- **Conflicts on Occupational group**
  - Inspectorate could report describing the claim context

THANK VERY MUCH

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