





European Platform tackling undeclared work

The Portuguese Labour Inspectorate's Initial Training Internship

Portugal

	<p>Summary</p> <p>The Portuguese Labour Inspectorate (the Authority for Working Conditions (ACT)) is a major player in the fight against undeclared work in Portugal. To enable its staff to perform this task effectively, it has been created an initial training Programme¹ for those entering the career of labour inspector. This Training Programme is part of the ACT's Annual Training Plan</p>
<p>Title of the practice in original language</p>	<p><i>Estágio de formação inicial para ingresso na carreira de inspetor superior do trabalho</i></p>
<p>Name(s) of authorities/bodies/organisations involved</p>	<ul style="list-style-type: none"> • Authority for Working Conditions (<i>Autoridade para as Condições de Trabalho, ACT</i>)
<p>Sectors</p>	<p>All</p>
<p>Target groups</p>	<ul style="list-style-type: none"> • Labour inspectors in the first year of their career (directly targeted); • Companies and workers involved in undeclared work (indirectly targeted).
<p>Purpose of measure</p>	<p>Deterrence: improve detection</p>

	<p>Aims and objectives</p> <p>The two-phased initial internship for labour inspectors aims at facilitating labour inspectorate staff to combat undeclared work and carry out other tasks, namely enforcement of labour legislation in general, and promotion of health and safety at work.</p>
<p>Background context</p>	<p>One of the priorities of the government elected in 1995 was the modernisation of the public administration, and the upskilling and expansion of Staff's capacity. Within this global modernisation process, the ACT recruited a considerable number of inspectors (following a long hiring freeze) who were the first generation of labour inspectors to benefit from the initial training internship, which took place in 1996-7.</p>




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	<p>This first year of the internship course was carried out under the Regulation of the Internship for Entering the Career of Inspection,ⁱⁱ based on the Ministerial Order 259/96. In 2004, this regulation was revised by the joint Order 371/2004 of the State Secretaries of Public Administration and of Labour i.e. the Regulation of the initial training internship for entering the career as a senior labour inspector.ⁱⁱⁱ Both Regulations are still valid today.</p>
<p>Key objectives of the measure</p>	<p>General Objective:</p> <ul style="list-style-type: none"> • To enable the interns to undertake their future work as labour inspectors^{iv}, to evaluate the interns' aptitude for the job, and to select those interns who are suitable to become labour inspectors. <p>Specific Objectives:</p> <ul style="list-style-type: none"> • To provide interns with the necessary knowledge and skills to tackle undeclared work and other matters under the Authority for Working Conditions' competencies.
<p>Main activities</p>	<p>The initial training internship for entering the career as a labour inspector is divided into two phases^v;</p> <ul style="list-style-type: none"> • The first phase (4 months) focuses on the theoretical education aspect of the training, comprising of teaching with a focus on, among other topics, the following: international and national labour relations and legal occupational safety and health frameworks, administrative and criminal law, social security and tax regulations, prevention of occupational risks, undeclared work, ethics of labour inspection^{vi}; • The second phase (8 months) involves on-the-job training and is carried out in local labour inspectorate branches. Each intern participates in inspection activities under the guidance of a senior inspector. The content of the training comprises modules on communication and interpersonal relationships.^{vii}; • An examination at the end of the internship determines whether the interns can become a labour inspector^{viii}; • The Labour Inspectorate also provides within its Annual Training Plan additional continuous training activities for inspectors and other relevant staff involved in tackling undeclared work.
<p>Funding/organisational resources</p>	<p>The Annual Training Plan and its components is developed by the HRS Unit (<i>Divisão de Formação e Recursos Humanos</i>) and are defined and implemented under the</p>



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	<p>responsibility of the Deputy Inspector General in charge of training.^{ix}. The ACT uses mainly internal staff as trainers to implement the initial training programme (as well as continuous training) but also, when necessary, collaborators from other public agencies and bodies, social partners' representatives, as well as specialists from the academia. A MoU usually frames the collaboration with other institutions.</p>
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	<p>Outcomes</p> <p>Entrants into the career of labour inspector in Portugal are highly qualified, as a result of a training model, which guarantees that they gain a high level of theoretical and practical knowledge and skills.</p>
<p>Achievement of objectives</p>	<ul style="list-style-type: none"> • All candidates applying for a career, as labour inspector must complete the initial training Programme. • In 2018, 53 candidates were admitted to the initial training programme. In 2019, 80 candidates are expected to initiate the programme, following a recruitment process that is about to be concluded. • The obligation that all entrants to the career of labour inspector pass the initial training programme, guarantees that they gain a high level of theoretical and practical knowledge, and skills. This enables them to carry out their duties successfully, including more complex tasks like detecting undeclared work; • We consider the initial training programme an effective instrument to enable labour inspectors to carry out their fieldwork.
<p>Lessons learnt and success factors</p>	<ul style="list-style-type: none"> • The format of the initial training - combining theory and practical learning – has proven to be effective; • Making the initial training programme a mandatory precondition for working as a labour inspector has proven to be highly beneficial to the work of the inspectorate.
<p>Transferability</p>	<p>The programme should be designed according to the labour inspection needs of the Member State and according to the resources (financial and human resources) that can be mobilised. The relevant labour authorities must be willing, and enabled, to play an active</p>



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	role in the design and implementation of the training programme.
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Further information	
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Useful sources and resources	<p><i>Despacho Conjunto</i> 371/2004 (Joint Order 371/2004) issued by the State Secretaries for Public Administration and for Labour: Regulation of Training for Labour Inspectors; https://dre.tretas.org/dre/172950/despacho-conjunto-371-2004-de-22-de-junho</p> <p><i>Decreto-Lei</i> 102/2000 (Decree-Law 102/2000) issued by the government: Statute of the General Labour Inspectorate; https://dre.pt/pesquisa/-/search/291655/details/maximized</p> <p><i>Decreto Regulamentar</i> 20/2001 (Regulatory Decree 20/2001) issued by the government: Definition and regulation of the career-structures at the <i>Instituto de Desenvolvimento e Inspeção das Condições de Trabalho</i> (Institute for the Development and Inspection of Working Conditions, IDICT); https://dre.pt/application/file/a/536927</p>

ⁱ The initial internship is a component of the Annual Training Plan.

Regulamento de Estágio para Ingresso nas Carreiras de Inspeção, Portaria 259/96

ⁱⁱⁱ Regulamento do estágio de formação inicial para ingresso na carreira de inspector superior do trabalho, Despacho Conjunto 371/2004

^{iv} Decreto-Lei 102/2000, articles 10 and 11, and Decreto Regulamentar 20/2001, article 3

^v Joint Order 371/2004, article 5

^{vi} Joint Order 371/2004, article 6

^{vii} These modules include training in inspection behaviour, performance of inspection visits, conducting inquiries on work-related accidents and occupational diseases, carrying out industrial licensing surveys, elaboration and application of adequate inspection procedures, provision of information and technical advice to workers and employers on the best way to comply with the legislation, drafting reports on activities carried out, and registration of the activities carried out in the information system. Joint Order 371/2004, article 7.

^{viii} Joint Order 371/2004, article 23

^{ix} ACT, Plano de Formação 2019 (Training Plan 2019)