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**| RESEARCH ARTICLE**

**Labor Standards Enforcement Program and Code of Ethics of Labor Inspectors in Region XII**

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**| ABSTRACT**

The study focused on the labor standards enforcement program and code of ethics practices among the labor inspectors of the Department of Labor and Employment in Region 12. The study utilized primary data through one-on-one interviews coming from the Labor Inspectors of the Department of Labor and Employment Region 12, specifically in areas of South Cotabato, Sultan Kudarat, North Cotabato, Sarangani, General Santos City, Regional Office, and TSI. A total of twenty-two participants, which are Region 12 Labor Inspectors, answered the qualitative questionnaire, with the data gathered to be analyzed through thematic analysis. The results show that the Labor Standard Enforcement Program under the Department of Labor and Employment is an effective program and tool in the enforcement of Labor Standards laws, statutes, and orders through Proper Implementation and actual Inspection; however, they have an insufficient workforce. In terms of Labor Inspectors' performance, they adhere to norms and conduct, yet they also commit violations. Lastly, the norms of conduct that are commonly ignored by the Labor Inspectors are they become biased, receive gifts in exchange for a favor, and they are more into "sarili muna" than "bayan muna".

**| KEYWORDS**

Labor standards, enforcement program and code of ethics

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**1. Introduction**

Labor rules are required for firms to function properly. It sets and defines the company's obligations to its employees. Furthermore, labor inspectors administer and enforce labor laws to ensure that employers follow the standards for regular employment. However, labor inspectors' unethical behavior exists in a variety of nations and takes numerous forms (Pires, 2018).

The subject of enforcing minimum national standards to preserve workers' fundamental rights is a contentious issue in international policy circles. Governments in the developing world have established employment, social security, and occupational health and safety rules. As a result, enforcement minimizes labor regulatory infractions and promotes the rule of law. However, in nations where presidential power is unconstrained, enforcement can become political. Thus, labor inspectors can be bribed by lobbying organizations, especially in nations lacking an autonomous civil service (Ronconi, 2019). In addition, public servants are expected to reflect on all the values and principles included in the code of ethics or code of conduct that guide the work of their institution. Further stating that failure to do so would carry the risk of damaging public trust and will harm the quality and effectiveness of the system (Lewis & Gilman, 2012).

In the Philippines, the Department of Labour and Employment (DOLE) has been perpetually challenged by the limited technical capacity and disproportionately low number of staff comprising its labor inspectorate in comparison to the ever increasing number of inspectionable establishments located across the archipelago. As a result, workplace inspections to encourage compliance with current national labor laws have been both scarce and ineffective, as indicated by the high occurrence of workplace accidents and

injuries. Furthermore, the introduction of globalization, as well as the associated technical improvements, new work patterns, and employment relationships, has had a profound impact on the traditional concept of labor protection (Vitaso, 2017).

There is now a great challenge to ensure that workers' rights are protected and their welfare assured, especially on compensation, and economic and social fringe benefits, ensuring that workplaces are safe and humanly conducive. And the government agency mandated to look after these matters, as provided by the 1987 Constitution and the Labor Code of the Philippines, is the Department of Labor and Employment (DOLE), particularly under the Department Program called Labor Standards Enforcement Program (LSEP) that carry out the process of labor inspections in establishments. There are several issues regarding the enforcement of Labor Laws. With this, this study focused on knowing the number of Labor Inspectors assigned to the Department of Labor and Employment Regional Office Number 12, the number of establishments to be inspected, whether the Labor Inspector perform their duties effectively and efficiently while maintaining and adhering to the principles of the Code of Conduct and Ethical Standards for Public Officials and Employees.

## **2. Literature Review**

Labor regulations are essential for businesses to perform efficiently. It establishes and describes the company's responsibilities to its employees. Labor laws have a long history of promoting total worker rights protection. However, while some business owners may find the restrictions burdensome, they are meant to keep employees safe and protected in the workplace (5 Reasons Why Labor Laws Are Important (n.d.). As a result, the vast majority of employees in developing countries (whether formal or informal, employed or jobless) support protective employment legislation. Furthermore, democratically elected governments have often established protective labor rules. Increasing compliance is thus required to respect citizens' desires, and enforcement is a critical tool for accomplishing this goal (Holland, 2016).

