

# Search for an inspection approach for effective and qualitative labour inspections in the informal sector workplace establishments: Application of the “WISE” concept

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## Abstract

This paper is a proposed research idea for the attention of every individual, including institutions, with an interest and capabilities to further debate and/or to fund small-scale research activities towards search for effective and qualitative labour inspection approaches for the informal sector workplace establishments in developing countries, such as Malawi in Africa. The research proposal revolves on the possible application of the “WISE” concept. WISE stands for Work Improvements in Small Enterprises, an initiative by the International Labour Organisation that started in the late 1980s. Despite such an initiative, the World has, however, not yet found the most appropriate labour inspection approaches applicable in the informal sector where millions of workers across the World are still challenged and not adequately protected.

## Keywords

Labour inspection approach, informal sector workplace establishment, WISE concept, research idea, decent work

## Introduction

Labour inspection is a state-organised activity carried out in workplaces in order to administer social and labour relations, while enforcing compliance with labour legislation and standards (Weil 2009). Labour inspection remains the main avenue to realise decent work agenda (Neburagho and Muchengeti 2013; Kamanga and Muchengeti 2013; Neburagho and Muchengeti 2014a; Neburagho and Muchengeti 2014b). It is one of the International Labour Organisation (ILO)'s prioritised operations. Its overall objective is to improve the quality of working conditions, environments and relations between employers

and workers. Labour inspection activity covers all the industrial, commercial and agricultural workplace undertakings. These undertakings include both formal and informal workplace establishments as provided for in the labour inspection conventions of 1947 and 1969, as well as in their associated protocols and recommendations.

Inadequate labour inspection still stands as a challenge in most developing countries (Courdouan 1996; Weil 2009). Worse still, it is the informal sector economy that is mostly incapacitated as compared to the formal sector with respect to this challenge (ILO 2009a; ILO 2009b). In countries such as Malawi, for example, whenever labour administrators are asked on what they are doing regarding the poor working conditions faced by most of the Malawian working population, their quick response is that “government has or will intensify labour inspection visits to check and address problems of labour injustices in workplaces” (Malawi Government, MoL 2011). However, what is not clearly stated by such labour administrators most of the times is the “how part” of doing such inspection visits, more especially in the problematic informal sector workplace establishments where conditions of employment between the employers and their employees are sometimes not clear or not available. In this regard, it is the absence of suitable inspection approaches, for effective and qualitative labour inspections in the informal sector establishments, that constitutes a gap that may be filled by this proposed research.

Studies have shown that the informal sector economy is usually attended to with less or no labour inspection visits being undertaken in most developing countries (Richthofen 2002). Various reasons account for this position ranging from limited resources to those of ineffective inspection approaches that can balance the workplace productivities and required labour standards or protection. Recommendations for a deliberate prioritisation of inspection visits, together with resource commitments for inspections in the informal sector workplace establishments, have been emphasised several times. However, despite such recommendations, there is still no progress because, amongst other reasons, it is the “how best” to conduct the labour inspections in the increasingly numerous informal sector workplace establishments and inadequate social protection which are the root challenges to be addressed. This calls for research to investigate the inspection approach, suitable for the informal sector workplaces, that should inform the state policy-makers on the inspection styles for effective sectoral labour inspections.

A number of inspection styles (approaches) are employed, of which some of them seem to be effective while others not, depending on varying circumstances of the inspected entities. This research idea focuses on labour inspections in the informal sector economy with reference to Malawi. The significance of the proposed research is to contribute by filling the identified gap of inadequate and ineffective inspection approaches for qualitative labour inspection in the informal sector workplace establishments. This can be done by an investigation into an inspection approach of conducting effective and qualitative labour inspections in the informal sector with reference to the WISE concept. The research would attempt to answer the question: “Can the WISE-group inspection approach be applied as a tool for conducting effective and qualitative labour inspections in the informal sector workplace establishments”?

## **Proposed Research Objectives**

To investigate the inspection approach suitable for the informal sector workplaces. To establish whether the WISE group workplace inspection approach could be a more effective inspection approach as compared to the existing individual workplace inspection approach in the informal sector economy.

