

The logo for ACT (Autoridade para as Condições do Trabalho) features the letters 'ACT' in a bold, white, sans-serif font. The 'A' is stylized with a triangular shape on its left side. The logo is positioned within a white L-shaped frame that is part of a larger graphic element on a dark green background.

AUTORIDADE PARA AS
CONDIÇÕES DO TRABALHO

Duties (Activities/Powers) of Labour Inspectors

Transnational Mobility of Workers and
Companies Working Group

Duties (Activities/Powers) of Labour Inspectors

Labour Inspector



Civil servant status

(Art. 6 Cv 81 & Art. 8 Cv 129)

Status guaranteeing independence in the event of changes of government and inappropriate external influences

(Art. 6 Cv 81 & Art. 8 Cv 129)

Skills-based recruitment

(Art. 7 Cv 81 & Art. 9 Cv 129)

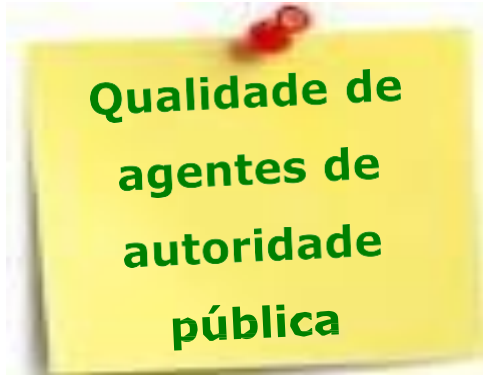
Training to be provided commensurate with the duties to be carried out

(Art. 7 Cv 81 & Art. 9 Cv 129)

They shall be sufficient in number for the effective exercise of their duties

(Art. 10 Cv 81 & Art. 14 Cv 129)

Duties (Activities/Powers) of Labour Inspectors

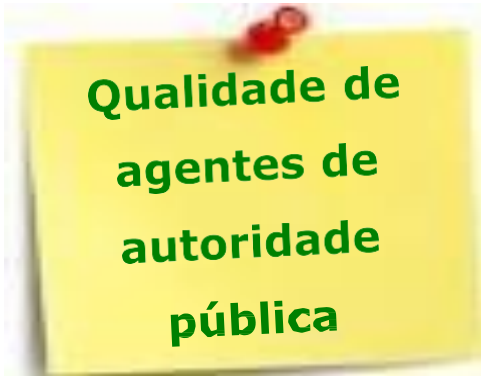


Labour Inspector

Fundamentals

- Questioning of corporate values
- Serving public interest
- ILO conventions
- System for criminal and administrative offences
- Status

Duties (Activities/Powers) of Labour Inspectors

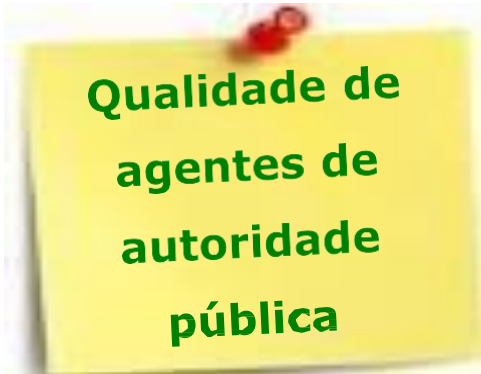


Labour Inspector

- Right to **freely enter**, at any time and without the need for prior notice, a place where there is reason to believe that there is work being done
- Promote cooperation with other entities
- Request cooperation from police authorities

Arts. 10 & 11 of DL No. 102/2000, of 02/06

Duties (Activities/Powers) of Labour Inspectors

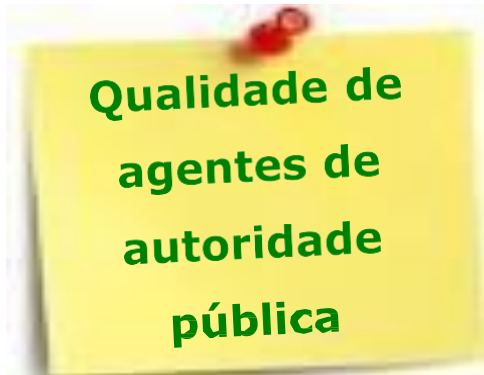


Labour Inspector

- Interview the employer, employees or any person present in the workplaces, privately or in the presence of witnesses, and make a written record of their statements
- Notify the employer to immediately implement measures in cases of imminent danger to the health or safety of the employees
- Make photographic records, video footage and measurements that are relevant to the inspection