Consequently, labor inspectors are constantly adapting to the regulations they are expected to enforce, selecting between several courses of action (and their intensity) as they "address the circumstances" of each unique instance. Thus, labor inspectors function in a gap between the law and specific situations, integrating legal and non-legal aspects and resources (e.g., technical skill, workers' needs, and local knowledge) into their day-to-day work performance. Thus, the effectiveness of labor inspectors' work is dependent on the perception of the legitimacy of their acts and discourses by relevant actors in their environment (not only firms and workers but also judges, prosecutors, the public, congressmen, and so on). Inspectors must be able to justify what they do by establishing a link between the criteria used for judgments in specific cases and broader interpretations and claims that allow for generalization (Pires, 2017).

### **2.1 Labor Standards Enforcement Program**

Labor Standards are minimum requirements specified by current laws and regulations, as well as other issuances pertaining to pay, living allowances, and other employees' monetary and welfare benefits, occupational safety and health, and other standards to enhance working conditions (Philippine Statistics Authority, 2016).

With this, DOLE's basic duty is to defend employees' rights and promote their welfare through labor standards enforcement. The Secretary of Labor administers and enforces labor standards through authorized officials such as Regional Directors and the labor inspectorate at Regional Offices. To ensure compliance by the employer with the established standards for regular employment, the Department of Labor and Employment maintains inspectors in all its thirteen regional offices nationwide. The inspectors, also called labor and employment officers, consist of two kinds. These are: (a) those concerned with labor standards such as compliance with minimum wage, hours of work, etc. and (b) those concerned with safety, usually engineers that inspect boilers and pressure vessels (Department of Labor and Employment, 2014).

According to Ronconi (2019a), while enforcement encourages legal compliance, its impact on welfare varies by country and is uncertain. Furthermore, he adds that enforcement lowers labor regulation infractions, so increasing the rule of law, and that employees who have access to legally mandated benefits are more inclined to trust the state and, as a result, to comply with their civic obligations. However, labor inspectors can be bribed by lobbying organizations, especially in nations lacking an autonomous civil service, and when labor standards are weak, enforcement can destroy productive employment and investment, particularly among low-skilled employees in small businesses.

### **2.2 Work Ethics**

Ethics refers to "well-founded standards of right and wrong that prescribe what humans ought to do, usually in terms of rights, obligations, benefits to society, fairness, or specific virtue" (the University of Sta. Clara's Academic Journal, Issues in Ethics).

Moreover, public servants are expected to reflect on all the values and principles included in the code of ethics or code of conduct that guide the work of their institution (Lewis & Gilman, 2012). Further stating that failure to do so would carry the risk of damaging public trust and will harm the quality and effectiveness of the system.

With this, Labor inspectors are responsible for ensuring social peace and justice by eliminating unfair labor practices, work-related accidents, and occupational diseases, as well as collaborating with company and worker organizations. However, unethical behavior and corruption occur in many countries and take many different forms. Accepting small gifts from the factory production line during an inspector's visit, for example; providing interest-free loans; failing to disclose conflicts of interest resulting in a material gain for inspectors, their family, or friends; providing a service denied to others; or allowing queue jumping, and so on. Adopting work ethics principles allows for the establishment of clear and ethical guidelines for controlling the behavior of all labor inspector personnel (International Association of Labour Inspection, 2016a).

### **3. Methodology**

This study used descriptive research using qualitative data collection methods. Qualitative research is multi method in focus, involving an interpretative, naturalistic approach to its subject matter. This means that qualitative researchers study things in their natural settings, attempting to make sense of or interpret phenomena in terms of the meanings people bring to them. Qualitative research involves the studied use and collection of a variety of empirical materials –case studies, personal experiences, introspective, life stories, interviews, observational, historical, interactional, and visual texts that describe routine and problematic moments and meanings in individuals' lives (Denzin and Lincoln 2005).

The researcher focused on the labor standards enforcement program and code of ethics practices among the labor inspectors of the Department of Labor and Employment in Region 12. In gathering the data, the researcher used open ended research questions. The research participants were free how to answer them. There are twenty-two participants in the study who are Labor Inspectors in Region 12, specifically in areas of South Cotabato, Sultan Kudarat, North Cotabato, Sarangani, General Santos City, Regional Office, and TSI. Of the 22 designated Labor Inspectors, fourteen (14) are regular Labor Inspector Plantilla Item positions. The eight (8) are designated Complementary Labor Inspectors, meaning they are regular employees who, aside from handling programs of the Department, are given additional work as designated Labor Inspectors.

The researcher asked permission and was approved by the Regional Director to conduct an informal interview with all Labor Inspectors as regards the Code of Conduct and Ethical Standards for Public Officials and Employees. Fourth, through purposive sampling, the participants were informed by the researcher about the interview process, which also used the 11 formulated guide questions. This was done with the use of a phone recorder to be transcribed after the responses were recorded. The researcher followed the safety protocol by social distancing and wearing a face mask. After the interview, the researcher transcribed and applied pseudonyms to protect the research participants and their privacy was not compromised. The transcribed information gathered was analyzed through a thematic analysis. Lastly, a conclusion was drawn, and recommendations were provided.

