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Report IV (2)

# Promotional framework for occupational safety and health

Fourth item on the agenda

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## LIST OF ABBREVIATIONS

### Employers' and workers' organizations

Australia	ACCI	Australian Chamber of Commerce and Industry
	ACTU	Australian Council of Trade Unions
Austria	WKÖ	Chamber of Commerce of Austria
	BAK	Federal Chamber of Labour
	ÖGB	Austrian Confederation of Trade Unions
Barbados	BEC	Barbados Employers' Confederation
	BWU	Barbados Workers' Union
Belgium	CNT	National Labour Council
Benin	CNP	National Employers' Council
Brazil	CNC	National Confederation of Commerce
Bulgaria	Vazrazdane	Union of Private Bulgarian Entrepreneurs
	BCCI	Bulgarian Chamber of Commerce and Industry
Canada	CEC	Canadian Employers' Council
Chile	CPC	Confederation of Production and Trade
Costa Rica	UCCAEP	Costa Rica Union of Chambers and Associations of Private Enterprise
	CCTD-RN	Costa Rica Confederation of Democratic Workers-Rerum Novarum
Cyprus	CEIF	Cyprus Employers' and Industrialists' Federation
	SEK	Cyprus Workers' Confederation
	PEO	Pan-Cyprian Federation of Labour
Czech Republic	SPD	Confederation of Industry and Transport
	AA	Agriculture Association
	ČMKOS	Czech-Moravian Confederation of Trade Unions
Denmark	DA	Danish Employers' Confederation
	FTF	Salaried Employees' and Civil Servants' Confederation
	LO	Danish Confederation of Trade Unions
Ecuador	FCA	Federation of Chambers of Agriculture
	CCQ	Quito Chamber of Commerce
Egypt	FEI	Federation of Egyptian Industries
	ETUF	Egyptian Trade Union Federation

Estonia	EAKL	Estonian Association of Trade Unions
Finland	TT	Confederation of Finnish Industry and Employers
	SAK	Central Organization of Finnish Trade Unions
France	MEDEF	Movement of French Enterprises
Gabon	CPG	Confederation of Gabonese Employers
Germany	BDA	Confederation of German Employers' Associations
	DGB	German Confederation of Trade Unions
Greece	SEV	Federation of Greek Industries
Guinea	CNP	National Council of Employers
Italy	UGL	General Union of Labour
	CGIL	Italian General Confederation of Labour
Jamaica	JEF	Jamaica Employers' Federation
Japan	Nippon Keidanren	Japan Business Federation
Republic of Korea	KEF	Korea Employers' Federation
Lebanon	ALI	Association of Lebanese Industrialists
Malta	GWU	General Workers' Union
Mexico	COPARMEX	Confederation of Mexican Employers
Mongolia	MONEF	Mongolian Employers' Federation
Morocco	FCCIS	Federation of Chambers of Commerce, Industry and Services
Mozambique	MW	Mozambique Workers' Union
Netherlands	VNO-NCW	Confederation of Netherlands Industry and Employers
	FNV	Netherlands Confederation of Trade Unions
	CNV	National Federation of Christian Trade Unions
	Unie mhp	Central Union for Intermediate and Higher Level Employees
New Zealand	Business NZ	Business New Zealand
	NZCTU	New Zealand Council of Trade Unions
Poland	Solidarność	Independent and Self-Governing Trade Union
Portugal	CCP	Confederation of Trade and Services of Portugal
	CIP	Confederation of Portuguese Industry
	CTP	Portuguese Confederation of Tourism
	UGT	General Union of Workers
	CGTP-IN	General Confederation of Portuguese Workers
Senegal	CNTS	National Confederation of Workers of Senegal
Slovenia	RAE	Representative Associations of Employers
South Africa	BUSA	Business Unity South Africa
Spain	CCOO	Trade Union Confederation of Workers' Committees
	CIG	Galician Inter-Union Confederation
Sri Lanka	EFC	Employers' Federation of Ceylon
Sweden	LO	Swedish Trade Union Confederation
	TCO	Swedish Confederation of Professional Employees
	SACO	Swedish Confederation of Professional Associations

*List of abbreviations*

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Switzerland	UPS	Confederation of Swiss Employers
	USS/SGB	Swiss Federation of Trade Unions
Turkey	TISK	Turkish Confederation of Employers' Associations
	DISK	Confederation of Progressive Trade Unions of Turkey
United Kingdom	CBI	Confederation of British Industry
	TUC	Trades Union Congress
United States	USCIB	United States Council for International Business

**Other abbreviations used in the report**

AUVA	General Accident Insurance Institution (Austria)
CFST	Federal Commission for Coordination of Occupational Safety (Switzerland)
CIS	International Occupational Safety and Health Information Centre (ILO)
EAP	economically active population
EU	European Union
HSC	Health and Safety Commission (United Kingdom)
INPES	National Institute of Prevention and Education for Health (France)
MERCOSUR	Common Market of the Southern Cone
NGO	non-governmental organization
NOHSC	National Occupational Health and Safety Commission (Australia)
OSH	occupational safety and health
Seco	State Secretariat for Economic Affairs (Switzerland)
SMEs	small and medium-sized enterprises
SUVA	Swiss Accident Insurance Institution
WHO	World Health Organization

## INTRODUCTION

At its 91st Session (2003), the International Labour Conference held a general discussion based on an integrated approach to ILO standards and related activities in the area of occupational safety and health (OSH) and the need for a global strategy. The Conference adopted conclusions providing for a new instrument which would establish a promotional framework in the area of occupational safety and health and which should be developed on a priority basis. At its 288th Session (November 2003), the Governing Body decided to place such an item on the agenda of the 93rd Session (2005) of the International Labour Conference.

In accordance with article 39 of the Standing Orders of the Conference, the Office drew up a preliminary report<sup>1</sup> intended to serve as a basis for the first discussion of this question. It was accompanied by a questionnaire related to the issues discussed in the report and was communicated to the governments of the member States of the International Labour Organization, which were invited to send their replies to reach the Office not later than 15 October 2004.

At the time of preparing the present report, the Office had received replies from the governments of the following 92 member States:<sup>2</sup> Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Chad, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mauritius, Mexico, Moldova, Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Philippines, Poland, Portugal, Romania, Saudi Arabia, Senegal, Singapore, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, United Republic of Tanzania, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Venezuela, Viet Nam, Zambia, Zimbabwe.

In the case of 31 member States (Brazil, Bulgaria, China, Cyprus, El Salvador, Estonia, Finland, Guatemala, Haiti, Honduras, Indonesia, Japan, Latvia, Malta, Mauritius, Mexico, Mozambique, Norway, Oman, Papua New Guinea, Philippines, Poland, Romania, Senegal, Singapore, Sweden, Syrian Arab Republic, United Arab Emirates, Uruguay, Viet Nam and Zimbabwe), governments stated specifically that their replies had been drawn up after consultation with organizations of employers and workers, while others included in their replies the replies of such organizations to questions, or referred to them. The governments of 27 member States sent in separately the observations received from employers' and workers' organizations without referring to them in further detail, and in some cases replies were received directly from employers' and workers' organizations.

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<sup>1</sup> ILO: *Promotional framework for occupational safety and health*, Report IV(1), International Labour Conference, 93rd Session, Geneva, 2005.

<sup>2</sup> Replies that arrived too late to be included in the report may be consulted by delegates at the Conference.

This report has been drawn up on the basis of the replies received, the substance of which is given in the following pages. Where in response to a multi-part question a member State has replied differently in respect of one or more parts, it may be named as both “affirmative” and “negative”, with the relevant parts indicated. The proposed Conclusions appear at the end of the report immediately after the Office commentary on the replies received.

If the Conference decides that it is advisable to adopt one or more international instruments, the Office will draw up, on the basis of the Conclusions adopted by the Conference, one or more draft instruments to be submitted to governments. It will then be for the Conference to make a final decision on the subject at a future session.

## REPLIES RECEIVED

This section contains the substance of the replies to the questionnaire which accompanied the preliminary report (Report IV(1)). Each question is reproduced and followed by a list indicating the governments that replied to it, grouped in accordance with the nature of the replies (affirmative, negative or other). Whenever there is an observation qualifying or explaining the reply, the substance of each observation is given, in alphabetical order of countries, after the aforementioned list. Where a reply deals with several questions or refers to an earlier question, the substance of the reply is given under the first of these questions and is referred to only briefly in the others.

A number of governments merely stated that the preliminary report formed a satisfactory basis for discussion, without giving answers to specific questions. Such replies have been taken as affirmative or negative answers as seemed appropriate in the context of the questions, or have been referred to in the general discussion.

Some governments in their replies gave information on their national law and practice. While this information is most useful for the work of the Office, it has not been reproduced in the report unless it is necessary for an understanding of the reply. Affirmative or negative replies from employers' and workers' organizations that are not accompanied by any observations are quoted only when they are contrary to the government's reply, or when the government has not replied to the question.

## GENERAL OBSERVATIONS

*Australia.* In addition to the adoption of the present instrument, the International Labour Office should start a campaign for ratification of Convention No. 155. It includes the most important basic provisions, principles and goals which all OSH instruments are designed to achieve, and is an up-to-date and appropriate international OSH standard. While Convention No. 155 has received only 42 ratifications, it is likely that many governments have not focused on the Convention since its adoption in 1981 or the publication of the ILO's General Survey on safety in the working environment of 1987. There is good reason to believe that member States would be as responsive to a ratification campaign as they have been to the campaign for ratification of the core Conventions. The Government does not consider it necessary to reply to Questions 4, 7-9, 16-17 and 19-20. The fundamental principles of OSH are contained in Convention No. 155, and to create an additional instrument duplicating these provisions would be not only superfluous but also cumbersome, particularly by requiring duplicated reporting for member States that have already ratified Convention No. 155. Furthermore, Australia is concerned that countries that have not yet ratified Convention No. 155 may need encouragement and assistance, rather than prescriptive measures, to establish, promote and advance OSH. The Government considers OSH to be of great importance and remains committed to securing better OSH outcomes for the welfare of workers. OSH developments are discussed and considered by the highest level of government – the Workplace Relations Ministers' Council. This, together with Australia's ratification of Convention No. 155 and the Government's initiatives in OSH, shows its commitment to improving the capacity of business operators to prevent injury, disease and fatalities at the workplace.

Australian Council of Trade Unions (ACTU): It is difficult to see how a proposed instrument is conceived in this questionnaire, which would appear to lead to a Declaration, rather than a Convention with a Recommendation. Reference should be made to paragraphs 91, 92, 96 and 97 of Report IV(1) to support the idea of a Convention. Innovative ideas need to be put in place in order to extend coverage to workers and forms of work that have been excluded: informal work, exploitative employment policies, labour practices, and lack of respect for workers' rights and legislative provisions.

*Austria.* Austria is in favour of a Convention obliging parties to establish an OSH system and to promote a safe and healthy working environment. The means to be used for the gradual creation or improvement of a safe and healthy working environment should be determined flexibly, in order that the Convention may be implemented in accordance with the domestic needs of each individual state. OSH programmes are one meaningful course of action, but they are not the only way to achieve a decent level of OSH. Austria firmly places the emphasis on OSH legislation. For this reason, all proposals concerning the definition and form of national OSH programmes should be contained in a supplementary Recommendation. Austria could not ratify a Convention committing parties to compulsory OSH programmes.

Chamber of Commerce of Austria (WKÖ): With regard to the creation of OSH programmes, your attention is drawn especially to the European Community strategy on health and safety at work 2002-06 drawn up by the European Union (EU) within the framework of its socio-political agenda. As regards the issue of establishing a national OSH system, the collaboration between ministries, insurance providers and the social partners has been successful in Austria for many years. In conjunction with these institutions, the ILO *Guidelines on occupational safety and health management systems* (ILO-OSH 2001) have recently been brought into effect as guidelines for Austria. In this context, in relation to Austria, the creation by the ILO of new instruments to improve levels of protection is neither necessary nor helpful. In view of the already intensely regulated nature of the OSH issue both in Austria and at the EU level, and the way in which law is developing at the European level, Austria is not in favour of adopting a new Convention or Recommendation. The ILO should instead focus its work to promote OSH on international information exchanges with regard to OSH programmes and on collecting and presenting information on relevant good practices and innovative approaches.

Federal Chamber of Labour (BAK): The promotion of OSH is an important goal for chambers of labour. The ongoing introduction of new technologies and modern business models has led to marked changes in the health risks faced by workers. For instance, thanks in no small part to lobbying from chambers of labour and trade unions, there has been a significant decline in traditional occupational accidents. At the same time, however, the psychological pressure of work is increasing many times over, resulting in chronic health damage and occupational diseases. The BAK bases its position on the fact that legislative OSH protection, including labour inspection, is a crucial achievement on the part of workers and their legally recognized, voluntary representatives. The BAK is generally opposed to deregulation. This also applies, as appropriate, to the relevant international labour standards laid down in ILO Conventions. The Austrian OSH legislation system is based on the employers' duty of care and responsibility. As well as their general obligations, their obligation to assess workplaces in respect of the health and safety of employees is given particular emphasis. The provisions concerning the duties of employers form the basis for the adoption of what are known as occupational safety and health management systems. Employers' responsibility for OSH is laid down clearly in national law. In order for them to fulfil this responsibility, specific new models of management have been developed in the area of safety and the promotion of health. The Federal Chamber of Labour supports such OSH management systems, where they are: comprehensible, comparable and in line with uniform standards; and based on the provisions of law. It also believes that such systems must be supplementary to OSH legislation. Only in such circumstances can they lead to greater improvement in working conditions in enterprises. In particular, any OSH management system used by an enterprise must comply with the ILO standard. However, there has as yet been insufficient involvement of workers and their representatives in the drafting and implementation of model OSH management systems. Systems of OSH standards can provide a helpful and flexible addition to the binding legal standards of state OSH protection, but they can never replace them. Currently, non-legislative systems of standards tend not to contain any conflict resolution mechanisms and, where they are established at international level, do not provide for any social dialogue. The binding legislative approach in OSH is not only valid within individual enterprises: it applies to employees in all sectors of the economy. The involvement of workers and their representatives is one of the basic requirements for the successful promotion of OSH. In

2000, the Federal Chamber of Labour, in collaboration with the Austrian Confederation of Trade Unions, took a stand on this issue by publishing a brochure (*OSH Management Systems*), which enables shop stewards, staff representatives and safety representatives to obtain an overview of current models for OSH management systems and to make a critical appraisal of them. With regard to the integrated approach of the Occupational Safety and Health Act, the Federal Chamber of Labour again emphasizes that a change of priorities, from OSH legislation to an exclusive use of OSH management systems at domestic or international level, must not be encouraged. Central to the effective protection of workers' safety and health is official monitoring through labour inspection. In this regard, the importance of ILO international labour standards must be underlined, including the Labour Inspection Convention, 1947 (No. 81). Article 12, paragraph 1, of this Convention states that "labour inspectors provided with the proper credentials shall be empowered to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection". This international provision was the reason for the introduction and retention of a corresponding provision for labour inspection bodies on access to and inspection of business premises and workplaces, as well as access to and inspection of accommodation and lodging provided by employers and access to and inspection of charities, in Austria's own Labour Inspection Act, 1993.

*Barbados.* Barbados Workers' Union (BWU): The current ILO focus on promoting a "safety culture" is without justification. In 2003 it was accepted that the use of the term "safety culture" carried with it implications that workers could be blamed and employers absolved of responsibility. Also, Report IV(1) refers to approaches based on behavioural aspects of safety that shift the focus away from the problems of organization and poor management at the root of most workplace health and safety problems and which have been used to undermine unions in the workplace. Report IV(1) also refers to "self-regulation" (paragraph 79), which has been a key part of the damaging deregulatory approaches to occupational safety and health observed worldwide. We consider it inappropriate for the ILO to promote this approach now, especially given the large number of cases that show the damaging results in a number of countries. The framework should more adequately reflect the value of legislative rights and enforcement regimes. It would be inconsistent with the mandate of the organization if the ILO were to favour a deregulatory and technocratic model, which does not reflect the nature of the agreements reached in 2003 with tripartite partners or the history of the institution. The report seems to relegate worker participation and the unions' role in health and safety to the sidelines, and to regard workers as part of the problem, rather than as a vital element in implementing key solutions. This must be corrected if the results of the questionnaire are to have any meaning and win the support of all participants in the ILO process. While the ILO is keen to articulate its views on safety culture as a response to a changing world of work, insufficient attention is paid to successful union-oriented initiatives: rights to appoint union safety representatives, workplace safety committees, the use of union-issued inspection notices, provision for roving safety representatives to cover union members in a broad geographical area, union rights of access to workplaces and to freedom of association, and protection from victimization for raising safety concerns. The ILO's proposal for a possible instrument with safety culture as its central theme (Chapter IV of Report IV(1)) would be a dangerous and retrograde step. In the report and Conclusions of the Committee on Occupational Safety and Health at the 91st Session of the Conference in 2003, the term "preventative safety and health culture" was used and accepted. There is no reason now to deviate from that accepted wording, concept and approach.

*Belgium.* National Labour Council (CNT): Rather than replying to each question separately, the National Labour Council (CNT) deemed it preferable to examine the report and questionnaire as a whole. The Council formulated two fundamental remarks. The first concerns the general scope of the report and the questionnaire it contains. The second concerns the concept of a "national preventative safety and health culture". The Council notes that, according to the Conclusions adopted by the Conference in 2003, the intention of the participants was to develop and apply "new strategies and solutions" in the area of occupational safety and health. To that end, they sought to introduce an ILO action plan for the promotion of safety and health at work. In the framework of the "action plan", it was planned to develop a new instrument establishing a promotional framework for occupational safety and health. Specifically, this "overarching" instrument, with a "promotional rather than prescriptive content", was to provide, among other things, for the formulation of national programmes on occupational safety and health and give member States the means of implementing them. In addition, in order to facilitate the exchange of experience and good practice in the area of occupational safety and health, the Conference participants had also provided for a mechanism for reporting on achievements and progress. Lastly, in connection

with the above, there was a call for “appropriate and practical input, process and output indicators”. The Council notes that these elements are missing from Report IV(1) and the accompanying questionnaire, which it therefore considers do not reflect the intentions expressed by the participants at the International Labour Conference in 2003. Accordingly, it considers that certain adjustments should be made to the report and questionnaire, so as to put them back into the context of the general discussion on the subject and bring them into conformity with the Conclusions adopted by the Conference in 2003.

*Bulgaria.* The action framework of such an instrument will assist each Member in developing a conceptual approach on prevention and combating hazards at the workplace. The instrument will encourage the endorsement of occupational safety and health as a priority in the governmental programmes of each Member in the case of common agreement between the social partners on the elaboration and application of a national OSH programme. The social partners will be assisted in the exchange of information about good practices in the field of OSH which will also be facilitated and stimulated.

*Canada.* Canadian Employers’ Council (CEC): The ILO has already adopted a large number of instruments – Conventions, Recommendations, codes of practice and guidelines – which cover virtually all aspects of occupational safety and health in a prescriptive manner. In particular, the ILO has adopted the Occupational Health and Safety Convention, 1981 (No. 155), which covers all workers in all economic activities, and addresses occupational safety and health in a comprehensive manner. There is therefore no requirement for further prescriptive instruments on the topic of OSH, and the promotional framework instrument advocated by the 91st Session of the International Labour Conference must take the form of a Declaration. This would ensure that the promotional framework instrument forms the basis of a commitment by member States to develop a national OSH plan of action.

*Denmark.* The questionnaire should indicate, inter alia, the form which the new instrument should take. The National Working Environment Authority considers that it should take the form of a Convention, possibly supplemented with guidelines. The National Working Environment Authority believes it should be a legally binding instrument because globalization means that an increasing number of enterprises choose to set up production in developing countries with no developed systems of safety and health regulations and/or no inspection system to ensure compliance. For considerations relating to competitiveness of Danish enterprises, and thus employment in Denmark, the Authority considers it important to establish a set of rules which internationally impose a duty on countries to establish an occupational health and safety system and a safety culture at all levels. However, the Authority has indicated in the questionnaire that, as regards management systems, it does not believe that countries should be bound to use the systems indicated in the ILO *Guidelines*. The part concerning management systems should be published in the form of guidelines. The report also clearly indicates that any new instrument should be a “framework” instrument without detailed requirements. This gives individual countries greater room for manoeuvre with regard to national implementation. This is also consistent with the way in which EU safety and health directives and Danish working environment legislation are structured.

Danish Confederation of Trade Unions (LO); Salaried Employees’ and Civil Servants Confederation (FTF): The questions are based on the concept “safety and health culture”. This is unsatisfactory for two reasons. First, the concept is different from the one adopted at the 2003 session of the Conference, when the concept “preventative safety and health culture” was adopted by consensus following discussions of the principles. Secondly, the ILO considers that a safety and health culture is satisfactory only if it is preventive. It is not sufficient to react to things that have already taken place. A visionary national health and safety system, as well as an international system, should, in other words, be based on the principle of prevention. It is also unsatisfactory that the questions relate only to a very limited extent to the necessity of legislative rights, inspection systems, workers’ rights, social dialogue, etc. The questions point in the direction of an instrument in which these aspects are given low priority, in favour of a system based on voluntarism and potential deregulation of safety and health measures. Such a voluntary strategy will not solve working environment problems in a world with new economic and employment policy challenges. Such a clear voluntary strategy would go against the decisions taken at the International Labour Conference in 2003. This is why we wish to encourage the ILO to illustrate a number of factors which were preconditions for the unanimous decisions in 2003. As will appear, there are a number of questions to which we can give an affirmative reply only after the decisions of 2003 have been taken into account. These include the question of replacing the concept “safety culture” with the concept “preventative safety and health culture”.

*Finland.* The labour unions point out that the terminology used in Report IV(1) is not consistent with that of the Conclusions adopted at the 91st Session (2003) of the International Labour Conference. The conclusions refer to “preventative safety and health culture”, whereas Report IV(1) refers to “safety culture”. Furthermore, in the report, occupational safety is discussed in terms of behavioural safety, which the labour unions do not approve of because such terms may divert attention from organizational or management problems. The labour unions cannot approve of elements referring to behaviour-based health and safety systems being added to the new ILO instrument. In addition, the largest labour unions point out that the term “self-regulation” (paragraph 79 in the report) is problematic. The labour unions stand for legislation on occupational safety and health issues, and support ILO initiatives in this direction. They consider that deregulation, to which the report points, is an idea at variance with the tripartite consensus reached in 2003. Moreover, the labour unions wish to emphasize that OSH issues should be treated from the viewpoint of the rights of workers and their representatives. The report does not discuss problems connected with labour inspection visits at the workplaces, e.g. large geographical areas, the right to visit workplaces, freedom of association, and protection of workers who take up OSH problems. As to Question 19, there are national differences in the division of how the OSH issues are administered in the various member States. Paragraphs 91, 92, 96 and 97 in Report IV(1) could have been explored in this questionnaire because of their informative nature. As to Question 20, the labour unions consider that the following issues could have been included in the questionnaire because of their important role in an OSH framework: the role of the governments (especially as capacity builders); the resources of OSH; the right to a safe and healthy working environment; the role of the labour unions in preventing accidents and diseases; labour inspections; the role of OSH committees at workplaces; sanctions for infringing legislation; and inclusion of all workers, including disabled workers and immigrants. The employers’ organizations point out that OSH provision meets high standards in Finland. Companies are already actively promoting the safety and health of their workers, which is based on modern legislation and functioning social dialogue. Two extensive national OSH programmes have been launched. These are: the Programme against work accidents (2001-05) and the Veto-programme (2003-07), both of which aim to improve and promote safety culture. The first aims to be the “best in the world” within the health and safety culture. The objective is to reduce the number of accidents and their consequences, which calls for an improved safety culture and a “zero-accident” approach at all workplaces.

*France.* France is making every effort to ensure that effective solutions are identified in order to improve prevention within the enterprise. While a regulatory framework is essential, it is not enough in itself. International labour standards must remain a key tool, but need to be made more effective. There is no denying that regulation serves a useful purpose in laying down the fundamental principles of protection of workers’ health and safety. However, the regulatory framework needs to be supplemented, enhanced and leveraged through other forms of action. It is essential to use all the means available to adapt and supplement the legal framework: Recommendations, exchanges of good practices, technical assistance, business consultancy and dissemination of information. Mobilizing all these elements should facilitate the design of a clear, coherent and effective national strategy, formulated in a “single corpus”. Having already adopted a “Strategy for 2003-06” which was the subject of tripartite consultations, France is currently preparing a “Health at Work Plan” (*Plan santé travail*) with an operational focus and an organizational approach. The aim is to consolidate prevention policy, particularly in regard to knowledge of occupational risks. This ambitious Plan reflects a new approach by the public authorities and is consistent with the ILO’s “integrated approach”. It was drawn up in consultation with the social partners and, through them, with enterprises, as well as the administrations concerned (for example, those in charge of public health, the environment, research, etc.). It is backed politically at the highest level by the Government. The Government is very much in favour of adopting an instrument for the promotion of OSH. Such an instrument would be consistent with national practice and with national implementation of the guidelines set forth in the new European strategy on health and safety at work 2002-06.

Movement of French Enterprises (MEDEF): As regards the content of an instrument, it should be consistent with its objectives. The aim is to encourage member States to adopt a national programme and a national strategy on safety and health at the workplace. This should not be confused with a national public health programme intended to prevent other risks and mobilize other stakeholders and resources that go far beyond the confines of the enterprise (education, housing, health programmes, prevention campaigns against alcohol, tobacco and drugs, etc.). The intention is also to draw up an instrument that

will be innovative compared with the ILO's classic standards-related activities, in line with the "integrated approach" adopted by the Conference in 2003. The questionnaire proposed as a basis for the instrument is only partly in line with this approach.

*Greece.* Federation of Greek Industries (SEV): Dealing with issues relating to working conditions on a global, multidimensional, flexible and innovative basis is to play a major part in activating and awareness-raising of all the actors involved. Collaboration between employers, workers, the State and the international community must be inspired by this central notion, which is the current concept of administration directly affecting the production processes and the quality of life and work in general.

*Ireland.* The Government is preparing legislation to make further provision for securing the safety, health and welfare of persons at work and for the enforcement of relevant statutory provisions to give effect to European Union Council directives, and to confer additional functions on the national OSH body, which is to be renamed the Health and Safety Authority.

*Luxembourg.* Luxembourg campaigns to ensure that information related to technology, management systems, physical, psychological and social factors related to labour, the reputation of shareholders/owners of companies, be considered together. All effective solutions need to be employed in order to improve prevention within companies; legal standards are indispensable, but are only one element among many. International labour standards should remain an important tool. They should, however, be rendered more effective. Standards are undeniably crucial in laying down the fundamental principles of occupational health and safety protection. The aim of the 93rd Session of the International Labour Conference will be to establish effective, appropriate and clear policies, in order to launch an action plan which will radically improve and restructure intercommunication. The ultimate aim is to design an integrated labour inspectorate for each Member. The time has come to think globally and to plan for action at a national level. The 93rd Session will serve as a forum for action and will be an opportunity to exchange expertise and experiences in order to make Europe and the world more aware of the social dimension. The social dimension should be placed on an equal footing with the economy, finances and the protection of the environment, within a holistic approach.

*Morocco.* Federation of Chambers of Commerce, Industry and Services (FCCIS): Occupational safety and health are fundamental prerequisites for strengthening workers' labour rights, in particular in problem sectors, and key elements for guaranteeing the quality of products and services and improving enterprise competitiveness. International standards on occupational safety and health should be more focused on promotion and awareness raising. Appropriate technical assistance should be provided to support enterprises in setting up an occupational safety and health system tailored to the size and level of development of the enterprise.

*Netherlands.* Netherlands Confederation of Trade Unions (FNV); National Federation of Christian Trade Unions (CNV); Central Union for Intermediate and Higher Level Employees (Unie mhp): Firstly, the new instrument should put greater emphasis on the fact that adopting and implementing national OSH programmes, to develop a promotional framework for OSH, has a very strong relationship with existing ILO-OSH instruments. The fact that Report IV(1) mentions several times the links between national OSH programmes and national OSH systems makes this perfectly clear already, but this theme should be elaborated much further and be placed more centrally in the whole instrument. A promotional framework for OSH without this relation with existing provisions does not have any added value and leads only to an apparent improvement of OSH. Secondly, the new instrument as conceived in this questionnaire is focused too strongly on the national level. In many countries, the regional level, when talking about the geographical division of the country, and/or the sectoral level, when talking about the division of collective agreements, are of great importance. The regional level is of great importance in federal structures, such as the European Union. In addition, the Netherlands has had much experience with a sectoral approach to OSH, in which collective bargaining on OSH occupies an important position, with good results. In short, the new instrument should also focus on these aspects of an inclusive promotional framework for OSH. Finally, there is a real concern here, based on experience in the Netherlands. Each type of economy has its own specific OSH problems. The new instrument should provide that each Member should seek progressively to develop a safer and healthier working environment (see Question 5). It is very important for the three Dutch trade union confederations that the new instrument should not

in any way allow Members to downgrade their existing OSH programmes and systems, including their OSH legislative framework, thus downgrading their level of protection of employees.

*New Zealand.* Traditionally New Zealand, like most developed countries, has drafted OSH legislation in prescriptive terms, stating the measures to be taken to minimize risk in relation to defined hazards, whether mechanical, electrical, physical or chemical. In 1992, prescriptive legislation was replaced by a principal statute requiring employers to take all practicable steps to eliminate or minimize hazards, but without defining the measures to be taken. The emphasis shifted, within the framework of tripartite consultation in particular industrial sectors, towards the preparation of codes of best practice and guidelines. Whilst what is practicable depends to some degree on the size and nature of an enterprise, the onus of proof is on the employer to show that the preventative measures taken are as effective as those in the code of practice. In 2003, work commenced on the development of a Workplace Health and Safety Strategy to 2015, aligned with the New Zealand Injury Prevention Strategy for society at large. Public consultation is taking place on the draft Strategy, which will be released with a supporting implementation plan in 2005. The draft was developed by the Department of Labour with the help of a government inter-agency group and a group representing the interests of stakeholders, including employers and workers. The draft was approved by Cabinet for external release. The draft Strategy has the vision of healthy and safe people in productive workplaces. This vision will be underpinned by a number of vital outcomes, for example, workplace quality culture, industry and community engagement, and government leadership and practice. Some intervention approaches will help achieve these outcomes, such as sound research and evidence, appropriate incentives, and effective regulation. Effort will also be directed towards particular hazards and population groups. The final content of the vision, outcomes, intervention approaches and priorities will be decided after the public consultation is concluded. In answering this questionnaire, the Government has been mindful that the promotional framework agreed upon at the 91st Session of the International Labour Conference was intended to be part of a comprehensive system of OSH policies, programmes and interventions: “an overarching instrument with a promotional rather than prescriptive content”. It is therefore concerned at the level of specification sought in the questionnaire, particularly under the sections on national programmes and national systems. The majority of these questions are also framed in a very specific fashion, e.g. “Should the instrument provide ...?” Such questions encourage “yes/no” answers rather than fostering a more open reflection on the principles, policies and measures that might be required to achieve an outcome (result) focused on an OSH system.

*Business New Zealand (Business NZ):* The ILO has already adopted a wide range of essentially prescriptive instruments dealing with all manner of occupational safety and health concerns. Many Conventions in this category, as earlier pointed out, have been little ratified, and this includes the Convention that comprehensively addresses the issue of OSH, namely, Convention No. 155. This being the case, the best way to address occupational safety and health concerns is through the promotional framework instrument advocated by the 91st Session of the International Labour Conference. An instrument in the form of a non-prescriptive Declaration would be the most effective basis for ensuring that Members commit themselves to the development of a national OSH plan of action.

*New Zealand Council of Trade Unions (NZCTU):* The NZCTU does not support the self-regulation approach promoted in Report IV(1). Self-regulation, or responsive regulation, reflects a damaging worldwide trend to deregulate OSH enforcement. The NZCTU is committed to an evidence-based approach. The most effective initiatives the Government could take for ensuring compliance with regulations would be the development of codes of practice reinforced with an increased programme of workplace inspections and enforcement and better engagement with workers’ health and safety representatives. Better integration of the functions of health and safety representatives in the workplace with higher level interventions would be consistent with the self-regulation approach. International research acknowledges that in order for self-regulation to be effective, there must be a system of “fully fledged tripartism”, in which elected union health and safety representatives are empowered to the same degree as government inspectors to pursue an enforcement action.

*Poland. Independent and Self-Governing Trade Union (Solidarność):* The form of the new instrument as proposed in the questionnaire is ambiguous. The questionnaire appears to favour a Declaration, not a Convention supplemented by a Recommendation. The report adopted by the International Labour Conference at its 91st Session supports the idea of a Convention. There is an urgent need for new, innovative solutions aiming at regulating the issues and groups of workers hitherto passed over in ILO instruments.

*Portugal.* Confederation of Trade and Services of Portugal (CCP): There is a need for a legislative framework in the field of workers' health protection. However, the present framework (meaning international and supranational legislative instruments, in particular those of the European Community together with the laws giving effect to them in Portugal) covers the entire gamut of known occupational hazards. The CCP reiterates its appeal for a pause in legislation, and recommends an approach that seeks to ensure the proper application of existing legislation. Portuguese companies face a range of difficulties in this area. The small size of our firms (it must not be forgotten that the commercial fabric consists overwhelmingly of micro-enterprises) limits the range of options available to businesses in adopting a new model of prevention. At the same time, the small number of workers makes it difficult to implement training measures for workers or the employers themselves. Many commercial entities are located in premises which, because of their age and original structure, do not facilitate appropriate workplace planning and design. As regards the institutional framework, weaknesses include inadequate development of education and training systems, and delays in implementing measures to ensure the credibility of the system, in particular, certification of individuals and enterprises.

General Union of Workers (UGT): The UGT has a number of criticisms regarding the content of Report IV(1), since on certain specific points, the approach taken by the questions may not be the most appropriate. Thus, in speaking in terms of a safety culture or safety based on behaviour, the report tends to be too restrictive in its interpretation, confining the problem to the workers and shying away from the responsibility of employers for the management and organization of their firms. It also seems to stray from the principle fundamental to the trade union movement, that workers and their representatives, specifically in relation to OSH, must be part of the solution. They must be involved not only at company level, but also at the level of tripartite dialogue, which is essential in this area. There also seems to be a certain retreat by the ILO in regard to this point, since earlier documents referred to a preventative safety and health culture, which is broader and clearly more appropriate. In addition, there are a number of issues in which, from a trade union point of view, the report shows little progress, whether it be the right to have special OSH representatives or moves towards giving such OSH representatives rights equivalent to those of trade union representatives, which is more appropriate. As regards the participation of other parties in multilateral organizations or consultations, this must not be contemplated without some reservations since, although it could be important in some ways, it must never give rise to an undesirable dilution of the decision-making or advisory powers of such bodies or limit action in this context for purely economic reasons. Another concern relates to the reference in the report to "self-regulation". The effects of self-regulation have very often proved to be pernicious, and its effectiveness must for this reason be hedged with strong reservations; the main focus should be on the need for binding legislation and regulations, which we think is the only way to ensure the desired evolution of conditions of work.

*Spain.* Trade Union Confederation of Workers' Committees (CCOO): The CCOO is deeply concerned by some of the content of Chapter II of Report IV(1), in particular, the reference to the "pillars of a global strategy" for OSH. The use of concepts such as "safety culture", which lack any clear content, creates a "ragbag" for every issue: enterprise culture and worker culture, the dominant over the dominated, the globalizers over the globalized, the risk-takers and the risk-sufferers. It is not true that workers' health is the responsibility of all. These concepts serve as a cover for moves to water down the employer's responsibilities and shift blame onto the victim. The same can be said for the other "pillar" of prevention referred to in the report, namely, "management systems". Behind the "management systems", a trade and economic war is being waged between different countries and certification bodies; this has nothing to do with the promotion of workers' health. The intention is to place the health of workers in the control of the market through the ISO, removing it from the appropriate forum, which is the ILO, where tripartite participation is guaranteed. These are some of the risks that should be taken into account before adopting an appropriate ILO instrument. The third concept used in the ILO report is "self-regulation", together with "corporate social responsibility". These terms are hollow and empty of content and bear a close relation to earlier ones. What are the limits to enterprise freedom? It is now more indispensable than ever that ILO instruments be based on the two main elements of monitoring of economic activities: action and participation by workers, and the mediation and supervision of public authorities through regulations and a system of penalties. Finally, Report IV(1) expressly states that "consideration should also be given to work-related psychosocial hazards for further ILO activities". It is totally unacceptable that the ILO continues to delay indefinitely confronting a risk factor that causes true psychological epidemics, distress and exhaustion.