Arts. 10 & 11 of DL No. 102/2000, of 02/06

Duties (Activities/Powers) of Labour Inspectors

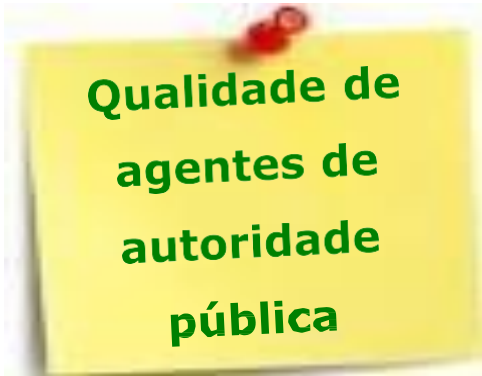


Labour Inspector

- Notify the employer to have the necessary alterations made to workplaces to assure the application of the provisions on occupational hygiene, health, and safety within a set time
- Carry out investigations in the event of a fatal occupational accident or those that point to complicated situations or occupational illnesses that cause serious injury

Arts. 10 & 11 of DL No. 102/2000, of 02/06

Duties (Activities/Powers) of Labour Inspectors

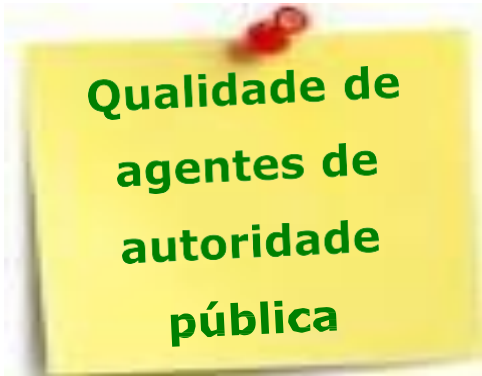


Labour Inspector

- Provide employers, employees and their representatives with information and technical advice on the best way to comply with these provisions, in their workplaces or the ACT offices.
- Carry out all the tests, inspections or investigations deemed necessary to ensure compliance with the law

Arts. 10 & 11 of DL No. 102/2000, of 02/06

Duties (Activities/Powers) of Labour Inspectors

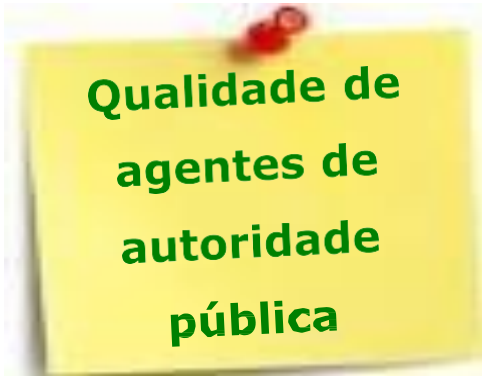


Labour Inspector

- Request, for immediate action or presentation at the ACT offices, examine and copy documents and other records of interest to clarify working relations and conditions
- Make photographic records, video footage and measurements that are relevant for carrying out the inspection

Arts. 10 & 11 of DL No. 102/2000, of 02/06

Duties (Activities/Powers) of Labour Inspectors

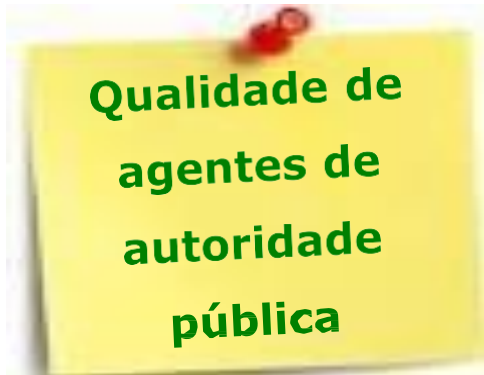


Labour Inspector

- Request information on the composition of products, materials and substances used in workplaces, as well as collect samples and take them for analysis
- Determine the demonstration of work processes adopted in the workplaces