## **Research Outcome and Significance**

A developed and explained inspection approach model for effective and qualitative labour inspection work in the informal sector workplace establishments would be the main research outcome. The outcome would be significant because of the following:

1. It would be a great contribution to the ongoing search for the effective inspection styles suitable for a particular sector of economy.
2. In respect of policy implications, research findings and recommendations would generate guidelines as inputs for planning labour inspections (for example, answers to the research questions would help labour inspectors to understand which inspection approach would be most effective to be adopted for their improved inspection performance in the informal workplace establishments).
3. Data collected from this proposed research would be a generation of the required labour market information statistics and provide a documentary of workplaces for inspection; and also to serve as good estimating platform for costing the state function of labour inspection.
4. The research contribution about the existing gap of the inadequate inspection styles in the informal sector economy would, by extension, be a further contribution towards commitments made by governments in their attempts to conduct applied research to help unearth possible solutions to some problems confronting their labour administration systems in most developing countries, especially ILO member states.
5. Finally, the study recommendations would ignite some further research on this topical area of labour inspection and the informal sector economy, such as conducting similar research, but covering only the informal domestic sector.

## **Brief Literature Review**

To give a conceptual framework and theoretical base for this research, this section gives a brief review of literature, first, on the current position of labour inspections with respect to the informal sector economy and second, on approaches of inspection as independent research variables and on the compliance outcomes as dependent variables.

Labour inspection has been viewed as an important way of ensuring that labour standards, enshrined in ILO conventions and corresponding national laws, are achieved. This is why

labour inspection remains the main avenue to realise decent work agenda and a priority in the ILO's operations. However, several difficulties for conducting inspections in the informal sector have been faced to date ranging from those due to indefinite specific sectoral inspection styles and unclear employment relations in the informal sector economy to those due to inadequate law coverage (Deshingkar 2009). These problems have come about because of the original focus of labour inspection instruments that had concentrated mainly on the formal sector and not on the informal sector. ILO (2006), in acknowledging this source of faced problems, states that "it is clear that the terms of the ILO instruments on labour inspections draw on the experience in the formal sector, whereas in many countries of the world, formal employment relations apply only to a small minority of the working population and that the mandate of the inspectorate simply does not extend to the vast informal economy where conditions into the informal sector economy are generally poor".

A number of high level tripartite meetings on labour and employment issues and recent ILO studies have written on the need for extending and prioritising labour inspections into the informal sector economy (Deshingkar 2009, Kamanga and Muchengeti 2013, Neburagho and Muchengeti 2014a, Neburagho and Muchengeti 2014b, Neburagho and Muchengeti 2013, SADC 2014). From these meetings, it is clear that countries have acknowledged the existing challenges of both inadequate labour inspection coverage and difficulties in conducting labour inspections in the informal sector economy; and thus, their unanimous recommendation for extending and prioritising labour inspections into the informal sector establishments. Note also that a number of suggestions on what ought to be done to extend inspections into the informal sector, such as to formalise the informal sector (translate the informal economy into formal economy); mobilise vulnerable workers who are largely not unionised into unions; incorporate the informal sector into the formulation and implementation of employment policy and legislation; encourage freely-chosen associations of informal economy workers and employers amongst others, have been made during the meetings. However, what is still missing from the several recommendations and/or agreed actions is the "how" to do what is being recommended. This is the identified gap to be filled by undertaking research as proposed in this research idea. By extension, it can also be true to state that future meetings by such regional groupings would keep on reporting on the same challenges as long as no drastic action on the "how part" is being done.

Regarding the labour inspection approaches, different approaches of conducting labour inspections have been used since the emergence and recognition of labour inspection as a state function in 1802 (Malema 2013). For instance, until 1980, it was the deterrence model of inspection that was mostly used. With the deterrence model, compliance with regulations is the result of a cost-benefit analysis in which workplace establishments (firms) give up violating the law when the probability of being caught (surveillance) and the cost of punishments (fines) are higher than the benefits of non-compliance (Pires 2008). From the 1980s, the second inspection model of compliance emerged. This compliance model replaced the first model as it was found that stringent enforcement practices, based on adversarial and punitive relationships between the regulator and the regulated, resulted in

unreasonableness and created disincentives for compliance (Bardach & Kagan 1982; Hawkins 2002; and Kagan & Thornton 2006 as cited in Pires 2008). The proponents of compliance model argued that, instead of deploying sanctions, inspectors using the compliance model approach, are expected to understand the spirit of the law and seek to attain its objectives by adapting legal requirements to different types of firms, prioritising persuasion and advice over adversarial and punitive means of law enforcement (Piore & Schrank 2006 as cited in Pires 2008).

Furthermore, Pires (2008) observed that both the deterrence and the compliance models are more normative than descriptive as they tend to offer instructions on what ought to happen rather than describing what does happen on the ground. As such, Pires (2008) identified the existing gap of limited understanding about what kinds of regulatory practice and behaviour are associated with the promotion of sustainable forms of compliance. To fill this gap, Pires thus conducted research in 2008 and found that sustainable compliance solutions, that is, those capable of reconciling workers' rights with firms' performance, are a result of a combination of both coercive and pedagogical enforcement strategies. This finding, according to Pires (2008), is because combined enforcement strategies allow labour inspectors to learn about the obstacles preventing firms from complying with the law and to develop innovative local solutions. What is still a gap to date, despite the recommendation to use a combination of different inspection styles when conducting inspection, is on how to effectively use the combination in different circumstances/workplaces such as those of the formal and/or informal sectors.