*Switzerland.* The Government is opposed to the introduction of a legal instrument (Conventions or Recommendation), especially if that instrument is binding. Other instruments exist to achieve the desired purpose: a code of practice, a campaign or a policy statement, for instance. The Government considers that the principle of the integrated approach is not being respected in this case, and that the 2003 session of the International Labour Conference did not want a binding instrument. The resources needed to draw up and implement a national action plan, as required by the drafts submitted in the questionnaire, are out of all proportion to the envisaged result. Moreover, reporting procedures would be complex and almost impossible to implement.

Confederation of Swiss Employers (UPS): The promotion of occupational safety and health has long been a concern of Swiss employers. In particular, since 1995, with the adoption of Directive No. 6508 concerning the appeal to occupational physicians and other occupational safety specialists of the Federal Commission for Coordination of Occupational Safety (CFST), these efforts have been overwhelmingly strengthened. Because of this, the approach of Swiss enterprises on the issue is highly developed.

Swiss Federation of Trade Unions (USS/SGB): Despite the objectives that were clearly stated in the 2003 document, the ILO is now focusing, without any justification, on the promotion of a "safety culture". In 2003, it was acknowledged that the use of the term "safety culture" conveyed the idea that the workers were solely responsible and that employers should be relieved of all responsibility, and the term "preventative safety and health culture" was adopted instead. There is no reason to deviate from this. Similarly, Report IV(1) refers to approaches based on behavioural aspects of safety, which shift the emphasis away from problems related to poor organization and management. These are at the root of most occupational safety and health problems and have been used to undermine the strength of trade unions in enterprises. The ILO document also refers to "self-regulation" (paragraph 79 of Report IV(1)), which has been a key element of deregulatory approaches that are detrimental to occupational safety and health in the world. It is not appropriate that the ILO promote this approach today, given in particular the large number of cases in which it has produced devastating results in many countries. The framework should better reflect the value of the rights conferred by legislation and implementing regulations. It would be contrary to the ILO's mandate for it to favour a technocratic and deregulatory model that is not in keeping either with the agreements reached in 2003 with the tripartite partners or with its own history. The current approach taken in the document appears to sideline the workers and the trade unions from occupational safety and health issues by considering workers as part of the problem, instead of as a crucial element in implementing solutions. This must be rectified if the questionnaire is to produce meaningful results and win the support of all the participants in the ILO process. While the ILO is focusing its approach on a safety culture to keep pace with changes in the world of work, insufficient attention is given to successful trade union initiatives (rights of trade union representatives in safety matters, occupational safety committees, use of trade union inspection reports, provision of roving safety representatives, trade union rights of access to the workplace, etc.).

*United Kingdom.* The instrument should not specify designation or delivery mechanisms for national systems. The Government recommends that the ILO formulate any future instruments on set objectives and in goal-setting terms, rather than using a prescriptive approach. For any instrument, if the methods and means of achieving the objectives are over-specific and rigid, then this rigidity may result in difficulty in endorsing the instrument. The Government would like to emphasize that it supports and promotes worker involvement. In the new strategy of the Health and Safety Commission (HSC), it is stated that the HSC aims to "develop new ways to establish and maintain an effective health and safety culture in a changing economy, so that all employers take their responsibilities seriously, the workforce is fully involved and risks are properly managed". Successful existing union-oriented initiatives could be incorporated into the instrument, for example, rights to union safety representatives, workplace safety committees, provision for roving safety representatives to cover union members in a broad geographical area, and protection from victimization for raising safety concerns. It is important that a global approach to well-being at work and the development of a health and safety culture at national level do not undermine innovation and lead to a "risk-aversion" culture. National occupational safety and health systems must be put in the context of national cultures and priorities, and any promotional framework must be sufficiently flexible to encourage this while maximizing international coherence, relevance and impact. The Government does not necessarily suggest harmonization of all systems, but instead favours further improvements in OSH awareness and performance at workplaces.

Confederation of British Industry (CBI): It is important that a global approach to well-being at work and the development of a health and safety culture at the national level do not undermine innovation and lead to a risk-aversion culture. National OSH systems must be put in the context of national cultures and priorities, and a promotional framework must be sufficiently flexible to encourage this while maximizing international coherence, relevance and impact. We are not looking for harmonization of all systems, but seeking further improvements in OSH awareness and performance at workplaces.

Trades Union Congress (TUC): We are concerned that in Questions 3 to 9, despite the clearly articulated objectives contained in the 2003 document, the current ILO focus on promoting a “safety culture” is certainly not in line with current British or EU policy on occupational health. In 2003, it was accepted that the “safety culture” carried with it suggestions of blaming workers and absolving employers of responsibility. The recent Report IV(1) contains damaging approaches like behavioural aspects of safety that take the focus away from poor organization and management that are the root cause of most workplace health and safety problems. The ILO framework document (Report IV(1)) in paragraph 79 also alludes to “self-regulation”, which has been a key part of damaging deregulatory approaches for OSH worldwide. It is inappropriate for the ILO to promote this approach now, especially given the wide range of cases that show the damaging effects of that approach in a number of countries. The framework should more adequately reflect the proven value of legislative rights and enforcement regimes. At present, the ILO seems to favour a deregulatory and technocratic model. The current tenor of the document relegates worker participation and the role of unions in health and safety to the sidelines. It also sees workers as part of the problem, not as a vital element in implementing key solutions. We reiterate our support for worker involvement as being the key to prevention. There is also insufficient attention to successful union-oriented initiatives – rights to union safety representatives, workplace safety committees, the use of union-issued inspection notices, provision for roving safety representatives to cover union members in a broad geographical area, union rights of access to workplaces and to freedom of association and protection from victimization for raising safety concerns. The ILO’s proposal for an instrument with safety culture as its central theme (Chapter IV) would be a dangerous and retrograde step. It would put an acceptable face on a non-regulatory, non-binding ILO alternative to proper, enforceable legal requirements. In the report and Conclusions of the Committee on Occupational Safety and Health adopted by the International Labour Conference in 2003, the term “preventative safety and health culture” was used and accepted. There is no reason now to deviate from this accepted wording, concept and approach.

## REPLIES TO QUESTIONS

**Form of the instrument**

**Qu. 1** *Do you consider that the International Labour Conference should adopt an instrument to promote occupational safety and health?*

*Total number of replies: 92.*

*Affirmative: 90.* Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Chad, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mauritius, Mexico, Moldova, Morocco, Mozambique, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Philippines, Poland, Portugal, Romania, Saudi Arabia, Senegal, Singapore, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, United Republic of Tanzania, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Venezuela, Viet Nam, Zambia, Zimbabwe.

*Other: 2.* Mongolia, Switzerland.

*Australia.* The Government supports the adoption of an instrument to promote occupational safety and health (OSH). However, the Australian Government does not support the adoption of an instrument that is overly prescriptive and diverts from the overarching objective, which is to promote OSH as a labour principle of fundamental importance to the implementation of decent work for all.

Australian Chamber of Commerce and Industry (ACCI): ACCI reserves its position on this question at the moment. Our preliminary position (consistent with the position we adopted at the 91st Session of the Conference) is that a promotional instrument of some form that is non-prescriptive and focused on capacity building within domestic law and practice, accompanied by some simplification of existing instruments, would be a sensible course.

ACTU: Yes, the ILO should adopt an instrument.

*Austria.* Austrian Confederation of Trade Unions (ÖGB): In principle, the ÖGB is in favour of adopting an instrument for the creation of a promotional framework for occupational safety and health. The ÖGB recognizes the constant development and expansion of approaches in the occupational safety and health legal system. However, the Occupational Safety and Health Act is the cornerstone of these new developments, as the legislative provisions and institutional framework conditions of occupational safety and health law (labour inspection, for instance) are important and indispensable achievements by the workers of Austria and their legal representatives. This new approach in OSH is to develop a prevention-oriented safety and health culture, in which prevention forms the key component of OSH strategy. Especially important in this regard are national OSH programmes building on and complementing existing OSH systems.

BAK: The ILO's current system of standards does not require a revision or codification at a fundamental level, but only in respect of technical matters.

*Botswana.* A framework instrument could be supported by codes of practice.

*Canada.* Yes, provided that the instrument establishes a promotional framework and its content is promotional rather than prescriptive, as recommended in the Conclusions concerning ILO standards-related activities in the area of occupational safety and health adopted at the 91st Session of the International Labour Conference.

*Chile.* Confederation of Production and Trade (CPC): Yes.

*Denmark.* Danish Employers' Confederation (DA): An instrument would probably be appropriate.

*Finland.* Confederation of Finnish Industry and Employers (TT): No.

*France.* Yes. The priority objective of protecting workers' health and safety at the workplace calls for the implementation of a global strategy. Progress can be achieved in the prevention of occupational risks only if it is addressed in a coherent manner, through an "integrated approach".

*Germany.* Yes, although care should be taken to ensure that such a new instrument does not contain any legislative provisions that would prove an unnecessary burden on business.

*Guatemala.* This is necessary because adoption of an ILO instrument promotes OSH at the national level.

*India.* An international labour instrument would help in developing safety culture at the national and enterprise level. Furthermore, the guidelines given in a Recommendation would also help member States to draw up their action plans at the national and enterprise levels.

*Jamaica.* Jamaica Employers' Federation (JEF): Yes.

*Luxembourg.* An "integrated labour inspection system" must be set up in each member State of the ILO if the main objective of protecting the health and safety of workers in the workplace is to be achieved. The prevention of threats to workers' health can only be developed into a culture of well-being of people at work if there is a coherent "integrated approach".

*Mongolia.* The International Labour Conference could adopt an instrument to promote OSH.

*Mozambique.* An instrument to promote occupational safety and health should be adopted to make governments more aware of strategies for drawing up models for the promotion of policies for the development of OSH activities in all branches of activities.

*Netherlands.* Yes, because systematic attention to promotional activity is an indispensable element in any comprehensible OSH strategy.

FNV; CNV; Unie mhp: Yes, because it is important that all ILO member States can benefit from the initiatives already started in a number of ILO member States to improve working conditions and safety culture. These initiatives should be broadened to include all Members. Even for member States that have already started initiatives to promote OSH, the adoption of a new ILO instrument could be of great importance. A new instrument should clearly indicate that the adoption of promotional measures on OSH does not mean that some of the other initiatives to improve OSH should be abandoned. Report IV(1) indicates this clearly (for example in paragraphs 52 and 54).

*New Zealand.* New Zealand remains strongly supportive of a priority initiative by the ILO to develop a promotional framework. The purpose of such a framework would be twofold: first, to raise the profile of OSH, both internationally and at a national level, and to increase awareness of the social and productivity benefits of good workplace health and safety practice; and secondly, to provide an overarching framework within which the International Labour Office could consolidate existing OSH instruments and develop new ones. This could include the development of a new overarching Convention. Governments at a national level could develop coherent strategies covering education and information dissemination, industry sector enablement and enforcement measures. In summary, the proposed promotional framework should be seen as a means of raising awareness about workplace health and safety, and setting a strategic context for other more specific measures at both the international and national levels. For example, New Zealand is currently developing a Workplace Health and Safety Strategy to 2015 (see general observations). The existence of an ILO instrument to promote OSH would greatly strengthen the international context within which such a national strategy is developed and implemented.

NZCTU: The NZCTU supports the ILO initiative to create an instrument for promoting OSH. An ILO framework should have the purpose of raising awareness about workplace safety and health and

provide a strategic context for countries to develop specific measures for addressing workplace health and safety. The framework should acknowledge and provide guidance on future health and safety challenges arising from globalization, trade liberalization, the spread of new technology, and emerging types of work organization such as an increase in casual and precarious employment through the use of labour hire agencies.

*Norway.* The Government strongly supports the idea that the International Labour Conference should adopt an instrument to promote OSH. This could be fundamental for improving OSH performance in the long term, and a way to promote a preventative safety and health culture.

*Portugal.* The Conference should adopt an instrument to promote occupational safety and health in order to encourage governments to adopt action programmes including measures to enhance the visibility and impact of ILO standards on OSH. This would result in the ratification of the Conventions regarded as relevant today.

Confederation of Portuguese Industry (CIP): A new instrument should be sufficiently flexible to allow its application by the majority of member States.

*Singapore.* Promotion of OSH is an important strategy which member States should institutionalize. It is therefore appropriate to adopt an instrument to promote OSH.

*Slovenia.* Representative Associations of Employers (RAE): Yes.

*Switzerland.* See general observations.

UPS: Given the very technical aspect of this subject and its dependence on local conditions that vary greatly from one country to another, the promotion of OSH could be ensured just as well through the dissemination of a simple set of good practices as by the adoption of an instrument by the International Labour Conference.

USS/SGB: Yes.

*Turkey.* Turkish Confederation of Employers' Associations (TISK): Although the ILO already has many instruments on the subject of OSH, it might be useful to adopt a promotional framework instrument for raising people's awareness on this matter.

*United Kingdom.* Promotion is the first step before one considers more concrete measures. It is important to build on the discussions surrounding the Conclusion adopted by the 91st Session of the International Labour Conference (2003), calling for a new instrument establishing a promotional framework in OSH. The instrument should be developed to provide sufficient flexibility to accommodate many different cultures and a rapidly evolving context.

**Qu. 2** *If so, do you consider that the instrument should take the form of:*

- (a) *a Convention;*
- (b) *a Recommendation;*
- (c) *a Convention supplemented by a Recommendation (if you choose this alternative please indicate, in your comments on the questions regarding the content of the instrument, which elements of the question concerned should be dealt with by a Convention or a Recommendation); or*
- (d) *a Declaration?*

*Total number of replies: 92.*

*Affirmative for the adoption of a Convention: 27. Bangladesh, Barbados, Belarus, Benin, Botswana, Bulgaria, Brazil, Chad, Denmark, Ecuador, El Salvador, Finland, Gabon, Guatemala,*

Haiti, Indonesia, Ireland, Italy, Kazakhstan, Lebanon, Madagascar, Mauritius, New Zealand, Romania, Saudi Arabia, Senegal, Venezuela.

*Affirmative for the adoption of a Recommendation:* 16. China, Costa Rica, Cuba, Czech Republic, Germany, Honduras, Latvia, Malta, Mongolia, Netherlands, Singapore, Spain, Suriname, United Republic of Tanzania, United Arab Emirates, Zambia.

*Affirmative for the adoption of a Convention supplemented by a Recommendation:* 26. Argentina, Austria, Azerbaijan, Bahrain, Belgium, Croatia, Estonia, France, India, Japan, Luxembourg, Malawi, Morocco, Mozambique, Nicaragua, Niger, Nigeria, Norway, Panama, Papua New Guinea, Sri Lanka, Tunisia, Turkey, Uruguay, Viet Nam, Zimbabwe.

*Affirmative for the adoption of a Declaration:* 11. Australia, Burkina Faso, Cyprus, Hungary, Republic of Korea, Kuwait, Mexico, Oman, Poland, Sweden, Ukraine.

*Other:* 12. Canada ((b) or (d)), Egypt ((a), (b) or (d)), Greece ((a), (b) or (d)), Lithuania ((a) or (c)), Malaysia ((a) or (d)), Moldova, Philippines ((c) or (d)), Portugal ((a) or (d)), Switzerland, Syrian Arab Republic ((a) or (b)), Thailand ((a), (b), (c) or (d)), United Kingdom ((b) or (d)).

*Australia.* The Government is concerned about the way in which the questionnaire has been structured, including the use of many closed questions which may tend to encourage Members to support the creation of a new, somewhat prescriptive Convention. The Government considers that the effective promotion of OSH would not be enhanced to any significant degree by the adoption of such an instrument. Instead, the Government proposes the adoption of a Declaration which would underpin the ILO's global objective of achieving decent work that is safe work. In view of the importance of OSH, the Declaration should provide for accountability and reporting arrangements equivalent to those applicable under the Follow-up to the Declaration on Fundamental Principles and Rights at Work. A Declaration should include certain fundamental provisions. It should provide that all member States shall, in consultation with the most representative organization of employers and workers, formulate, implement and periodically review a national policy on OSH that is appropriate to national conditions. The OSH policy should aim to prevent accidents and injury to health arising out of, linked with, or occurring in the course of work, by minimizing, so far as is reasonably practicable, the causes of hazards inherent in the working environment. The Declaration should provide guidance to employers and workers so as to help them comply with legal obligations; the policy should be subject to periodic review as appropriate; enforcement of laws and regulations should be secured through a system of inspection and appropriate penalties; the right of a worker to remove himself or herself from a work situation he or she reasonably believes is present and imminent and a serious danger to life or health shall be protected; sound OSH practice should be promoted through education and awareness programmes as appropriate to national conditions and practice. The Declaration should set out the rights and obligations of employers and workers at the level of the undertaking; member States that have not ratified the Occupational Safety and Health Convention, 1981 (No. 155) should be required to report annually to the International Labour Office on their efforts to implement this principle. The purpose of this follow-up would be to encourage governments to implement sound OSH policies and practice, and to seek assistance from the International Labour Office as necessary and appropriate. The Declaration should be sufficiently flexible to permit member States to achieve its objectives over a reasonable period of time. This approach would provide a basis for holding *all* member States to account for their efforts to implement sound OSH policies and programmes, not just the States that have ratified OSH Conventions.

ACCI: The preliminary position of the ACCI would be to support a promotional instrument if its terms are acceptable. This should be a Declaration, for the following reasons. First, the instrument should be one which countries do not have to ratify or report on, and should not require them to change their domestic legislation in any particular or prescribed way. Second, it should avoid prescription and detail. Third, it should express a commitment to developing a national safety and health plan of action. Fourth, there is already an extensive array of ILO instruments on the topic of OSH in the form of Conventions,

Recommendations, codes of practice and guidelines (for example, Convention No. 155 deals very extensively with these issues).

ACTU: The new instrument should be either a Convention or a Convention supplemented by a Recommendation. The Recommendation could contain guidance on developing national systems and programmes and on assembling a national profile.

*Austria.* ÖGB: A Convention.

BAK: A Convention supplemented by a Recommendation.

*Azerbaijan.* The instrument should cover: issues of occupational safety and health from the viewpoint of a comprehensive national occupational safety and health policy; rights and responsibilities of employers in the field of occupational safety and health; provision of personal protective equipment; protective guards for mechanical equipment; issues concerning reporting and inspection of occupational accidents; compensation payments for injuries.

*Barbados.* A Convention would be preferred. However, in the light of the discussions, a Declaration would be supported. The Declaration should be designed to promote the implementation of existing OSH instruments, and should make provisions for follow-up similar to the ILO Declaration on Fundamental Principles and Rights at Work.

Barbados Employer's Confederation (BEC): A Convention.

BWU: A Convention supplemented by a Recommendation.

*Belgium.* A Convention supplemented by a Recommendation. Belgium has already ratified the Occupational Safety and Health Convention (No. 155) and Recommendation (No. 164). The choice of a Recommendation would tend to favour the status quo in the development of provisions necessary for the improvement of the protection of workers and in the development of an occupational safety and health culture. Current legislation has introduced the concept of a systematic approach to OSH management by initiating the dynamic risk management system within enterprises. This system is based on a programmed and structured preventive approach, the aim of which is to facilitate the implementation of policy in the area of workers' well-being, and which is evaluated and adapted by the employer. Within this system, a strategy for carrying out risk assessment is being developed in order to facilitate determination of the preventive measures to be taken. The Convention should therefore reiterate the guiding principles directing OSH management systems at the national level, while the Recommendation should make explicit the technical requirements needed to implement the Convention.

*Benin.* National Employers' Council (CNP): A Declaration.

*Bulgaria.* Union of Private Bulgarian Entrepreneurs-Vazrazdane: A Convention supplemented by a Recommendation.

Bulgarian Chamber of Commerce and Industry (BCCI): A Declaration.

*Brazil.* National Confederation of Commerce (CNC): A Convention.

*Canada.* The Government would prefer a non-binding instrument such as a Recommendation or Declaration, which would be promotional rather than prescriptive in nature. If there is sufficient global support, a Declaration could be the appropriate means for raising awareness and promoting safety and health in the workplace as a fundamental right. Whatever form is selected, it should outline a framework for the promotion of OSH which supports the establishment of mechanisms for a systematic and continual improvement of national OSH systems and programmes. It should not include prescriptive requirements that would prevent global implementation or, in the case of a Convention, create barriers to widespread ratification.

CEC: The promotional framework instrument advocated by the 91st Session of the International Labour Conference must take the form of a Declaration. This would ensure that the promotional framework instrument forms the basis of a commitment by Members to developing a national safety and health plan of action.

*Chile.* CPC: A Declaration (d).

*Costa Rica.* Costa Rica Confederation of Democratic Workers-Rerum Novarum (CCTD-RN): A Convention.

*Cyprus.* Cyprus Employers' and Industrialists' Federation (CEIF): A Declaration.

Cyprus Workers' Confederation (SEK): A Convention, a Convention supplemented by a Recommendation, or a Declaration.

Pan-Cyprian Federation of Labour (PEO): A Convention supplemented by a Recommendation.

*Czech Republic.* Czech-Moravian Confederation of Trade Unions (ČMKOS): A Convention.

*Denmark.* A framework Convention is preferred, without detailed requirements. Denmark has the reservation that if the management systems approach only accepts the model developed in the ILO *Guidelines on OSH management systems*, this part should be presented in a Recommendation.

DA: A Declaration.

FTF; LO: A Convention supplemented by a Recommendation. The Recommendation should offer guidance about the development of a national system, programmes and a national profile in the field of OSH.

*Ecuador.* Quito Chamber of Commerce (CCQ): A Declaration.

*Egypt.* A Declaration, raising awareness of OSH by personal and visual means.

Federation of Egyptian Industries (FEI): (d), a Declaration.

Egyptian Trade Union Federation (ETUF): (c), a Convention supplemented by a Recommendation.

*Estonia.* Estonian Association of Trade Unions (EAKL): A Convention.

*Finland.* TT: A Declaration.

Central Organization of Finnish Trade Unions (SAK): A Convention supplemented by a Recommendation. The Recommendation could give guidance in drafting national programmes.

*France.* A Convention supplemented by a Recommendation, for two reasons. First, this approach would appear to be best suited to meeting the priority aim of promoting an OSH culture. It provides an effective combination of flexibility and obligation: with its focus on strategic aspects, limited to a "floor" of minimum provisions, the framework Convention would leave room for diversity while at the same time being legally binding, as its provisions are mandatory. Second, France has some experience of a comparable approach at the European level. It is not only through binding regulations that Europe has chosen to change its practices, but also through political mobilization, which is broader and has proven to be relevant. At the international level, a framework Convention would enable essential objectives to be fixed and guidelines laid down which would be applicable to all sectors, whether or not they are covered by specific regulations. Such guidelines could, for example, relate to employers' and workers' rights and obligations, risk assessment and prevention at the earliest stages, participation by the social partners, and the definition and dissemination of OSH indicators. The Recommendation, on the other hand, could be a means of laying down the necessary rules for coordination, to ensure better consistency among existing specific or sectoral ILO standards. This would provide the best basis for implementing codes of practice, training measures and technical aspects of international cooperation. There can be no promotional approach without a firm basis in a Convention, as is clear from the campaigns for the promotion of the ILO Declaration on Fundamental Principles and Rights at Work and the Worst Forms of Child Labour Convention, 1999 (No. 182).

MEDEF: The French employers have the following observations to make regarding the Government's position in favour of a framework Convention supplemented by a Recommendation. The principle of a framework Convention laying down fundamental principles in regard to OSH, which would be binding on member States, like the European Union Framework Directive on Occupational Safety and Health (Directive 89/391/CEE of 12 June 1989), was supported by the representatives of the Government of France at the 91st Session of the International Labour Conference in June 2003, but that option was

not adopted at the time by the tripartite Conference Committee. It was specifically pointed out by several government speakers that the low rate of ratification of relevant Conventions already in force raised doubts as to the effectiveness of adding a new binding framework Convention to the existing standards. The Government's stated preference for a binding framework Convention supplemented by a Recommendation would appear to be at odds with the Conclusions of the tripartite Conference Committee in 2003, which agreed to establish a "promotional framework" in the area of OSH "as an overarching instrument with a promotional rather than prescriptive content". The content proposed by the Government for a framework Convention, comprising guidelines applicable to all sectors with regard to the rights and obligations of employers and workers, risk evaluation and prevention at the earliest stages, and participation by the social partners, corresponds exactly to the content of Convention No. 155. French employers therefore cannot support the Government's position in favour of a framework Convention supplemented by a Recommendation. The employers consider that the questionnaire should be placed in the context of the general discussion held in June 2003 on ILO standards-related activities in the area of occupational safety and health and the Conclusions adopted at that session of the Conference on an ILO plan of action for the promotion of occupational safety and health in the framework of an "integrated approach". As a priority element of this plan of action, it was decided to establish a promotional framework in the area of OSH in the form of "an overarching instrument with a promotional rather than prescriptive content". The aim of this is to foster political commitment among member States to developing national strategies for the improvement of OSH, involving representatives of employers and workers in the process. The instrument established for this purpose should have a certain formality on a different level from that of Conventions and Recommendations, the instruments normally proposed to member States. A Declaration would appear to be the most appropriate form for an "overarching instrument". In addition, the form of this instrument would be equivalent, in terms of its political and media level, to the communication of the Commission of the European Communities laying down the new community strategy on health and safety at work 2002-06.

*Gabon.* Confederation of Gabonese Employers (CPG): A Declaration (d).

*Germany.* German Confederation of Trade Unions (DGB): A Convention supplemented by a Recommendation (c). The Recommendation should contain guidelines for the development of national systems and programmes.

*Greece.* As regards the form of a promotional framework for occupational safety and health, a Declaration would be more appropriate. However, if most Members prefer a Convention, the Government would have no particular objection, since the Conclusions adopted by the Committee on Occupational Safety and Health in June 2003 state that the instrument should provide for a follow-up mechanism. The adoption of a Recommendation would also be a possible solution.

SEV: A Declaration (d).

*Guatemala.* A Convention would establish a framework for promoting OSH, and this would encourage measures to strengthen legislation for ensuring compliance.

*Guinea.* National Council of Employers (CNP): A Declaration.

*India.* A Convention supplemented by a Recommendation would provide for global conformity in approaches and concepts through strategic action programmes.

*Italy.* The Conclusions adopted by the Conference in 2003 show the importance of adopting an instrument in the form of a Convention.

*Jamaica.* JEF: A Declaration (d).

*Japan.* One of (b), (c) or (d). In the case of (c), only minimum basic matters for the promotion of OSH should be provided in the Convention, the rest in the Recommendation. If this requirement is met, (c) is preferred.

Japan Business Federation (Nippon Keidanren): A Declaration. Since several ILO Conventions and Recommendations have already been adopted in this area, it is not desirable to add a new Convention

or Recommendation to the existing ones. The instrument should be one which member States would not have to ratify and report on, and which would not require them to revise their national legislation. The instrument should therefore take the form of a Declaration, which will lead to the development and implementation of a national safety and health programme with tripartite participation. In conjunction with the instrument, the ILO should increase efforts to improve technical cooperation and assistance activities to meet the needs of developing countries, and to improve exchanges of information on good practices in the field of OSH.

*Republic of Korea.* Korean Employer's Federation (KEF): A Recommendation (b).

*Lebanon.* Association of Lebanese Industrialists (ALI): A Recommendation (b).

*Luxembourg.* The Government is very much in favour of the adoption of an instrument to promote occupational safety and health in the form of a Convention supplemented by a Recommendation. This is the method which seems best to respond to the pressing need to promote a preventative OSH culture. It is both flexible and binding. A framework Convention is relatively open to diversity, focusing as it does on strategic aspects and comprising only a base of minimal regulations. At the same time, its provisions are legally binding in an ILO context. European countries already have experience of a similar approach at the European level, with the adoption in 1989 of a Framework Directive. At the international level, a framework Convention would allow for the fundamental objectives to be defined, and guidelines established for all sectors, whether or not those sectors are covered by specific standards. Such guidelines could, for example, cover the rights and obligations of employers and employees in the earliest stages of risk assessment and prevention, as well as the participation of the social partners and the definition and diffusion of OSH indicators. The Recommendation would allow for the necessary rules governing coordination to be defined, thus paving the way for greater coherence between existing ILO standards, be they specific or sectoral. Such an approach would provide the best basis for the implementation of codes of good practice, action on training and technical instruments for international cooperation.

*Malta.* General Workers' Union (GWU): A Convention (a).

*Mexico.* A Declaration would encourage member States to adopt the guidelines laid down by the ILO. Such an instrument should include measures to guide governments, employers and workers in the design, implementation and monitoring of programmes developed by States and the ILO in this area.

*Mongolia.* Mongolian Employers' Federation (MONEF): A Declaration (d).

*Morocco.* FCCIS: A Recommendation (b).

*Mozambique.* Mozambique Workers' Union (MW): A Convention (a).

*Netherlands.* The instrument should take the form of a Recommendation because legally binding instruments are not the best way to motivate governments and social partners to participate in promotional action.

Confederation of Netherlands Industry and Employers (VNO-NCW): The instrument should take the form of a Declaration, because what is needed is a commitment to developing a national OSH plan of action, without member States and enterprises being overloaded with new detailed legal obligations. The ILO has already adopted an extensive array of instruments covering all aspects of OSH and all workers in the private and public sectors.

FNV; CNV; Unie mhp: The instrument should take the form of a Convention. The main reason for this is the clear need to include a reporting and follow-up mechanism in the new instrument. If the new instrument takes the form of a Convention, then such a mechanism does not need to be designed from scratch. Alternatively, if the Conference considers that the development of a promotional framework for OSH is a very important issue, a Declaration would be acceptable. In that case, a clear reporting and follow-up mechanism should be designed and included in the new instrument.

*New Zealand.* The purpose of a promotional framework would be to provide an overarching framework within which the ILO could consolidate existing OSH instruments and develop new ones. This could involve the development of a new overarching Convention.

*Business NZ:* While it is important to develop a promotional framework to increase awareness of the benefits of workplace health and safety, this should take the form of a Declaration. Earlier health and safety Conventions have not been particularly well ratified, and Recommendations tend to be unduly prescriptive. What is required is an instrument that allows member States to commit themselves to the promotion of OSH and to develop a plan of action appropriate to national circumstances, without prescribing measures in great detail.

*Nicaragua.* Prefer (c). It is important to define the path that each member State will have to follow to continue progressively developing the provisions of the instrument.

*Nigeria.* Option (c) is preferred, but a Declaration would also add the needed impetus for the take-off of the promotional framework.

*Norway.* The Government and the trade union representative recommended that the instrument should take the form of a Convention supplemented by a Recommendation. Conventions have proven to be a very effective way of ensuring that ILO values and views are taken into account and used as a basis for development. The instrument should be primarily a political tool, not an instrument creating new regulation standards. The aim should rather be to draft a strategy to improve the OSH situation in all member States. The employers' representative would prefer that the new instrument take the form of a Declaration.

*Poland.* The adoption of a new Convention and/or Recommendation does not seem necessary, as such instruments already exist in this area. Instead, a Declaration should strengthen activities towards ratification and application of these existing instruments, and should be related to the policy and state obligation in this regard.

*Solidarność:* The International Labour Conference may consider the adoption of a Convention or a Convention supplemented by a Recommendation. The Recommendation could include guidelines on developing infrastructure in the field of OSH at the national level, and on creating and developing national OSH systems and programmes.

*Portugal.* One form appropriate for ensuring the effectiveness of the instrument might be that of a framework Convention, structured in a simple format, so that it could easily be applied and consequently ratified. Convention No. 155, despite having been programmed as a framework Convention, did not achieve that status. That does not rule out the possibility that the instrument could take the form of a Declaration, provided that it is supplemented by provisions which envisage the submission of regular information by governments. Given that there are already numerous ILO instruments on OSH, it is not necessary to adopt new instruments of a technical or practical nature.

*CIP:* This instrument should take the form of a Declaration (d). There is no justification for the adoption of a new Convention or Recommendation, since the subject is covered in innumerable ILO instruments (Conventions, Recommendations and codes of good practice) already in force, in particular the Occupational Safety and Health Convention, 1981 (No. 155) which covers workers in all economic activities in the public and private sectors.

*Portuguese Confederation of Tourism (CTP):* A Recommendation (b).

*General Confederation of Portuguese Workers (CGTP-IN):* A Convention supplemented by a Recommendation (c).

*UGT:* A new Convention would be an appropriate way not only of drawing attention to this question but also of facilitating revision, which becomes increasingly necessary with every technological development and new forms of work organization. Such a Convention should be accompanied by a Recommendation setting out guidelines on the preferred forms of implementation of national programmes, definition of national profiles and preventative measures, questions addressed in the report and without which the necessary clarification and harmonization for its real and effective application might not be achieved.

*Senegal.* National Confederation of Workers of Senegal (CNTS): A Convention supplemented by a Recommendation (c).

*Singapore.* A Recommendation would provide flexibility for member States in implementation, in accordance with their state of economic development and national priorities.

*Slovenia.* RAE: A Declaration.

*South Africa.* Business Unity South Africa (BUSA): A Declaration would be the most suitable instrument for the development of a safety culture and would aid in the establishment of a promotional framework as a first step for a country towards establishing the necessary OSH infrastructure. In addition, this kind of instrument will provide the required flexibility for countries at different levels of OSH development, as well as the flexibility which countries require to adapt to change.

*Spain.* CCOO: Prefer (c). The Convention should provide for policies and resources for the promotion of health, and the accompanying Recommendation should establish means and instruments (guides) for the development of national policies. This option would be preferable to (d) (Declaration only).

Galician Inter-Union Confederation (CIG): A Convention (a).

*Sri Lanka.* Employers' Federation of Ceylon (EFC): A Recommendation (b).

*Sweden.* The central trade union organizations (the Swedish Trade Union Confederation (LO), Swedish Confederation of Professional Employees (TCO) and Swedish Confederation of Professional Associations (SACO)) advocate a Convention supplemented by a Recommendation. The main reason is that the new instrument aims to establish national preventative OSH programmes. It is particularly important that the representative organizations of employers and workers are actively involved at national level in this work. The provisions of the ILO Constitution guarantee that the content of a new Convention and Recommendation will be brought before national parliaments for decision, and that the ILO reporting and supervisory machinery will be activated.

*Switzerland.* UPS: If the International Labour Conference undertakes the procedure to adopt an instrument, it should be restricted to a simple Declaration, not options (a), (b) or (c). The low success rate in the ratification of the various Conventions already established by the ILO on this subject reinforces this view. The approach to the subject should be a practical one. Furthermore, a Declaration should have the character of a promotional instrument; it should not signify a reporting obligation for States, and even less should it force them to change their legislation. It should in any case avoid excessive detail and restrict itself to widely accepted principles.

USS/SGB: Yes to a Convention (a), or to a Convention and Recommendation (c). The Recommendation would contain guidelines on the formulation of a national system and programmes and on the establishment of a national profile.

*Tunisia.* Yes to (c). The Recommendation should contain the details and any issues that might constitute an obstacle to the wide ratification of the Convention.

*Turkey.* TISK: A promotional framework instrument should be adopted and should not be rigidly prescriptive. Real impact would be achieved by simple guidelines which are easy to understand. For this reason, the instrument should take the form of a Recommendation.

Confederation of Progressive Trade Unions of Turkey (DISK): A Convention.

*United Kingdom.* Either (b) or (d). These would be the most appropriate options, in allowing signatory nations the flexibility to promote health and safety in line with their national policies, priorities and legislation. Any future instruments need to be achievable and sufficiently flexible to avoid non-ratification due to minor points of prescriptive detail.

CBI: Since the current initiative for a review of the OSH framework has been encouraged because the effectiveness of the current extensive range of Conventions and Recommendations has reached a plateau, a Declaration would appear to be the most appropriate option.