### **4. Results**

The experiences gathered and explored in this study were the primary sources of data. The participants of this study revealed different experiences as labor inspectors based on the common themes that surfaced from their narrative data.

#### **4.1 Implementation of Labor Standards Enforcement Program**

In Region 12, which covers four provinces, namely South Cotabato, Sultan Kudarat, Cotabato, and Sarangani, and the four cities of Kidapawan, General Santos, Koronadal, and Tacurong, only 2,300 establishments are to be inspected for the year 2022.

**Proper Implementation.** For DOLE Regional Office No. 12, the Regional Office already inspected a total of 1,910 establishments out of the targeted 2,280 establishments for inspection, or 83.3 percent accomplished tasks. Data shows that the Labor Inspectors are within their target and are performing above average. On whether they are doing their work with the highest degree of excellence/professionalism, all of them answered affirmatively. All of them added that they continuously update themselves with new wage orders, educating themselves by constantly attending seminars on labor-related.

**Actual Inspections.** All of them do actual inspections, talk to workers and owners, and give relevant information on labor matters. This can be affirmed by the accomplishments they made as provided in the Inspection Report January-September 2022, reflecting high accomplishments in actual inspections and finding more than a hundred establishments violating the Labor Employment Standards, especially on wages, coverages, and remittances of social and economic benefits for workers. In the same Inspection Report, out of the 1,910 establishments inspected, 1,754 establishments were found to be complying with the Minimum Wage Order, while 156 establishments were non-compliant with the minimum wage order. For Region 12, the compliance rate for minimum wage orders among the establishment inspected is 91.83 percent.

The data shows there are a sizeable number of establishments inspected that violated the Minimum Wage Order RBXII-22 (156 out of 1910 establishments). There are 111 out of 1910 establishments which were found guilty of non-remittance of Social Security System Contribution, 107 establishments did not remit their PhilHealth Contribution, while 123 establishments remised in remitting the employees Pag-Ibig Contribution. Data also shows that eight (8%) percent of the establishments inspected violated the General Labor Standards Law.

*"Ang performance po ng mga labor inspectors po ay nasa above average, 1,910 establishments nap o an gaming nainspect at marami pong mga irregularities an gaming nakita".(L.I 1 up to L.I 22)*

*"Lahat kami ay gumagawa ng mga aktuwal na inspeksyon, nakikipag-usap sa mga manggagawa at may-ari, at nagbibigay ng kaugnay na impormasyon sa mga usapin sa karapatan ng mga manggagawa".*

It was supported by Pires (2017) that labor inspectors are constantly adapting to the regulations they are expected to enforce, selecting between several courses of action (and their intensity) as they "address the circumstances" of each unique instance. Thus, labor inspectors function in a gap between the law and specific situations, integrating legal and non-legal aspects and resources (e.g., technical skill, workers' needs, and local knowledge) into their day-to-day work performance. Thus, the effectiveness of labor inspectors' work is dependent on the perception of the legitimacy of their acts and discourses by relevant actors in their environment (not only firms and workers but also judges, prosecutors, the public, congressmen, and so on). Inspectors must be able to justify what they do by establishing a link between the criteria used for judgments in specific cases and broader interpretations and claims that allow for generalization.

**Insufficient Workforce.** Results revealed that compounding the challenge is the fact that there is a limited number, if not very minimal, staff that will look after the workers' rights and welfare thru inspections of the establishment. There are twenty-two (22) designated LABOR INSPECTORS to cover the entire jurisdictional area of Regional Office No. 12. With the setting up of an approved Regional Target of 2,300 establishments to be inspected for the calendar year 2022, the Regional Office also set up the target for each Labor Inspector for the region, wherein in South Cotabato there are 3 inspectors that cover 320 establishments to be inspected, the same with Sultan Kudarat, Regional Office, and Sarangani. Furthermore, there are four inspectors in North Cotabato, which covers 450 establishments to be inspected; General Santos City, with six inspectors, covers 570 establishments; and TSI, with 2 labor inspectors, covers 70 establishments.

