

Guidelines on social dialogue in public emergency services in a changing environment

The Joint Meeting on Public Emergency Services: Social Dialogue in a Changing Environment,

Having met in Geneva from 27 to 31 January 2003,

Adopts this thirty-first day of January 2003 the following guidelines¹:

General considerations

- A. A changing economic, social and security environment requires the enhancement of public emergency services (PES).² Such services must be adequately funded so that well-trained and properly resourced workers can deliver quality services, which are effective, responsive to different sections of community needs and defined by high standards of ethical behaviour on the part of service deliverers. There should be recognition of the vital role played by front-line PES workers in responding to the increasing threats to life and property in these uncertain times.
- B. To these ends, all PES workers should be able to effectively exercise their fundamental rights at work, in accordance with the 1998 ILO Declaration on Fundamental Principles and Rights at Work, so as to achieve quality working conditions which help ensure design and delivery of quality services.
- C. Social dialogue mechanisms based on the ILO Declaration on Fundamental Principles and Rights at Work between PES employers and the workers should be constructed where they do not exist. Such mechanisms are the key to an effective voice in determining the conditions that make for effective services.

¹ These guidelines have not yet been examined by the Governing Body of the ILO in accordance with established ILO procedures and therefore cannot be considered definitive.

² Public emergency services are defined to include police, firefighters and emergency medical personnel including doctors and nurses and paramedics called to respond to an emergency situation. For purposes of these guidelines, the definition excludes military personnel.

1. Employment and human resource development

Employment levels

- 1.1. Decisions intended to enhance services for effective delivery should balance a number of considerations:
 - 1.1.1. application of new technologies;
 - 1.1.2. staffing levels necessary to ensure decent work and quality working life;
 - 1.1.3. the nature and scope of anticipated needs;
 - 1.1.4. contingency planning for unanticipated incidents;
 - 1.1.5. budgetary allocations and use of funds.
- 1.2. Investments in PES should therefore be planned so as to avoid reductions in employment which erode services over time, and where necessary to increase staffing levels so as to provide better response rates and quality.

Employment diversity

- 1.3. The need to achieve greater gender, ethnic and other diversity in PES employment requires enhanced efforts to eliminate prejudice and discrimination in these services in line with the equality of employment opportunity and treatment principles set out in the ILO's Discrimination (Employment and Occupation) Convention, 1958 (No. 111).
- 1.4. To enhance employment diversity, PES employers, in cooperation with workers and their organizations by means of social dialogue, should undertake to define and implement a policy on diversity. Such a policy should include as part of planning and management tools:
 - 1.4.1. documentation and follow-up of a service's employment composition over time based on age, gender and ethnicity;
 - 1.4.2. establishment of objective recruitment benchmarks;
 - 1.4.3. an objective system of evaluating results.
- 1.5. To increase and/or maintain employment diversity, an active campaign to recruit and retain youth, women and ethnic minority candidates who are interested in and qualified for serving in PES should be an integral part of human resource planning. Recruiters' attitudinal changes should also be ensured where these are considered barriers to meeting objectives.
- 1.6. Measures to facilitate the achievement of recruitment/retention benchmarks may include:
 - 1.6.1. legislation or regulation to facilitate maternity leave and reintegration to professional activity;
 - 1.6.2. policies aimed at helping to balance work and family life such as increased access to childcare facilities;

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- 1.6.3. analysis and action to correct career progression obstacles;
 - 1.6.4. provision of initial and continual training opportunities linked to career development;
 - 1.6.5. study and provision of appropriate personal protective equipment and its effective use;
 - 1.6.6. ensuring a work environment free of harassment, accompanied by gender and racial sensitivity training for all staff;
 - 1.6.7. a complaints policy which is equitable and impartial for all staff.
- 1.7. Social dialogue should be an effective means of achieving commitment to more employment diversity in PES that greater reflects the community based on age, gender and ethnicity considerations.
 - 1.8. To effectively apply new orientations towards community-based service in response to law and order questions, a proactive communications policy for information sharing, the building of trust and the creation of partnerships between PES, especially police, should be achieved primarily through better diversity of ethnic representation.