TUC: We support a Convention on this issue. The argument that ILO Members need time to ratify existing Conventions seems rather implausible, given that they have had 23 years to implement the

main OSH Convention – No. 155. It is difficult to see what possible benefit there would be in having a Recommendation or Declaration, and none of the arguments made for those options is convincing.

*United States.* United States Council for International Business (USCIB): The instrument should be a Declaration. As is reflected in Annex III to Report IV(1), the ILO has already adopted an extensive array of instruments – Conventions, Recommendations, codes of practice and guidelines – covering all aspects of OSH. In particular, ILO Convention No. 155 covers OSH for all workers in all economic activities, including public employees, in a comprehensive way. No more regulatory standards are needed. What is needed is a commitment by member States in good faith to promote, realize and achieve safety and health in workplaces.

*Venezuela.* (a) Yes. Any Convention should be simple, to allow efficient and effective application.

*Zimbabwe.* A Convention must address the following issues: national OSH programmes, national laws and their enforcement, staffing levels, and national OSH policy. A Recommendation should address management programmes, codes of practice, research and training.

### Preamble

**Qu. 3** *Should the instrument contain a Preamble referring to:*

- (a) *the provision in article III(g) of the Philadelphia Declaration which provides that the International Labour Organization has the solemn obligation to further among the nations of the world, programmes which will achieve adequate protection for the life and health of workers in all occupations?*
- (b) *the pursuit of the objective of a safe and healthy working environment?*
- (c) *the conclusions on occupational safety and health adopted following the general discussion on ILO standards-related activities in the area of occupational safety and health at the 91st Session (2003) of the International Labour Conference, in particular, the need to ensure that priority is given to occupational safety and health in national agendas?*
- (d) *the importance of the promotion of a “safety culture”, which is defined as the assembly of beliefs, values, attitudes and patterns of behaviour in organizations and of individuals, wherein prevention is given the highest priority?*
- (e) *the Occupational Safety and Health Convention, 1981 (No. 155) and the Occupational Safety and Health Recommendation, 1981 (No. 164)?*
- (f) *other relevant ILO instruments on occupational safety and health?*

*Total number of replies: 91.*

*Affirmative:* 91. Argentina, Australia, Austria, Azerbaijan, Bahrain ((a) to (e)), Bangladesh, Barbados, Belarus ((a) to (e)), Belgium ((b) to (e)), Benin, Botswana, Brazil, Bulgaria ((a) to (e)), Burkina Faso ((a) to (e)), Canada, Chad, China ((a) to (e)), Costa Rica ((a) to (e)), Croatia, Cuba ((a) and (c)), Cyprus ((a) to (e)), Czech Republic ((a) to (e)), Denmark, Ecuador ((a)), Egypt ((d) and (e)), El Salvador ((a), (d) and (e)), Estonia, Finland, France, Gabon ((b), (c) and (d)), Germany ((a) to (e)), Greece ((a) to (d)), Guatemala ((a) and (e)), Haiti, Hungary ((a) to (d)), Honduras ((a) to (e)), India, Indonesia, Ireland, Italy, Japan, Kazakhstan ((b) and (e)), Republic of Korea ((a) to (e)), Kuwait, Latvia, Lebanon ((a), (b), (c) (e) and (f)), Lithuania, Luxembourg, Madagascar ((a), (b) and (d)), Malawi, Malaysia ((a), (b), (d) and (e)), Malta, Mauritius, Mexico, Moldova, Mongolia ((d)), Morocco, Mozambique, Netherlands, New Zealand,

Nicaragua ((a), (b) (d) and (e)), Niger ((c)), Nigeria, Norway, Oman ((a) and (d)), Panama, Papua New Guinea, Philippines, Poland, Portugal, Romania ((c)), Saudi Arabia, Senegal ((d)), Singapore, Spain ((a) to (d)), Sri Lanka, Suriname, Sweden, Syrian Arab Republic, United Republic of Tanzania ((a), (d) and (f)), Thailand, Tunisia, Turkey, Ukraine ((b), (c) and (d)), United Arab Emirates ((a) and (e)), United Kingdom ((a), (b) and (c)), Uruguay, Venezuela ((a) and (d)), Viet Nam ((c), (d) and (e)), Zambia ((d)), Zimbabwe ((a)).

*Negative:* 7. Bulgaria ((f)), Cyprus ((f)), Hungary ((e) and (f)), Republic of Korea ((f)), Malta ((c)), Poland ((f)), United Kingdom ((e) and (f)).

*Argentina.* (f) Occupational Health Services Convention, 1985 (No. 161) and Recommendation, 1985 (No. 171).

*Australia.* ACTU: (d) This framing of the question and the definition of safety culture are completely wrong. Instead the ILO should use the phrase “preventative safety and health culture” and apply the lengthy definition in Point 4 of the Conclusions concerning ILO standards-related activities in the area of occupational safety and health – A global strategy, adopted at the 91st Session of the Conference in 2003. (e) Include references to OSH Conventions, since part of the purpose is to encourage their ratification and practical application. Add new (g), the connections between OSH issues with broader social issues and the environment.

*Austria.* (f) In particular the Labour Inspection Convention, 1947 (No. 81).

ÖGB; BAK: The Preamble should refer to: (a) the Declaration of Philadelphia; (e) the Occupational Safety and Health Convention, 1981 (No. 155), and the Occupational Safety and Health Recommendation, 1981 (164); (f) the Labour Inspection Convention, 1947 (No. 81), and other relevant ILO Conventions on labour inspection in mining, transport and agriculture, as well as the general framework of existing ILO international labour standards, and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

BAK: If the Preamble is to contain a reference to a “safety culture”, it should be stressed that this must not be merely an expression buried in corporate mission statements, but a reality exemplified by employers, managers and directors.

*Barbados.* The concept of safety culture need not be introduced in the Preamble, which should recognize the linkages between OSH and broader social and environmental issues.

BEC: Yes.

BWU: (d) No. See general observations.

*Belgium.* CNT: With regard to (d), according to paragraph 87 of Report IV(1), the notion of a “national preventative safety and health culture” could be defined as “the assembly of beliefs, values, attitudes and patterns of behaviour in organizations and individuals according to which prevention is given the highest priority”. The CNT observes that this “definition” does not correspond to the elements mentioned in this connection in Point 4 of the Conclusions adopted by the Conference in 2003, which reads as follows: “A national preventative safety and health culture is one in which the right to safe and healthy working environment is respected at all levels, where governments, employers and workers actively participate in securing a safe and healthy working environment through a system of defined rights, responsibilities and duties, and where the principle of prevention is accorded the highest priority. Building and maintaining a preventative safety and health culture require making use of all available means to increase general awareness, knowledge and understanding of the concepts of hazards and risks and how they may be prevented or controlled”. The CNT considers that the definition contained in Report IV(1) should be amended to bring it into line with Point 4 of the Conclusions, as the latter were adopted by consensus during the general discussion on the subject. It also emphasizes that a “preventative safety and health culture” is not only a question of the behaviour of organizations and individuals, but also concerns workers’ fundamental rights.

*Benin.* Include a reference to the ILO *Guidelines on occupational safety and health management systems* (ILO-OSH 2001).

*Botswana.* (c) and (d) are interdependent. National agendas will not succeed if they are not driven by national values, beliefs, attitudes and patterns of behaviour.

*Brazil.* Include the references envisaged in (a) to (f), including those commitments and responsibilities made explicit in all ILO OSH instruments, highlighting the concept of “decent work”.

*Canada.* (f) There are too many issue- or sector-specific instruments to list them all in a Preamble, and some instruments are outdated. A general reference to relevant ILO instruments on OSH could be included.

CEC: (e) and (f) No. The promotional framework instrument must be a general promotional and flexible instrument designed to promote OSH.

*Chile.* CPC: (d) Yes.

*Costa Rica.* Costa Rica Union of Chambers and Associations of Private Enterprise (UCCAEP): (a), (b) and (d) Yes.

*Cyprus.* SEK: (c) and (d) Yes.

PEO: (a) to (f) Yes.

*Czech Republic.* Agriculture Association (AA): (b) Yes.

*Denmark.* DA: It may be appropriate to refer to (c) and (d) and probably also (e).

LO; FTF: (a), (b) and (c) Yes. As regards (d), we do not agree with the concept of “safety culture” or with the very brief definition of a complex problem area. The ILO should instead use the concept “preventative safety and health culture”, and should in addition use the more specific definition contained in Point 4 of the Conclusions adopted by the Conference in 2003. These changes should be incorporated with regard to the ILO’s historical principles in the field of safety and health and the thorough discussion and unanimous Conclusions of the Labour Conference in 2003. If these changes are incorporated, (d) will be acceptable. In (e) and (f), a reference to all safety and health Conventions should be included. A new point (g) should be added stressing the wish for interaction between OSH and themes in other fields of society, including interaction with the environment.

*Ecuador.* Federation of Chambers of Agriculture (FCA): (c) Yes.

CCQ: (c) Yes.

*Egypt.* FEI: Yes.

*Estonia.* The term “preventative culture” would be preferable, or, as the EAKL says, “preventative safety and health culture”.

*Finland.* SAK: Add (g), containing reference to implications for gender equality, combining work and family issues, leisure time and protection of the environment.

*France.* The Preamble should highlight the political aims and scope of OSH promotion. It should therefore recall workers’ fundamental rights to protection of their physical and mental integrity at work. The very first words of the instrument should place it in a general context, by recalling the principal OSH instruments, in particular the Declaration of Philadelphia and Convention No. 155. It is the Preamble, among others, that will ensure the text’s value as a framework instrument, not a sectoral one. It is important that this instrument be seen in future as the reference instrument by the national stakeholders when devising their OSH strategy. The Preamble should help establish its legitimacy by making it a statement of principles.

MEDEF: The Preamble should recall the fundamental objectives of establishing national policies and strategies for the improvement of OSH. These objectives are reflected in (b), (c) and (d). However, the references to Convention No. 155 and Recommendation No. 164 do not belong in the Preamble and should be moved to a specific section of the Declaration referring to the different means of action of the ILO (which include standards, technical guidelines, codes of practice and technical cooperation) in the framework of the integrated approach called for by the Conference in 2003.

*Gabon.* CPG: (b), (c) and (d) Yes.

*Germany.* DGB: (a), (b), (c), (e) and (f) Yes. (d) No: the formulation of the question and the definition of “safety culture” are inappropriate, and contradict the Conclusions adopted by the 91st Session (2003) of the International Labour Conference. Add (g): a social approach should be formulated that is as broad as possible and also addresses and connects related policy areas, in particular social policy, environment and education.

*Greece.* With regard to (e) and (f), the Preamble should not refer to specific existing ILO Conventions or other OSH instruments. Complications could arise if certain member States have not ratified the instruments referred to, and it is not advisable to associate a framework instrument with specific legislative regulations (because some may be omitted, while others covering more than just health and safety may be included).

SEV: (a) and (c) Yes.

*Guatemala.* As regards (e), yes, because these provisions are the basis of a national policy on services and safety.

*India.* (f) The Preamble could also refer to the following: Labour Inspection Convention, 1947 (No. 81); Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152); Safety and Health in Construction Convention, 1988 (No. 167); Chemicals Convention, 1990 (No. 170); and Prevention of Major Industrial Accidents Convention, 1993 (No. 174). It could also refer to the ILO *Guidelines on occupational safety and health management systems* (ILO-OSH 2001).

*Italy.* In (f), include a reference to the Conclusions of the 13th Session of the Joint ILO/WHO Committee on Occupational Health.

Italian General Confederation of Labour (CGIL): (a), (b) and (c) Yes.

*Jamaica.* JEF: (a), (b) and (c) Yes.

*Japan.* In (f), include a reference to the Protocol to the Occupational Safety and Health Convention, 1981 (No. 155).

Nippon Keidanren: Yes to (a) to (d); no to (e) and (f). The Preamble should be flexible enough to allow member States to act according to their national circumstances; they should not be too specific. The instrument should be one that allows the promotion of individual voluntary initiatives by member States within the scope of the conclusions concerning ILO standards-related activities in the area of occupational safety and health adopted at the 91st Session of the International Labour Conference in 2003.

*Lebanon.* With regard to (d), first, the definition should be discussed by the technical committee which will be set up during the next session (2005) of the International Labour Conference to review the proposed instrument. Second, what is the meaning of the term “organizations”? Should it be understood as employers’ and workers’ organizations or other bodies and organizations of civil society? If so, which ones? Third, if the definition of “safety culture” as it stands in Report IV(1) is adopted, the term “individuals” should logically come before “organizations”. Individuals have beliefs, values and positions, regardless of the existence of organizations made up of these individuals. In (f), there should also be a reference to Convention No. 161 and Recommendation No. 171.

ALI: Yes.

*Luxembourg.* It is vital that in the future this instrument be seen by national stakeholders as a benchmark within the framework of the elaboration of an OSH strategy. The Preamble must go some way towards establishing the legitimacy of the instrument and making it a text of fundamental importance.

*Mexico.* Confederation of Mexican Employers (COPARMEX): The Preamble should be as complete as possible.

*Mongolia.* MONEF: (a) Yes.

*Morocco.* FCCIS: (a) to (e) Yes.

*Mozambique.* The Preamble will serve to define the general objectives and create the foundation for the harmonious development of activities aimed at preventing occupational accidents and diseases, including the prevention of and fight against HIV/AIDS in the workplace.

*Netherlands.* It is useful to give a clear picture of the overall ILO context.

VNO-NCW: Yes to all items (a) to (f), but in referring to other relevant ILO instruments on OSH under (f), avoid mentioning instruments that need to be deregulated, modernized and reformulated.

FNV; CNV; Unie mhp: Yes. The new instrument clearly should not be developed from scratch but should express a further development and deepening of provisions and measures to improve OSH. See also the answer to Question 1: the proposed provisions of the new instrument do not replace those of existing instruments.

*New Zealand.* (b) It may be desirable to include references to “people” and “workplace productivity”, and not just to the “working environment”. The draft *Workplace Health and Safety Strategy to 2015* includes a vision of “healthy and safe people in productive workplaces”. This end outcome brings together desirable social outcomes in terms of reduced pain and suffering, as well as improved employment relations and economic conditions. As regards (d), a qualified “yes”. A focus on culture is appropriate and important, but the phrase “safety culture” is problematic: it fails to acknowledge the workplace health dimension, and since many of the future challenges for workplace health and safety are likely to be health-related, use of the phrase might be inappropriate. The Government’s view of the concept “safety culture” is that it is not a one-sided blame allocation model, as the NZCTU contends. Rather, the research literature on the concept of “safety culture” shows that organizations with positive safety cultures are characterized by strong management commitment and leadership in safety matters, organizational learning, involvement of all employees, and communications based on mutual trust. With regard to (f), as outlined in the Government’s reply to Question 1, the proposed instrument should provide an overarching framework within which the International Labour Office could review existing instruments and develop new ones. This would require the ILO to use the instrument as a context-setting framework for the review of existing Conventions and Recommendations with the objective of developing a more coherent and up-to-date set of instruments for workplace health and safety.

Business NZ: Agrees that the Preamble to a new instrument should refer to article III(g) of the Philadelphia Declaration and to the matters set out in paragraphs (b) and (d) of Question 3, but does not agree that reference should also be made to other instruments, as in paragraphs (e) and (f). To be effective, a promotional framework instrument must be general and adaptable and, as its name implies, allow for the promotion of OSH without prescribing specific details, as paragraphs (e) and (f) would require.

NZCTU: The term “safety culture” is problematic and should not be supported. It is closely linked to the concept of “employees’ behavioural safety”. It implies that an accident is the “fault” of the employee(s) involved, without taking into consideration the unsafe systems and organizational problems that are more often the underlying reasons for “unsafe behaviour”. The framework instrument needs to refer more explicitly to employers’ responsibilities, especially with respect to taking a strategic organizational approach to hazard management. The term “safety culture” also ignores health dimensions. A recent study reported that between 17,000 and 20,000 new cases of occupational disease occur every year in New Zealand, as well as approximately 1,000 deaths due to occupational disease.

*Nicaragua.* The Government emphasizes the promotion of a safety culture, taking into account that the new approach to OSH promotion will require practical implementation involving changes in the roles of employers, workers and institutions as part of a process based on rights and awareness with respect to OSH in the workplace.

*Norway.* (c) It is important that the Conclusions adopted at the 91st Session (2003) of the International Labour Conference be mentioned in a Preamble. (d) The promotion of a “preventative safety and health culture” is fundamental to the new instrument. (e) Relevant OSH Conventions, including the Labour Inspection Convention, 1947 (No. 81), should be cited to encourage their ratification. It should be noted that this is not intended to be a complete list of all the relevant OSH Conventions. (f) Relevant codes of conduct and ILO guidelines such as the ILO *Guidelines on occupational safety and health management systems* (ILO-OSH 2001) should also be mentioned.

*Poland.* Solidarność: (d) No. The Preamble should relate to the resolution concerning OSH adopted by the International Labour Conference at its 91st Session (June 2003), and should underline the necessity of developing international rules in this area, as well as the necessity of including workers in this process. The Preamble should use the term “preventative safety and health culture”, as it was adopted in Point 4 of the Conclusions concerning ILO standards-related activities in the area of occupational safety and health.

*Portugal.* As regards paragraph (e), it should be emphasized that the action programme presupposes the prior definition of a coherent national policy on workers’ safety and health and the working environment, as set out in Convention No. 155 and Recommendation No. 164.

CIP: (a), (b), (c) and (d) Yes; (e) and (f) are expressed in vague and imprecise terms.

CTP: (a) and (b) Yes.

CGTP-IN: (b), (d) and (e) Yes.

*Saudi Arabia.* (e) All instruments, including Recommendations, concerning OSH following their development.

*Senegal.* CNTS: (d) Yes.

*Slovenia.* RAE: Yes.

*South Africa.* BUSA: Not necessarily a Preamble, rather a reference to the elements contained in (a) to (f).

*Spain.* (d) The expression “highest priority” should be softened. (e) This can be considered the basis of the future instrument. (f) Yes, as long as it is a general reference.

CCOO: (f) Should refer also to WHO instruments concerning the promotion of occupational health.

*Sri Lanka.* EFC: (c) Subject to national priorities.

*Sweden.* (d) The reference should be to “a preventative safety and health culture”.

*Switzerland.* UPS: (a) Yes. (b) No. This wording is not precise and leaves the door open to widely varying interpretations. (c) No. All interference in national approaches should be avoided. (d) No, for the same reasons. (e) No. Given the limited success of these instruments, exerting pressure for their ratification is contrary to the stated aim. (f) No, even less so, for the same reasons.

USS/SGB: The Preamble should succinctly reflect the concerns already put forward. (a), (b) and (c) Yes. (d) The ILO should use the expression “preventative safety and health culture” and the detailed definition contained in Point 4 of the Conclusions adopted by the Conference in 2003. In that case, the reply would be yes. (e) and (f) Include references to the occupational safety and health Conventions, given that one of the objectives is to encourage their ratification and practical implementation. Add (g) as follows: “the relationship between occupational safety and health issues and broader social issues, as well as with the environment”.

*Tunisia.* (f) Mention the ILO *Guidelines on occupational safety and health management systems* (ILO-OSH 2001).

*Turkey.* (f) Convention No. 161 should be referred to in the Preamble as it is directly related to OSH.

*United Kingdom.* (d) The instrument and the Preamble should contain a reference to the promotion of a safety culture. However, the phrase “promotion of a ‘safety culture’” should be clarified as it is shorthand for “health and safety culture”, and it should be ensured that it is meaningful, given that existing safety cultures are not necessarily effective. Furthermore, the term “safety culture” should not be seen as an absolute concept that exists only when prevention is given the highest priority. It consists of many different attributes that may be good or bad within a single organization, and this is not apparent

from the present definition in the question. Question 3(d) also does not reflect a risk-based approach. The Government advocates the terms “positive safety culture” or “effective safety culture” in preference to “safety culture”. It should also be acknowledged that any such culture must highlight the involvement of both employers and employees. (e) and (f) No. Specific ILO Conventions should not be listed.

CBI: A Preamble should be based on (a), (b), (c) and (f), and need not necessarily refer to (d) and (e). The concept of “safety culture” is now a slogan that is rather dated and nebulous. It misses the occupational health dimension, and the phrase “prevention is given the highest priority” raises the questions “prevention of what?” and “highest priority in relation to what other issues?” Reference to the specific ILO Convention and Recommendation on OSH reopens the debate on these for many countries.

*Uruguay.* (f) Refer to Convention No. 148.

### Definitions

**Qu. 4** *Should the instrument include the following definitions:*

- (a) *“national programme on occupational safety and health” which means time-bound national programmes that include set objectives, priorities and means of action in the area of occupational safety and health?*
- (b) *“national system for occupational safety and health” which means the national infrastructure in the area of occupational safety and health which provides the main framework for the implementation of national programmes on occupational safety and health?*
- (c) *other definitions? Please specify.*

*Total number of replies: 90.*

*Affirmative:* 85. Argentina, Azerbaijan, Bahrain ((a)), Bangladesh, Barbados ((b)), Belarus, Belgium, Benin, Brazil ((b)), Bulgaria, Burkina Faso, Canada ((b)), Chad, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador ((b)), Egypt, El Salvador, Estonia, Finland, France, Gabon ((b)), Germany, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Kazakhstan ((a)), Republic of Korea, Kuwait, Latvia ((a)), Lebanon, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mauritius, Mexico, Moldova, Mongolia, Morocco, Mozambique ((b)), Netherlands, New Zealand ((a)), Nicaragua ((b)), Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Philippines, Poland ((b)), Portugal, Romania, Senegal, Singapore, Spain, Sri Lanka ((b)), Suriname, Sweden, Syrian Arab Republic, United Republic of Tanzania ((b)), Thailand, Tunisia, Turkey, Ukraine ((a)), United Arab Emirates ((b)), United Kingdom, Venezuela, Viet Nam, Zambia, Zimbabwe.

*Negative:* 8. Australia, Austria, Haiti, New Zealand ((b) and (c)), Poland ((a)), Saudi Arabia, Sri Lanka ((a)), Uruguay.

*Australia.* ACCI: The definitions only arise from the content of the proposed instrument. A promotional instrument does not need to prescribe a form of national programme. A definition of a national programme that is prescriptive will detract from the instrument. The definitions proposed in (a) and (b) are not in themselves objectionable, but could be a problem if the content is inappropriate.

ACTU: (a) and (b) Yes, but it would be logical for (b) to precede (a). (c) Add definitions of tripartism; workers’ rights; infrastructure, to include a system of inspections and proper enforcement of safety and health regulations.

*Austria.* (a) In a Recommendation, not a Convention (see reply to Question 19).

ÖGB: The definition of a national programme on OSH should include the point that, where a legally recognized or official OSH system exists, other, supplementary measures are also taken. Moreover, an OSH programme should also incorporate the substance of relevant national and international legal provisions. Each Member should be obliged to promote OSH and create a culture of prevention through national programmes on OSH that take due account of ILO international labour standards (Conventions) and the latest findings in the technical and social sciences. Short-term programmes should be evaluated only for verification of continual improvement of workers' safety and health, of worker participation in such issues at the operational level and of the institutional framework conditions of OSH law (labour inspection, for instance). National programmes should be drawn up under (a) only in consultation with representative organizations of employers and workers and should be subject to tripartite review. (b) Expert bodies (such as the General Accident Insurance Institution (AUVA)) may be consulted and included in a tripartite structure at national level whenever this is objectively justified. National systems should be based on existing provisions laid down in relevant ILO Conventions and Recommendations. Emphasis should be placed on legal regulation, social dialogue and tripartite structures.

BAK: (a) The definition of a national programme on OSH should include the statement that such a programme should be based on a legal, state OSH system and should be compulsory (Convention). Furthermore, an OSH programme should work towards publicizing relevant domestic and international legal provisions. The definition under (b) should include the clear considerations contained in paragraph 47 of Report IV(1).

*Bangladesh.* (c) As defined in Convention No. 155.

*Barbados.* The terms in (a) and (b) should be defined so as to give a clear indication of the distinction between the two and the required facets.

BWU: Yes, but logically (b) should precede (a). Add under (c) definitions of tripartism; workers' rights; infrastructure, to include a system of inspections and proper enforcement of safety and health regulations.

*Benin.* (c) Include safety culture, OSH management.

*Brazil.* (b) Most closely corresponds to article 2 of the MERCOSUR *Guidelines and Directives on occupational safety and health*.

*Bulgaria.* The instrument should indicate possible alternative elements of the national infrastructure, which can vary widely between member States.

BCCI: (c) A general definition of "safety culture", which is not sufficiently clear in the Preamble.

*Canada.* (a) delete the words "time-bound" and "set", which suggest a static approach to addressing occupational safety and health issues. National programmes, and their objectives, priorities and means of action, should be subject to ongoing evaluation and adjustment to ensure continued relevance and effectiveness. (c) "National means at the level of the competent authority or government which has responsibilities for OSH issues." This definition would address the situation of, for example, federal States, where more than one government may have responsibility for safety and health issues.

CEC: See reply to Question 3.

*Chile.* CPC: Yes.

*Costa Rica.* UCCAEP: (b) Yes.

CCTD-RN: (c) Include definitions with regard to state policies for accident prevention in the area of OSH; curricula for children and adolescents, which should include a section dealing exclusively with OSH; definitions of occupational accidents.

*Czech Republic.* Define "workplace" and other terms more precisely than in Convention No. 155.

*Denmark.* (c) Define "reporting mechanism". In order to avoid a very burdensome and unserviceable reporting mechanism, the monitoring/reporting should focus on carrying out the programmes

rather than on the implementation of the instrument. It may be relevant to develop an international “score-board” as a reporting mechanism.

LO; FTF: (a) and (b) Yes. (c) Add definitions of the following concepts: tripartism; workers’ rights; infrastructure, to include a system of inspections and proper enforcement of safety and health regulations.

*Ecuador.* CCQ: (a) Yes.

*Estonia.* (c) Add “OSH management system”, “risk assessment”, “infrastructure of enforcement and inspection systems”.

EAKL: Add “workers’ rights in the area of OSH”.

*Finland.* SAK: (c) Include definitions of concepts such as the rights of workers, inspections of workplaces, the independent role of the authorities, as well as the operational implementation of measures in the workplace.

*France.* In most States, OSH is based on a policy which defines orientations and principles, and on a structure which applies and implements them. Policy takes the form of the adoption of a national “programme” (preferably over several years), and structure takes the form of the organization of a national “system”. It is therefore important to define these two terms.

*Gabon.* CPG: (b) Yes.

*Germany.* Confederation of German Employers’ Associations (BDA): Include the definition of “national programme”. We already have such a programme in the form of the “New Quality of Work” initiative. This is not mentioned in Report IV(1) (Annex I), and should be added.

DGB: Yes, but (b) before (a). (c) Include promotion of tripartism, definition of workers’ rights, provision of the necessary infrastructure by state institutions.

*Greece.* (c) Include the definition of “safety culture”, which can be based on Point 4 of the Conclusions adopted by the Conference in 2003 or, more concisely, on paragraph 87 of Report IV(1).

SEV: (c) The term “quality of work” covers the safeguarding of high standards of OSH, the promotion of workers’ health, education, training, continuous information of workers, and securing of the means necessary to achieve a healthy and safe working environment; it constitutes the current tendency towards the total consideration of the issues.

*Haiti.* No. The instrument should contain only the following definition: “The term ‘national occupational safety and health system’ means the national infrastructure in the field of occupational safety and health which constitutes the main framework for the implementation of national occupational safety and health programmes.”

*India.* (c) The following terms with their definitions could be considered for inclusion: (i) safety culture; (ii) OSH management systems; (iii) safety policy; (iv) sustainable/continual development; (v) self-regulation; (vi) self-sustaining mechanisms; (vii) national profile; and (viii) (since there is no legal provision in India for the informal sector) a comprehensive definition of “workplace”, to enable all informal sectors to come under the promotional framework for OSH.

*Italy.* It is important that the definitions be clearly reconsidered.

CGIL: (c) Include tripartism, which means the methodological choice of full and active participation by employers’ and workers’ organizations in the development, realization and updating of the national OSH programme and in the definition of the national OSH system.

*Jamaica.* JEF: Yes. Include the elements listed in (a) and (b), as well as a national safety culture that would foster the promotion of safety and health at all levels including the education system, where it should start.

*Japan.* A more detailed definition of “safety culture” should be included. For example, the following definition, given in the Conclusions concerning ILO standards-related activities in the area of

occupational safety and health, adopted at the International Labour Conference in 2003, would be appropriate: “A national preventative safety and health culture is one in which the right to a safe and healthy working environment is respected at all levels, where governments, employers and workers actively participate in securing a safe and healthy working environment through a system of defined rights, responsibilities and duties, and where the principle of prevention is accorded the highest priority.”

Nippon Keidanren: Yes to (a) and (b) in the light of the Conclusions adopted by the 2003 session of the Conference.

*Latvia.* (b) It is not useful to include in the definitions the term “national system for occupational safety and health” as national institutional OSH systems differ, and it should be left to countries to choose their models and national systems for OSH.

*Lebanon.* Make the following changes: (i) in (a), add the term “and revision mechanisms” after the expression “means of action”; (ii) also in (a), add the expression “within the framework of the national five-year plan” after the phrase “time-bound national programmes”; and (iii) in (b), redraft the words “for the implementation of national programmes” as “for the implementation and follow-up of the implementation of national programmes”.

ALI: There should be a definition of a mechanism for action related to the promotion of the project via the creation of national OSH programmes.

*Lithuania.* (c) Include also: “OSH”, “occupational risk”, “evaluation of occupational risk”.

*Luxembourg.* In most States, OSH comes under a *policy* defining a series of guidelines and principles and under a *structure* which applies and implements those guidelines and principles. The policy takes the form of the adoption of a national “programme” (preferably pluriannual), and the structure is typified by the setting up of a national “integrated system”. It is therefore important to define these two terms.

*Malawi.* (c) Other definitions should include: (i) safety and health culture; (ii) health management systems; (iii) national profiles.

*Malta.* (a) Yes, in principle. In practice, however, particular circumstances may prevent adherence to a rigid programme, especially if it is not sensitive to local issues and priorities. (b) Only if a framework or outline is provided and is flexible enough to meet the circumstances of individual member States. (c) Applicability of the framework; exclusion of activities; terms such as “worker”, “employer”, “applicability to self-employed persons”.

*Mauritius.* (c) Add “safety culture”.

*Mexico.* There should be an emphasis on including in national OSH policies a vision and mission so that the national OSH system includes, as a priority, the well-being of workers as the human resource for the productive sectors.

COPARMEX: (a) and (b) Yes, which are sufficient.

*Mongolia.* MONEF: (a) Yes.

*Netherlands.* As regards (a) and (b), these definitions may help better to understand what is meant. (c) It might be useful to add a definition of infrastructure in the area of OSH at levels other than that of national government, e.g. at sector or branch level (depending on the exact content of the instrument). A definition of “information and advisory services on occupational safety and health” (mentioned in Question 12(d)) might help to prevent confusion.

VNO-NCW: (c) Not required.

FNV; CNV; Unie mhp: The definitions should promote the linking up of the new national programmes on OSH and new national systems on OSH with the already existing national OSH profiles, including possible existing national OSH programmes and systems. The instrument should also contain definitions of sectoral programmes on OSH and, possibly, also sectoral systems of OSH. The terms of these definitions can be derived from definitions of national OSH programmes and systems. This is because experience in the Netherlands shows that a very important means for improving OSH is the realization

of sectoral tailored OSH policies alongside national legislation in the field of OSH, among other possible elements of the national OSH profile.

*New Zealand.* (a) Yes, if it is specified that a country develops one national programme, such as a national strategy. There is confusion in the reference to the plural “programmes”. The terms “objectives” and “priorities” should be replaced with “outcomes” and “indicators”. Outcomes are more relevant because they are broader and more complex than objectives. Outcomes refer to a desired state or condition, whereas objectives can refer to processes and activities rather than the desired end state. It is important to develop “indicators” in order to assess progress towards achieving outcomes. “Priorities” should not be included, as they should be optional and left to the discretion of Members. For example, intervention approaches or capability may be more important. (b) No. Only a single national programme should be promoted. It should remain optional whether a State uses its national programme to improve its national system. For example, the programme may be used to address emerging demographic needs using existing systems and infrastructure. The definition of a “national system” is somewhat confusing. The concepts of system, infrastructure and framework have different meanings. It would be better to promote the concept of a single national programme and allow countries to use their discretion as to whether they address systems and infrastructures.

*Business NZ:* A promotional framework instrument, if it is to be usefully flexible, should not contain specific definitions.

*Nicaragua.* (c) Include definitions of decent work, safety culture, corporate responsibility, ongoing improvement of OSH.

*Nigeria.* (c) Include information-sharing networks.

*Norway.* It would be logical for (b) to precede (a). As regards (c), another important definition should be included, namely that of “tripartite cooperation”, as all work on OSH should be based on tripartism. This is explicitly stated in the ILO *Guidelines* (ILO-OSH 2001). Moreover, the independence of the labour inspectorate should be underlined (reference to Convention No. 81).

*Panama.* Definitions (a) and (b) should be included, but in reverse order: (b) then (a). Furthermore, the definitions of “national programme on occupational safety and health” and “national system for occupational safety and health” should include the following two concepts: (i) feedback, to allow the experiences and contributions of beneficiaries to be incorporated; and (ii) financing or funding of resources to carry these out. The following definitions should also be included in the instrument: what is understood by a safety culture and what it involves; management of occupational safety and health; occupational hygiene; labour risk; and occupational illnesses.

*Papua New Guinea.* (c) Include definitions such as “national structure for OSH”, taking into consideration existing national systems and the effectiveness of their operations.

*Philippines.* (c) Fair globalization and OSH in decent work.

*Poland.* (a) No. Programmes defined in such a way are very bureaucratic in character. They are typical of centrally planned economies and have proved to be of limited effectiveness in practice. (b) Yes. The national system should be understood as being self-contained. National systems should define legal and organizational frameworks for constant functioning of national institutions in the scope described in Question 12((a) - (h)). In the framework of national systems understood in such a way, national research programmes should be implemented, as mentioned in Questions 5-9.

*Solidarność:* (a) and (b) Yes, but it would be more logical to put (b) before (a). (c) A definition of tripartism and workers’ rights should be added. The questionnaire seems to pass over the question of workers’ participation and the role of trade unions in the context of OSH, treating the workers as “part of the problem” and not a party in the process of implementing developed solutions. These definitions should therefore be included.

*Saudi Arabia.* (a) No, without limitation. (c) A comprehensive national programme on OSH, not time-bound, that includes objectives and priorities of action in the area of safety.

*Senegal.* (c) Include the following: “occupational safety and health” means the discipline that deals with the prevention of occupational risks and the protection and promotion of workers’ health. The aim of this is to improve working conditions and the working environment. “Monitoring of occupational safety and health” means the collection, analysis and dissemination of data to occupational safety and health programmes. This concept encompasses all activities developed individually or collectively by the workers in an enterprise, or at the community, regional or national level, either to detect and assess any significant risk to health arising from labour conditions or to monitor workers’ general state of health.

CNTS: Add a number of definitions, as follows: “occupational safety and health” means the subject that deals with the prevention of occupational risks, accidents and illnesses and the protection and promotion of workers’ health, with the aim of improving working conditions and the working environment. “Occupational safety and health monitoring” means the collection, analysis, interpretation and dissemination, on a continuing and systematic basis, of data gathered for the purposes of prevention. “Monitoring of occupational health” includes monitoring of workers’ health and monitoring of the working environment. This activity should be carried out in well-defined conditions, within an organized framework, preferably by the occupational health services (Convention No. 161 and Recommendation No. 171), and should be based on valid ethical principles (including independence and confidentiality). “Occupational safety and health monitoring systems” means the gathering, analysis and dissemination of data that are useful for OSH programmes. This includes all activities developed on an individual or collective basis by workers or the enterprise, and at the community, regional or national level, to detect and evaluate any significant danger to health as a result of working conditions, and to monitor the general state of workers’ health.

*Singapore.* This would ensure standardization among all member States so that any future correspondence will be clear and easily understood by all Members.

*Slovenia.* RAE: Yes.

*South Africa.* BUSA: Definitions may be too prescriptive for a Declaration.