In many countries of the world, particularly in the developing countries, productivity efficiency, wage levels and social standards in most small and medium enterprises (SMEs) workplace establishments are generally poor and, in most cases, unacceptably low. There is a growing body of evidence available at the ILO as reported by Richthofen (2002) which indicates that improvements in the working conditions and the environment, as well as provision of social security, can be key ingredients for the business efficiency and competitiveness. This body of evidence calls for the labour inspection work to focus on adopting those inspection approaches which can balance the promotion of economic efficiency and job creation with adequate social standards, working conditions and labour protection. Labour inspectors, however, do experience a challenge of how best to carry out their inspection work in the SMEs establishments in order to achieve such a balanced objective and bring about sustainable compliance in the absence of well-researched approaches. Pires (2008) found that labour inspectors were able to promote sustainable compliance in a number of researched workplace establishments (firms) in Brazil as a result of using a combination of punitive and non-punitive inspection practices which had the effect of not only bringing firms into compliance, but also of creating legal and/or technical solutions which worked as positive incentives for firms to remain in compliance with the law.

Furthermore, the ILO initiated the concept of WISE as an approach, based on the idea that working conditions, product quality, productivity and competitiveness are interlinked to strategic issues for small businesses. The philosophy behind it, according to Richthofen (2002), is that "the use of local 'best practices' and bringing business managers together in

groups have proved highly successful in generating solutions of simple and low-cost improvements that link productivity with safer and better workplace". Richthofen further outlined six principles of the WISE approach which are seen as key to successful participatory programmes in SMEs as follows: build on local practice; focus on achievement; link labour protection with other management goals (quality, productivity); use of 'learning-by-doing' method; encourage exchange of experience (in groups); and promote workers' participation. According to ILO reports (Richthofen 2002), many practical improvements have been carried out in WISE training courses in almost 100 developing countries under local conditions. Such reports show that, although WISE was originally created with developing countries in mind, it has now been adopted, with slight modifications sometimes, in developed countries as well.

The WISE concept can be mostly suitable for the micro-enterprises (the informal workplace establishments) as compared to the formal sector workplaces because all management decisions in these micro-enterprises are usually made by only one person who is the small enterprise owner and, therefore, would be a key player in any inspection approach that can productively involve him/her with an aim to improve working conditions. Based on this premise, the WISE approach, in this proposed research, would be applied in an integrated manner as a training means by labour inspectors to the inspected workplace parties during the inspection visits. The main focus of the WISE approach concept would be to carry out labour inspection visits with an aim to promote the reconciliation of labour standards and economic development (i.e. the inspection whose aim is to bring about and promote sustainable compliance outcomes), thus effective and qualitative labour inspections.

Compliance is defined as a type of behaviour of acting in accordance with the requirements of the relevant legislation (Sivananthiram 2006). Compliance, as argued by Pires (2008), does not harm and that, in some cases, it even enhances firms' competitiveness and productivity. Compliance outcome is a result of one's compliant behaviour. Sustainable compliance, for the purpose of this research, would be defined as a continued compliant type of behaviour of acting in accordance with labour standards by workplace employers and employees. Pires (2008), with respect to sustainable compliance, observed that the intervention of labour inspectors not only brings firms into compliance, but also creates legal and/or technical solutions which work as positive incentives for firms to remain in compliance with the law. On the other hand, the term 'effective' would be defined in terms of labour inspection outcomes, such as the sustainable compliance outcomes with respect to labour standards by workplace employers and employees.

Finally, the informal sector workplace establishments (ISWEs) would form the whole study population. These comprise of all the SMEs. SMEs have historically been defined against various criteria, including: the number of people employed; the volume of outputs or sales; the value of assets used; whether the owner of enterprise works alongside workers; and the degree of specialisation in management (Richthofen 2002). Richthofen, further described SMEs to include a medium-sized enterprise in the formal sector with 150 workers, a small enterprise with no more than 50 workers, family businesses engaging three or four family members, cottage industries, artisanal enterprises, micro-enterprises

(with less than 10 workers) and self-employed workers in the informal economy. However, for the purpose of this research, ISWEs should be defined as all those small enterprises that employ at least one person and not more than 50 persons, excluding those workplace establishments employing the domestic (home-based) workers. This partly explains the scope and limits of this research. Domestic workers have a wide diversified group of employers, hence excluded in this proposed research on time factors, as organising them (employers) would need a lot of research time.