Arts. 10 & 11 of DL No. 102/2000, of 02/06

Duties (Activities/Powers) of Labour Inspectors

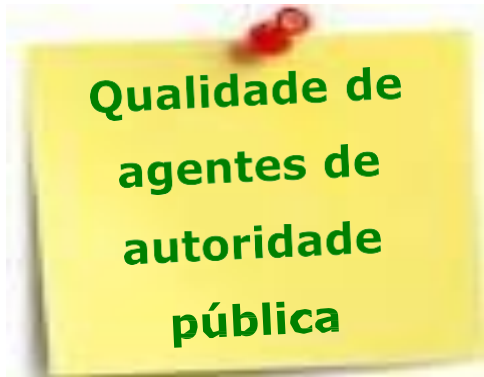


Labour Inspector

- Notify the employer to adopt preventive measures regarding professional risk assessment, mainly promoting these through specialised bodies, measurements, tests, or investigations into the material components of the work
- Notify the employer to proceed with calculating the amounts owed to employees or social security

Arts. 10 & 11 of DL No. 102/2000, of 02/06

Duties (Activities/Powers) of Labour Inspectors



Labour Inspector

- Adopt, at any time during the inspection, the precautionary measures necessary and appropriate for preventing the destruction, disappearance or alteration of documents and other records and related situations, such as the work processes adopted
- Promote and lodge proceedings to deal with labour offences

Arts. 10 & 11 of DL No. 102/2000, of 02/06

Duties (Activities/Powers) of Labour Inspectors

Labour Inspector

Main activities

- Information and advice at workplaces and outside of these
- Inspection - Checking and monitoring
- Use of instruments according to the principles of **legality**, **opportunity**, **proportionality** and **effectiveness** for carrying out their duties effectively

Other activities

- The assignment of “secondary” duties to Labour Inspectors must not prejudice their authority or impartiality

Duties (Activities/Powers) of Labour Inspectors

Labour Inspector

Technical Autonomy

- Regarding the implementation of the inspection decision-making processes, under the law
- To carry out their inspection duties impartially and free of pressure, without prejudice to being subject to the control of a central authority
- The possibility of adopting immediate procedures, without prior notice
- The possibility of adopting the procedure which, following assessment, is found most appropriate to the situation

Arts. 17 Cv. 81 & 22 of Cv. 129

Duties (Activities/Powers) of Labour Inspectors

Labour Inspector

Main duties/incompatibilities arising from the professional status

To have no direct or indirect interest in the entities visited

Not to reveal manufacturing or trade secrets or production processes of which they become aware in the pursuit of their duties

To treat requests for intervention confidentially, not revealing that the inspection was triggered by a complaint

Permanent availability

Duties (Activities/Powers) of Labour Inspectors

Labour Inspector

The duty of professional secrecy

Inspectors, as well as the people accompanying them under the law, are subject to the rules of judicial confidentiality

- They may not reveal manufacturing or trade secrets or operating processes they become aware of in the pursuit of their duties, **at that time or at any time thereafter**

Duties (Activities/Powers) of Labour Inspectors

Labour Inspector

The duty of professional secrecy

Inspectors, as well as the people accompanying them pursuant to the law, are subject to the rules of judicial confidentiality

They must maintain **confidentiality** regarding the source of any complaint

They must not reveal that the inspection is a result of a complaint or report

Duties (Activities/Powers) of Labour Inspectors

Labour Inspector

Main duties/incompatibilities arising from the professional status

Taking part in inspections where their partner or close relatives are the concerned

Engaging in any activity related to trade, industry, or services.

Working as an independent professional or any kind of advisor or consultant

Other work in any form of employment

Duties (Activities/Powers) of Labour Inspectors

Labour Inspector

Main duties/incompatibilities arising from the professional status

Taking up duties on governing bodies or any association, except for those that could represent their professional interests or foundations

Labour Inspectors and their managers are forbidden from engaging in any other activity that could affect their independence, impartiality, or be prejudicial to the position, except for teaching, when duly authorised.

Duties (Activities/Powers) of Labour Inspectors

Labour Inspector

Instruments/procedures used by Labour Inspectors in the exercise of their authority:



Notification to hand in documents/requisition



Notification for compliance/adopting measures



Warning



Written Warning



Notice



Notification for immediate suspension of work



Report



Reporting a crime

THANK YOU VERY MUCH!