*Spain.* CCOO: (c) There should be definitions of tripartism, social dialogue, rights of workers, and inspection systems for compliance with national regulations.

*Sri Lanka.* (a) No. This should be decided at the national level. (b) Yes. (c) No.

*Switzerland.* UPS: No (a), (b) and (c). It is futile to enter into a discussion of terminology here, given that States use provisions that are often different for the same instrument.

USS/SGB: (a) Yes. (b) Yes, but it would be logical for (b) to precede (a). (c) Add definitions of tripartism; workers’ rights; infrastructure, to include a supervisory system and correct application of OSH regulations.

*Syrian Arab Republic.* (c) The instrument should contain the term “national plan on occupational safety and health”, because such a plan would provide for the implementation of the national OSH programme.

*Tunisia.* (c) Define the notion of “national occupational safety and health profile”.

*Turkey.* (a) and (b) in a Convention. (c) No.

TISK: Yes. However, it would be much more useful if the expression “time-bound” in (a) were omitted.

*United Kingdom.* (a) and (b) Yes, provided that the programmes, objectives, priorities and means of action can be finalized at a national level from concepts developed by the ILO.

CBI: The instrument could include the definitions in (a) and (b) provided that the programmes, objectives, priorities, means of action and framework, etc., can be finalized at the national level from concepts developed by the ILO.

*Uruguay.* (a) The term “time-bound” implies a beginning and an end, which is restrictive and would not be acceptable. (b) implies that if a national infrastructure is lacking or insufficient it cannot be superseded.

*Viet Nam.* Add a definition of “national activities” to refer to specific tools related to laws, policies, training, information or any other measures suitable for socio-economic and political conditions, as well as national customs aimed at realizing national OSH programmes.

### National programmes

**Qu. 5** *Should the instrument provide that each Member should seek to progressively develop a safer and healthier working environment through national programmes on occupational safety and health with due regard to relevant ILO instruments on occupational safety and health?*

*Total number of replies: 90.*

*Affirmative: 86.* Australia, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Chad, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mauritius, Mongolia, Moldova, Morocco, Mozambique, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Panama, Papua New Guinea, Philippines, Portugal, Romania, Saudi Arabia, Senegal, Singapore, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, United Republic of Tanzania, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Venezuela, Viet Nam, Zambia, Zimbabwe.

*Negative: 3.* Argentina, Mexico, Poland.

*Other: 1.* Austria.

*Australia.* It is appropriate that the instrument include a provision that OSH programmes are developed with due regard to relevant ILO instruments such as Convention No. 155. This provides consistency amongst ILO Conventions and ensures that Members are working towards the same goals.

*ACCI:* A member State cannot “develop” a safe workplace environment. Only people involved in workplaces can do that. Member States can provide leadership for this to occur, through their own example as an employer, through the workplace culture they create, and through national policy development and consultation with employers, employees and their representatives. The Australian National Occupational Health and Safety Strategy referred to in Annex I of Report IV(1) is a good example of this process.

*Austria.* Yes, in a Recommendation. An obligation to provide “national programmes on occupational safety and health” would be out of place in a Convention (see reply to Question 19). OSH programmes are one meaningful way of achieving a decent level of OSH, but they are not the only way. In Austria, for example, the emphasis is firmly placed on OSH legislation. For this reason, national OSH programmes should be dealt with in the Recommendation. The Convention should, however, contain a general obligation to progress gradually towards a safe and healthy working environment, in the light of the level of development of each country, account being taken of the latest specialist research and of the standards, codes of practice and other activities of the ILO that promote the health and safety of employees in the workplace. Emphasis should be placed on prevention.

ÖGB: Each member State should commit itself to strengthening public support for occupational safety and health through national campaigns and the inclusion of ideas of prevention in basic and vocational curricula.

BAK: Each Member should commit itself to promoting OSH through national programmes on OSH that take due account of ILO international labour standards (Conventions) and the latest findings in technical and labour science. Prevention must be a focus of such programmes.

*Canada.* CEC: In considering a strategy on the promotion of OSH, the concept of the progressive development of a safer and healthier working environment through national programmes on OSH, with due regard to relevant ILO instruments on OSH, may be considered.

*Chile.* CPC: Yes.

*Costa Rica.* UCCAEP: Members should take account of ILO Recommendations as far as possible and publicize them at the national level.

CCTD-RN: Include legal institutions and programmes responsible for verifying compliance and penalizing non-compliance.

*El Salvador.* This reinforces what is laid down in Convention No. 155 and in Salvadorian legislation.

*Finland.* TT: Decisions should be taken at the national level, but a Declaration could include examples of good practices. Service industry employers do not think it is necessary to mention national programmes, as the decisions should be taken nationally.

*France.* A national programme on OSH should give priority to the following objectives: first, promotion of a global “well-being at work” approach (using the term adopted by the World Health Organization (WHO)). This approach should take account of changes in the world of work and the emergence of new risks (including risks with delayed effects) and be aimed at improving job quality (by developing a healthy and safe work environment) from an age-management perspective. Second, promotion of a culture of prevention based on awareness raising among all the stakeholders and decompartmentalization between public policies (occupational health and safety should not be limited to a specialized field of labour policy, but should converge with elements of other policy fields such as health, research, education and the environment). The proposed wording is consistent with this approach.

*Gabon.* The qualification “progressively” is important, to take into account the level of development of the various member States.

CPG: Yes. The qualifying word “progressively” is important because it allows the different levels of development of different countries to be taken into account.

*Greece.* The phrase “with due regard to relevant ILO instruments on occupational safety and health” should be deleted, to give Members flexibility to draw up national programmes in accordance with the national situation and prevailing circumstances.

*Guatemala.* Add the words “adapting national legislation to ensure compliance in the area of OSH”.

*India.* Such a national programme on OSH would provide an impetus to establishments to provide for strategies and approaches for developing their own safety culture.

*Italy.* National programmes in line with the instruments adopted by the ILO over the past few years are extremely important for achieving effective and direct action to reduce the incidence of occupational accidents and diseases at the global level.

*Jamaica.* JEF: Yes. Through a combination of other instruments/systems where practicable, and where practicable for relevant situations.

*Japan.* Nippon Keidanren: Yes, in the light of the Conclusions adopted by the 2003 session of the Conference.

*Lebanon.* Add the following words: “Due regard to relevant ILO instruments on occupational safety and health is linked to ratification of the Conventions by each State.” States may be guided by the principles of a non-ratified Convention, if necessary.

*Luxembourg.* The main priorities of a national OSH programme should be: (1) to promote a global approach to occupational well-being. This approach must take into account changes to the world of work, the emergence of new risks (especially delayed-action risks), and the mental and social causes of mobbing and acts of physical aggression at work. It must be aimed at improving the well-being of workers (by encouraging the development of a healthy and safe working environment) against the background of sustainable development; (2) to promote a prevention culture based on making all stakeholders aware of prevention and the decompartmentalization of public policies (it is vital that OSH be viewed not merely as a specialized field of social policy, but should be considered together with elements of other policies such as health, education, the environment, economic development, development aid, etc.).

*Mexico.* The instrument should serve as a guide for countries and for the ILO itself. However, it should be flexible and non-restrictive, and programmes developed on the basis of it must accord with the laws and regulations of each member State, as well as with ILO standards.

COPARMEX: Yes.

*Netherlands.* Yes, provided that it is absolutely clear that the primary responsibility for health and safety rests with employers.

VNO-NCW: Yes, but it must be clear that if a national programme does not also reduce the administrative and financial burden on enterprises, it is doomed to failure.

FNV; CNV; Unie mhp: The latter part of the question is crucial: the proposed national programme should neither replace existing ILO instruments on OSH, nor simply leave them aside. On the contrary, it should more or less incorporate the content of these instruments.

*New Zealand.* Business NZ: Rather than requiring that each Member “seek to progressively develop a safer and healthier working environment through national programmes on occupational safety and health with due regard to relevant ILO instruments”, this could be stated as one means of promoting OSH to which Members might give consideration.

*Nicaragua.* A national Safety and Health Plan for workers is being formulated and will be implemented within a period of five years. Employers’ and workers’ organizations, universities and state institutions have participated.

*Norway.* National programmes would be a key element of the new instrument.

*Poland.* No. The term “national programmes on occupational safety and health” should be limited to research programmes concerning conditions of work and the work environment. Such programmes, if widely disseminated and financed or co-financed out of the state budget, can be very effective ways of stimulating the development of knowledge and practice.

Solidarność: Yes.

*Portugal.* CIP: The choice of the most appropriate means of achieving the objectives should be left to member States, and the reference to national programmes should be of an indicative character. Furthermore, little purpose is served by referring again to ILO instruments here.

CTP: Member States must progressively adapt legislation to ILO instruments on OSH.

*Slovenia.* RAE: Yes.

*South Africa.* BUSA: Any reference to the relevant ILO instruments should be qualified, to reflect the distinction between guidelines (for example) and Conventions, which are binding.

*Spain.* Prefer “through effective instruments”, which may not necessarily be ILO instruments.

*Switzerland.* UPS: Such detailed wording is not necessary. Each country must be able to choose the means by which it intends to promote OSH. In Switzerland, there are solutions in specific areas that have proven successful, just as there are completely effective one-off programmes. To attempt to impose “national programmes” reflects a theoretical and centralist approach. We should be practical and first examine the objective sought before imposing solutions that should be chosen at the national level in accordance with their practical effectiveness.

USS/SGB: Yes.

*Turkey.* Yes, in a Convention.

*United Kingdom.* We support the concept of progressive development.

**Qu. 6** *Should the instrument provide that each Member should:*

- (a) *formulate, publicize and implement national programmes on occupational safety and health?*
- (b) *seek the endorsement and launching of these national programmes by the highest government authorities?*

*Total number of replies: 90.*

*Affirmative: 89.* Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana ((a)), Brazil, Bulgaria, Burkina Faso, Canada, Chad, China, Costa Rica ((a)), Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador ((a)), Egypt, El Salvador, Estonia, Finland, France, Gabon, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan ((a)), Kazakhstan ((a)), Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malawi, Malaysia, Malta ((a)), Mauritius, Mexico ((a)), Moldova, Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Philippines, Portugal, Romania, Saudi Arabia, Senegal, Singapore, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, United Republic of Tanzania, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Venezuela ((a)), Viet Nam, Zambia, Zimbabwe.

*Negative: 4.* Botswana ((b)), Malta ((b)), Mexico ((b)), Poland.

*Australia.* National OSH programmes that are actively promoted are the key to achieving safer workplaces, and this needs to be promoted. The National Occupational Health and Safety Strategy 2002-12 is Australia’s broad overarching national programme and comprises strategically targeted specific OSH programmes. The National Strategy has been signed and endorsed by all the state and territory governments, the federal Government, the Council of Trade Unions and the Chamber of Commerce and Industry. It commits all the parties to work cooperatively on implementing and publicizing the national programmes, which are formulated with a view to achieving the national targets.

ACCI: Yes, subject to the national programmes being of the form mentioned in response to Question 5.

*Austria.* Yes, in a Recommendation, not a Convention.

ÖGB: See reply to Question 4.

BAK: (b) In its reference to “the highest government authorities”, the wording is potentially obscure or easy to misunderstand, since paragraph 71 of Report IV(1) refers to “parliaments or high-level government authorities” that have “endorsed” recent national OSH programmes. This reflects a vertical management approach that does not correspond to established statutory and democratic norms. Programmes should be based on legislative provisions set out under democratic conditions.

*Barbados.* (b) This would give legitimacy to the programme and enhance both its status and OSH generally.

*Belgium.* (a) and (b) These programmes are being developed by the Government and are to be made public, once approved, by means of a government declaration which will give a broad outline of future policy. The Minister concerned will then provide more details, also in a declaration.

*Benin.* CNP: Yes.

*Botswana.* (b) If a member State has established a national policy, it is not necessary to seek endorsement.

*Canada.* (b) In order to take into account the situation of federal States, in which the federal Government cannot launch programmes within areas of exclusive provincial or territorial jurisdiction, the following amendment is suggested: "seek the endorsement and launching of these national programmes by the highest responsible government authorities".

CEC: See reply to Question 3.

*Chile.* CPC: Yes.

*Costa Rica.* UCCAEP: See reply to Question 5.

CCTD-RN: Add: "(c) Establish institutions and penalize non-compliance."

*Egypt.* FEI: (a) Yes.

*Finland.* (b) National practices should be respected. Endorsement of national programmes should not be tied to rigid procedures, which may hamper ratification.

TT: See reply to Question 5.

*France.* Every year, worldwide, 2 million men and women lose their lives as a result of occupational accidents or diseases. This dramatic reality and human and economic waste warrant a stronger effort than is being made today. Such an effort should be mobilized in the following ways: (i) by drawing up a national OSH programme, which would be more than just a programme of action, and would involve all the stakeholders and existing means of action and clearly indicate the human and financial resources assigned to its implementation; and (ii) by making OSH a policy priority. The current Health at Work Plan (*Plan santé travail*) in France meets both these criteria.

*Greece.* (b) Yes, but without prejudice to the meaning of the "highest government authorities".

*Italy.* The broad diffusion and implementation of national programmes is important for increasing the level of awareness of all actors involved in OSH, on the basis of a greater awareness of the importance of promoting a culture of prevention.

General Union of Labour (UGL): (a) Yes.

*Jamaica.* JEF: Yes. There must be government involvement at the highest level. This would seek also to legitimize the process, giving it some enforceable status in cases where there are likely to be breakdowns at the local level.

*Japan.* (b) The phrase "the highest government authorities" should be changed to "high-level government authorities". National programmes need to be reviewed, as appropriate, in the light of the latest knowledge, and this sentence as it is now might be taken to imply that a resolution in the Diet or a decision by the Cabinet is absolutely necessary. It is therefore inappropriate.

Nippon Keidanren: Yes.

*Lebanon.* National programmes may emphasize some economic sectors more than others because of their extensive risks, and therefore give them priority for implementation. Making known national OSH programmes is the fundamental basis for the means of implementation. It is important to

formulate these programmes in a simple way without complications and lingering over details, and to fix clear mechanisms for implementation.

ALI: (b) With cooperation and coordination between ministries and concerned institutions.

*Luxembourg.* In accordance with the principle of preventing problems from arising, there is a need for “national integrated prevention programmes for the safety and health of workers”. The costs of poor safety standards, which reduce company profits, and above all the dramatic reality of this human catastrophe, make two forms of action imperative. First, the elaboration of a national prevention and OSH programme which goes beyond the remit of a simple action plan. This must involve all the existing stakeholders and instruments, and all the human and financial resources devoted to its implementation must be made clearly visible. Secondly, placing OSH on an equal footing with the economy, finances, the environment, quality issues, etc.

*Malta.* (a) Yes. Members should give priority to awareness/education before escalating action. (b) No. OSH should be administered by an independent body, e.g. an agency or authority. However, this independent body should ultimately be accountable to the government authorities.

*Mexico.* (a) Yes. The instrument should specify that the formulation, publication and implementation of national OSH programmes are optional for each member State. (b) No. The instrument should be part of a working culture, and responsibility for implementation belongs to the productive sectors and the appropriate government authorities.

COPARMEX: Yes to both.

*Mongolia.* MONEF: (a) Yes.

*Mozambique.* MW: Yes. Each member State should provide (a).

*Netherlands.* This will help to get OSH higher on the agendas of all relevant actors.

VNO-NCW: (a) Yes. (b) No, which is an example of unsound thinking. The Government is simply the Government.

FNV; CNV; Unie mhp: (a) Yes, this is the main purpose of the instrument; (b) is less important. The leading OSH authorities (usually the government OSH department inspectorate) should endorse and launch such a national programme.

*New Zealand.* Business NZ: To be effective, a promotional framework instrument must be expressed in general terms. These two questions should therefore not be answered in the affirmative. How individual countries implement a national framework instrument is a matter for the countries themselves to determine.

*Norway.* (b) This could serve the purpose of placing OSH high on national agendas.

*Panama.* Each member State should carry out what is stated in (b) and in (a), in that order.

*Papua New Guinea.* (a) This implies using the media and other institutional organizations to enhance these national programmes on OSH for every citizen, whether employed or unemployed. They can even be incorporated into the educational curriculum, so that children learn the basics of OSH as they grow up. This can best prepare them to enter the workforce. (b) The Government should take the lead and spearhead the development and enhancement of these national programmes. It should also be available to endorse and launch these programmes from its highest institutions.

*Poland.* See reply to Question 5.

Solidarność: Yes.

*Portugal.* Yes. However, setting goals and priorities should be left to member States.

CIP: See reply to Question 5.

CTP: See reply to Question 5.

*Slovenia.* RAE: Yes.

*South Africa.* BUSA: Yes.

*Switzerland.* UPS: (a) No with regard to drawing up national programmes, given our reply to Question 5. Each country must define its own priorities. On the other hand, there is nothing to say that a country's programmes, sectoral or otherwise, should not be made public so that other countries can take advantage of them. (b) No, even more strongly. In Switzerland, the "programmes" in this area are not approved by the Federal Council, which delegates responsibility for approval to the competent implementing bodies at the Confederation and cantonal levels (Seco, CFST, SUVA and cantonal labour offices).

USS/SGB: Yes.

*Turkey.* Yes, in a Recommendation.

*United Kingdom.* (b) We have done this with the "Revitalising Health and Safety" initiative and the new Strategy for workplace health and safety in Great Britain to 2010 and beyond, and with similar initiatives in Northern Ireland.

CBI: The instrument should provide for both points whilst seeking the engagement of all those that are party to delivery at the enterprise level.

TUC: See the general observations.

**Qu. 7** *Should the instrument provide that such national programmes should be formulated and reviewed on the basis of an analysis of the national situation on occupational safety and health, including the national system for occupational safety and health?*

*Total number of replies: 91.*

*Affirmative: 87.* Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Chad, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mauritius, Mexico, Moldova, Mongolia, Morocco, Mozambique, Netherlands, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Philippines, Portugal, Romania, Saudi Arabia, Senegal, Singapore, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, United Republic of Tanzania, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Venezuela, Viet Nam, Zambia, Zimbabwe.

*Negative: 3.* Benin, New Zealand, Poland.

*Other: 1.* Australia.

*Australia.* See general observations.

ACCI: Yes. All national programmes should be reviewed. The Australian experience is that the national programme would have a set time limit against which progress can be assessed.

ACTU: Yes.

*Austria.* Yes, in a Recommendation, not a Convention.

ÖGB: See reply to Question 4.

BAK: Time-bound programmes should be evaluated only with regard to improvements in workers' health and safety, worker participation in such issues at work level, and the basic institutional OSH framework (including labour inspection).

*Benin.* Given that the development of a good national programme relies on a pertinent analysis of the national situation on OSH, it is inappropriate for provision to be made for this fundamental principle – that is, analysis of the national situation – in the Convention. On the other hand, when new procedures are developed in a country, national programmes ought to be reviewed according to the alteration in the risk map.

CNP: Yes.

*Bulgaria.* An analysis is the starting point for the formulation of priorities and targets and for monitoring progress.

*Canada.* Such an analysis is necessary in order to evaluate the effectiveness of national programmes and measure progress.

CEC: See reply to Question 3.

*Chile.* CPC: Yes.

*Costa Rica.* CCTD-RN: Institutions and programmes should be evaluated annually.

*El Salvador.* Mention should be made of the mechanisms used to analyse the national situation, such as national diagnosis, national surveys and statistical reports under the industrial accident registration systems.

*Finland.* TT: See reply to Question 5.

*France.* A national OSH programme should span several years and be adapted to the national OSH system. This presupposes accurate knowledge of the national situation with regard to occupational safety and health. The aim is to state clearly the prevention policy and its objectives and to provide the necessary tools for the revision and adaptation of the national programme on occupational safety and health. The following basic conditions need to be met in order to have accurate knowledge of the situation with regard to occupational risks: (i) transparent, independent and objective scientific monitoring and inspection, based on partnership between public and private bodies; (ii) a system for recording and notification of occupational accidents and diseases that is sufficiently coherent to be virtually exhaustive and thus independent of other procedures. The promotional instrument could be based on the Protocol to Convention No. 155 and the List of Occupational Diseases Recommendation, No. 194, both adopted at the 90th Session (June 2002) of the International Labour Conference; and (iii) development of progress indicators other than occupational accidents and diseases.

*Gabon.* CPG: Yes. This allows the different levels of development of different countries to be taken into account, while allowing minimum basic levels of OSH to be made mandatory and imposed on all countries.

*India.* In view of the increased use of highly toxic substances and newer technologies, identification of national OSH problems in key operational areas would require reviews of national programmes.

*Italy.* It is important to base the preparation of programmes on national requirements and priorities.

*Jamaica.* JEF: Yes. Reviews should be continuous.

*Latvia.* National programmes should respond to changes and progress in OSH as the situation in working life is changing in terms of new technologies, new workplaces, etc.

*Lebanon.* It is important to provide statistical data on occupational accidents and diseases and places where occupational risks exist, in order to facilitate analysis of the national situation with regard to OSH.

*Luxembourg.* A national OSH programme must be pluriannual and needs to be adapted to the national OSH system. This presupposes a relatively precise knowledge of the national situation with regard to OSH. It is important in the long term to render prevention policy and objectives comprehensible, on the one hand, and to come up with the instruments needed for the revision and adaptation of the national OSH programme, on the other.

*Netherlands.* Yes, because this will help to get a better return on investment.

FNV; CNV; Unie mhp: A national programme without a sound relationship with the national OSH situation and the national OSH system cannot be effective or relevant.

*New Zealand.* No. The development of a national programme should be based on an analysis of a wide range of information including, but not limited to, data relating to the current national situation and system. The importance of looking at the future in terms of trends in demographics and work practices, rather than just considering the current situation, needs to be emphasized more, as does the potential value of analysing the systems and experiences of other countries.

Business NZ: In absolute terms, such a provision would not sit comfortably in a promotional framework instrument, which must be flexible and general. However, a promotional framework instrument could provide that any strategy for promoting OSH might consider incorporating the concept of an analysis of the national situation on OSH.

*Nicaragua.* A national OSH profile is of fundamental importance, as it helps to detect problems and assess performance in specified sectors. It allows actions to be prioritized and goals defined, and can lead to a more effective response to the needs of economic sectors in relation to national conditions. Nicaragua already has a national OSH profile.

*Poland.* See reply to Question 5.

Solidarność: Yes.

*Portugal.* CIP: See reply to Question 5.

*Singapore.* This provision would ensure that member States fully understand their own internal working environment before they formulate a national system.

*Slovenia.* RAE: Yes.

*South Africa.* BUSA: While a situational analysis is a sound basis for developing a programme, stating the requirements prescriptively could lead to this becoming the basis for technical and donor support.

*Switzerland.* UPS: No. This centralist approach is not at all desirable. Each country must be free to define its own methods. The analysis referred to in the question would be defined at the national level, which would not only entail needless costs but would also unfortunately block a number of perfectly valid actions begun in a spirit of good will.

USS/SGB: Yes.

*Turkey.* Yes, in a Convention.

TISK: Each country should be able to develop its own national health and safety plan of action according to its own needs, following an analysis of the national situation.

DISK: For a national system to be created, it is imperative that the national circumstances be examined, shortcomings identified and the necessary measures elaborated. However, the ILO should definitely include in the Convention guidance as to the form the national system should take, and should assume the task of taking initiatives and providing guidelines. This is essential in the case of a country such as Turkey, where there is a dearth of records, documents and statistics.

**Qu. 8** *Should the instrument provide that such national programmes should be formulated and reviewed:*

- (a) *in consultation with representative organizations of employers and workers?*
- (b) *as appropriate, in consultation with other concerned parties [such as those described in para. 49, Chapter II]? Please specify.*

*Total number of replies: 88.*

*Affirmative: 87.* Argentina ((a)), Austria, Azerbaijan ((a)), Bahrain, Bangladesh, Barbados, Belarus ((a)), Belgium, Benin, Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Chad, China, Costa Rica, Croatia, Cuba ((a)), Cyprus, Czech Republic ((a)), Denmark, Ecuador ((a)), Egypt ((a)), El Salvador, Estonia ((a)), Finland, France, Gabon, Germany, Greece, Guatemala, Haiti, Honduras, Hungary ((a)), India, Indonesia, Ireland, Italy, Japan ((a)), Kazakhstan ((a)), Republic of Korea ((a)), Latvia, Lebanon, Lithuania ((a)), Luxembourg, Malawi, Malaysia, Malta, Mauritius, Mexico, Moldova, Mongolia, Morocco ((a)), Mozambique, Netherlands, New Zealand, Nicaragua ((b)), Niger, Nigeria, Norway, Oman ((a)), Panama, Papua New Guinea, Philippines ((a)), Portugal, Romania, Saudi Arabia, Senegal, Singapore, Spain, Sri Lanka, Suriname ((a)), Sweden, Syrian Arab Republic, United Republic of Tanzania ((a)), Thailand, Tunisia ((a)), Turkey, Ukraine ((a)), United Arab Emirates, United Kingdom, Uruguay ((a)), Venezuela ((a)), Viet Nam, Zambia, Zimbabwe ((a)).

*Negative: 6.* Argentina ((b)), Estonia ((b)), Hungary ((b)), Japan ((b)), Republic of Korea ((b)), Poland.

*Australia.* See general observations.

ACCI: (a) Yes. (b) Some of the “concerned parties” referred to are participants in the process that can lead to safer workplaces but not the central parties affected. Some also have vested interests, not core interests. Hence consultation with concerned parties needs to be appropriate to the nature of their interest in this area.

ACTU: (a) Yes. (b) No. This could lead to the dissolution of the health and safety authority and its absorption into the workers’ compensation or public health systems.

*Austria.* Yes, in a Recommendation, not in a Convention.

ÖGB: See reply to Question 4.

BAK: (a) National programmes should be drawn up only in consultation with representative organizations of employers and workers and should be subject to tripartite review. (b) At the national level, the BAK has had positive experiences with the involvement of experts and expert bodies in questions relating to OSH. It therefore considers it objectively justified – indeed, necessary – to hear or include expert bodies such as the General Accident Insurance Institution (AUVA) in a tripartite structure whenever the need arises. Nevertheless, because of fundamental considerations relating to the clear tripartite structure of the ILO, the BAK remains convinced that the emphasis on a clear tripartite structure should be retained in the context of any ILO Convention or Recommendation.

*Bangladesh.* (b) As referred to in Report IV(1), paragraph 49.

*Barbados.* Special trade associations and training institutions (for example) should be consulted as necessary.

BWU: (b) No, as this would lead to the dissolution of the health and safety authority and its absorption into the workers’ compensation or public health system, for example.

*Belgium.* (a) and (b). The National Labour Council and the Higher Council for Prevention and Protection at Work participate in the development of regulatory provisions regarding OSH. They should

logically be consulted during the formulation and review of these programmes, together with the social partners and other associations represented on the Higher Council.

*Benin.* (b) Organizations of OSH experts, OSH technical advisory committees and institutions carrying out OSH research.

*Brazil.* (b) Non-governmental organizations (NGOs), representative bodies of professionals working in the field concerned.

*Bulgaria.* (b) OSH specialists, designers, constructors and producers, trade associations, scientific bodies.

*Canada.* (b) This could include manufacturers and designers, industry trade associations, academic experts, representatives of health and safety councils, safety associations, professional groups, workers' compensation board specialists, educators and members of the general public.

CEC: See reply to Question 3.

*Chad.* (b) Associations of OSH specialists and other concerned professional groups.

*Chile.* CPC: Yes.

*Costa Rica.* UCCAEP: (a) Yes.

CCTD-RN: These should be representative and not selected in a haphazard manner; use referenda or plebiscites.

*Croatia.* (b) Consultation with relevant experts.

*Cyprus.* (b) Professional associations of OSH specialists, OSH training providers, manufacturers and designers, trade associations, OSH stakeholders.

SEK: (b) Professional associations, qualified individuals, business groups.

PEO: (b) Specialized bodies such as the Cyprus Association of Health and Safety.

*Denmark.* DA: (b) This will depend on the situation in individual countries.

LO; FTF: (b) No. The introduction of other formal consultations might reduce the influence of the safety and health authorities and the social partners. Such formal consultations create an undesirable risk that the safety and health considerations will be given a lower priority. The LO and FTF therefore reject the proposal, but support coordination with other policy fields (see observations regarding Question 3(g)).

*Ecuador.* FCA: (b) Public bodies, NGOs, international bodies.

*Egypt.* FEI: (a) Yes.

*El Salvador.* Consultation with other parties will be carried out when the official tripartite body responsible for labour matters deems it necessary.

*Finland.* SAK: (a) Yes. (b) No in principle, although in some cases insurance companies and research institutions could be consulted.

*France.* When formulating and reviewing the national programme, the representative organizations of employers and workers are and should remain the State's preferred interlocutors. It is by definition the world of work and the way it is organized that gives rise to occupational risks and determines their specific nature. Consultations should therefore be held with the social partners as the legitimate representatives of the world of work. Such consultation is one prerequisite for the formulation and review of any national OSH programme, but it is not the only one. Specific occupational risks do not occur in isolation. Workers' health and safety protection should also involve environmental, public health and education policy, and is of concern to society as a whole, not only the world of work. There is therefore no objection

to allowing other representatives of civil society – such as victims' associations – to express their views in the formulation and review of a national OSH programme, so as to take account of all aspects likely to have an impact on occupational risks and prevention policy. Exchanges with “civil society” can be a useful supplement to dialogue and consultations between the State and the social partners, but in no case can it replace them.

*Gabon.* CPG: (b) Civil society institutions responsible for and specialized in OSH should also be asked for their views. Given the spread of fee-charging or commercialized traditional medicine in certain countries, it would be useful for traditional medicine associations in particular to give their views, since it is a recognized fact that it is used by workers across sectors and categories.

*Germany.* DGB: (b) No. The term “other concerned parties” in paragraph 49 of Report IV(2) is very broadly defined. A clear hierarchy (tripartism) must be observed and the circle of “concerned parties” cannot be widened at will. The need for cooperation with these groups is nevertheless beyond doubt.

*Greece.* (b) Governments and scientific organizations concerned.

*Guatemala.* (b) Civil society institutions could be involved.

*Haiti.* (b) Also consult other interested parties such as competent international organizations.

*India.* (b) Agencies such as research and development organizations, NGOs, etc., would help to provide supporting data in finalizing priority issues at the national level while drawing up a national programme. Therefore, include national experts in the field, NGOs dealing with issues concerning OSH, and professional associations.

*Indonesia.* (b) Consult related OSH national institutions, NGOs, academic institutions and professional associations.

*Italy.* (b) National or territorial level bodies and institutions with tasks and responsibilities in the area of OSH.

CGIL: (b) In particular, institutional bodies and national and territorial authorities that have tasks and responsibilities in respect of OSH.

*Jamaica.* JEF: (a) Yes. (b) Yes, such as other stakeholders, including professional organizations of health professionals, engineers, and health and safety professionals.

*Japan.* (b) No. It is difficult to consult parties other than organizations of employers and workers. Problems may arise in applying the provisions literally.

Nippon Keidanren: Yes. Priority should be given to consultation among tripartite bodies.

*Lebanon.* (b) There are other ministries concerned with occupational safety and health, as well as official and unofficial councils, national research centres and insurance bodies.

ALI: The Recommendation should state expressly that the ministry responsible for industry should be invited to participate in the elaboration and implementation of these programmes, since the industrial sector is the one which employs the most labour. On the other hand, these programmes should conform to national programmes for industrial development, so as to enable comprehensive national participation in these programmes, which should be an alternative to the national system proposed in the questionnaire.

*Luxembourg.* (b) Specific though it is, the phenomenon of threats to workers' health is not an isolated one. Environment and the social behaviour of individuals can also have an impact. Protection of workers' safety and health necessarily draws on policies dealing with the environment, public health, education, economic development, and quality issues, which of course are of interest to society at large, and not just the world of work.

*Malawi.* (b) Government ministries and departments, universities, research institutions, municipal and district assemblies, standards bureaus, selected industries.

*Malaysia.* (b) Non-governmental agencies interested in the promotion of OSH.

*Malta.* (b) Especially other government entities not forming part of the national OSH tripartite network. Also other bodies representing particular sectors, such as medical practitioners, engineers, architects, etc.

*Mauritius.* (b) Where necessary, manufacturers, importers and suppliers.

*Mexico.* (b) In Mexico, planning and national development programmes must be carried out with the participation of the various social sectors and also with the participation of the education and research sectors, third-party bodies and the general public.

COPARMEX: (b) With medical practitioners and OSH specialists. Also those described in paragraph 49 of Report IV(1).

*Mongolia.* (b) For example, representatives of the informal sector in many developing countries. The informal sector is a major part of the economy and labour market.

MONEF: (a) Yes.

*Mozambique.* (b) Other socio-professional organizations, together with government departments, could be consulted.

*Netherlands.* (b) Such programmes (and their implementation) will benefit from the input of the various relevant actors in the national OSH infrastructure, including associations of OSH professionals.

VNO-NCW: The other parties referred to in (b) may vary from country to country.

FNV; CNV; Unie mhp: The new instrument could also call on Members to promote bipartism and/or collective bargaining about some elements of national programmes on OSH. Experience in the Netherlands has shown that collective agreements between employers and employees can be a very important element in the progressive development of a safer and healthier working environment.

*New Zealand.* (b) There should be wide consultation on proposals for a national programme. This will help improve the quality of the finalized national programme and contribute to wide interest and ownership in it. In New Zealand, for example, the national Accident Compensation Corporation and agencies such as the Civil Aviation Authority and Maritime Safety Authority all have direct responsibilities in achieving positive workplace health and safety outcomes.

Business NZ: Yes, subject to the provision that these same organizations should be involved in any subsequent review.

*Nigeria.* (b) Other stakeholders such as the Federal Ministry of Health, Environment and Agriculture, the National Industrial Safety Council, as well as professional associations and prominent NGOs.

*Norway.* (a) It should be one of the main purposes of the instrument to develop new strategies in a tripartite context. (b) Formulating the programme is the responsibility first and foremost of the authorities in cooperation with the social partners. However, advice from other parties should be taken into account as and when appropriate.

*Panama.* (b) NGOs involved in labour issues.

*Papua New Guinea.* (b) These may include safety organizations, industrial organizations, environmental and conservation groups, insurance institutions, health departments and organizations, etc.

*Poland.* See reply to Question 5.

Solidarność: (a) Yes. (b) No.

*Portugal.* Yes. Consultations with the social partners and the search for a consensus between them and social and economic institutions must be a key element in a national OSH programme.

CTP: It would be more appropriate to change the phrase “in consultation with” to “with the participation of”, to reflect a more active relationship between all those concerned.

CGTP-IN: (b) Other concerned parties should include experts on OSH, and university-level and other scientific or technical experts.

UGT: (a) It is essential to ensure effective consultation and participation of workers’ and employers’ representatives at all levels, from the organization of in-house services to participation of the partners in tripartite bodies. Only with the involvement of the principal concerned parties will it be possible to develop appropriate and effective policies. (b) As regards the participation of other parties in multilateral bodies or consultations, this cannot be contemplated without some reservations. Although it could be important in some ways, it should never give rise to an undesirable dilution of the decision-making or advisory powers of such bodies or limit action in this context for purely economic reasons.

*Romania.* (b) Such as ministries, professional associations, manufacturers and OSH trainers.

*Saudi Arabia.* (b) Any relevant party in the area of OSH.

*Senegal.* (b) Consultation should also involve labour safety professionals, labour physicians, and occupational safety and health institutions.

CNTS: Consultation should also involve associations (of employers and workers) and occupational safety and health experts (cf. Annex I of Report IV(1)).

*Singapore.* A national system and national programme are necessary for the management, development and promotion of OSH. These should be established in consultation with the government, employers and unions.

*Slovenia.* RAE: Yes.

*South Africa.* BUSA: (a) Yes, this is of vital importance in order to ensure that the needs of the social partners are accommodated. In fact, the instrument should entrench the principle of tripartism in occupational safety and health in general not just in respect of a national programme.

*Spain.* (b) In Spain, the national OSH Committee is a collegial advisory body.

CCOO: (b) No.

CIG: (a) Yes.