In summary, the literature review reveals deficiencies of labour inspections in the informal sector economy, particularly with regard to inadequate inspection visits with potential to bring about compliance with labour standards in the informal sector establishments. Most particularly, the review shows that there is still a gap regarding the inspection approach that can be adopted for the effective and qualitative labour inspections in the informal sector as the Pires (2008) study focused on both the formal and informal sectors (mixture of workplaces) and that the study took place in Brazil, a middle developed country. This is, therefore, a partial justification for a similar study to be carried out, but in a developing country like Malawi. It is against this background that this research idea, while building on Pires' study conclusions and of others, has been proposed to be conducted in order to establish whether the WISE group workplace inspection approach could be a more effective approach as compared to the existing individual workplace inspection approach for the informal sector economy. Three specific research questions that would be asked in this proposed research are as follows: How effective is WISE-individual workplace inspection approach compared to the existing individual workplace inspection? How effective is WISE-group workplace inspection approach compared to the existing individual workplace inspection? Is WISE-group workplace inspection approach more effective than the WISE-individual workplace inspection approach?

## **Methodology**

This section presents the methodology to be used for this proposed research covering subsections as follows: research purpose/type; research methods; study population/respondents; sampling techniques; data & data collecting techniques; data presentation/analysis and measuring tool.

This research idea is designed as an action research because it would explore the inspection approaches for conducting effective and qualitative labour inspections in the informal sector workplace establishments. An action research allows both the researcher (the labour inspector in this case) and key participants (the workplace employers/employees) to be involved throughout the research period as they would be undertaking assigned actions from time to time. According to Eden and Huxham (1996), the findings of an action research result from involvement with members of an organisation over a matter which is of genuine concern to them. In this proposed research, the findings regarding matters of best practices, compliance and non-compliance should be of genuine concern for both the labour inspectors and the workplace employers, hence the choice for an action research.

The study would adopt a mixed methods research approach using both the qualitative and quantitative (experiment) methods. The mixed methods research approach would help collect the required qualitative and quantitative data. In addition, this research approach would allow for flexibility to use a variety of data-collecting techniques which, in turn, would allow for permission to alternative explanations by interviewees for more, but reliable qualitative data to be collected. Such mixed methods approach would be of much use in this research set to establish the reliable and effective approach for conducting qualitative labour inspections in the informal sector economy.

According to Chikhwenda (2005), experiment research requires a hypothesis for a causal relationship; a control and treatment group; to eliminate confounding variables that might mess up the experiment and prevent displaying the causal relationship and to have larger groups with a carefully-sorted constituency. However, experiment research with some of these listed requirements missing is known as quasi-experiment in which the researcher attempts to establish a causal relationship even though some of the factors likely to affect the outcome cannot be controlled. The experiment component method in this study, therefore, is quasi-experiment because there is no stated hypothesis and that other factors, such as workplace employers' business capital sizes and sources, for example, which might also influence the study results, would not be controlled (i.e. would be assumed as constant).

Quasi-experiment methods are research designs that aim to identify the impact of a particular intervention, programme or event (a "treatment", for example) by comparing treated units (households, groups, villages, schools, firms etc.) to control units. Difference-in-differences, regression discontinuity design, instrumental variables and matching are four commonly-used methods to undertake quasi-experiments. Therefore, difference-in-differences would be a specific method to conduct a quasi-experiment in this proposed research. This difference-in-differences quasi-experiment method compares the changes in outcomes over time between a population enrolled in a programme (the treatment group) and a population that is not (the comparison group).

In particular, four distinct groups would be needed as follows: WISE-individual workplace inspection group - where individual workplace inspections would be conducted by labour inspectors while applying requirements of WISE concept; WISE-group inspection group - where group workplace inspections would be conducted by labour inspectors involving a consortium (group) of employers, while applying the requirements of the WISE concept; Existing individual workplace inspection group - where individual workplace inspections would be conducted by labour inspectors without applying the requirements of the WISE concept; and a control group - where no inspection would be conducted during the study period to provide a benchmark (i.e. however, the control group would also be observed despite not being involved in inspections to record any changes in manner due to other factors). For details, see Table 1.

The first set of research population would comprise of employers and employees of the sampled informal sector workplace establishments from which actual study respondents would further be selected. These establishments would be listed from the district council

business directorate registers and grouped, based on industry and nature of their business enterprises. The second set of study/research population, from where key respondents (informants) would be sampled, comprises of the trade unions, employers' organisations and government Ministry of Labour officials. Finally, the whole research would take place in one selected district in Malawi. Note that Malawi is one of the developing countries with the mushrooming growth of the informal sector economy where working conditions are reported as very poor in addition to being inadequately covered by labour inspections.