*"22 po kaming lahat na mga labor inspectors dito sa Region 12 at sa 22 pong yun, hindi po talaga kasya ang aming bilang sa rami po ng mga establisyimentong kailangan naming inspectionin". (L.1 up to L.I 18)*

Insufficient personnel in an organization brings about an increase in work load and less supervision. Many managers and supervisors are under the impression that the level of employees' performance on a job is proportional to the size of the employees. The work load is more of work responsibilities, which is a normal phenomenon in much organization today. Work load in an organization comes about when employees perform and carry out more activities in an organization than what is expected of an employee (Nunvi, 2018).

**Awareness and Adherence Of Dole 12 Labor Inspectors To Ethics.** In the context of the Philippine government, the highest standards of Ethics are embodied in Republic Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees. It bears the eight (8) norms of conduct – the commitment to public service, professionalism, justness and sincerity, political neutrality, responsiveness to the public, nationalism, and patriotism, and commitment to democracy and simple living. These norms of conduct govern the principle of ethics in an environment where corruption thrives. The norms will enable government workers to withstand temptation and protect their integrity. Most often than not, administrative, disciplinary, and even criminal cases stem from the failure to uphold ethical standards.

**Adherence to Norms and Conduct.** Interview results among the twenty-two (22) Labor Inspectors of the Department of Labor and Employment are very interesting and revealing concerning awareness and adherence to the norms of conduct. All the twenty-two Labor Inspectors under the Department of Labor and Employment Regional Office No. 12 interviewed are aware of the existence of the Code of Ethics and Ethical Standards for Government Officials and Employees. According to them, they perform their job as Labor Inspectors and enforce the Labor Employment Standards. They report and correct any violations made by establishment owners.

However, they cannot enumerate all the Norms of Conduct per the Republic Act. Notably, they commonly enumerated to know only five (5) norms of conduct: commitment to the public interest; professionalism; justness and sincerity; political neutrality, and

simple lifestyle in collaboration with the DOLE Code of Conduct. They forgot to say and enumerate three others, namely Commitment to Democracy, Nationalism, and Patriotism; and Responsiveness to the Public. When asked further about their familiarity with the Norms of Conduct for government officials and workers by way of enumerating it, no one from the 22 labor inspectors enumerated it perfectly. The common answers among them are committed to the public interest, professionalism, simple lifestyle, justice and fairness, and political neutrality.

“Yes sir, yung commitment to the public interest; professionalism; justness and sincerity; political neutrality, and simple lifestyle in collaboration with the DOLE Code of Conduct”.

A code of professional ethics is a method of creating clear and ethical criteria for governing employee behavior within a certain profession. Because the ties between professional attitude and ethical behavior are so deep, no profession can exist without ethics, and no ethics can exist without professionalism. Professionals, especially labor inspectors, should perceive such a Code of Ethics as a set of dynamic principles driving their actions rather than passive adherence. It is their responsibility to perform their profession in line with such an ethical code. Inspectors should carry out their tasks with impartiality and fairness since integrity is the cornerstone of professional behavior. It is their responsibility to be concerned about the well-being of vulnerable people (workers) and industries and to be willing to utilize their specialized expertise for the benefit of everyone (Rice, 2016).

**Commit Violations.** One hundred percent of the participants find the Code of Conduct and Ethical Standards for Government Officials and Employees useful. Labor Inspectors are, at the very least, guided while performing their duties. Admittedly while they commit violations in some instances and situations, the Code of Ethics, to some degree, reminds them about morality and uprightness. It gives them a sense of doing good and working with integrity. There were even ten respondents who commented that without this Code, they would become more corrupt and biased.

*“Eto po yung guide naming sa lahat ng bagay kaya po napaka importante at useful lalo napo sa amin bilang mga labor inspectors”.*

Ethics refers to “well-founded standards of right and wrong that prescribe what humans ought to do, usually in terms of rights, obligations, benefits to society, fairness, or specific virtue” (the University of Sta. Clara’s Academic Journal, Issues in Ethics).

Moreover, public servants are expected to reflect on all the values and principles included in the code of ethics or code of conduct that guide the work of their institution (Lewis & Gilman, 2012). Further stating that failure to do so would carry the risk of damaging public trust and will harm the quality and effectiveness of the system.

#### **4.2 Commonly ignored by Labor Inspectors in enforcing the Labor Standards and Occupational Safety of Workers**

Being aware of the Code of Ethics, of what is expected of them, is different from what is being practiced by the Labor Inspectors in the performance of their job. This is noticeable, especially in the following norms: justness and sincerity, political neutrality, and simple living, when all of them admitted to having violated these norms in many instances while performing their duties and responsibilities.