*Switzerland.* UPS: (a) The UPS rejects the restrictive idea of national programmes, but wholeheartedly approves of consultation with organizations of the social partners. (b) Consultation only with appropriate bodies, namely Seco or the CFST, not with associations of occupational health specialists or labour physicians.

USS/SGB: (a) Yes. (b) No. This could lead to the OSH authorities being dissolved and absorbed by workers’ remuneration or public health systems.

*Syrian Arab Republic.* (b) Ministries of labour, health, agriculture, local administration and environment, industry, information and education; atomic energy authorities; independent professional associations of engineers, agricultural engineers and doctors.

*Turkey.* (a) Yes, in a Convention. (b) Yes, in a Recommendation.

DISK: (b) The union of medical practitioners, engineer and architect associations, universities, retired workers’ associations, public employees’ unions.

*United Arab Emirates.* (b) The government departments concerned.

*United Kingdom.* It would be preferable to avoid specifying the concerned parties. The phrase “as appropriate, in consultation with other concerned parties” is sufficient in itself without specifying the parties. It is best that these remain in the accompanying report as examples.

CBI: Some description of other concerned parties may be proposed, but these should not be specified at international level as those organizations that are influential and can deliver health and safety improvements at the workplace vary significantly from one country to another.

*United States.* USCIB: With respect to (b), all citizens in both the legislative and the regulatory processes have a right to participate and consult with elected and appointed officials on legislation and regulations and other national policies concerning the workplace.

*Zambia.* (b) Professional associations of OSH specialists, OSH training providers, manufacturers and designers, industry trade associations and other business groups.

**Qu. 9** *Should the instrument provide that such national programmes should:*

- (a) *seek to promote the development of a safety culture?*
- (b) *include targets and indicators of progress?*
- (c) *when applicable, be associated with other national programmes and plans, such as those relating to economic development?*

*Total number of replies: 89.*

*Affirmative: 87.* Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Chad, China, Costa Rica, Croatia ((a) and (c)), Cuba, Cyprus, Czech Republic, Denmark, Ecuador ((a)), Egypt, El Salvador, Estonia, Finland, France, Gabon, Germany ((b) and (c)), Greece ((a)), Guatemala, Haiti, Honduras ((a) and (b)), Hungary, India, Indonesia, Ireland, Italy, Japan, Kazakhstan ((a) and (c)), Republic of Korea ((a) and (b)), Kuwait, Lebanon, Lithuania ((a) and (c)), Luxembourg, Malawi, Malaysia, Malta, Mauritius, Mexico ((a) and (c)), Moldova, Mongolia ((a) and (c)), Morocco, Mozambique, Netherlands, New Zealand, Nicaragua, Niger ((c)), Nigeria, Norway, Oman ((a)), Panama, Papua New Guinea, Philippines, Portugal, Romania, Saudi Arabia, Senegal, Singapore, Spain ((a) and (b)), Sri Lanka, Suriname ((a) and (b)), Sweden ((a) and (b)), Syrian Arab Republic, United Republic of Tanzania, Thailand, Tunisia, Turkey, Ukraine ((a)), United Arab Emirates ((a)), United Kingdom, Uruguay ((a) and (b)), Venezuela ((a)), Viet Nam, Zambia, Zimbabwe.

*Negative: 8.* Croatia ((b)), Germany ((a)), Republic of Korea ((c)), Latvia, Lithuania ((b)), Mexico ((b)), Mongolia ((b)), Poland.

*Australia.* See general observations.

ACCI: (a) Yes. This is a key element of any national approach. On a preliminary basis, yes also to (b). The Australian National Occupational Health and Safety Strategy 2002-12 has set targets, but it is the first time this has been done and so the effectiveness of the targets will be assessed as the Strategy is reviewed. We would not want unequivocally to commit ourselves to targets being included in each version of a national strategy. The setting of targets is itself a contentious issue (especially for regulators), and unless the national approach is accompanied by other core elements, targets are of limited value other than as a promotional tool. For many employers, targets are not a motivational tool for cultural change. For others they are, and have been usefully used as performance benchmarks.

ACTU: (a) No. See reply to Question 3(d). (b) Yes. (c) See reply to Question 8(b). Caution should be applied to ensure that safety and health are not constricted by the demands of certain economic programmes such as deregulation.

*Austria.* Yes, in a Recommendation, but not in a Convention.

ÖGB: (a) Each member State should commit itself to the development of a safety culture. This can be achieved only through additional legal provisions and compulsory collaboration with workers and their legally recognized, voluntary representatives.

BAK: (a) A safety culture can develop only as a supplement to legislative provisions and with the compulsory involvement of the workers or their representative associations. Once again, it must be emphasized that the idea of “safety culture” must not be allowed to go to waste inside corporate mission statements, but must become part of everyday practice, and be exemplified by employers, managers and directors. Furthermore, “culture” cannot replace clear and binding regulations. (c) We note that the safety and health of workers are valuable in themselves, and should not be defined in a way that is dependent on the state of the economy.

*Barbados.* (b) It should be ascertained whether targets are absolutely attainable.

BEC: (a) Yes.

BWU: (a) No – see reply to Question 3(d) under general observations. (b) Yes. (c) Caution is necessary to ensure that safety and health are not constricted by the demands of economic programmes such as deregulation.

*Belgium.* If these programmes were developed and evaluated while they were running, they could be linked with the sustainable development plan already being implemented in a wider context than that of OSH.

*Benin.* The Convention should provide that national programmes on OSH should not exist in isolation. They must take account of national programmes and plans for economic development and – a fundamental requirement – national programmes to combat poverty in poor countries.

CNP: Yes.

*Botswana.* Cultural values play a significant part in determining and attaining national goals and objectives, and it is therefore desirable to include the promotion of safety culture in national programmes.

*Brazil.* (a) Should focus on the development of a “prevention culture” with regard to OSH.

*Canada.* (a) The development of a safety culture should be the ultimate objective of national programmes, with a view to reducing the number of workplace deaths as well as the number, frequency and seriousness of workplace accidents and occupational illnesses. A safety culture should contribute to the creation of a social climate in which there is broad support for, and commitment to, these objectives. (c) Appropriate linkages with various policies and programmes in the areas of social and economic development, education, public health and the environment should be encouraged.

CEC: See reply to Question 3.

*Chile.* CPC: Yes.

*Costa Rica.* UCCAEP: (a) and (b) Yes.

CCTD-RN: (b) Establish a database of interdisciplinary indicators in the sphere of OSH.

*Cyprus.* SEK: (a) and (b) Yes.

*Czech Republic.* AA: (a) Yes.

*Denmark.* (b) For targets and indicators of progress, quantified objectives should be set.

LO; FTF: (a) No. See reply to Question 3(d), which proposes a different definition and formulation as a condition for accepting this reference. (c) No. See reply to Question 8(b). The interplay with, for instance, economic downsizing and deregulation may lead to an undesired lower priority of safety and health considerations. The Danish trade unions are not able to give an affirmative reply to this question on the present basis, although they are still in favour of coordination with other policy fields (see proposal regarding a new (g) under Question 3).

*Ecuador.* FCA: Yes.

CCQ: (a) Yes.

*Egypt.* FEI: (a) Yes.

*Estonia.* EAKL: (a) No.

*Finland.* TT: See reply to Question 5.

SAK: (a) See general observations on terminology. (c) It is important to bear in mind the mainstreaming of health and safety issues in other programmes. This should not lead to any impairment of OSH programmes.

*France.* A national OSH programme warrants a global and decompartmentalized approach. The main focus should be on the promotion of a safety culture (as defined in Question 3(d)). The effectiveness of an OSH programme, as with any policy, is measured in terms of the results achieved against objectives that must be fixed at the outset; those objectives must be not only quantitative, but also qualitative. Only predetermined activity and result indicators can enable a truthful evaluation to be made. France considers it essential that OSH programmes have precise objectives accompanied by relevant indicators. There is a need both to develop new indicators and to identify the most suitable tools for monitoring them. Nor can an OSH programme be developed without taking the economic and social environment into account. The world of work is by nature in constant transformation: no programme for the prevention of occupational risks can exist in isolation from the surrounding reality. In particular, it should defend workers' interests without disregarding the economic reality of the enterprise: this equation can be solved once it is understood that investing in the prevention of occupational risks is cost-effective in both human and economic terms.

*Gabon.* CPG: (a) It is a matter of general education for OSH to become ingrained in everyday habits, as it is a public health issue. (b) This would be judicious, as any project has to be measurable in order to gauge its success against pre-established objectives. Moreover, there is a clear link between OSH policy and other national plans and economic development. The most obvious example is the AIDS pandemic, which has become a real social and workplace problem, as well as other diseases such as malaria.

*Germany.* DGB: (a) See reply to Question 3(d). (c) No.

*Greece.* (b) The wording should be revised as follows: "include targets for the improvement of working conditions on the basis of qualitative and, potentially, quantitative elements". The indicators of progress are significantly binding for a national programme, since they conceal quantitative elements without safeguarding objectivity in the assessment of progress, given that many external and unpredictable factors affect them. (c) The wording should be revised as follows: "... to pursue their association with other national policies and plans". This would allow the necessary flexibility for Members to include OSH in other national policies (e.g. education, social security, public health and the environment) when it is appropriate to do so, without being obliged to associate the national programme on health and safety, which by definition has certain limitations, with other national programmes.

*Italy.* (c) In particular programmes aimed at providing incentives for enterprises gradually to improve levels of OSH.

UGL: (a) and (b) Yes.

CGIL: Yes.

*Jamaica.* JEF: (a), (b) and (c) Yes.

*Japan.* (c) Yes. This is not, however, a minimum basic requirement which should be provided for in a Convention, and should rather be dealt with in a Recommendation. Whether or not other national programmes will be associated with OSH programmes will depend largely on conditions in the country concerned.

*Latvia.* No. Each Member should decide for itself whether the points listed under Question 9 are to be reflected in their national programmes. In Latvia, (a) and (b) are standard practice when

elaborating national programmes in one field or another and this is already regulated by national laws and regulations. It would therefore not be necessary to include such an obligation in the instrument.

*Lebanon.* (c) The idea indicated in this paragraph depends on the possibility of implementation. This is fundamental to the adoption of an effective programme. Economic development is the basis of success of any national programme, action plan or strategy in any issue. Social development is also a fundamental basis for sustainable development. It is important to make available the financial resources and means needed to achieve these programmes.

*Lithuania.* (b) It is very difficult to foresee and implement concrete targets in the OSH sphere.

*Luxembourg.* (a) A national OSH programme warrants a decompartmentalized, global approach. The promotion of a “safety culture” should be a step towards a culture of “workers’ well-being”. (b) The effectiveness of an OSH programme is measured by results and according to the objectives (quantitative and qualitative) set beforehand. An accurate assessment is possible only through the use of activity and result indicators, which must be in place from the start. An OSH programme must set itself precise objectives, alongside relevant indicators. In order to do this, new indicators must be adopted, as well as the instruments best suited to following up these indicators. (c) An OSH programme cannot be formulated without taking into consideration general economic and social conditions. The world of work is, by its very nature, constantly changing; a programme concerning prevention of threats to workers’ health cannot operate independently of external realities. In particular, it must seek to defend employees’ interests, whilst fully taking account of companies’ economic situations. This balance becomes feasible once prevention of threats to workers’ health is seen as a worthwhile investment, as much from a human as from an economic perspective.

*Malawi.* National programmes should not be just “associated with” but rather “part of” economic development programmes and plans.

*Malta.* (c) Programmes should be flexible enough to allow member States to mould them according to their particular circumstances.

*Mexico.* (b) No. Should one wish to include indicators in the instrument, each Member should establish its own indicators in advance.

COPARMEX: (a), (b) and (c) Yes.

*Mongolia.* (b) is not necessary.

MONEF: (a) Yes.

*Morocco.* FCCIS: Yes.

*Mozambique.* It is essential that national OSH programmes be associated with the economic development of a country.

MW: (a) and (b) Yes.

*Netherlands.* (c) This may not work in all cases; there might be competitive issues.

VNO-NCW: (b) Qualitative targets must also be included.

FNV; CNV; Unie mhp: Yes. The Conference has to reflect on the meaning of the term “safety culture”. In the nuclear industry it has a clear meaning, in other sectors much less so. If the term is used without caution, a degradation in the meaning of the term some years after the adoption of a new instrument could make the latter less meaningful. (b) Yes, but it should not prescribe in detail the form in which these targets and indicators should be measured. Experience in the Netherlands shows that different sectors have different preferences in this respect. Nevertheless, it is very important that the new instrument should provide that targets and indicators of progress are expressed in a very clear and concrete manner. (c) Yes, because coherence of policies is a question of major importance. This measure should not, however, become an obstacle to formulating a national programme on OSH.

*New Zealand.* (a) See reply to Question 3(b). It should be emphasized that the development of a workplace culture that produces positive health and safety outcomes requires commitment from employers and the effective participation of employees. More widely, it requires the active engagement of industry networks and the wider community in promoting workplace health and safety. Workplace culture is a means to an end, rather than the end itself. (b) New Zealand supports the inclusion of indicators of progress, but does not support a requirement to include quantitative indicators and targets at a national level. Such a requirement could result in insufficient focus on occupational health issues, given that these are harder to measure using routine administrative data sets. The development and use of valid and reliable quantitative indicators should be promoted through a national programme.

Business NZ: The instrument should not concern itself with matters best dealt with in a national programme. A promotional instrument should not be prescriptive. Rather, it should promote the concept of OSH but leave the question of implementation for individual countries to decide.

NZCTU: See observations on Question 3.

*Norway.* (c) In such a way that the development of OSH is not hampered.

*Poland.* See reply to Question 5.

Solidarność: (a) and (b) Yes. (c) No.

*Portugal.* CIP: The instrument should be used only to promote the development of a safety culture.

UGT: See general observations.

*Senegal.* CNTS: (a) Yes.

*Singapore.* (b) Targets and indicators would help member States to have a good gauge of the effectiveness of their national programmes.

*Slovenia.* RAE: Yes.

*South Africa.* BUSA: (a) Yes, this should be the aim of the instrument in the form of a Declaration. (b) This should be left to national tripartite structures to decide. Targets and indicators may be better placed in a separate section dealing with monitoring and performance management. (c) Yes. A culture of safety is possible only where OSH programmes are aligned with the broader macroeconomic policies and programmes. The instrument should provide for Members to promote the development of a safety culture and be associated with other national initiatives relating to sustainable development.

*Spain.* (c) May be interesting in some cases but is not necessary.

CCOO: (c) No. Health is a right that should outweigh any economic considerations.

*Sri Lanka.* EFC: (b) No – should be decided at national level. (c) is desirable.

*Sweden.* (a) The reference should be to “a preventative safety and health culture”.

*Switzerland.* UPS: (a) Given the reservations of the UPS regarding national programmes, the content would be acceptable only in a Declaration of intent. This should not lead to the obligation to formulate or implement “programmes”. (b) No. Each country should draw up for itself the approach that seems the most effective for it. (c) Yes, taking into account the reservations of the UPS.

USS/SGB: (a) No. See reply to Question 3(d). (b) Yes. (c) See reply to Question 8(b). Care should be taken to ensure that safety and health do not suffer from the constraints dictated by certain programmes such as deregulation.

*Thailand.* Yes, in order to promote a self-regulation system at the enterprise level.

*Turkey.* In a Convention. The means for developing a safety culture should be in a Recommendation.

TISK: The principle of prevention should be the highest priority.

*United Kingdom.* (b) Yes. The instrument should provide that the national programmes seek to develop robust data and information to be able to consider the setting of targets and indicators of progress. (c) Yes. Linking health and safety with other “national programmes and plans” is unavoidable. This reflects the United Kingdom’s current approach of mainstreaming OSH into other policy initiatives. The qualification “when applicable” provides sufficient flexibility.

*United States.* USCIB: (b) No. Specific targets and indicators are regulatory and therefore inherently inconsistent with the promotional nature of the instrument being contemplated.

*Venezuela.* There is no doubt that the promotion of a prevention culture in the area of OSH is a fundamental strategy for the prevention of occupational accidents and diseases.

### National system

**Qu. 10** *Should the instrument provide that each Member should establish and develop a national system for occupational safety and health?*

*Total number of replies.* 90.

*Affirmative:* 88. Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Chad, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Germany, Gabon, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Republic of Korea, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mauritius, Mexico, Moldova, Mongolia, Morocco, Mozambique, Netherlands, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Philippines, Poland, Portugal, Romania, Saudi Arabia, Senegal, Singapore, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, United Republic of Tanzania, Thailand, Tunisia, Turkey, United Arab Emirates, United Kingdom, Uruguay, Venezuela, Viet Nam, Zambia, Zimbabwe.

*Negative:* 2. Latvia, New Zealand.

*Australia.* ACCI: In broad terms a national approach is wise. However, “national approach” here means an approach based on domestic circumstances. This includes a system where national approaches are developed in appropriate areas but where many programmes, and indeed laws, are established on a state, local or sectoral basis. A national approach must allow for the devolution of law and systems in this way.

ACTU: Yes. However, the suggestion in figure 2.1 in Report IV(1) describing “the management systems approach to OSH at the national level” should not include as the first step the promotion of a safety culture.

*Austria.* ÖGB: See reply to Question 4.

BAK: National systems should build on existing ILO standards as laid down in the relevant Conventions and Recommendations.

*Benin.* CNP: Yes.

*Denmark.* LO; FTF: Yes, but the Danish trade unions cannot support the proposal incorporated in figure 2.1 in Report IV(1), which describes “the management systems approach to OSH at the

national level". See comments on Question 3(d). "Promotion of safety culture" must not be presented as the first step of an occupational safety and health programme.

*El Salvador.* It would be appropriate and highly advisable to use the existing structure.

*Finland.* TT: See reply to Question 5.

SAK: Yes, but see general observations on terminology.

*France.* A policy has to be based on an organization. A national OSH programme requires the formulation, development or adaptation of a national OSH system. In France, this system has been in place since 1946.

*Greece.* SEV: Respecting national systems, member States should, acting within the framework of the Declaration, choose the system, measures and instruments that correspond to their particular social, political and economic conditions.

*Italy.* The development of infrastructure at the national level that includes essential services for occupational health is essential for the success of OSH programmes.

*Jamaica.* JEF: Yes.

*Latvia.* No. The term "national system for occupational safety and health" was rejected by both the social partners and the Government, as it could be used only informally, not in legal terms and documents. It goes without saying that each Member should have a national system for occupational safety and health in order to ensure a safe and healthy working environment in the country, but this should not necessarily be provided for in the instrument.

*Lebanon.* The important issues regarding the content of this system are: the creation of safety and health committees at the level of the enterprise and at the national level; making available accurate and comprehensive statistics on occupational accidents and diseases; making available specialized doctors in the area of occupational medicine and accident prevention; provision of educational and training programmes at different levels on OSH and work environment issues, in order to promote training of qualified specialists.

*Lithuania.* Each country has to have the possibility of considering and evaluating national characteristics.

*Luxembourg.* Policies are necessarily dependent on an organization. A national OSH programme must cover the formulation, development or adaptation of an integrated national OSH system.

*Morocco.* FCCIS: Yes.

*Mozambique.* MW: Yes, but in accordance with ILO norms and standards.

*Netherlands.* Provided that the definition is sufficiently flexible.

VNO-NCW: Flexibility must be in the mainstream of a national system.

FNV; CNV; Unie mhp: A provision that each Member should establish and develop a national system for OSH should be included in the new instrument only if duplication of provisions contained in existing ILO instruments on OSH can be avoided. The design of such a provision should be such as to promote the coherence of provisions in existing ILO instruments on OSH, to which the new instrument must be closely related. Although the definition of a national system for OSH meets our requirements, it should be said here that the terms of that definition in this part of the instrument have to be made more concrete if the new instrument is to prescribe that each Member should establish and develop a national system for OSH. Otherwise, it would not be sufficiently clear what Members are expected to do. For us, it is clear that the OSH legislative framework and collective agreements on OSH, among other elements, form an essential part of the national system for OSH. Apart from the points mentioned above, the Conference has to consider accurately the exact relationship between national programmes for OSH

and national systems for OSH. For each Member, it needs to be absolutely clear, on the one hand, what exactly is intended with this relationship, and on the other, how the developments in successive national programmes for OSH have to be converted or incorporated in national systems on OSH.

*New Zealand.* See comments on Question 4(b).

Business NZ: Members should not be required to establish and develop a national system for OSH. However, in considering a strategy for OSH promotion, the development of national programmes might be considered.

NZCTU: Governments have a responsibility to provide an effective OSH statutory framework at national, industry and enterprise levels. This should involve the development and implementation of injury prevention and health protection strategies. Any guiding ILO framework should be sufficiently flexible to encompass not just general principles and policies, but also specific minimum standards for sectors or industries where particular hazards are already recognized. Furthermore, any framework should allow for countries to develop supporting material to inform workers and employers about specific hazards or minimum standards for employment. As a matter of principle, it will be the responsibility of governments to ensure that these are developed (after appropriate consultation with the social partners) and effectively enforced. National laws should ensure that there is a competent authority for the implementation and enforcement of laws and regulations on OSH, and governments should provide adequate resources for enforcement when organizations fail to comply.

*Panama.* The ILO should seek to develop an instrument or harmonized sectoral policy framework (fishing, industry, manufacturing, agriculture) within which each Member could adapt the contents to its own needs. The instrument should provide as a recommendation that each Member should establish and develop a national OSH system in consultation with the employers' and workers' organizations

*Poland.* Different solutions should be allowed for. The instrument should not interfere in the OSH systems of member States that have already developed their own systemic solutions.

Solidarność: Yes. However, the graphic representation of "the management systems approach to OSH at the national level" (figure 2.1 in Report IV(1)) should not relate in the first place to the culture of safety. See reply to Question 3(d).

*Portugal.* According to the specific characteristics of each member State.

CIP: In the light of each Member's own specific circumstances.

CTP: Yes, the principle is essential, but it can never be binding or compulsory in view of the ILO's remit.

CGTP-IN: Yes.

*Slovenia.* RAE: Yes.

*South Africa.* BUSA: Yes. The instrument should promote a phased approach to improving OSH performance through a range of instruments. Cognizance should, however, be taken of the fact that some of the poorer member States might require assistance in developing, promoting and maintaining a national system.

*Switzerland.* UPS: No. In Switzerland, the current approach is already very "systematic" with regard to occupational safety and health.

USS/SGB: Yes. However, figure 2.1 in Report IV(1) describing "the management systems approach to OSH at the national level" should not have as its first stage the promotion of a safety culture.

*Turkey.* In a Convention.

*United Kingdom.* Provided that it takes account of national circumstances.

**Qu. 11** *Should the instrument provide that such a national system should be established and developed:*

- (a) *in consultation with representative organizations of employers and workers?*  
 (b) *as appropriate, in consultation with other concerned parties [such as those described in para. 49, Chapter II]? Please specify.*

*Total number of replies: 89.*

*Affirmative: 87. Argentina ((a)), Australia, Austria, Azerbaijan ((a)), Bahrain, Bangladesh, Barbados, Belarus ((a)), Belgium, Benin, Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Chad, China, Costa Rica, Croatia ((a)), Cuba ((a)), Cyprus, Czech Republic ((a)), Denmark, Ecuador ((a)), Egypt ((a)), El Salvador, Estonia ((a)), Finland, France ((a)), Gabon ((a)), Germany, Greece, Guatemala, Haiti, Honduras, Hungary ((a)), India, Indonesia, Ireland, Italy, Japan ((a)), Kazakhstan ((a)), Republic of Korea ((a)), Kuwait ((a)), Lebanon, Lithuania ((a)), Luxembourg, Malawi, Malaysia, Malta, Mauritius, Mexico, Moldova, Mongolia, Morocco, Mozambique, Netherlands, Nicaragua ((b)), Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Philippines ((a)), Poland ((a)), Portugal, Romania, Saudi Arabia, Senegal, Singapore, Spain ((a)), Sri Lanka, Suriname ((a)), Sweden, Syrian Arab Republic, United Republic of Tanzania, Thailand, Tunisia ((a)), Turkey, United Arab Emirates, United Kingdom, Uruguay ((a)), Venezuela ((a)), Viet Nam, Zambia, Zimbabwe.*

*Negative: 9. Argentina ((b)), Croatia ((b)), Estonia ((b)), Japan ((b)), Republic of Korea ((b)), Hungary ((b)), Latvia, New Zealand, Poland ((b)).*

*Australia.* ACCI: In general the same response as to Question 8(a).

ACTU: (b) No.

*Austria.* ÖGB: See reply to Question 4.

BAK: (a) The emphasis should be on legal regulation and consultation with the social partners, that is, the representative organizations of employers and workers. (b) In a tripartite structure, the social partners and governments should be able to take on board expert opinion at any time.

*Bangladesh.* (b) as referred to in paragraph 49 of Report IV(1).

*Barbados.* BEC: (a) Yes.

BWU: (b) No.

*Belgium.* (b) Representatives of the Occupational Diseases Fund and the Occupational Accidents Fund.

*Benin.* See reply to Question 8(b).

CNP: (a) Yes, (b) possibly.

*Brazil.* See reply to Question 8(b).

*Bulgaria.* (b) OSH specialists, designers, constructors and producers, trade associations, scientific bodies.

*Canada.* (b) See reply to Question 8.

*Chad.* (b) See reply to Question 8(b).

*Chile.* CPC: Yes.

*Cyprus.* (b) See reply to Question 8 (b).

PEO: (b) Specialized bodies in the field of OSH.

*Czech Republic.* Confederation of Industry and Transport (SPD): (a) Yes.

ČMKOS: (a) Yes.

*Denmark.* (b) A coordinated approach should be developed with other stakeholders pursuing protection objectives, as well as with economic stakeholders.

DA: (b) Possibly, depending on the situation in individual countries.

LO; FTF: (a) Yes.

*Ecuador.* FCA: See reply to Question 8 (b).

*Finland.* SAK: (b) See reply to Question 8.

*France.* (a) The establishment and development of a national OSH system are a matter of public policy and should be the responsibility of the State. It is for national legislation in the first instance to define the social and political model that is appropriate for each State. Although it is the prerogative of the State, the definition of a national OSH system should not be undertaken unilaterally, without regard to society as a whole. It is essential that representative organizations of employers and workers be involved. (b) Consultation with other concerned parties, on the other hand, is not imperative and should be left to the discretion of each Member.

*Gabon.* CPG: See reply to Question 8 (b).

*Germany.* DGB: (b) No.

*Greece.* (b) Government and scientific organizations concerned.

*Guatemala.* (b) Civil societies.

*Haiti.* (b) See reply to Question 8 (b).

*India.* (b) See reply to Question 8 (b).

*Indonesia.* (b) See reply to Question 8 (b).

*Italy.* (b) National or territorial-level bodies and institutions with tasks and responsibilities in the area of OSH.

UGL: (a) Yes.

CGIL: (b) Yes. See reply to Question 8 (b).

*Jamaica.* JEF: (a) Yes. (b) Yes. Such as health professionals, safety and health practitioners, professional engineers, as it is good to gain consensus among all stakeholders.

*Japan.* (b) No. It is difficult to consult with parties other than organizations of employers and workers. Problems may arise in applying the provisions.

Nippon Keidanren: Yes.

*Latvia.* No. The national system for OSH should exist in practice, not on paper. The description of such a national system on paper could be rather difficult and not useful.

*Lebanon.* (a) According to the decision of each country concerning this system. (b) As is considered appropriate by each country. Consultation can be done through a national commission for OSH including representatives of concerned ministries, as well as representatives of employers and workers and of scientific institutions.

*Luxembourg.* The establishment and development of a national integrated OSH system comes within the field of social public order, as ensured by the State. Above all, responsibility for the definition of the social and political model adopted by each State is a matter for the legislature. However, although primarily a matter for the State, the definition of a national integrated OSH prevention system should not be a unilateral act which fails to recognize society as a whole. Representative organizations of employers and workers must be involved in the process. Consultation with other concerned parties is not imperative and it should be left to each member State to decide.

*Malawi.* (b) See reply to Question 8(b).

*Malaysia.* (b) Non-governmental agencies interested in promoting OSH.

*Mauritius.* (b) With manufacturers, suppliers, importers.

*Mexico.* Planning and national development programmes must be carried out with the participation of the various social sectors and also with the participation of the education sector, research, third-party bodies and the general public, as described in paragraph 49 of Report IV(1).

COPARMEX: (b) Physicians and OSH specialists.

*Mongolia.* (b) For example, representatives of the informal sector.

MONEF: (a) Yes.

*Mozambique.* MW: (a) Yes.

*Netherlands.* (a) Yes, since they clearly have a part to play in bringing about safe and healthy working conditions. (b) The same may hold true for some other actors in the national OSH infrastructure, such as associations of OSH professionals.

FNV; CNV; Unie mhp: See reply to Question 8. The relationship between the provisions of the new instrument with those of existing ILO instruments on OSH is even clearer here than in the case of Question 8, as is the relationship between decision-making about provisions in existing ILO instruments on OSH and decision-making in the new instrument. The focus on tripartism in this case should therefore be (even) stronger than in the case of Question 8. On the other hand, the new instrument could also call on Members to promote bipartism and/or collective bargaining.

*New Zealand.* See comments on Question 4(b).

Business NZ: Consultation between social partners is something a non-prescriptive promotional framework should promote.

NZCTU: The ILO framework should acknowledge the need to involve employees and unions, as worker representatives, in health and safety standard setting. This participation should include involvement in workplace standard setting with the objective of achieving best practice in injury prevention. As the ILO has stated, involving workers in grass-roots health and safety research will help empower workers to increase their level of control over their own work situations, to protect their health and well-being, and to improve their level of basic security.

*Niger.* (b) Besides the representative associations of employers and workers, any other experts with proven knowledge and contribution to the field of OSH may be consulted.

*Nigeria.* See reply to Question 8(b).

*Norway.* (b) Establishing and developing a national instrument should be the task first and foremost of the labour authorities and the social partners, but other concerned parties, such as relevant authorities and research institutes, could also be consulted.

*Oman.* (b) Employers, workers and other relevant bodies.

*Panama.* (b) Non-governmental organizations concerned with, or involved in, labour issues. In the consultations, it is essential to include the competent governmental authorities, among which there

should be good inter-ministerial cooperation. A mechanism should also be established to ensure the coordination of all the authorities involved.

*Papua New Guinea.* (a) and (b): See reply to Question 8.

*Poland.* (b) No. The consultation should be limited to the process of making law.

Solidarność: (a) Yes. (b) No.

*Portugal.* (a) and (b) Yes. See reply to Question 8.

CIP: (a) Yes. (b) Independent technical experts designated by the social partners.

CGTP-IN: (a) Yes. (b) Specifically, experts in OSH, universities and other scientific or technical experts.

UGT: (a) See general observations.

*Romania.* (b) Yes, as in the reply to Question 8(b).

*Saudi Arabia.* (b) Any specialized party in this area.

*Senegal.* (b) In consultation also with labour safety professionals, labour physicians and occupational safety and health institutions.

CNTS: (a) Yes.

*Singapore.* The national system should be developed essentially through tripartite consultation. Other concerned parties such as professional bodies could also be consulted.

*Slovenia.* RAE: (a) Yes.

*South Africa.* BUSA: (a) Yes. See reply to Question 8.

*Spain.* CCOO: (b) No.

*Sri Lanka.* (b) Appropriate ministries and NGOs engaged in the promotion of safety and health activities.

EFC: (a) Yes.

*Switzerland.* UPS: (a) Given our reservations, if a system must be developed then it should happen at least in consultation with the social partners. (b) As for Question 8(b), i.e. only Seco or the CFST.

USS/SGB: (a) Yes. (b) No.

*Syrian Arab Republic.* (b) See reply to Question 8(b).

*Turkey.* (a) In a Recommendation. (b) Institutions and organizations considered to be eligible under national law.

*United Arab Emirates.* (b) The government department concerned.

*United Kingdom.* (b) The reservation concerning Question 8 also applies to this Question.

CBI: See reply to Question 8.

*Zambia.* (b) See reply to Question 8(b).

*Zimbabwe.* (b) Research institutions, competent universities and professional institutions.

**Qu. 12** *Should the instrument provide that such a national system should include, as appropriate:*

- (a) *legislation on occupational safety and health?*
- (b) *designated authority or authorities for occupational safety and health?*
- (c) *mechanisms for ensuring compliance with legislation on occupational safety and health, including systems of inspection?*
- (d) *information and advisory services on occupational safety and health?*
- (e) *occupational safety and health training?*
- (f) *occupational safety and health services?*
- (g) *a mechanism for the collection and analysis of data on occupational accidents and diseases?*
- (h) *collaboration with (an) employment injury insurance scheme(s)?*

*Total number of replies: 89.*

*Affirmative: 87.* Argentina, Australia, Austria ((a) to (d), (g), (h)), Azerbaijan, Bahrain, Bangladesh ((a) to (g)), Barbados, Belarus, Belgium, Benin, Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Chad ((a) to (g)), China, Costa Rica ((a) to (g)), Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador ((a)), Egypt ((a)), El Salvador, Estonia, Finland, France, Gabon, Germany, Greece ((a) to (c), (e) to (g)), Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan ((a) to (e), (g) and (h)), Kazakhstan ((a), (c) to (h)), Republic of Korea, Kuwait, Lebanon, Lithuania ((a) to (g)), Luxembourg, Malawi, Malaysia, Malta, Mauritius, Mexico, Moldova, Mongolia, Morocco, Mozambique, Netherlands, Nicaragua, Niger, Nigeria, Norway, Oman ((c), (d), (e) and (h)), Panama, Papua New Guinea, Philippines, Poland, Portugal, Romania, Saudi Arabia, Senegal, Singapore, Spain, Sri Lanka, Suriname ((a) to (g)), Sweden, Syrian Arab Republic, United Republic of Tanzania, Thailand, Tunisia, Turkey, United Arab Emirates ((b) to (h)), United Kingdom ((a) to (e), (h)), Uruguay, Venezuela, Viet Nam, Zambia, Zimbabwe.

*Negative: 3.* Latvia, New Zealand, United Kingdom ((f) and (g)).

*Australia.* ACCI: (a) to (h) These items should form part of a general approach to deal with OSH issues in a modern industrialized economy. Paragraphs (a) to (d) inclusive are generally regarded as consistent with a national approach (taking the broad meaning set out in response to Question 10). (e) and (f) These should be part of a national approach, but can be effective only if provided for and delivered locally. A national approach can do little to deliver these outcomes, but can emphasize the value they have in the workplace. (g) This is appropriate for a national approach and national body. Paragraph (h) is a contentious issue. There are good reasons for not linking OSH activities directly with compensation activities (OSH has pre-event prevention as a core message, not post-injury compensation), although there is also some obvious interface (such as return to work issues). The Australian experience is that neither one approach nor the other is necessarily the best. It is the nature of the OSH and compensation systems that matters more than the nature of their linkages. In these circumstances, there is only very limited capacity for an ILO instrument to have a view on this question.

ACTU: (h) See reply to Questions 8(b) and 9(c).

*Austria.* (b) Yes, in so far as this role is undertaken by the labour inspectorate. (e) The term “occupational safety and health training” is somewhat imprecise. If it denotes the training of labour inspectors and the training and instruction of workers in accordance with the Framework Directive 89/391/EEC, this point can be answered affirmatively. (f) The term “occupational safety and health services” is somewhat inexact. If it denotes prevention services, this can be answered affirmatively.

BAK: A Convention should include a provision that the national system should be drawn up in terms of existing ILO standards and should build on them. The elements mentioned in (a) to (h) correspond to current Austrian legal standards and should all be included in any new document.

*Barbados.* BWU: (h) See observations on Questions 8 and 9.

*Benin.* Include a reference to labour statistics and social security mechanisms.

*Canada.* (e) The system should include both trainer and programme standards and competencies, and should recognize various mechanisms for the delivery of training. (f) Competencies and standards relevant to the services being offered should be included. (h) On prevention-related initiatives. While the list well defines the components of an ideal national safety and health system, such a list may be too prescriptive for inclusion in a promotional Declaration. Consideration should be given to limiting the definition of the national system to the broad concepts of the model described in Report IV(1) (figure 2.1): promotion and advocacy; legislation; inspection; knowledge and support services.

CEC: No. See reply to Question 3. The promotional framework must not be too prescriptive.