Stratified, random and judgemental sampling techniques would be used in this proposed research. Stratified and random sampling would be used to identify business/industry strata and workplace establishments, respectively. Specifically, the stratified sampling method would be used to identify a sample of SMEs' employers/employees as respondents. The stratified sampling method is useful for this proposed research where the sampling frame (list of whole possible study population of SMEs employers) is a heterogeneous population that contains individual workplace employers who are usually different from one another in terms of their characteristics, such as status and means of doing business and should, therefore, be stratified in separate groups (strata). This would also ensure that individual sampled employers are proportional to sizes of the strata in the study population. However, with this method, the likely challenge would be to define the strata with employers of the same characteristics, the challenge that has the potential for the study results to be biased. Nevertheless, such a challenge would be resolved by defining a stratum (consortium of employers), based on the number of employees, nature of business, source of business capital and whether the business is sole or partnership. Furthermore, the judgemental (purposeful) sampling technique would be used to select key informants to provide further/additional qualitative data mainly on issues of policy concern. A representative sample of 120 informal sector workplace employers (informal sector workplace establishments) whose workplaces qualify for labour inspections would be selected and 30 allocated to each group at random. Data would be collected over a six month period before being presented for final analysis.

The questionnaire, semi-structured interviews and group-focused discussions are the data collecting techniques that would be used to collect both primary and secondary data for this proposed research. Responses from study respondents are the primary data, whereas data to be collected mainly from documentaries, such as the Malawi labour legislation together with labour and employment policy documents, are the secondary data.

The collected data would mostly be analysed manually. The data would be reorganised and presented in tables where possible. Statements of "any other"; statements of reasons and of explanations given by respondents would be manually organised on a commentary appendix for processing and interpretation, that is, text analysis. This proposed research would be hinged on an inductive approach to enable the study develop/explain an inspection model for effective and qualitative labour inspection work in the informal sector workplace establishments, based on the data analysis.

Finally, this research idea proposes three types of inspection approaches as independent variables. These are WISE - individual workplace inspection, WISE - group workplace

inspection and Existing individual workplace (as shown above). These will be compared to the Control group. Each of the inspection approaches will be used to influence the research outcomes (dependent variables). The two dependent variables which are the research outcomes in this proposed research idea are workplace compliance and non-compliance. The dependent variables would be compared as the main measuring tool for impact results of this proposed research. Effectiveness of the three workplace inspection approaches will be measured by comparing the degree/level of compliance or non-compliance, two months after follow-up inspection as indicated in Table 1. This means that, if results of the control group, for example, are the same as those of the other three groups and/or if results can show various degrees/levels of compliance or non-compliance for each of the inspection approaches, then the effectiveness of each of them can be explained. Thus, the best inspection approach for the informal sector can be determined.

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Table 1.

The designed experimental study groups of the informal sector workplace establishments.

Group	Data collected			
	Immediately before routine inspection by:	During routine inspection by:	Three months after routine inspection by:	Two months after follow-up inspection by:
WISE-individual workplace inspection group (30)	Questionnaire and Focused group discussions with workplace employers' and workers' representatives.	Questionnaire (using routine labour inspection form) with application of WISE concepts to an individual workplace	Questionnaire (using follow-up labour inspection form) with application of WISE concepts to an individual workplace and separate interview	Questionnaire, Focused group discussions with workplace employers' and workers' representatives; and separate interview
WISE-group inspection group (30)	Questionnaire and Focused group discussions with workplace employers' and workers' representatives.	Questionnaire (using routine labour inspection form) with application of WISE concepts to each consortium of workplaces	Questionnaire (using follow-up labour inspection form) with application of WISE concepts to each consortium of workplaces and separate interview	Questionnaire, Focused group discussions with workplace employers' and workers' representatives; and separate interview
Existing individual workplace inspection group (30)	Questionnaire and Focused group discussions with workplace employers' and workers' representatives.	Questionnaire (using routine labour inspection form) without application of WISE concepts to an individual workplace	Questionnaire (using follow-up labour inspection form) without application of WISE concepts to an individual workplace	Questionnaire, Focused group discussions with workplace employers' and workers' representatives; and separate interview
Control group (30)	Questionnaire and Focused group discussions with workplace employers' and workers' representatives.	No inspection	No inspection	Questionnaire, Focused group discussions with workplace employers' and workers' representatives and; separate interview