**Biased.** The study revealed that on justness and sincerity, all 22 respondents answered negatively. They admitted being biased even during the determination of establishments to be inspected. They oftentimes do not include their friends and acquaintances establishments or those owners with whom they established sort of close relationship. However, there are quick to point out that they are just and fair when workers’ wages, benefits such as minimum wage, night shift differential, holiday pay, and other fringe benefits are concerned when doing inspections. Furthermore, the norm on political neutrality was violated in the aspect of determining and choosing inspectable establishments based on criteria and targets. All the Labor Inspectors admitted to having committed violations. This is by way of favoring their friends and acquaintances of establishment owners. Favoring one over the other by using their sphere of authority and influence to determine an inspectable establishment is already a biased act and a form of corrupt practice.

*“May mga pagkakataon ay di maiiwasan na naging biased kami sa pag iinspect ng mga establisyemento pero we are really just and fair when it comes to workers’ wages, benefits”.*

*“Minsan pinababoran yung mga malalpit na kaibigan, kamag-anak na nag mamay-ari ng isang establisyemento”.*

With this, Labor inspectors are responsible for ensuring social peace and justice by eliminating unfair labor practices, work-related accidents, and occupational diseases, as well as collaborating with company and worker organizations. However, unethical behavior

and corruption occur in many countries and take many different forms. Accepting small gifts from the factory production line during an inspector's visit, for example; providing interest-free loans; failing to disclose conflicts of interest resulting in a material gain for inspectors, their family, or friends; providing a service denied to others; or allowing queue jumping, and so on. Adopting work ethics principles allows for the establishment of clear and ethical guidelines for controlling the behavior of all labor inspector personnel (International Association of Labour Inspection, 2016a).

**Receiving Gifts.** Another norm that everyone is not following is a simple lifestyle, where 100 % of the Labor Inspectors admitted that their lifestyle is more than what they earned. A Senior Labor Employment Officer, who receives a P49,000 salary per month, and a Labor Employment Officer 3, who receives a monthly pay of P36,000, still receive some material favors from establishment owners in exchange for favors. While they are quick in saying that they did ask for it but when given they do not refuse, it still undermines their integrity both as people and as government officials.

*"minsan makakatanggap kami ng ilang material/gifts na mula sa mga may-ari ng establisyimento bilang kapalit ng pabor".*

**Sarili Muna.** On nationalism and patriotism, the interview results show that only ten out of the 22 Labor Inspectors, or only 45% follow this norm of conduct. But interesting to note from the interview result is their insinuation that they also believe in the common slogan of "sarili muna" instead of "bayan muna bago sarili", which is the whole essence of nationalism and patriotism. On the norm "Responsiveness to the Public Service," although everyone failed to answer this when asked to enumerate, all the Labor Inspectors answered affirmatively. Furthermore, the norm on Commitment to Democracy did not receive any answer or comment from the respondents. It seems taken for granted, or they do not care about this norm in the performance of their job.

## **5. Conclusion**

Based on the findings, the following conclusions were drawn:

This study focused on knowing the number of Labor Inspectors assigned to the Department of Labor and Employment Regional Office Number 12, the number of establishments to be inspected, whether the Labor Inspector perform their duties effectively and efficiently while maintaining and adhering to the principles of the code of conduct and ethical standards for public officials and employees. The result reveals that the labor standard enforcement program under the Department of labor and Employment is an effective program and tool in the enforcement of Labor Standards laws, statutes, and orders through proper implementation and actual inspection; however, they have an insufficient workforce. In terms of labor inspectors' performance, they adhere to norms and conduct, yet they also commit violations. Lastly, the norms of conduct that are commonly ignored by the Labor Inspectors become biased, receive gifts in exchange for a favor, and are more into "sarili muna" than "bayan muna".

Overall, the result implies that adherence to code of conduct among government employees must be observed at all times. Adherence is important because it meets basic human needs when every employee wants to be and work for a fair and ethical organization in their practices. When enforcing the code of conduct, action must respond in a way that holds true to the values it contains. If government employee does not live up to the client's expectations defined by law, it undermines the code of conduct and reduces morale. Further, despite the obstacles in delivering services, government employees must ensure to devote to the expected norms of conduct. Furthermore, government officials and employees are required to be loyal to the state; as such, thinking and doing for the benefit of the people/client must be of importance and above individual interest.

The study was limited only to 12 labor inspectors who answered the qualitative questionnaire; with that, it is imperative to conduct interviews with more labor inspectors to come up with a rigorous and more in a deep analysis of the labor standards enforcement program and code of ethical practices. Moreover, a quantitative study may be used by extracting themes of the qualitative result to confirm and to make a generalization on the status of labor standards enforcement program and code of ethical practices.

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