*Chile.* CPC: Yes.

*Croatia.* As one of its crucial elements, the system should include safeguards against accidents and occupational diseases.

*Denmark.* DA: (d) Yes to information and to the possibility of drawing on advisory services on OSH. (e) Yes, for certain persons. (f) This must depend upon a concrete evaluation. (g) Yes, if possible. (h) This could be a good idea.

LO; FTF: (h) No. One reservation is that the compensation system is an undesirable restriction in safety and health considerations (see replies to Questions 8(b) and 9(c)). The Danish unions are thus not able to reply in the affirmative, although they are still in favour of coordination with other policy fields (see reply regarding Question 3(g)).

*Ecuador.* FCA: (a) and (e) Yes.

CCQ: (c) and (e) Yes.

*Egypt.* ETUF: (c), (d), (e), (g) and (h) Yes.

*El Salvador.* (e) Should rather refer to promotion and education, since the aim is to raise awareness.

*Finland.* TT: See reply to Question 5.

*France.* All the elements that are essential to a definition of a national OSH system should be mentioned. This should allow greater convergence between the practices of individual Members, while respecting national legislation. The items mentioned in (a) to (f) are thus necessary to ensure clarity of the national OSH system, since the system, to be effective, must clearly assign responsibilities to the different stakeholders on the basis of the legislation adopted by the political authorities. (g) and (h) The system defines the respective roles of the State, the social security system and enterprises with regard to both prevention of, and compensation for, occupational risks.

*Gabon.* CPG: (a) Yes.

*Germany.* DGB: (h) Employment injury insurance schemes definitely come under the national system and should be included, although there are differences in terms of structure and legal status.

*Greece.* (d) The phrase “and advisory services” should be deleted. It has created problems in the past concerning its scope and content, and it would appear to be covered by point (f). (h) should be omitted, because insurance itself constitutes a policy and, therefore, the issue is covered under Question 9(c) with the amendment we have proposed.

*Jamaica.* JEF: Yes.

*Japan.* (f) Occupational safety and health services would include (d) information and advisory services on OSH, (e) OSH training, and so forth. It is thus inappropriate to place (f) on the same level as (d) and (e). Accordingly, (f) should be kept in the Convention and (d) and (e) should be dealt with in the

Recommendation. Alternatively, (d) and (e) should be kept in the Convention and (f) deleted from it. (h) Yes, but since this is not a minimum basic matter suitable for inclusion in a Convention, it should be dealt with in a Recommendation. Besides, the Recommendation should illustrate in what respects a national system should be associated with an employment injury insurance scheme.

Nippon Keidanren: (h) No. As the modality of employment injury insurance schemes differs largely among member States according to their economic, social and financial circumstances, this item should not be referred to.

*Latvia.* No. See reply to Question 11.

*Lebanon.* (c) Yes. These mechanisms should include: a specialized unit in the industrial enterprise dealing with OSH, especially in enterprises with high risk; incentives encouraging correct and comprehensive implementation of OSH legislation; an inspection body specializing in OSH; and appropriate sanctions. (d) Important requirements are as follows: the information should have accurate and specialized sources at the disposal of employers and workers; a data centre should be established on OSH in the concerned ministry; access to the Internet should be granted to those who request information on the issue from different international sources; and the inspection body specializing in OSH should provide information and advisory services upon request to the persons concerned. (e) The training system should organize training seminars addressing theoretical sciences as well as applied examples. These seminars should also train trainers in this domain. (g) It is necessary to set out a national list of reportable occupational diseases and accidents and to find a mechanism to collect, analyse and revise them. In this respect, the importance of the provision of information by employers, insurance companies and labour inspectors through their inspection visits is evident.

*Lithuania.* (d), (e) and (f) are necessary, but the principles of organization should not be regulated. (h) At this stage, this should not be regulated.

*Luxembourg.* Luxembourg favours an instrument which mentions all the elements which are indispensable to the formulation of a national integrated OSH system. This would allow each Member to adapt its practices, with regard to national legislation. From this point of view, the different elements mentioned in points (a) to (f) are necessary if a national integrated OSH system is to be comprehensible. In order to ensure a certain level of effectiveness within the system, the latter must clearly distribute responsibilities between the different stakeholders on the basis of the legislation adopted by the different parliaments.

*Malawi.* Developed countries need to consider assisting developing countries in implementing the provisions of a promotional instrument.

*Malta.* (h) Not essential.

*Mauritius.* (g) Data to include both serious and minor accidents.

*Mongolia.* Also include a mechanism for collecting and maintaining statistical data on occupational disease and accidents.

MONEF: (a) to (e) Yes.

*Netherlands.* The words "as appropriate" offer sufficient flexibility for Members to include OSH in their policies.

VNO-NCW: Yes, but the condition "as appropriate" is of the utmost importance for a successful implementation of a national system.

FNV; CNV; Unie mhp: Yes, the instrument should emphasize that OSH legislation and mechanisms for ensuring compliance with legislation have to cover all workers in all economic activities (see paragraph 52 in Report IV(1)). The reason for this is that national legislation in the field of working conditions is an indispensable element of working to make improvements in OSH. Between different States there exist differences in legislation to protect employees; there also exist differences in levels of legislation. The new instrument should therefore also contribute to the improvement of the OSH legislative framework (among other possible elements of a national OSH profile).

*New Zealand.* See comments on Question 4(b).

*Business NZ:* A non-prescriptive promotional framework would not prescribe how member States are to deal with OSH.

*Norway.* (h) Not necessary.

*Poland.* The scope should be supplemented with the issues of health protection, preventative medical examinations, and occupational health services.

*Portugal.* CGTP-IN: (b) Requires a clear definition of the responsible authorities. (h) Possibly, or optionally, integration of these schemes in the national OSH system itself.

*Slovenia.* RAE: Yes.

*South Africa.* BUSA: The instrument could provide guidance on the type of instrument that could comprise an effective OSH system at a national level.

*Spain.* (f) It would be advisable to include the mechanisms of coordination between the component elements of the system. (h) The Mutual Occupational Accidents and Diseases Social Security Funds have already participated and continue to do so in some campaigns.

*Switzerland.* UPS: (a) No. each country has its own legal approach. The Declaration should not interfere with this and thereby create pointless confusion. (b) Yes. (c) Yes. (d) Yes. (e) Only as non-binding recommendations. (f) As for (d). (g) Yes, but with a practical approach. (h) This exists in Switzerland, but each Member must establish the system that best suits it.

USS/SGB: (a) to (g) Yes. (h) See replies to Questions 8(b) and 9(c).

*Syrian Arab Republic.* Add occupational safety and health curricula, and information methodologies in OSH.

*Turkey.* Yes, in a Convention.

TISK: Each State should be able to determine the contents of its own national system according to its needs. It would be more appropriate for the instrument to provide guidance only, instead of making detailed regulations, as under points (a) to (h).

*United Kingdom.* (e) Provided that it takes account of existing national legislation. (f) No. The United Kingdom is uncertain about the exact definition of national occupational safety and health services. It is currently piloting a model for occupational health, safety and rehabilitation support. If this is successful, and can be transformed into a nationally provided service, it will be based on voluntary provisions. (g) No. National systems of data collection should enable member States to identify high-risk and priority areas and to monitor trends. Such purposes may be met by a range of sources of data and not just by one mechanism. (h) Yes. The instrument should encourage the adoption of a system that makes a clear and explicit link between OSH performance and the cost of insuring against risks of occupational ill health and injury. The Government is currently working with key stakeholders, including the insurance industry and business, to develop an index that will assist in the measurement of health and safety performance of small and medium-sized enterprises (SMEs) and in linking more effectively the cost of insurance to that performance.

CBI: The instrument should suggest that elements of a national scheme could include the above, but should not specify designation or delivery mechanisms.

*United States.* USCIB: With respect to (h), in the United States, the workers' compensation system is a separate state-run system, independent of OSH regulation. There is no federal-state collaboration, as such.

**Awareness raising**

**Qu. 13** *Should the instrument provide that each Member should, in the promotion of a safety culture, seek to raise public awareness on occupational safety and health through national campaigns linked to international initiatives?*

*Total number of replies: 91.*

*Affirmative: 87.* Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Chad, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mauritius, Mexico, Mongolia, Moldova, Morocco, Mozambique, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Poland, Portugal, Romania, Saudi Arabia, Senegal, Singapore, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, United Republic of Tanzania, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, Uruguay, Venezuela, Viet Nam, Zambia, Zimbabwe.

*Negative: 1.* Netherlands.

*Other: 3.* New Zealand, Philippines, United Kingdom.

*Australia.* ACCI: In principle yes, but not in the form suggested. The problem lies in the phrase “linked to international initiatives”. There is no intrinsic reason for a national strategy to be linked to any international initiatives. OSH cannot be subject to such a stricture. International developments and initiatives could inform a national strategy but do not have to. The Australian National Strategy, which so far is very well regarded in industry, was not based on an international initiative but is consistent with international norms.

ACTU: No. See reply to Question 3(d).

*Austria.* ÖGB: Each member State should commit itself to strengthening public support for OSH through national campaigns and the inclusion of ideas of prevention in basic and vocational education curricula.

BAK: See previous comments on safety culture.

*Barbados.* BWU: No. See reply to Question 3.

*Benin.* The instrument should stress the importance of putting into effect a communication plan to raise public awareness, particularly in the developing world.

CNP: Yes.

*Brazil.* The instrument should promote voluntary action on the part of employers, workers and other sections of society, in order to focus on a “culture of prevention” regarding OSH.

*Canada.* The instrument should encourage national campaigns to raise public awareness on OSH, whether they are linked to international initiatives or not.

*Chile.* CPC: Yes.

*Costa Rica.* CCTD-RN: Add a reference to using mass media.

*Czech Republic.* AA: No.

*Denmark.* DA: This could be considered but must depend on the situation in individual countries.

LO; FTF: No. The Danish trade unions have a reservation in connection with these questions. In principle, they support the intention, but must reply no until the proposal regarding Question 3(d) is accepted and incorporated under Questions 13 and 14.

*Egypt.* FEI: There is no objection to the campaigns being linked to initiatives taken by international organizations dealing with OSH in addition to solely national initiatives.

*El Salvador.* Yes, but there should not be an absolute requirement for such national campaigns to be linked to international initiatives.

*Estonia.* EAKL: No.

*France.* One of the ways of promoting and strengthening a safety culture is through information and communication. Any awareness-raising exercise, whether national or international (such as World Health Day or the European Week for Safety and Health at Work organized by the EU), serves to foster a real awareness of the hazards involved in work and ways of preventing them.

*Gabon.* The ILO, WHO and other parties will need to help their tripartite constituents to strengthen their capacities.

CPG: Yes. To this end, the ILO should strengthen the capacity of its Members who express the need for strengthening the capacity of their specialists, in the form of further training of experts and technicians, basic training for all labour inspectors, etc.

*Germany.* DGB: The same reservations apply here as to Question 3(d).

*Greece.* SEV: The enrichment of programmes at all educational levels would significantly contribute to this end, since the chances of success multiply if one builds early on knowledge and attitudes.

*India.* This mechanism would give the public an appropriate forum to judge international and national initiatives and compare the well-being measures provided at the national and enterprise levels. Any gaps in this regard between the international and national initiatives would generate substantial concern, thus calling for the immediate attention of the government authorities and enterprises.

*Jamaica.* JEF: Yes.

*Japan.* The phrase "linked to international initiatives" should be used in a Recommendation, not in a Convention.

*Republic of Korea.* Yes, on condition that the words "linked to international initiatives" be deleted.

*Latvia.* The words "linked to international activities" should be deleted to make the statement more comprehensive; national campaigns can be carried out without being directly linked to international activities.

*Lebanon.* The promotion of a safety culture and raising public awareness on OSH could be part of the World Day for Safety and Health at Work organized by the ILO on 28 April, and on other local occasions.

ALI: Awareness raising for occupational safety and health requires information and advertising campaigns organized within the proposed national programmes. We consider it necessary to include risk prevention concepts in elementary school programmes and vocational training to promote a safety and health culture.

*Luxembourg.* The only way to promote and reinforce a new safety culture is to begin with information and communication. Any public awareness campaign, be it national or international (like the World Day for Safety and Health at Work organized every year by the ILO, or the European Week for

Safety and Health at Work organized by the European Union), is designed to make people truly aware of the dangers surrounding professional activities and what can be done to guard against them.

*Malta.* It is important that the agreed instrument be sensitive to individual Members' other commitments, so as to avoid duplication of work, effort and resources (e.g. existing commitments of EU Member States to EU OSH initiatives).

*Mexico.* The instrument adopted should encourage the development of voluntary schemes for complying with OSH standards.

*Morocco.* FCCIS: Yes.

*Mozambique.* The instrument should encourage Members to promote educational initiatives and the provision of advice in order to ensure that the public is well aware of the issue of occupational safety.

*Netherlands.* No, not necessarily. National campaigns or campaigns at sector or branch level, not linked to international initiatives, might in some cases prove more effective.

VNO-NCW: Campaigns at sector or company level may be useful but the automatic linkage with international initiatives is not very helpful.

FNV; CNV; Unie mhp: The way in which Members promote a safety culture has to be the responsibility of, and therefore a matter of free choice for, each Member. The new instrument, on the other hand, could contain guidelines for doing this in an appropriate and effective manner.

*New Zealand.* The instrument should achieve an appropriate balance of intervention approaches. These could include elements such as: sound research and evidence; capability development; social dialogue; good governance; better design and technology; appropriate incentives; and effective regulation. These intervention approaches reinforce each other and need to be well integrated. For example, developing capability in workplace health and safety is best underpinned by sound research and evidence, while social dialogue processes help to create a climate that supports effective regulation and the use of appropriate incentives.

Business NZ: We do not believe that a promotional framework instrument should specify how best to raise public awareness of OSH matters. However, in considering how this should be done, the instrument could propose that consideration be given to national campaigns linked to international initiatives.

*Nicaragua.* Campaigns should be developed by each Member in accordance with its own resources and, as far as possible, should be linked to international initiatives.

*Norway.* Yes, if appropriate.

*Panama.* The availability of financial resources is a factor that should be taken into account.

*Papua New Guinea.* It should be beneficial to any country to ensure that national campaigns are linked to international initiatives, as this will foster greater and wider collaboration and compliance and also attract international documentation and coverage. In short, national campaigns will become part of the international strategy in ensuring that universal awareness of OSH is achieved.

*Philippines.* Not all the time. National campaigns should be based on local and national concerns.

*Poland.* These activities should be carried out in the framework of institutional activity referred to in Question 12 (b) and (c).

Solidarność: No. See reply to Question 3 (d).

*Singapore.* The Government supports the use of campaigns to raise awareness. Such national campaigns may or may not need to be linked to international limitations.

*Slovenia.* RAE: Yes.

*South Africa.* BUSA: Yes, raising public awareness is supported as an essential element of any OSH initiative. This should not only be linked to international initiatives. However, it might be necessary to make some provision to assist poorer countries to obtain the necessary resources for such a campaign.

*Spain.* At national and enterprise levels in campaigns that are either linked or not linked to international initiatives. It may be better to substitute for the expression “safety culture” the broader expression “prevention culture”.

*Sweden.* The reference should be to a “preventative safety and health culture”.

*Switzerland.* UPS: No. This implies expense that is often pointless. Each Member must choose the way that best suits its culture.

USS/SGB: No. See reply to Question 3(d).

*United Republic of Tanzania.* This would enhance the sense of togetherness and the exchange of information and experience.

*Turkey.* In a Convention.

TISK: Yes. In 1986, the dates 4-10 May were fixed as “Safety and Health Week” by the Ministry of Labour and Social Security. Since then, every year, activities to promote occupational safety and health have been organized during that week. This action has been useful in the promotion of occupational safety and health widely within entire communities.

DISK: In a country such as Turkey, where there is high unemployment and workers are prepared to sacrifice their health when there is work, action to raise public awareness is extremely important.

*United Kingdom.* The instrument should require that each Member promote a safety culture, but it would be inconsistent with the pursuit of national programmes (Question 7) for the campaigns to be linked to international initiatives. Different countries are at different stages in developing a health and safety culture and have different risk profiles. Universal campaign approaches would not be as effective as campaigns tailored to the specific needs of each nation. The instrument should therefore provide that each Member should, in the promotion of a safety culture, seek to raise public awareness on OSH through national campaigns, focusing on priorities identified in their national programmes.

CBI: Yes, but such campaigns need not necessarily be linked to international initiatives.

*Viet Nam.* Information and propaganda activities and training should also be promoted.

**Qu. 14** *Should the instrument provide that each Member should, in the promotion of a safety culture, seek to introduce hazard, risk and prevention concepts in basic education and vocational training curricula?*

*Total number of replies:* 90.

*Affirmative:* 89. Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Chad, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Republic of Korea, Latvia, Lebanon, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mauritius, Mexico, Moldova, Mongolia, Morocco, Mozambique, Netherlands, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Philippines, Poland, Portugal, Romania, Saudi Arabia, Senegal,

Singapore, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, United Republic of Tanzania, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Venezuela, Viet Nam, Zambia, Zimbabwe.

*Other:* 1. New Zealand.

*Australia.* The instrument should provide that Members seek to promote safety through encouraging educational organizations to include OSH in basic education and vocational training. Putting OSH on the education curriculum may be difficult owing to the number of competing priorities to get issues and subjects included on the curriculum. In Australia, basic education and vocational training are not required to include OSH training. The National Occupational Health and Safety Commission (NOHSC) provides advice in the form of guidance material and resources at the national level on the integration of OSH into vocational education.

ACCI: In principle, yes, but not in the form suggested. The international instrument should not prescribe the nature of training to be undertaken and how that is reflected in domestic policy. We agree that good OSH practice does include training on “hazard, risk and prevention concepts”. We do not agree that this has to be formalized by an international instrument as part of a national vocational training system. That is a matter for each member State to determine, in consultation with industry. Training can only be effective if it has very local inputs. The instrument could refer to training, but not in the form suggested in this question.

ACTU: No. See reply to Question 3(d).

*Austria.* Yes, in a Recommendation, not in a Convention. The facilitation of safe work can often be achieved more sensibly through specific training and instruction in the workplace. The explicit grounding in curricula is better suited for a Recommendation, which would allow emphasis to be placed on the importance of vocational schools for work experience. Furthermore, an “and/or” formulation should be used, as countries with a sufficiently developed vocational training system would probably not need to include these concepts at the level of basic education.

BAK: See our remarks concerning safety culture. OSH in curricula would be suitable for a Recommendation, in which case, the importance of vocational schools for work experience could also be raised there.

*Barbados.* BWU: No. See comment on Question 3.

*Belgium.* Yes, depending on EU training policy.

*Canada.* Such concepts should be integrated into professional and technical training programmes.

*Chile.* CPC: Yes.

*Denmark.* The instrument should instil a real culture of prevention by including basic occupational prevention principles in educational curricula and further training schemes, as well as by means of OSH awareness-raising and promotion campaigns.

LO; FTF: See reply to Question 13.

*Egypt.* FEI: In addition to specialized curricula in higher education.

*El Salvador.* This would be essential for the promotion of a safety culture, which is the intended purpose, and would supplement Article 14 of Convention No. 155, which requires member States to promote the inclusion of questions of occupational safety and health at all levels of education and training.

*Estonia.* EAKL: No.

*France.* While different, education and training are two levers that should be used to raise awareness of OSH issues. France uses both. The National Institute of Prevention and Education for Health

(INPES) is responsible for monitoring and advice on prevention and health promotion, and for developing health education. Safety issues are included in vocational training. When recruited or transferred to a different post or work process, workers are required to undergo appropriate practical safety training, which the employer is responsible for organizing. France is therefore fully in favour of the instrument developing such practices.

*Germany.* DGB: The same reservations apply here as to Question 3(d).

*Greece.* We suggest that the word “basic” be omitted.

*Haiti.* Add a reference to “stigmatization as it relates to AIDS”.

*India.* The promotion of safety culture through the introduction of hazard, risk and prevention concepts in basic education, vocational training curricula, medical and higher technical institutions, would enable students/learners to undertake activities at the enterprise level with high understanding and awareness.

*Italy.* Raising awareness is fundamental to the promotion of a culture of prevention and safety. The achievement of these objectives requires correct information and initial training by way of basic education programmes.

UGL: No.

*Jamaica.* JEF: Yes.

*Luxembourg.* Yes. Although they differ in nature, education and vocational training are both levers which should be used to increase awareness of issues related to OSH. Luxembourg has already begun to use these levers, although these subjects are scarcely dealt with at the primary, secondary, or even higher levels of general education.

*Malta.* Education campaigns and programmes should target all sectors and ages, from schooling to on-the-job training.

*Netherlands.* Introduction of hazard, risk and prevention concepts in basic education and vocational training is in most cases a good idea. The question remains, however, who should be made responsible for this. A more flexible approach seems wise.

FNV; CNV; Unie mhp: See reply to Question 13. The way in which Members promote a safety culture has to be the responsibility of, and therefore a matter of free choice for, each Member. The new instrument, on the other hand, could contain guidelines for doing this in an appropriate and effective manner.

*New Zealand.* See comments on Question 13.

Business NZ: See comments on Question 13.

*Norway.* To promote a safety culture, it is important to introduce these subjects into basic education. Experience in Norway, however, suggests that this is very hard to achieve.

*Poland.* Curricula in the general system of education should provide a basic knowledge of OSH. Solidarność: No. See reply to Question 3(d).

*Portugal.* CGTP: These ideas should be included in school programmes starting at the primary level.

*Slovenia.* RAE: Yes.

*South Africa.* BUSA: This should include dissemination of information on hazards and risks.

*Spain.* We propose the addition of a new (a) that contains an obligation that all awareness-raising activities must be carried out in consultation with the employers' and workers' organizations. It is very important to be aware of the opinions of work victims.

*Sweden.* See reply to Question 13.

*Switzerland.* UPS: This exists in Switzerland, but each State must find its own solution.

USS/SGB: No. See reply to Question 3(d).

*Thailand.* This is important especially for senior students about to enter the workforce.

*Turkey.* Yes, in a Convention.

DISK: At every level of education (primary, secondary and higher).

*United Kingdom.* It should be recognized that these ideas are extremely difficult to achieve in practice.

### Management systems approach

**Qu. 15** *Should the instrument provide that each Member should promote the management systems approach to occupational safety and health based on the ILO Guidelines on occupational safety and health management systems (ILO-OSH 2001)?*

*Total number of replies: 88.*

*Affirmative: 80.* Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Chad, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Estonia, France, Gabon, Germany, Haiti, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malawi, Malaysia, Malta, Mauritius, Moldova, Mongolia, Mozambique, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Philippines, Poland, Portugal, Romania, Saudi Arabia, Senegal, Singapore, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, United Republic of Tanzania, Thailand, Tunisia, Turkey, United Arab Emirates, Venezuela, Viet Nam, Zambia, Zimbabwe.

*Negative: 2.* Ukraine, United Kingdom.

*Other: 6.* Denmark, Finland, Greece, Guatemala, Mexico, Netherlands.

*Australia.* The instrument should provide that Members promote the use of the OSH management approach. The ILO's OSH management systems approach at the enterprise level has been developed to relate to the national level which involves: (i) setting national policy; (ii) establishing and progressively developing a national OSH system; (iii) formulating and implementing a national OSH system; (iv) reviewing national OSH programmes; and (v) formulating new national OSH programmes for continual improvement. This management systems approach would not be a change in the way Australia develops policy and programmes.

ACCI: The instrument could refer to the ILO *Guidelines*, but if the instrument is to be non-prescriptive, then it should not require the *Guidelines* to be the single method of promotion for management systems.

*Austria.* BAK: Only supplementary to legislative provisions. We would point out that, while management systems approaches are an option for large firms, they do not ensure that OSH is built into the whole of an organization's structure in the case of small and medium-sized enterprises. The Labour Inspectorate estimates that between 80 and 95 per cent of enterprises in Austria are small or medium-sized enterprises.

*Botswana.* This is particularly relevant for developing countries.

*Canada.* Not exclusively. Consideration should be given to other management systems, national and international, including private sector standards, which are also valid. The management systems approach is most relevant to larger workplaces. The instrument should also support promotion of approaches for facilitating the development of appropriate OSH programmes in small and medium-sized businesses.

CEC: No. See reply to Question 3.

*Cyprus.* This should be on a voluntary implementation basis.

PEO: Yes.

*Denmark.* The instrument should accept models of management systems other than those developed in the ILO *Guidelines*, if they are of similar quality. The use of management systems should be voluntary.

DA: This may be a good idea.

LO; FTF: Yes.

*El Salvador.* This is another extremely important aspect which builds on the content of Convention No. 155 in regard to action at the national and enterprise levels. Therefore, this approach should be promoted in every country at the enterprise level, through an enterprise OSH policy, organization, planning, evaluation and action geared to improvements, as well as at the national level through the design of a national policy, establishment of a national OSH system, and a national programme which should be regularly reviewed and updated.

*Finland.* Even though the ILO *Guidelines* are an example of good management systems, they should not be considered as a worldwide practice through a Convention. Management systems in companies are changing so rapidly that this question should be left to national practice.

TT; SAK: Yes, as one possible approach and subject to availability in the national language.

*France.* The ILO *Guidelines* are a reference tool. We consider that an instrument intended to promote a safety culture cannot disregard the *Guidelines* and must refer to them. It should also be recalled that the call for standardization to ensure quality of the workplace presupposes involvement of the social partners.

MEDEF: See general observations. This question, concerning a management systems approach and referring only to the *Guidelines*, seems reductionist compared to the full range of means of action that the ILO can offer its member States (including Convention No. 155 and Recommendation No. 164, guidelines, guides to application, technical cooperation and assistance, dissemination of knowledge) which should be mentioned in the instrument.

*Greece.* The words “based on” should be replaced with the phrase “taking into account, as far as possible and in accordance with national legislation and practices”.

*Guatemala.* The instrument should promote a management systems approach to OSH based on the ILO *Guidelines on occupational safety and health management systems* and in accordance with national standards.

*India.* The concept of OSH management systems would help enterprises to self-regulate all activities relating to safety and health. This would also enable them to review their existing procedures and practices vis-à-vis best procedures and practices available elsewhere, and to strive for implementation of them with a view to constantly upgrading for sustainability.

*Indonesia.* An instrument should recognize that the member State may implement a system through guidelines other than those in ILO-OSH 2001.

*Jamaica.* JEF: Yes, but if there is a suitable higher standard that may be adapted to particular elements in the process in the pursuit of best practice, this should be integrated into the system.

*Japan.* Yes, but the management systems approach should not be limited to the ILO *Guidelines*. It should be provided that each Member may establish a management system suitable for its domestic conditions as long as it is in line with this approach.

*Nippon Keidanren:* Initiatives on the management systems approach in Japan are taken in a voluntary manner at the levels of industries and companies, taking into consideration the ILO *Guidelines* as well as the guidelines of the Ministry of Health, Labour and Welfare. The management systems approach mentioned here should not be limited to the ILO *Guidelines*, and the provision should be read in such a way as to promote various management systems approaches adopted by Members.

*Lithuania.* This should be a goal, but it is important to assess the different economic situations of member States.

*Luxembourg.* The ILO *Guidelines* (ILO-OSH 2001) are a benchmark instrument. An instrument for the promotion of an integrated safety culture cannot ignore them and should definitely refer to them. This is also an opportunity to recall that the call for standardization to improve the quality of the workplace necessarily requires the participation of the social partners. "Everything makes a whole! Diversity in Unity. Unity in Diversity." The systematic approach to management is based in part on principles of organization and in part on management through objectives or fields of results.

*Malta.* The instrument should be flexible enough to permit member States to promote the system in accordance with local circumstances and culture.

*Mexico.* No. The ILO *Guidelines* envisage individual methods agreed on by consensus for small and medium-sized enterprises.

COPARMEX: Yes.

*Netherlands.* No. The instrument must be flexible; ILO *Guidelines* are not strictly binding and are more helpful in national activities.

VNO-NCW: No. Companies, especially SMEs, object.

FNV; CNV; Unie mhp: If the new instrument takes the form of a Recommendation, which the Dutch trade unions do not prefer, it should indeed provide that each Member should promote the management systems approach to OSH based on the ILO *Guidelines*. If the new instrument takes the form of a Convention, it should provide that each Member should promote a management systems approach to OSH, but the specific realization of that provision in the form of the prescription to apply ILO-OSH 2001 should take the form of a guideline. Otherwise there would be too little room left in the new instrument to adapt to the circumstances of each Member.

*New Zealand.* Business NZ: No. A promotional framework should be flexible and non-prescriptive.

*Nicaragua.* This will allow the uniform development of guidelines, procedures and activities as working tools for the management of OSH.

*Poland.* Managing occupational safety and health, being an element of enterprise management, is to be regarded as the domain of the employer. Promotion of a management systems approach to OSH should be highlighted in the case of SMEs.

*Portugal.* Yes, but the management of occupational safety and health must be left to member States, in accordance with their own specific economic and social circumstances.

CIP: The management of occupational safety and health must be left to member States, in accordance with the specific circumstances of each.

*Slovenia.* RAE: Yes.

*South Africa.* BUSA: The ILO *Guidelines* should be referenced as a possible useful instrument to use in establishing an OSH system at national level.

*Spain.* CCOO: Yes. See general observations.

*Sri Lanka.* EFC: To be decided at the national level.

*Sweden.* Yes, with the addition of the proviso “as an example”.

*Switzerland.* UPS: No, not under any circumstances. The UPS rejects any labelling system and any activity with imposed “management systems”, and favours a freely chosen practical approach.

USS/SGB: Yes.

*Syrian Arab Republic.* Yes, promotion through a local policy set by the State in accordance with its needs, based on the ILO *Guidelines*.

*Thailand.* Yes, if the member State has not established its own system.

*Tunisia.* The practicalities and possibilities of member States need to be taken into consideration.

*Turkey.* For certain sectors, in a Recommendation.

TISK: No. The introduction of a management systems approach to OSH is one of the fundamental pillars of an OSH strategy. The ILO *Guidelines on occupational safety and health management systems* (ILO-OSH 2001) are a key instrument in this matter, but since they are not widely known to the general public, the ILO needs to promote recognition of its own instrument and guidance first. Otherwise, it will not be appropriate to refer to this in a Recommendation.

DISK: Yes. This entails the responsibility of constantly updating the ILO *Guidelines*.

*United Kingdom.* No. It is not appropriate that the instrument should prescribe the promotion of management systems based on the ILO *Guidelines* (ILO-OSH 2001). Members should have the flexibility to determine which, if any, management systems to promote, taking account of a range of factors, including the needs of SMEs. However, we recognize the vital contribution that management systems play in ensuring that the risks to occupational health and safety are properly controlled. ILO-OSH 2001 could be seen as one source of inspiration.

CBI: The instrument must also recognize that there are competent national standard bodies that have established standards in OSH management systems, and these must be included in conjunction with ILO-OSH 2001.

*United States.* USCIB: Yes to the promotion of a management systems approach, but not to a reference to specific guidelines because they will be updated periodically.

### National profile

**Qu. 16** *Should the instrument provide that national programmes should be formulated and reviewed on the basis of current information of the national situation (see Question 7, above) collected in the form of a national profile on occupational safety and health?*

*Total number of replies:* 69.

*Affirmative:* 62. Argentina, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Botswana, Burkina Faso, Chad, China, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Germany, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Italy, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malawi, Malaysia, Malta, Mauritius, Mexico, Mongolia, Morocco, Mozambique,

Netherlands, Niger, Norway, Oman, Panama, Papua New Guinea, Philippines, Portugal, Romania, Saudi Arabia, Senegal, Singapore, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic.

*Negative:* 4. Bulgaria, Canada, New Zealand, Poland.

*Other:* 3. Australia, Austria, Greece.

*Australia.* ACCI: This is not a simple question. In principle, yes: a national strategy should be based on current information. It should be evidence-based in all key areas. It should also have some eye for trends that are identifiable and verifiable (provided it has a built-in review to assess anticipated trends). However, the concept of a national profile on OSH is not always simple to achieve. Data sets on OSH are generally inadequate (nationally and internationally). Reliance on a national profile that is based on an inadequate data set would not be good policy.

ACTU: This should also connect to existing profiles related to other production and consumption issues.

*Austria.* For the purpose of a national OSH profile, the data on occupational accidents and diseases referred to in Question 12(g) should be sufficient. When such data are collected, due attention must be paid to their significance with regard to specific measures or action programmes and to the balance of costs and benefits.

*Barbados.* BEC: Yes. Guidance on the contents of the profile would be valuable.

BWU: Yes, it should also connect to national profiles related to other production and consumption issues.

*Benin.* CNP: Yes.

*Bulgaria.* No. The national programme should be elaborated on the basis of current information on the situation, but it is not necessary to this extent to formalize the approach by creating a national profile on OSH.

*Canada.* No, a specific requirement would be too prescriptive for a proposed promotional instrument.

CEC: See reply to Question 3.

*Costa Rica.* National programmes should be closely linked to the national situation.

UCCAEP: It is important to design a national project on the basis of information to minimize risks.

*Denmark.* LO; FTF: Yes. When the profile is established and revised, it may be appropriate to include profiles and knowledge from other relevant fields.

*Finland.* TT: See reply to Question 5.

SAK: Yes. This information should be integrated into national data on productivity and training.

*France.* The idea of formalizing the OSH situation in a national profile seems very relevant, in that it would contribute to the formulation of a national OSH programme and enable international comparisons to be made.

*Germany.* BDA: No.

*Greece.* The phrase "collected in the form of a national profile on occupational safety and health" should be revised as follows: "It should be pursued that the said information be collected in the form of a national profile on occupational health and safety." This suggestion is made in order to support encouragement of Members, rather than creating an obligation.

*India.* The current status of OSH at the national level would become the basis on which to develop the national programmes in subsequent years.

*Italy.* The development of national profiles helps to identify the focal point for action and requires the attention of the representative organizations of employers and workers.

*Jamaica.* JEF: Yes.

*Japan.* The Government favours the creation and review of national programmes on the basis of the existing OSH situation. Nevertheless, it should be left to the discretion of each State whether or not national programmes should be based on a national profile as described in paragraphs 43-44 and Annex IV of Report IV(1), and the Recommendation should stipulate that national programmes should be based on a national profile.

*Kuwait.* The national profile should conform to unified standards at national, regional and international levels in order to facilitate comparisons.

*Lebanon.* The clarity of the national profile depends on the extent of the available information in this respect and on the capacity to analyse the situation. This issue may call for technical assistance from the ILO.

*Luxembourg.* The formalization of the situation on the basis of current information on OSH, in the form of a national profile, should be both a base and a benchmark, to assist in the drawing up of a national OSH programme and facilitate comparisons with situations elsewhere in the world.

*Mexico.* The development of a national profile should include a mention that countries may rely on the support of the ILO.

*Mozambique.* Yes, in order to reflect the national socio-economic situation and to cover all branches of economic activity.

*Netherlands.* The programme should be based on the latest developments in the national field.

VNO-NCW: No. Who needs a national profile? This is likely to involve a lot of red tape and expense.

FNV; CNV; Unie mhp: Yes. If Question 17 is answered in the negative, then the instrument will contain less information about what is meant by the term "a national profile on occupational safety and health". In that case, the instrument should only talk about formulating and reviewing national programmes on the basis of current information on the national situation.

*New Zealand.* No. The development of a national profile may divert resources away from more important activities, for example, developing and tracking indicators for the achievement of workplace health and safety outcomes. A strategic response can be developed by starting at the "top" and developing outcomes and then desired interventions. The outcomes will be derived from national and international trends. They may also be aligned with outcomes in other national strategies. The outcomes will then be linked with intervention logic to particular interventions. The collection of a national profile is the opposite approach, and starts from the "bottom" to assess service delivery and infrastructure, and then develops strategic objectives for change. This approach tends to lead to a modification of the status quo, and is less sensitive to contextual drivers such as political and demographic change. The Government does not support this approach, and is not using it in the draft Workplace Health and Safety Strategy for New Zealand to 2015.

Business NZ: Agrees with the Government that there should be no requirement to develop a national profile and therefore no specification of the kind of information on the national situation that such a profile should contain. Requirements of this kind are not appropriate for a flexible promotional framework instrument.

*Panama.* The formulation of a national profile on OSH should be based on analysis of current information of the national situation, which is in turn based on statistics on occupational accidents and illnesses.

*Poland.* No. See replies to Questions 4-9.

Solidarność: Yes.

*Portugal.* CIP: Without prejudice to the comments in Question 5.

CTP: See reply to Question 5.

CGTP: It is important to establish intervals for the review of national OSH programmes.

*South Africa.* BUSA: The use of a national profile on occupational health and safety as the only way of undertaking a situational analysis is not supported as part of a Declaration.

*Switzerland.* UPS: No. States should define their own approach to the subject.

USS/SGB: Yes, but this should also be linked to existing national profiles related to other production and consumption issues.

**Qu. 17** *Should the instrument provide guidance on the information on the national situation that a national profile could contain? Please specify.*

*Total number of replies: 82.*

*Affirmative: 66.* Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Benin, Botswana, Brazil, China, Costa Rica, Croatia, Cuba, Cyprus, Denmark, Ecuador, Egypt, El Salvador, Estonia, France, Gabon, Germany, Greece, Guatemala, Haiti, Honduras, India, Ireland, Italy, Japan, Republic of Korea, Lebanon, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nicaragua, Niger, Nigeria, Norway, Panama, Papua New Guinea, Philippines, Portugal, Singapore, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, United Republic of Tanzania, Thailand, Tunisia, Turkey, United Arab Emirates, Uruguay, Viet Nam, Zambia, Zimbabwe.

*Negative: 15.* Azerbaijan, Bulgaria, Canada, Chad, Czech Republic, Finland, Latvia, Lithuania, New Zealand, Poland, Romania, Senegal, Ukraine, United Kingdom, Venezuela.

*Other: 1.* Netherlands.

*Argentina.* Yes. That given in Appendix IV of Report IV(1).

*Australia.* ACCI: The national programme could refer to the recorded levels of incidents, established trends, assessed costs, and economic and social impacts of OSH law and practice. The information should be based on hard evidence and credible data sources.

ACTU: This should incorporate recent ILO work on statistics, information and the classification of occupational diseases. It could form part of a Recommendation.

*Austria.* Consistent, comparable figures on occupational safety and health, with facilitative guidance (e.g. figures on occupational accidents, illness caused by occupational accidents, and occupational disease, the level of support given to enterprises through preventive services). See also reply to Question 16.

ÖGB: See reply to Question 4.

BAK: See reply to Question 7.

*Azerbaijan.* This is a matter for national law.

*Bangladesh.* Statistics containing information on accidents, injuries, compensation, prevention measures, awareness training, number and type of diseases.

*Barbados.* Components of a national profile could include those listed in Annex IV of Report IV(1).

BWU: Incorporate recent ILO work on statistics information and classification of occupational diseases as part of a Recommendation.

*Benin.* This could feature in a Recommendation or a set of guidelines, but not in a Convention.

*Botswana.* OSH framework; national policy mechanisms; coordination and collaboration; technical standards; employers' and workers' policies and programmes.

*Brazil.* Yes, including as a minimum: (i) the total number of occupational accidents and diseases (including typical accidents, work-related accidents which occurred whilst travelling and occupational diseases, in accordance with the legislation of each member State), classified according to economic sector; (ii) indices of seriousness and frequency; (iii) number of fatal occupational accidents and diseases per 100,000 workers; (iv) results of the actions of the labour inspectorate.

*Bulgaria.* See reply to Question 16.

BCCI; Vazrazdane: Such an approach is of considerable importance in collecting reliable information, its updating, generalization and dissemination.

*Canada.* No. Non-prescriptive guidance on developing national profiles and their content, such as applicable benchmarks and/or measures for OSH performance, and parameters and definitions to facilitate the collation of information for comparative purposes, should be developed and disseminated by the ILO outside the instrument itself. National profiles should reflect a combination of results-based management and risk-management approaches. Data gathered on the nature and frequency of injuries and illnesses should permit analysis with a view to ranking industries and worksites according to relative risk. This will provide a basis for planning the nature and frequency of interventions and for monitoring their effectiveness.

CEC: See reply to Question 3.

*Costa Rica.* UCCAEP: It is essential to provide guidance for the national profile, depending on the activity to be protected.

CCTD-RN: Add: information relating to science, technology, medicine, economics, chemistry and culture.

*Croatia.* It is on the basis of a revised situation of OSH that the priorities in the national programme should be defined.

*Cuba.* Consideration should be given to basic information on the legislation, organization and structure dealing with OSH, authorities, state inspection, training and further training, services external to the enterprise, and statistics reflecting indicators on structure, processes and outcomes, and social communication.

*Cyprus.* The guidance should contain information on the following national parameters: legislation, number of employees, premises, accidents, occupational diseases, number of inspectors, number of inspectors per 1,000 employees, number of inspections, prohibition and improvement notices, number of legal cases.

*El Salvador.* Yes, to include the following: high-risk sectors, enterprises with a high accident rate, groups of workers exposed to higher risks, accident and disease notification systems, occupational accident statistics, preventive methods in enterprises and training in prevention.

*Estonia.* EAKL: Yes, but in a Recommendation.

*Finland.* TT; SAK: Yes. The ILO *Guidelines* could include information according to gender, occupational diseases, violence and work-related stress.

*France.* Yes, provided that such guidance is general enough to take account of the diversity of national situations. In any case, it is imperative that a national profile contain essential statistics on occupational accidents and diseases.

*Gabon.* CPG: Exchange of information on OSH to be observed.

*Germany.* BDA: No.

DGB: References should be incorporated with a view to further efforts on the standardization of statistics. The ILO's occupational injury and illness classification system should be brought in. This could be part of a possible Recommendation.

*Greece.* A catalogue containing elements that could be included in a national profile, including some of the elements contained in Annex IV of Report IV(1), would be helpful. However, this catalogue must be indicative only.

*Haiti.* Yes, keeping in mind the economic and political condition of the country.

*Honduras.* As well as general country information (general population, economically active population (EAP), distribution of EAP), it should include national statistics on work accidents and occupational illnesses, statistics on illnesses related to work, ILO Conventions and Recommendations adopted by the country, identification of organizations or institutions developing promotional programmes in this area, and national awareness-raising campaigns in this area.

*India.* The profile should contain the national strength of the workforce of both the organized and informal sectors; statistics of occupational accidents, injuries and diseases; work days lost; number of factories; average daily employment; statistics relating to different hazards prevailing in different industries and persons exposed to them. This will help in identifying the areas needing immediate attention and will help in short- and long-term planning.

*Italy.* Include status and trends of occupational accidents, level of implementation of legislative provisions, inspection activity reports, other indicators agreed with the social partners.

CGIL: No.

*Jamaica.* JEF: Yes. Include training, promotion, strategy for participation of stakeholders, measurements and standards, reporting procedures and investigative procedures.

*Japan.* Yes, but in a Recommendation. See also reply to Question 16.

Nippon Keidanren: Yes. The possible elements of a national OSH profile listed in Annex IV of Report IV(1) are helpful, but these should be read as a reference; the use made of the guidance should be left to Members.

*Republic of Korea.* The national profile should contain references to OSH-related legislation, supervisory mechanisms, support systems, education and training, occupational disease statistics and analysis methods.

*Latvia.* No. This should be left to member States to decide for themselves.

*Lebanon.* The instrument may provide guidance as mentioned in Annex IV of Report IV(1).

*Lithuania.* No, because the OSH situation is specific to each member State. Such guidance could lead to difficulties and misunderstandings.

*Luxembourg.* National reports are and will remain compulsory on the basis of the framework Convention No. 81 of 1947. Provided that its guidelines remain sufficiently general in nature to accommodate differing national situations, a guide could be included in the Recommendation. In any case, a national profile must contain the fundamental statistical information regarding occupational accidents and diseases.

*Madagascar.* Occupational diseases, accidents at work and hazardous industries.

*Malaysia.* It should contain valuable information such as accident rates, compensation involved and type of injury.

*Malta.* The instrument adopted should facilitate the collection of data, statistics and other information requested from time to time by the ILO.

*Mauritius.* Priority should be given to high-risk industries.

*Mexico.* The instrument could contain a list of the sectors involved and their dangers and risks, labour statistics, regulations in force, as well as management and/or political models for the short, medium and long term. Also, it is important that the instrument recognize the specific characteristics of every workplace in each country.

COPARMEX: This depends on the characteristics of each workplace in a country.

*Mongolia.* Include the mechanism of collecting and maintaining statistical data on occupational disease and accidents.

*Mozambique.* See reply to Question 16.

MW: Yes, it should give guidance in accordance with ILO norms and standards.

*Netherlands.* Partly, but there must be room for national initiatives.

VNO-NCW: No. See reply to Question 16.

FNV; CNV; Unie mhp: This guidance could sum up the items listed in Annex IV of Report IV(1), of which the most needed are occupational accident and disease statistics.

*New Zealand.* See comments on Question 16.

Business NZ: See comments on Question 16.

*Nicaragua.* Include the following items: analysis of national OSH legislation; detection of OSH needs and priorities; analysis of OSH policies and programmes; organizational infrastructure for development, including management systems, accident and occupational illness statistics, policy proposals, and human resources in the OSH sphere; national mechanisms to monitor national policy; coordination and collaboration; OSH standards; and general information.

*Nigeria.* National policy on OSH; types of OSH management systems; OSH statistics; information gathering and sharing mechanisms.

*Norway.* See the ILO *Guidelines on occupational safety and health management systems* and Annex IV to Report IV(1). It is very important to use existing data and statistics available in ILO, WHO and other organizations, both globally and regionally (e.g. EU). The ILO should strive to develop relevant and good indicators that can be used to describe the OSH situation and development.

*Panama.* Information on the national situation that could be included in a national profile includes the following: basic data on the parameters that could have a bearing on national OSH management, at the national and enterprise levels; existing legal provisions on OSH; the infrastructure mechanisms for implementation and application; the distribution of the labour force; human and financial resources allocated to the promotion of OSH; enterprise initiatives in the area and the degree of protection applied; the number of workers in risky or dangerous conditions; the current and planned systems for the prevention and control of accidents; determination of the levels of responsibility for accidents (compensation); and explicit and categorical procedures to be followed for risky or dangerous work.

*Papua New Guinea.* May include guidance on the OSH legislative framework, national OSH policy, competent bodies with OSH monitoring and implementation mechanisms, occupational accidents and diseases statistics, roles of employers' and workers' organizations, regulation and ongoing activities related to OSH, OSH research institutions, education and training, and awareness on OSH.

*Philippines.* Could also include enabling laws, agencies and NGOs involved in the implementation of OSH, national socio-economic and political profiles, and existing OSH practices in small, medium and large enterprises.

*Poland.* No. See replies to Questions 4-9.

*Solidarność:* Yes. This kind of information should be based on statistical data and classification of occupational diseases data collected by the ILO, and could be included in the Recommendation.

*Portugal.* The programme should have measurement indicators, to be chosen by member States, in accordance with their own capacities and needs.

CIP: See reply to Question 16.

CTP: See reply to Question 5.

CGTP: Guidelines could be included in a Recommendation by way of example.

*Slovenia.* RAE: Yes.

*South Africa.* BUSA: This is too prescriptive for a Declaration.

*Spain.* National situations vary, for which reason it is preferable to give guidance on the information most relevant to the formulation and review of the programme, such as original occupational accidents and diseases, hours lost through occupational accidents, success stories in the application of the programme, reductions proposed from the initial indicators, methods for carrying out the programme.

CCOO: Include elements such as specifying risk sectors, high-risk collectives, information systems, indicators of workers' health, records of enterprises with higher accident rates.

CIG: According to Annex IV of Report IV(1).

*Sri Lanka.* All the elements needed appear in Annex IV of Report IV(1).

*Switzerland.* UPS: No.

USS/SGB: This should integrate recent work done by the ILO on statistics, information on and classification of occupational diseases. It could be included in a Recommendation.

*Syrian Arab Republic.* The national profile could also contain information on: population figures; figures of the 15-60 age group population; size of the labour force, disaggregated by age and sex; economic activities according to the United Nations classification; figures of occupational accidents, diseases and permanent disabilities; universities providing specialized courses in occupational health and safety; the number of OSH specialists and other relevant disciplines, and the number of OSH inspectors; existing legislation, OSH services.

*Thailand.* The national profile should reflect OSH information, statistics, organization, policy and management, promotion projects, research studies.

*Tunisia.* The possible elements of a national OSH profile are contained in Annex IV of Report IV(1) and could be included in a Recommendation.

*Turkey.* In a Recommendation. Information should include OSH measures taken, inspection statistics, accident statistics, related regulations, occupational diseases and means of intervention.

TISK: Yes. However, it would be appropriate for the instrument to contain framework guidance on the contents of a national profile, rather than enumerating elements restrictively. Each country should be able to specify its targets, indicators, responsibilities and resources according to its needs in the development of a national OSH profile.

*United Arab Emirates.* It should include specification of all aspects of deficiencies in the implementation of national legislation in the field of OSH.

*United Kingdom.* No. Again, this is too prescriptive. If there were non-mandatory guidance, this might solve the problem.

*CBI:* The instrument could provide illustrative and non-exhaustive guidance on the type of information on the national situation that a national profile could contain. That information could include: national and sector economic industrial performance profiles; and national and sector risk, accident, ill health and incident profiles.

*Venezuela.* No, because the programmes will be formulated on the basis of an analysis of the national situation in regard to OSH.

*Viet Nam.* A national profile should contain the following information: (i) OSH legal framework; (ii) national policy review mechanism; (iii) coordination and collaboration mechanisms (at the national and enterprise levels); (iv) national competent bodies responsible for OSH performance; (v) mechanisms for ensuring compliance with OSH legal regulations, including those relevant to the inspection system; (vi) OSH technical standards, guidelines and management system; (vii) education, training and awareness-raising structures; (viii) compensation and insurance systems for workers suffering from occupational accidents and diseases; (ix) OSH research institutes and laboratories; (x) overall human resources engaged in OSH at the national level; (xi) occupational accidents and disease statistics; (xii) regular and ongoing activities related to OSH, including international cooperation; (xiii) general data, demographic data, educational qualifications, forms of economic activities and workforce; and (xiv) other relevant information.

*Zambia.* Such as the elements highlighted in Annex IV of Report IV(1).

*Zimbabwe.* Particularly the nature of accidents, injuries and diseases.

### Exchange of information

**Qu. 18** *Should the instruments provide that the International Labour Organization should facilitate an international exchange of information on national programmes on occupational safety and health, including good practices and innovative approaches thereto?*

*Total number of replies:* 89.

*Affirmative:* 88. Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Chad, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mauritius, Mexico, Morocco, Mozambique, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Philippines, Poland, Portugal, Romania, Saudi Arabia, Senegal, Singapore, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, United Republic of Tanzania, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Venezuela, Viet Nam, Zambia, Zimbabwe.

*Other:* 1. Mongolia.

*Australia.* ACCI: An exchange of information and experience by Members from time to time is appropriate. This can be done through regional meetings.

*ACTU.* In collaboration with the WHO. The priority should be to get the national OSH profiles together and concentrate on generating comparable statistics on deaths, injuries and ill health which could provide benchmarks and inform prevention strategies.

*Austria.* ÖGB: The ÖGB welcomes an international exchange of information, through the ILO, on national OSH programmes.

*BAK.* In a Recommendation.

*Barbados.* BWU: In collaboration with the WHO.

*Benin.* CNP: Yes.

*Belgium.* Yes, in order to allow countries where the promotion of OSH is not a priority to make progress in that area through those exchanges.

*Chile.* CPC: Yes.

*Costa Rica.* UCCAEP: All the inputs that could be provided through the ILO would help Members in decision-making.

*CCTD-RN.* Recommend to each member State that the institutions responsible for OSH establish a documentation centre.

*Denmark.* Yes, but the exchange should take place only at reasonable intervals.

*LO; FTF.* We recommend that this take place in cooperation with the WHO so that a solid knowledge basis is created which may support the development and operationalization of the national profiles and prevention.

*El Salvador.* Yes, since this would help strengthen national programmes in the different countries with a view to harmonizing OSH action in the countries of each subregion.

*Estonia.* EAKL: In cooperation with the WHO.

*Finland.* SAK: Yes. There should, for example, be cooperation with the WHO and the European Agency for Safety and Health at Work, Bilbao. It is important to compile national statistics and gather comparable data.

*France.* The exchange of information on national OSH programmes enables each Member's practices to be enhanced. We support any initiative to exchange best practice and promote innovative approaches and are in favour of the instrument encouraging the ILO to play a key role in this.

*Germany.* Yes. The ILO should also strive to provide financial support to facilitate this international exchange of information.

*DGB.* Yes, in cooperation with the WHO.

*Greece.* It is suggested that the phrase "as long as they exist" be added between commas after the word "including".

*SEV.* This should refer to the need to exchange experience, innovative approaches and good practices at the international level, a task in which the ILO should play an important role.

*Haiti.* Including the necessary assistance and cooperation which should be offered to member States.

*Italy.* The exchange of information on good practices is extremely important in the OSH sector. Good examples are available on the Focal Points Network of the European Agency for Safety and Health at Work in Bilbao.

*Jamaica.* JEF: Yes.

*Japan.* Nippon Keidanren: Yes. It is important to promote the exchange of information among member States, but any mechanism obliging them to provide too much information should be avoided.

*Luxembourg.* The exchange of information on national OSH programmes makes for improved practices in each member State. Luxembourg supports any initiative aimed at facilitating the exchange of good practices and the promotion of innovative approaches, and is in favour of an instrument that will encourage the ILO to play a central role with regard to this issue.

*Malta.* Consideration should be given to the creation of a more integrative and active network system among Members. This could be modelled on the Focal Points Network of the European Agency for Safety and Health at Work.

*Mongolia.* Possibly.

MONEF: Yes.

*Mozambique.* This is vital in allowing a balanced development of occupational accident prevention systems.

*Netherlands.* VNO-NCW: There is no specific need for this in the case of EU Member States.

FNV; CNV; Unie mhp: This would be one of the most innovative features of the new instrument and is one of the main reasons for developing it.

*New Zealand.* The exchange of data on OSH performance and the international dissemination of information are fundamental to: (i) benchmarking performance at a national level against international levels of performance; and (ii) identifying current practice trends, particularly good (or best) practice and innovative approaches. Both the international benchmarking of performance and the dissemination of good programme practice are consistent with promoting an improved awareness of OSH and stimulating a culture of continuous and innovative improvement at a national level. As the recognized international agency in the area of OSH and labour affairs generally, the ILO is in the best position to facilitate these exchanges.

Business NZ: In promoting OSH, an international exchange of information on national programmes, including good practices and innovative approaches to occupational safety and health, might be considered but should not be prescribed.

*Nicaragua.* The ILO should facilitate this exchange by providing technical assistance for its formulation and development.

*Norway.* In collaboration with the WHO. Priority should be given to generating comparable statistics on injuries and ill health. See also reply to Question 17.

*Papua New Guinea.* The instrument should also provide for the ILO to take the lead role and establish coordination with other United Nations organizations or international organizations, or even with States, in order to ensure that information is exchanged to help develop and enhance their OSH programmes.

*Philippines.* Include honest-to-goodness technical assistance to encourage interregional, inter-country sharing on OSH.

*Poland.* Such a facilitation of an international exchange of information should apply not only to national programmes but also to national systems and national research programmes.

*Portugal.* CTP: It is a priority and essential that this should take place, especially for member States that are seriously lacking in operative programmes and have legal systems ill-adapted to current reality.

*Singapore.* Sharing of good practices and innovative approaches on national programmes would assist Members in improving the process of achieving a better safety culture.

*Slovenia.* RAE: Yes.

*South Africa.* BUSA: Facilitation of an exchange of information is useful. However, where appropriate, links should be made with specific sectoral initiatives like the Globally Harmonized System of Classification and Labelling of Chemicals.

*Spain.* CCOO: Yes, in collaboration with the WHO and including the experience from the employers' and workers' organizations.

*Switzerland.* UPS: Only if this does not lead to restrictive programmes, surveys or interference in member States.

USS/SGB: Yes, in collaboration with the WHO. Priority should be given to national OSH profiles, with a focus on producing comparable statistics on injuries and diseases that could serve as a reference and inform prevention strategies.

*Thailand.* Appropriately through the ILO-CIS network.

*Turkey.* In a Convention.

*United Kingdom.* Yes. However, such information is rapidly becoming readily available on national web sites, and this should facilitate the exchange of information without the need for ILO intervention. The United Kingdom would be concerned if requests for information in other forms became burdensome. The ILO could facilitate the international exchange of information by mapping the current provider organizations, coordinating their information, seeking to identify the gaps and helping to complete the picture. It should not duplicate the role and activity of other organizations at a multinational level.

CBI: It would be useful for the ILO to set up a forward-thinking risk observatory linking up with the one at European level. The ILO should facilitate the international exchange of information by mapping the current provider organizations, coordinating information provided by them, seeking to identify the gaps and helping to complete the picture. It should not duplicate the role and activity of other organizations at the multinational level.

*Zimbabwe.* The instrument should provide that the ILO strengthen regional cooperation.

### Special considerations

**Qu. 19** *Are there any particularities of national law or practice which are liable to create difficulties in the practical application of the instrument as conceived in this questionnaire? If so, please state the difficulties and suggest how they might be resolved.*

*Total number of replies: 86.*

*Affirmative: 24.* Austria, Barbados, Burkina Faso, Canada, Costa Rica, Cyprus, Egypt, Gabon, Germany, Guatemala, Haiti, India, Kazakhstan, Japan, Lebanon, Malawi, Mauritius, Mexico, Mongolia, New Zealand, Niger, Papua New Guinea, Ukraine, United Kingdom.

*Negative: 62.* Argentina, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Botswana, Brazil, Bulgaria, Chad, China, Croatia, Cuba, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, France, Greece, Honduras, Hungary, Indonesia, Ireland, Italy, Republic of Korea, Kuwait, Latvia, Lithuania, Luxembourg, Madagascar, Malaysia, Malta, Morocco, Mozambique, Netherlands, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Romania, Saudi Arabia, Senegal, Singapore, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, United Republic of Tanzania, Thailand, Tunisia, Turkey, United Arab Emirates, Uruguay, Venezuela, Viet Nam, Zimbabwe.

*Australia.* ACCI: The most significant issue is the capacity of the Member. Developing countries will find the formalization of national strategies difficult, and even more difficult to implement if

under-resourced. In all countries, developed and developing, the national approach will fail if it is driven on an ideological or bureaucratic basis. OSH strategies can only be effective if they themselves are realistic, balanced and targeted to provide solutions to identifiable problems.

ACTU: See general observations.

*Austria.* Administration in Austria takes place at various levels. The federal Government is responsible for certain tasks; other tasks come under the remit of regional authorities (*Länder* and districts). Various state authorities are responsible for OSH programmes. Most workers who are not self-employed come within the competence of the federal Government. The *Länder* and districts are responsible for the OSH of forestry and agricultural workers and white-collar employees of regional authorities. In these cases, the federal authorities may not issue directives. *Länder* and districts conduct programmes and measures on a voluntary basis, but cannot be forced to do so by the federal Government. It would therefore be impossible to establish a uniform national programme to protect the OSH of all non-self-employed workers that would be implemented by all involved parties. No occupational safety and health authority is responsible for the protection of the self-employed at work. The allocation of responsibility described above is established in the Constitution. It means that Austria could not ratify any Convention committing it to compulsory occupational safety and health programmes.

BAK: The obligation to diverge from the current priority in the area of OSH law could be a hindrance to ratification, as could the obligation to implement programmes channelling too great a proportion of resources away from their previous functions or leading to the shrinkage of those functions.

*Barbados.* Application of the instrument may be constrained by limitations of human and financial resources as well as inadequate international law.

BEC: No.

BWU: Jurisdictions operating under factories legislation are not able to cover all workers.

*Burkina Faso.* Workers in the informal sector represent more than 80 per cent of the population. It is in this sector that there is not sufficient social protection of workers because of their low incomes. Also, it is difficult to require employers to provide adequate protection for their workers, because of poverty, illiteracy and lack of information on the subject. To put into effect the Declaration, a vast programme of awareness building and training on the subject of OSH will be necessary, together with the support of a study of the obstacles to promoting OSH and the means to overcome them.

*Canada.* The federal Government and the provincial and territorial governments each have exclusive authority with respect to OSH in their respective jurisdictions. While there is significant federal-provincial-territorial cooperation on OSH issues, each jurisdiction has adopted its own OSH legislation, programmes and systems, which they implement within their jurisdiction. Therefore, as noted in the responses above, it is important that the instrument recognize that "national" programmes and systems are designed and implemented at the level of the responsible government or competent authority.

*Chile.* CPC: No.

*China.* The adoption and application of a Recommendation would promote OSH in China.

*Costa Rica.* The national legal system provides that both the National Insurance Institution and the Occupational Health Council are competent to deal with safety and health. Despite the fact that the functions of both bodies are duly defined by national legislation, for the sake of effective application it would be appropriate for these bodies to establish supervisory and coordination mechanisms that can be put into practice and coexist without any overlap between their functions.

UCCAEP: It is essential to find the political will to ensure that our Occupational Health Council coordinates and updates everything within this field, avoiding overlapping with or encroaching on other institutions' areas of activity where two or more bodies are involved in this field.

CCTD-RN: Political control over the State by enterprises prevents smooth participation. We recommend transparency instead of nepotism, influence peddling, corruption and impunity. In any activity, non-compliance with occupational safety and health should be penalized.

*Cyprus.* Reference to the ILO *Guidelines on occupational safety and health management systems* (ILO-OSH 2001) should be on a voluntary implementation basis.

SEK: No.

PEO: No.

*Denmark.* LO; PTF: It is difficult to answer this question. If the question had been how the problems mentioned in paragraphs 91, 92 and 93 of Report IV(I) are best solved, it would be possible to obtain a clearer picture of the type of instrument to be recommended. We find that the deliberations in these paragraphs speak in favour of a Convention and an attached Recommendation.

*Ecuador.* FCA: There is no major legislation or information in this respect.

*Egypt.* Yes. The ILO is needed to provide technical cooperation to train inspectors and to disseminate information.

ETUF: No.

FEI: No.

*France.* French legislation is underpinned by the same logic as the guiding principles of the ILO. Hence there does not appear to be any reason for national law or practice to create difficulties in the application of the instrument. On the contrary, the global and decompartmentalized approach of the instrument is along the same lines as current policies and reforms in France.

*Gabon.* One difficulty is the fact that certain regulatory texts of the Labour Code have not yet been established, in addition to the non-ratification of Conventions Nos. 155 and 161. The ILO should promote these instruments and encourage States to ratify at least the fundamental Conventions.

CPG: Not to our knowledge.

*Germany.* OSH in Germany encompasses both state occupational safety and health protection and prevention, which is a function of statutory accident insurance. In this dual OSH system, the OSH authorities implement the Occupational Safety and Health Act and the various OSH ordinances enacted by the state OSH authorities on the basis of the Act, while the duties of accident insurance providers are regulated by the Social Code. Both institutions should be involved and should in particular be obliged to cooperate and coordinate their activities.

BDA: Generally, it should be ensured that an ILO instrument takes into account, and does not interfere with, provisions existing in those countries which have already established such programmes.

*Guatemala.* Guatemala has not ratified Convention No. 155. There is no national programme to promote occupational safety and health throughout the country.

*Haiti.* Problems include: (i) an inadequate structure; (ii) the inefficiency of national OSH institutions; (iii) underdevelopment and an unfavourable economic situation; (iv) instability and an unfavourable political situation; (v) the lack of political will; (vi) the lack of an adequate OSH system; and (vii) the antiquity of the law applied by competent institutions. The requirements are: (i) the restructuring of competent national OSH initiatives; (ii) the full application of ratified OSH Conventions; (iii) the adoption of measures aimed at setting up efficient action in the field and guaranteeing the follow-up of changes; and (iv) establishing progressively an OSH system.

*India.* A large number of self-employed people are not covered under national law. This problem can be solved only by creating awareness among these individuals and winning their commitment.

*Jamaica.* JEF: No.

*Japan.* Generally, a Convention will probably be ratified by a large number of countries (and its value increased) if it deals with minimum basic matters and leaves other applied or supplemental matters to a Recommendation. In Japan, as indicated in previous answers, a number of proposed requirements

are not met in national law or practice (see replies to Questions 9(c), 12(h), 16 and 17). As these are not considered minimum basic matters of occupational safety and health, they should be provided for in a Recommendation.

Nippon Keidanren: No.

*Lebanon.* Difficulties in the practical application of the proposed instrument could appear, for example, because: (i) there is no higher national body on occupational safety and health, which would include concerned ministries and employers' and workers' organizations, as well as other bodies, if necessary, for coordination and consultation; (ii) a national list of occupational diseases is not available; and (iii) precise and comprehensive statistics are not available on labour injuries, which would facilitate an analysis of their causes and data on them with a view to developing appropriate preventative programmes and projects.

*Malawi.* OSH services do not feature high on the national agenda and are not allocated adequate resources. There is a need for donor assistance to supplement national budgets.

*Mauritius.* The main problem is that there are various bodies from several ministries which are responsible for occupational safety and health in the country. There is a need for greater inter-sectoral collaboration/coordination among these bodies.

*Mexico.* National legislation allows the use of alternative methods to ensure compliance by enterprises with compulsory provisions and protection of confidential information. An occupational safety and health culture is being developed in Mexico, along with programmes for training, safety management, self-determination and electronic inspection, with the aim of encouraging safety and health in enterprises.

COPARMEX: At present in Mexico, an OSH culture is beginning to be created and programmes are beginning to be initiated in training, safety management, self-determination and electronic inspection, among others, with the object of encouraging OSH in enterprises.

*Mozambique.* MW: There could be some difficulties in the practical implementation of the instrument due to lack of economic and material resources as well as trained human resources.

*Netherlands.* There should be no special difficulties, but it is good to have a flexible instrument and not an instrument with all kinds of legal obligations on governments and social partners.

VNO-NCW: If the new instrument takes the form of a Declaration, as explained above, there should be no serious problems in its practical application but, if the ILC adopts new legal constraints for enterprises and governments, the whole initiative will fail (again).

FNV; CNV; Unie mhp: No. However, depending on the level of detail of the provisions in the new instrument and on whether the instrument takes the form of a Convention or a Recommendation, it may be necessary to alter the existing legislation or practice in the Netherlands in a more or less radical way, and the same may well apply to other countries. Caution needs to be exercised to ensure that this would not lead to greater obstacles in ratifying the new instrument.

*New Zealand.* The instrument should not prescribe to this level of detail. The promotional framework agreed on at the 91st Session of the International Labour Conference was intended to be "an overarching instrument with a promotional rather than prescriptive content".

Business NZ: See reply to Question 20.

*Niger.* Yes. In practice there are frequent administrative delays relating to the procedure for ratifying international Conventions.

*Panama.* Existing legal regulations relating to OSH contain no impediments to, or aspects that oppose, the practical application of the instrument; rather, they can complement it.

*Papua New Guinea.* As far as the law is concerned, there should not be any difficulties faced in the practical application of the instrument, in the event that it is adopted. However, the major issue at

hand here is that each organization in Papua New Guinea is governed by its own OSH guidelines, manuals and even policies, which frequently conflict with or contradict each other. It is therefore important that all these organizations be administered and covered by only one national OSH legislation, to ensure compliance and conformity with international standards.

*Poland.* Solidarność: See general observations.

*Portugal.* CGTP-IN: National legislation does not prevent the practical application of a new instrument with these characteristics, but it might have to be amended. However, national practice in occupational safety and health will have to change profoundly at all levels, starting with the highest authorities of the State, given that Portugal has no culture of prevention and safety at work and the feeble efforts to create and establish one have not had any visible practical results.

*Senegal.* CNTS: No. Such difficulties are dealt with in articles 7 and 25 of the Senegal Constitution.

*South Africa.* BUSA: No.

*Spain.* CCOO: Yes. Difficulties to be noted include problems of lack of administrative coordination at the national level, problems of resources (technical, human and financial), and the marginalization of occupational health in public health policies. These are issues to be addressed in every country.

*Switzerland.* UPS: As already indicated, Switzerland has exemplary solutions for different occupations, which also take into account the needs of enterprises. Any challenge to these pragmatic solutions through an ILO instrument would be a step backwards and should categorically be avoided. It is good that the ILO sets an objective in occupational safety and health, but it would be wrong for it to specify how States should achieve it.

USS/SGB: From the administrative standpoint, the issue of safety and health is addressed in different ways from one country to another. Sometimes the ILO formulates Recommendations concerning national practice which the national agency responsible for safety and health is not able to apply – for example, where the issue is dealt with by the ministry of the environment or labour, and not that of safety and health. There should be appropriate arrangements for federal or federated States. It is difficult to understand what form of instrument is being proposed by this questionnaire, since it appears to lead more to a Declaration than a Convention supplemented by a Recommendation. Reference should be made to paragraphs 91, 92, 96 and 97 of Report IV(1), for example, to support the idea of a Convention. Innovative ideas should be implemented to extend coverage to workers and other forms of work that have been excluded, e.g. informal work, employment policies that exploit workers, labour practices and non-observance of workers' rights and legal provisions.

*Turkey.* TISK: Not if the instrument takes the form of a Recommendation, given the progress made by Turkey in this area. However, Turkey should first formulate and implement its own national OSH programme.

DISK: Despite improvements, there are still legislative provisions which could obstruct the implementation of the instrument, examples of which are given in the reply to the questionnaire.

*United Kingdom.* Difficulties in practical application would stem from any (overly) prescriptive instrument. However, the degree of difficulty would vary according to the choice of instrument.

CBI: The variety of legislative arrangements, legal systems and enforcing arrangements may produce different systems for motivation, but harmonization of these systems is not the object of this exercise: improving the current state of awareness and health and safety performance at workplaces is the objective.

*United States.* USCIB: Yes. See reply to Question 12. In addition, in certain instances, enforcement of OSH is delegated to states which have occupational safety laws and enforcement meeting federal requirements. This could create, in particular, difficulty in compiling and creating a national profile.

**Qu. 20** *Are there any other issues not addressed in this questionnaire which ought to be taken into consideration in the preparation of the instrument? Please specify.*

*Total number of replies: 77.*

*Affirmative: 32.* Austria, Brazil, Burkina Faso, Canada, Chad, Croatia, Cuba, Egypt, Gabon, Germany, Greece, Guatemala, Indonesia, Italy, Japan, Republic of Korea, Kuwait, Lebanon, Luxembourg, Mauritius, Mexico, Mozambique, New Zealand, Norway, Papua New Guinea, Saudi Arabia, Senegal, United Republic of Tanzania, Thailand, United Kingdom, Venezuela, Viet Nam.

*Negative: 45.* Azerbaijan, Bangladesh, Barbados, Benin, Botswana, Bulgaria, China, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Honduras, Hungary, India, Ireland, Kazakhstan, Latvia, Lithuania, Madagascar, Malawi, Malaysia, Malta, Morocco, Netherlands, Nicaragua, Niger, Nigeria, Oman, Panama, Philippines, Poland, Portugal, Romania, Singapore, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, Uruguay, Zimbabwe.

*Australia.* ACCI: The Australian strategy contemplates employer bodies taking an important role in the promotion of the strategy and its OSH message on an industry, sector and local basis. The instrument should recognize that fact, as well as the role that trade unions can constructively play.

ACTU: There are a number of concepts that have no place in an ILO instrument, including: (i) behaviour-based health and safety systems; (ii) placing the main or sole burden of responsibility for health and safety on the workers; (iii) privatization of health and safety services; (iv) deregulation of health and safety; and (v) approaches to safety and health which are solely risk-based. On the other hand, there are a number of concepts that should be included. These include: (i) the role of government in capacity building; (ii) protecting workers' rights to a safe and healthy working environment; (iii) the role of trade unions in the prevention of injuries and ill health, through information and training; (iv) inspections and participation in safety committees; and (v) negligent employers, enforcement and sanctions.

*Austria.* See reply to Question 5.

BAK: National OSH law is fragmented owing to federalist structures. If the OSH standards for the public services at all federal levels and those in agriculture are included, there are roughly 165 general legal standards in force concerning which EU directives are not yet fully implemented.

*Barbados.* BWU: Concepts to be included are the role of governments in capacity building, workers' rights to OSH, the role of trade unions, safety committees, enforcement and sanctions.

*Brazil.* The instrument should refer to the importance of intergovernmental links with regard to OSH and should contain points including the issues envisaged in articles 5, 6, 7, 12 and 13 of the MERCOSUR *Guidelines and Directives on occupational safety and health*.

*Burkina Faso.* The instrument foresees an obligation on the ILO to help member States, in response to their expressed and established needs, to reach their objectives by constitutional, practical and budgetary means, including mobilizing external resources and assistance. The extension of social protection to all sectors of the population and the possibility of promoting health insurance are required.

*Canada.* A Declaration should recognize and define the role of the ILO in promoting a global workplace safety culture, for example by raising awareness at the international level through the United Nations and other bodies, and in supporting the efforts of member States by gathering and disseminating statistics and good practices and providing technical assistance.

*Chile.* CPC: No.

*Chad.* The technical and financial assistance which the ILO can give to OSH services in developing countries.

*China.* The questionnaire is comprehensive.

*Costa Rica.* CCTD-RN: Add the following: the urban and rural informal sector; application of multidisciplinary and inter-institutional research; verification of compliance and penalties for non-compliance with the new Convention, and mandatory reform of laws that are inconsistent with it; adoption and ratification of international standards to be applied in occupational safety and health.

*Croatia.* Such issues will arise by themselves as the drafting of an appropriate instrument progresses.

*Cuba.* Irrespective of the form of the instrument agreed upon, its provisions should specify clearly and explicitly the objectives and goals to be met by transnational enterprises, SMEs and the informal sector, given the differences between them and their technical and economic possibilities, and should require that each play its social role to guarantee an adequate level of health, quality of life and environment of the population, especially in the former.

*Cyprus.* SEK: The national system should include a well-defined monitoring system for its implementation, and a strict mechanism for the implementation of the programme should be established.

*Czech Republic.* SPD: No.

ČMKOS: No.

*Denmark.* LO; FTF: A number of principles should *not* be included in an ILO instrument, namely: (i) making workers mainly or solely responsible for OSH; (ii) replacing regulation with voluntarism; and (iii) basing measures solely on the handling of risks, instead of on the elimination of hazards. A number of other principles should be included in an ILO instrument. These include: (i) the duty of governments to ensure resources for a preventative safety and health system and inspection system; (ii) protection of the workers' right to a safe and sound working environment; (iii) strengthening the role of the social partners (including the trade unions) in connection with OSH measures through social dialogue, training, and the right to establish safety organizations in enterprises; and (iv) consequent sanctions against enterprises and employers who fail to comply with the regulations.

*Ecuador.* FCA: Before creating legislation and penalties, it is necessary to provide information on occupational risks and their consequences.

*Egypt.* How to deal with informal employment, especially in the fields of agriculture, construction and public services.

ETUF: No.

*Gabon.* The ILO should help strengthen the capacities of the Ministry of Labour, particularly as regards the specialization of doctors and OSH labour inspectors. This will allow the latter to be better deployed throughout the territory. It is also important to take into account the training of human resources officials and OSH union representatives, the better to disseminate information on OSH.

CPG: Yes. It would be highly desirable for the ILO to implement measures aimed at strengthening the capacity of the Ministry of Labour of Gabon with regard to training of OSH physicians. This would enable doctors specializing in OSH to be deployed throughout the rural and urban areas of the country. At the workplace, OSH physicians would provide the opportunity for tripartite consultation between the employer (private or state), the workers and the Government. The latter has the task of implementing policies, disseminating information among the workforce and general population, and monitoring compliance with such OSH policies. Another aspect would be basic training for persons in charge of human resource management, as well as trade union representatives, to support enterprises' efforts in the dissemination of OSH information.

*Germany.* EU Member States, at least, are already obliged to complete numerous reports in the area of OSH. In order to render the work easier, account should be taken of the structure of these reports wherever possible, in order to eliminate unnecessary duplication and to keep the costs of new reports as low as possible.

BDA: No.

DGB: The following issues should be taken into consideration: (i) governmental responsibility for the provision of necessary capacity as regards independent labour inspectorates; (ii) rights of workers to a safe and healthy working environment; (iii) rights of trade unions and their representatives to information, training and involvement; and (iv) participation in inspections and meetings of safety committees by workers and trade union representatives. The following ideas do not belong in this kind of ILO instrument: (i) behaviour-based occupational health protection; (ii) over-emphasis on workers' responsibilities for themselves, or transfer of the main onus of responsibility onto workers; (iii) voluntary regulation undermining the content of laws; and (iv) the regulation of occupational health protection.

*Greece.* The instrument should include more obligations for action by the ILO itself, which also results clearly from the Conclusions adopted in June 2003 (reproduced in Report IV(1), Annex II).

*Guatemala.* National objectives for the improvement of labour conditions and the working environment should be clearly established, in particular through the promotion of the effective implementation of international labour standards. It should also be envisaged that employers and workers and their organizations fully carry out their duties in the development of the implementation of the policies. Governments, employers' and workers' organizations, and research and vocational training organizations, should be assisted in the preparation and implementation of programmes to improve the management of risks and the safety and health of workers.

*Indonesia.* See reply to Question 15.

*Italy.* The promotion of research in the field of occupational safety and health could be taken into consideration for the development of good practices and national programmes.

UGL: No.

CGIL: Yes. Make provision for a new and specific method of monitoring the implementation of the new instrument in the various member States, all the more necessary if a trend prevails for a different form of instrument than that of a Convention.

*Jamaica.* JEF: No.

*Japan.* Military personnel and seafarers should be excluded from the application of the instrument. The reason for the exclusion of the former is the self-regulating nature of the armed forces. Their members cannot be subject to the same regulations as ordinary workers. The reason for the exclusion of the latter is that possible confusion in the application of other Conventions on seafarers, such as the Consolidated Maritime Labour Convention, should be avoided.

Nippon Keidanren: No.

*Republic of Korea.* There is a need to understand the gap between developed and developing countries. OSH activities should be country-specific. In view of the low rate of ratification [of existing OSH Conventions], the new instrument should be concise and precise in order to attract greater participation by member States.

*Kuwait.* Communication of knowledge to all segments of the labour force in a language understood by the immigrant labour force in order to promote national safety and development.

*Lebanon.* The proposed instrument should pay more attention to the following issues: (i) OSH inspection and the importance of having specialized OSH physicians; (ii) OSH issues relating to gender; (iii) setting up systems for safety management in every enterprise; (iv) encouraging consultation between employers and workers concerning issues related to OSH in order to find means of dealing with occupational risks; and (v) enforcing the presence in every institution of workers' committees addressing issues related to OSH.

*Luxembourg.* Yes. There is a strong belief that a systems approach is needed for the classification of different types of risk within an integrated, overall structure. One approach is to model the problem as

a “Matryushka” multi-layered structure. This approach structures the different disciplines in a scientific fashion, describing isolated aspects of risk affecting workers, and provides us with the base for a systems approach to prevention. However, the systems approach lacks a second element which would link statistics on the level of seriousness and frequency of accidents to the conscious and unconscious underlying causes of accidents – the “psychosocial” causes. The systems approach would be rendered more coherent as a whole with the addition of the ILO’s experience and a display of solidarity and responsibility on the part of the government representatives and social partners working in a tripartite spirit. Finally, the ethical investments market is growing ever more rapidly and a company’s approach to social matters has ever more influence on investors’ decisions. Sustainable development, through socially responsible companies with a preventative approach to occupational safety and health and working and employment conditions, is to be encouraged if nature and human rights are to be respected for the good of all and of the planet as a whole.

*Mauritius.* Emphasis to be laid on the technical aspects in establishing an engineering control system.

*Mexico.* It is important that both the system and any programmes developed on the basis of the instrument take into account the size of workplaces, their economic and technical capacities, and the degree of hazard, as it is not possible to apply identical obligations in differing situations. COPARMEX agrees.

*Mozambique.* The instrument should also contain certain basic principles regarding the recognition of HIV/AIDS as a workplace issue, in accordance with the terms of Point 4.1 of the *ILO code of practice on HIV/AIDS and the world of work*.

*Netherlands.* VNO-NCW: No.

FNV; CNV; Unie mhp: See general observations.

*New Zealand.* The questionnaire fails to address particular issues. First, in addition to promulgating a promotional instrument, the ILO has a role to play in actively fostering a higher international profile for workplace health and safety. Further to this, the fostering of a stronger international awareness would provide an environment more conducive to government promotion of a workplace health and safety culture at a national level. For example, the ILO could provide promotional resources that could be used at a national level to highlight World Safety and Health at Work Day. Without active international context setting by the ILO, there is a risk that World Safety and Health at Work Day will be seen by business interests as a partisan workers’ event, rather than promoting OSH as an international and national priority. Secondly, the linkage between OSH as a specific technical function and positive employment relations practices must be considered. There has been an increasing emphasis in recent years on psychosocial health and safety issues, e.g. work-related stress and violence; these human factors form part of the overall workplace culture within which OSH is practised. It is therefore essential to ensure that any promotional instrument clearly contextualizes OSH within good employment relations practice, and highlights its potential to enhance workplace productivity. Unless such a context is established, it is likely that OSH will be seen as being of social benefit only, and not as an integral part of productive workplace practice.

*Business NZ:* The planned instrument should not prescribe matters to this level of detail. Consequently, we are concerned that the Government proposes additional items, namely, the promotion of the ILO’s role in actively fostering a higher international profile for workplace health and safety and the linkage between OSH as a technical specific function and positive employment practices. These do not sit comfortably with a flexible promotional framework instrument. However, while in themselves prescriptive, such matters might be included in a promotional framework instrument (a non-prescriptive Declaration) as something that countries might consider.

*Norway.* The Government once again underlines the importance of tripartite cooperation on OSH, which means participation and dialogue in the workplace. The trade union representative wishes in particular to underline that the following issues should be contained in the instrument: (i) the role of governments in capacity building; (ii) protection of workers’ right to a safe and healthy working environment; (iii) the duty of employers to ensure workers’ rights; (iv) the duty of workers to participate in developing

OSH in enterprises; (v) trade union/worker participation on safety committees; (vi) the right of workers to elect safety delegates; (vii) enforcement and sanctions; (viii) the rights of workers to refuse to do work that poses a threat to health or safety.

*Panama.* In order to facilitate the promotion of ratification of a Convention, we suggest the inclusion of flexible provisions which will allow ratification by member States.

*Papua New Guinea.* There should be only one principal national OSH legislation for a country. Furthermore, the ILO should provide technical assistance to member States to get their national systems and programmes off the ground, especially the developing constituents of the ILO.

*Poland.* Solidarność: The following problems were not addressed in the questionnaire: laying the burden of proof on workers in the case of non-observance of OSH rules; the voluntary character of employers' obligations in the field of OSH; the privatization of OSH services; deregulation in the field of OSH. The following areas should be included: the protection of workers' right to a safe and healthy working environment; the role of trade unions in preventing accidents at work and occupational diseases by information and training activities; implementation and sanctions.

*Saudi Arabia.* Issues to be included: compulsory injury insurance; comparison in injury compensation; and identification of the most common occupational risks and diseases worldwide and appropriate prevention measures to reduce these risks.

*Senegal.* Such an important document should address the promotion and protection of occupational safety and health professionals. Similarly, the instrument could provide for the integration of sustainable development in future guidelines on occupational safety, health and the environment.

CNTS: It is time for such an important document to examine promotion (strengthening capacity) and protection (status) of OSH professionals.

*South Africa.* BUSA: It is imperative that the Declaration promote coherence with non-ILO instruments which influence occupational health and safety, such as the International Programme on Chemical Safety.

*Spain.* CCOO: The following issues should be taken into consideration: (i) the impact of economic globalization on occupational health (pandemics); (ii) monitoring of health risk transference; (iii) globalization of public prevention services; (iv) deregulation; (v) immigration and health; (vi) the role of trade unions in risk prevention for occupational health; and (vii) negligence by enterprises and strengthening of penalties.

CIG: No.

*Sri Lanka.* EFC: Take into account: (i) level of socio-economic development of countries; and (ii) issues regarding the informal sector.

*Switzerland.* USS/SGB: A number of concepts do not belong in an ILO instrument, such as the following: behaviour-based safety and health systems; placing the burden of safety and health essentially or exclusively on the workers; reliance on voluntarism; privatization of safety and health services; deregulation of safety and health; and safety and health approaches based entirely on risk. On the other hand, several concepts should be included, such as: the role of government in capacity building; protection of workers' right to a safe and healthy work environment; the role of trade unions in the prevention of injuries and disease through information and training; and inspections and participation in safety committees.

*United Republic of Tanzania.* Time frames for the adoption of the instrument by member States would seem to be important and would show the importance attached to the subject.

*Thailand.* The current status of each member State should be taken into consideration.

*Turkey.* TISK: The Conclusions adopted by the 91st Session of the International Labour Conference in 2003 stated that the instrument should avoid duplication of provisions in existing instruments, such as the Occupational Safety and Health Convention, 1981 (No. 155), and the Occupational Health

Services Convention, 1985 (No. 161). In the preparation of a Recommendation, a simple and easy-to-understand framework instrument will be most appropriate. Furthermore, as a guideline for concerned parties, it should also encourage voluntary OSH initiatives by representative organizations of employers and workers and other concerned parties. Lastly, the negative effect of the informal sector on the implementation of OSH measures must be taken into account. There should, therefore, be no restrictive regulations that might make the informal sector larger.

*United Kingdom.* See general observations.

*Venezuela.* Consideration should be given to special categories of workers such as women workers, people with disabilities, and working children and adolescents.

*Viet Nam.* It is necessary to take the conduct of a sociological investigation into account.

## **OFFICE COMMENTARY**

### **General observations**

The replies from governments and organizations of employers and workers, taken together, indicate overwhelming support for the development and adoption of a new instrument in the area of OSH. There is a shared view that one of the effects of globalization is the growing trend for industries to be set up in developing countries without adequate national provisions on OSH, which increases the need for such an instrument. As one government has put it, the time has come to think globally while planning for action at a national level in order to place OSH higher on national agendas.

There is also a generally shared opinion – echoing the Conclusions of the discussion at the 91st Session of the International Labour Conference in 2003 – that the new instrument should be designed to promote a progressive improvement of national OSH programmes and systems, and that it should be an “overarching” or “framework” instrument with a promotional rather than prescriptive content.

The proposed Conclusions have been drafted with these considerations in mind, and emphasis has been placed on the processes needed at the national level to make practical progress in OSH. As noted in the report, such an approach reflects developments in some member States as well as those at the regional level such as in the European Union and MERCOSUR, which are similarly directed towards a continual improvement of OSH systems.

Several respondents, in particular workers’ organizations, take the view that the reference to “safety culture” proposed by the Office is problematic. The term is considered to be closely linked with the concept of “behavioural safety” which shifts responsibility for OSH away from the employer onto the worker. Although this inference was not intended by the Office, the proposed Conclusions use the term “preventative safety and health culture” (used in the 2003 Conference conclusions) instead.

As regards the role and function of the new instrument, the replies indicate that it should complement and not duplicate existing OSH instruments, such as those listed in Annex III of Report IV(1). It should strengthen the current standards system and be seen as a means of encouraging ratification and application of these instruments. These considerations have been taken into account in the proposed Conclusions.

### Form of the instrument (Questions 1 and 2)

Replies to the essential question as to whether the International Labour Conference should adopt an instrument to promote OSH indicate almost unanimous support for doing so, and all but two of the replies from governments are in the affirmative. Such a promotional framework instrument was seen as a means of raising the profile of OSH at both national and international levels, leading to a continual improvement in OSH. It would set a strategic context for the adoption of more specific measures, such as those set out in the ILO instruments listed in Annex III of Report IV(1). There is also a widely shared view that any instrument to be considered should be sufficiently flexible to allow for national differences, including differing levels of economic development, so that these would not be a bar to rapid adoption and implementation.

There is, however, a difference of opinion as to the form of instrument which would best achieve these shared goals. A number of replies do not state a preference as regards the form of the instrument. Among those that do, some two-thirds of governments, with the support of most workers' organizations, express a clear preference for a Convention, either standing alone or supplemented by a Recommendation. The arguments in favour of this option include the views that these instruments have proven their value as a means of ensuring that ILO values and views are taken into account, and that they contribute to a global uniformity in approaches and concepts. In this context, some respondents emphasize the value and importance of the reporting and follow-up mechanisms of ILO Conventions. Other respondents support a *framework* Convention, which should offer both flexibility and constraint, and which should be structured in a simple manner and capable of being easily applied and widely ratified.

Approximately one-third of the governments support a Declaration or a Recommendation alone, and this is also the position of most employers' organizations. For some, a Declaration is preferable, as the low rate of ratification of existing OSH Conventions indicates that there is a need for another form of instrument. Others consider that a Declaration would underpin the ILO's global objective of achieving decent work that is safe work. As regards the need for follow-up and reporting mechanisms, some prefer a Declaration because the new instrument, in their view, should not include any reporting obligations. Others stated that a precondition for choosing a Declaration as the form for the new instrument was that it should be coupled with a specifically designed reporting and follow-up mechanism.

The Office has followed the majority opinion in drafting the proposed Conclusions, which are that the International Labour Conference should adopt an instrument on OSH and that it should take the form of a Convention supplemented by a Recommendation (Points 1 and 2). The Office was guided not only by the responses to each point, but also by the perceived general agreement on the design concepts proposed in paragraphs 84 and 85 of Report IV(1). While the suggested form of the instruments was not the preferred form for all respondents, the proposed instruments, by following these design concepts, would reflect an approach which, in the view of the Office, could reconcile most of the different views expressed. The proposed instruments are intended to encourage member States to engage in a systematic process of progressive improvement towards a safer and healthier working environment.

In drafting the proposed Conclusions, and in the light of the comments received, an effort has been made to focus on core issues in the proposed Conclusions with a view to a Convention, while other, less central issues are dealt with in the proposed Conclusions with a view to a Recommendation. Nonetheless, it should be recalled that it is for the Conference to take a final decision on the form of the instruments proposed.

### **Preamble (Question 3)**

A large majority of the replies favour the adoption of a Preamble to the instrument(s) while differing somewhat as to its content. The principal point of disagreement arises over the term “safety culture” in (d). This is seen, primarily by workers’ organizations, as having a different meaning from the term “preventative safety and health culture” used in the Conclusions of the 91st Session of the International Labour Conference in 2003. In introducing a succinct term, “safety culture”, it was not the intention of the Office in any way to depart from those Conclusions, but rather an attempt to facilitate global application of the concept. The proposed Conclusions have reverted to the term “national preventative safety and health culture”, the key aspects of which are described in Point 4 of the 2003 Conclusions.

There is general agreement regarding the inclusion of references to the Philadelphia Declaration, to the pursuit of the objective of a safe and healthy working environment, and to the Conclusions of the 2003 International Labour Conference. In the replies to (f), there is a diversity of opinion as to the ILO instruments which should be referred to. Annex III of Report IV(1) lists 17 Conventions and 20 Recommendations which are regarded as up to date, together with 19 codes of practice. Taking into account the guidance contained in the *Manual for drafting ILO instruments*, the Office has limited the references to the Occupational Safety and Health Convention, 1981 (No. 155), and the Occupational Safety and Health Recommendation, 1981 (No. 164) referred to in (e) (Point 3).

### **Definitions (Question 4)**

There is general agreement regarding the need to define “national programme on occupational safety and health” and “national system for occupational safety and health”. Most comments received also concern proposals to include definitions of additional notions or terms. However, in the interests of focusing on the key elements in the context of the general approach of the proposed instrument, the Office has retained only the two definitions referred to in (a) and (b). The wording has been slightly amended to clarify the notion and improve the drafting (Point 4).

### **National programmes (Questions 5, 6, 7, 8 and 9)**

Several replies draw attention to the possibility of encouraging the promotion of a safer and healthier working environment by means other than national programmes. Two governments refer to the global approach to “well-being at work”, using the term adopted by the World Health Organization, as being more distinctive of the purpose of the proposed instrument and therefore preferred. However, as all but four of the replies were affirmative, most without qualification, this aspect appears in the proposed Conclusions with a view to a Convention (Point 5). It has been separated from the subsequent questions dealing with national programmes and placed under the separate heading of “Objective” immediately preceding that section. Regarding the reference to the relevant ILO instruments on OSH, a separate point (Point 10) with a list of Conventions and Recommendations in an Annex has been introduced in the proposed Conclusions with a view to a Recommendation, to clarify which instruments are to be taken into account. The instruments included in the Annex are those which, following the review by the LILS Working Party on Policy regarding the Revision of Standards, have been determined by the Governing Body to be up to date. This list also includes the three OSH instruments adopted at the International

Labour Conference in 2001 and 2002. In order to ensure that this list is kept up to date, a simple mechanism for updating it is also proposed (Point 16).

Some replies to Question 6 queried the reference to the “highest government authorities”, albeit from different viewpoints, while the majority of replies were directly affirmative. In the proposed Conclusions, a new formulation has been introduced with the addition of the phrase “to the extent possible”, which responds to the concerns expressed (Point 6(3)). In the proposed Conclusions this question is now grouped with Questions 7, 8 and 9. All replies to Question 7 were in the affirmative and the text therefore remains unaltered in substance. The negative, or qualified, replies to Question 8 are opposed to extending consultation on national programmes to parties other than the social partners. However the great majority of replies accept consultation with a widely drawn list of consultees, largely reflecting those named in paragraph 49 of Report IV(1). Rather than list these in an instrument, it appears to the Office to be better to classify them as “interested parties” and they are so referred to in the proposed Conclusions with a view to a Recommendation (Point 8).

Several replies to Question 9(c) express concern that national programmes on OSH might appear to be made subject to economic constraints, but while this concern is understood by the Office, an amendment to the substantive wording is not thought to be necessary. The question now appears in the proposed Conclusions with a view to a Recommendation (Point 9).

While there are reservations as to the effectiveness of targets as performance benchmarks, targets being a comparatively recent innovation in some member States, there is no clear expression of a need to amend the wording of Question 9 in this respect. The term “safety culture” has already been discussed under Question 3 and the term “national preventative safety and health culture” is used throughout the proposed text.

The questions dealing with national programmes (other than Question 5) are now consolidated and appear in the proposed Conclusions with a view to a Convention under Point 6. This is, of course, separate from the two matters dealt with under Points 8 and 9 and previously discussed.

### **National system (Questions 10, 11 and 12)**

There is almost unanimous support for the establishment and development of a national system for OSH proposed in Question 10. The requirement for the designation of a responsible authority will allow for the devolution of responsibility on a regional, state or local basis depending on the political, economic and social situation in the member State, a qualification sought in several replies. The basic requirement for a national system now appears in the proposed Conclusions with a view to a Convention (Point 7(1)). This also requires consultation with the social partners. Wide consultation with other interested parties is, again, provided for in the Conclusions with a view to a Recommendation (Point 11).

As regards Question 12, the substantial majority of replies are positive. Some consider, however, that the proposed provision, including suggested components of a national system, is unduly prescriptive. Others consider these elements to be of different relative value in this context. Taking into account the responses received, the Office has introduced a distinction between those elements which a national system should always include and those which should be included “where appropriate” (Point 7(2) and (3)).

### **Awareness raising (Questions 13 and 14)**

Several replies question whether national campaigns to raise public awareness of OSH need to be invariably limited to those linked to international initiatives. Certainly this was not the intention of the Office proposal, and it is proposed to clarify the point by introducing the qualifying words “as appropriate”. Question 13 thus amended appears in the proposed Conclusions with a view to a Recommendation (Point 12(a)).

In the replies to the question concerning the introduction of hazard, risk and prevention concepts into both educational and training curricula, some replies refer to the fact that such curricula are distinctively different in character and that there are greater practical difficulties in introducing such concepts into basic educational programmes. The substance of this provision has been retained in the proposed Conclusions with a view to a Recommendation with a slight amendment – the word “basic education” has been replaced with “educational” (Point 12(b)).

### **Management systems approach (Question 15)**

This question is, essentially, in two parts. On the first point, whether Members should promote the management systems approach to OSH, there is almost complete agreement. Discussion focuses on whether such a system should be based on the ILO *Guidelines on occupational safety and health management systems* (ILO-OSH 2001), and several replies point to the development of other models of management systems, national or international, which provide similar standards. The ILO *Guidelines* are the only existing international documents on this subject and they call for national adaptation. In view of this and the substantial majority of replies in the affirmative, the question appears in the proposed Conclusions with a view to a Recommendation (Point 13).

### **National profile (Questions 16 and 17)**

Both from governments and from organizations of employers and workers, a substantial majority of replies to both questions were in the affirmative. In specifying the content of a national profile, there is a wide range of suggestions, mostly reflecting the elements contained in Annex IV of Report IV(1). Several of the member States who replied in the negative did so not in apparent opposition to the concept of a national profile as such but in the belief that the elements of such a profile should be left to the member State itself to decide in the light of national conditions. As now worded, Point 14 allows for such a possibility. Some replies suggest that the inclusion of the elements of a national profile in a promotional instrument might make it too prescriptive. Some of the elements referred to as appropriate for a national profile are common to what Point 7 of the proposed Conclusions lists as forming part of a national system on OSH, such as laws and regulations. Thus, in including this provision, together with a list of elements based on Annex IV of Report IV(1), in the Conclusions proposed with a view to a Recommendation, the Office has created a cross-reference to Point 7 (Point 14).

### **Exchange of information (Question 18)**

There is an overwhelming response in the affirmative to this question. Replies stress the advantages of such an exchange of information in promoting an improved awareness of OSH and in stimulating a culture which seeks continual and innovative improvement of OSH at the national level. This is particularly important for those countries where the promotion of OSH has not so far been a priority. The exchange of information should extend beyond national programmes to national systems and research. The role of the ILO in such exchange is seen as central, and there are suggestions as to how it should proceed, for example through regional meetings, collaboration with other agencies or bodies such as the WHO and the EU, and the network of ILO-CIS Centres. This provision, as amended to widen its scope, is included in the Conclusions proposed with a view to a Recommendation (Point 15).

### **Special considerations (Questions 19 and 20)**

In reply to Question 19, some 24 member States identify particularities of national law and practice that might create difficulties in the practical application of any proposed instrument and refer to a variety of concerns, without necessarily offering possible solutions. Reference is made to the limited capacity of both human and financial resources, the former calling for the ILO to provide technical cooperation and training and to disseminate OSH information, and the latter for donor assistance. Several governments refer to the allocation of responsibilities for OSH, which are divided between several agencies and over different levels of government, and which will require particular attention in framing national programmes and systems with due regard to subsequent coordination mechanisms. Attention is also drawn to the high proportion of workers who are self-employed or work in small enterprises, both in developed and developing countries, and the need for national programmes and systems to have regard to these matters. While all these issues, in one way or another, pose significant challenges to member States in the formulation and implementation of national OSH programmes, the promotional framework now under discussion is intended to facilitate the progressive and continual development of national OSH systems through practical and prioritized programmes, while recognizing certain challenges and constraints.

In the replies to Question 20, some of the matters mentioned in replies to Question 19 are perceived as issues which have not been addressed in the questionnaire but which should be taken into account in preparing an instrument. In the same category are such matters as workers' rights in the prevention of injuries and diseases, workplace inspections and membership of safety committees; further definition of the role of the ILO in promoting a global prevention culture, such as involvement in the World Day for Safety and Health at Work; promotion of research; specific conditions such as HIV/AIDS and psychosocial factors; associating OSH with good employment practices; and insurance against occupational disease or injury. The Office notes the concern of governments and the social partners in these matters, but considers that to expand the content of the proposed instruments in this way would make them prescriptive rather than promotional in content, contrary to the Conclusions of the International Labour Conference in 2003. Those Conclusions also recall the need to avoid duplication with the provisions of existing instruments in the elaboration of the promotional framework.

## **PROPOSED CONCLUSIONS**

The following are the proposed Conclusions which have been prepared on the basis of the replies summarized and commented on in this report. They have been drafted in the usual form and are intended to serve as a basis for discussion by the International Labour Conference in its 93rd Session (2005) of the fourth item on the agenda: Promotional framework for occupational safety and health.

Some differences in drafting between the proposed Conclusions and the Office questionnaire are not explained in the Office commentaries. These differences are due to concern both for concordance between various languages and for the terminology to be adapted, as far as possible, to that already used in existing instruments.

The proposed Conclusions do not follow the format of the questionnaire, as their structure was decided in the light of replies from member States. The various elements of the questionnaire have been arranged in comprehensive points and paragraphs to be included in the proposed Conclusions with a view to a Convention and its accompanying Recommendation.

### **A. Form of the instrument**

1. The International Labour Conference should adopt an instrument establishing the promotional framework on occupational safety and health.
2. The instrument should take the form of a Convention supplemented by a Recommendation.

### **B. Proposed Conclusions with a view to a Convention**

#### **I. Preamble**

3. The Convention should include a Preamble referring to:
  - (a) Paragraph III(g) of the Philadelphia Declaration which provides that the International Labour Organization has the solemn obligation to further among the nations of the world programmes which will achieve adequate protection for the life and health of workers in all occupations;
  - (b) the Occupational Safety and Health Convention, 1981 (No. 155) and the Occupational Safety and Health Recommendation, 1981 (No. 164);
  - (c) the importance of continuous pursuit of the objective of a safe and healthy working environment;

- (d) the Conclusions adopted by the 91st Session (2003) of the International Labour Conference concerning occupational safety and health, in particular the priority to be given to occupational safety and health in national agendas;
- (e) the importance of the promotion of a national preventative safety and health culture.

## II. Definitions

4. For the purpose of this Convention:

- (a) “national programme on occupational safety and health” refers to any national programme that includes objectives, priorities and means of action in the area of occupational safety and health to be achieved in a predetermined time frame;
- (b) “national system for occupational safety and health” refers to the infrastructure which provides the main framework for implementing national programmes on occupational safety and health.

## III. Objective

5. Each Member which ratifies this Convention should undertake to take steps with a view to achieving progressively a safer and healthier working environment through national programmes on occupational safety and health with due regard to relevant ILO instruments on occupational safety and health.

## IV. National programme

6. (1) Each Member should formulate, implement and periodically review a national programme on occupational safety and health in consultation with representative organizations of employers and workers.

(2) The national programme should:

- (a) be formulated and reviewed on the basis of analysis of the national situation on occupational safety and health, including the national system for occupational safety and health;
- (b) promote the development of a national preventative safety and health culture;
- (c) include targets and indicators of progress.

(3) The national programme should be widely publicized and, to the extent possible, endorsed and launched by the highest national authorities.

## V. National system

7. (1) Each Member should establish, maintain and progressively develop a national system for occupational safety and health, in consultation with representative organizations of employers and workers.

(2) The national system for occupational safety and health should include:

- (a) laws and regulations on occupational safety and health;
- (b) a designated authority, or authorities, responsible for occupational safety and health;
- (c) mechanisms for ensuring compliance with national laws and regulations, including systems of inspection.

(3) The national system for occupational safety and health should include, where appropriate:

- (a) information and advisory services on occupational safety and health;
- (b) occupational safety and health training;
- (c) occupational health services;
- (d) a mechanism for the collection and analysis of data on occupational accidents and diseases;
- (e) collaboration with any employment injury insurance scheme.

### **C. Proposed Conclusions with a view to a Recommendation**

#### **I. National programme**

8. In formulating and reviewing the national programme on occupational safety and health referred to in Point 4(a) above, Members may extend the consultations provided for in Point 6 above to other interested parties, such as professional associations of occupational safety and health.

9. National programmes on occupational safety and health should be associated, where appropriate, with other national programmes and plans, such as those relating to economic development.

10. In formulating and reviewing national programmes on occupational safety and health, and without prejudice to their obligations under Conventions which they have ratified, Members should take into account the international labour Conventions and Recommendations listed in the annex.

#### **II. National system**

11. In establishing, maintaining and progressively developing the national system for occupational safety and health referred to in Point 4(b) above, Members may extend the consultations provided for in Point 7 above to other interested parties, such as professional associations of occupational safety and health.

12. In promoting a national preventative safety and health culture, Members should seek:

- (a) to raise public awareness on occupational safety and health through national campaigns linked, as appropriate, with international initiatives;
- (b) to introduce hazard, risk and prevention concepts in educational and vocational training programmes.

13. Members should promote the management systems approach to occupational safety and health, based on the *Guidelines on occupational safety and health management systems* (ILO-OSH 2001).

### III. National profile

14. (1) Members should prepare and regularly update a national profile on occupational safety and health summarizing the national situation, including national systems. The profile should be used as a basis for formulating and reviewing the national programme.

(2) In addition to the elements provided for in Point 7(2) and (3), the national profile on occupational safety and health should include information on the following elements, where appropriate:

- (a) coordination and collaboration mechanisms at national and enterprise levels, including national programme review mechanisms;
- (b) technical standards, codes of practice and guidelines;
- (c) educational and awareness-raising structures;
- (d) specialized technical, medical and scientific institutions with linkages to various aspects of occupational safety and health, including research institutes and laboratories concerning occupational safety and health;
- (e) human resources active in the area of occupational safety and health, such as inspectors, officers, occupational physicians and hygienists;
- (f) occupational accident and disease statistics;
- (g) policies and programmes of organizations of employers and workers;
- (h) regular or ongoing activities related to occupational safety and health, including international collaboration;
- (i) related data addressing, for example, demography, literacy, economy and employment, as available, as well as any other relevant information.

### IV. International exchange of information

15. The International Labour Organization should facilitate the exchange of information on national programmes and systems on occupational safety and health, including good practices and innovative approaches.

### V. Updating of the annex

16. The list as annexed to this Recommendation should be reviewed and updated by the Governing Body of the International Labour Office. Any new list so established shall be adopted by the Governing Body and upon adoption shall replace the preceding list and shall be communicated to the Members of the International Labour Organization.

## ANNEX

### **I. Conventions**

Labour Inspection Convention, 1947 (No. 81)  
Protocol of 1995 to the Labour Inspection Convention, 1947 (P. 81)  
Radiation Protection Convention, 1960 (No. 115)  
Hygiene (Commerce and Offices) Convention, 1964 (No. 120)  
Labour Inspection (Agriculture) Convention, 1969 (No. 129)  
Occupational Cancer Convention, 1974 (No. 139)  
Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)  
Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)  
Occupational Safety and Health Convention, 1981 (No. 155)  
Occupational Health Services Convention, 1985 (No. 161)  
Asbestos Convention, 1986 (No. 162)  
Safety and Health in Construction Convention, 1988 (No. 167)  
Chemicals Convention, 1990 (No. 170)  
Prevention of Major Industrial Accidents Convention, 1993 (No. 174)  
Safety and Health in Mines Convention, 1995 (No. 176)  
Safety and Health in Agriculture Convention, 2001 (No. 184)  
Protocol of 2002 to the Occupational Safety and Health Convention, 1981 (P. 155)

### **II. Recommendations**

Labour Inspection Recommendation, 1947 (No. 81)  
Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82)  
Protection of Workers' Health Recommendation, 1953 (No. 97)  
Welfare Facilities Recommendation, 1956 (No. 102)  
Radiation Protection Recommendation, 1960 (No. 114)  
Workers' Housing Recommendation, 1961 (No. 115)  
Hygiene (Commerce and Offices) Recommendation, 1964 (No. 120)  
Labour Inspection (Agriculture) Recommendation, 1969 (No. 133)  
Occupational Cancer Recommendation, 1974 (No. 147)

Working Environment (Air Pollution, Noise and Vibration) Recommendation, 1977 (No. 156)  
Occupational Safety and Health (Dock Work) Recommendation, 1979 (No. 160)  
Occupational Safety and Health Recommendation, 1981 (No. 164)  
Occupational Health Services Recommendation, 1985 (No. 171)  
Asbestos Recommendation, 1986 (No. 172)  
Safety and Health in Construction Recommendation, 1988 (No. 175)  
Chemicals Recommendation, 1990 (No. 177)  
Prevention of Major Industrial Accidents Recommendation, 1993 (No. 181)  
Safety and Health in Mines Recommendation, 1995 (No. 183)  
Safety and Health in Agriculture Recommendation, 2001 (No. 192)  
List of Occupational Diseases Recommendation, 2002 (No. 194)