Training

- 1.9. Staff training and empowerment for improving services and the work environment should be considered as paramount for improved working quality and service delivery and should be adequately funded. Training programmes should be tailored to meet the increasingly specialized nature of PES work, providing personnel with the necessary skills and competences to meet their obligations and maintain a high degree of professionalism in a rapidly changing work environment. PES workers should have the right and responsibility to participate in the development of training standards that will ensure the availability of needed skills to provide quality services.

2. Working conditions

- 2.1. To avoid that the work of PES workers is undervalued, while productivity and quality service delivery is ensured, installation of a climate and mechanisms for effective social dialogue on better working conditions and appropriate pay structures and levels should be an overriding policy consideration for PES employers and workers. Salaries and other terms and conditions of employment should be considered as integral parts of HRD policies designed to recruit, train and retain well-qualified and experienced workers.
- 2.2. Faced with increasing workload and responsibility, PES workers' representatives² should be fully recognized through the social dialogue process in determinations over

² Throughout this text when the term "workers' representatives" is used, it refers to Article 3 of the Workers' Representatives Convention, 1971 (No. 135), which reads as follows:

For the purpose of this Convention the term "workers' representatives" means persons who are recognised as such under national law or practice, whether they are:

- (a) trade union representatives, namely, representatives designated or elected by trade unions or by the members of such unions; or

the organization of working time. Mindful that PES workers are different from workers in other sectors in terms of their responsibilities, the exigencies of service delivery and therefore their work organization, their unique social role should not be used to deny these workers the right to effective social dialogue on these issues. Such a denial would over time work against the objectives of rapid and quality service delivery.

- 2.3. Establishment of working conditions in PES should take account of the demands or needs of different local and national authorities. Terms and conditions of work should therefore be determined through collective bargaining or its functional equivalent at the appropriate level according to national law and practice. The extent to which the police are covered by such mechanisms should be determined by national laws or regulations.
- 2.4. PES workers in developing countries should be entitled to a guaranteed minimum income for a decent living in law and in practice. Minimum wages should represent a salary level that meets workers' needs for adequate living conditions, health and education of themselves and their families. An effective minimum wage could reduce or eliminate their work during off-duty hours to supplement their incomes which puts them at extra risk due to fatigue, and may also endanger the health and security of the public. Where not established by national law or practice, a legal mechanism should be set up with the participation of workers and/or their representatives to define the criteria for fixing minimum wage levels, their application and implementation.
- 2.5. In recognition of their obligation to work odd and irregular hours, and to respond immediately to emergencies, the following principles should be observed in defining working time and organization:
 - 2.5.1. laws stipulating maximum weekly hours of work, the minimum daily consecutive rest period and the minimum weekly consecutive rest period should be observed, except in unusual circumstances;
 - 2.5.2. when on duty, the rest periods of PES workers should be counted as working hours;
 - 2.5.3. in shifts of any length beyond normal working hours where the employer requires the worker to stand by for specific service requirements or at specific locations, such stand-by time shall be treated as working hours unless other compensatory arrangements exist. The employer shall be responsible for notifying the workers of such policy.

The application of these principles should be discussed and resolved through social dialogue and collective bargaining.

- 2.6. Pay structures should be established based on many factors, including required qualifications for employment, hours of work, risk and stress level. Comparability between different occupational groups of PES, including police officers, firefighters and EMS workers, should reflect local and national circumstances based on job and pay evaluation systems that are designed and operated through social dialogue.
 - (b) elected representatives, namely, representatives who are freely elected by the workers of the undertaking in accordance with provisions of national laws or regulations or of collective agreements and whose functions do not include activities which are recognised as the exclusive prerogative of trade unions in the country concerned.

Parties understand that each sector of PES plays a unique yet equally vital role in the provision of public safety. This equality of work should command equal value in areas of wages, benefits and funding.

- 2.7. Based on available information indicating that women are concentrated in support positions and tend to earn lower salaries and wages than men in PES, the provisions of the Equal Remuneration Convention, 1951 (No. 100), should be applied to pay structures in order to ensure that work of equal value is compensated equally, irrespective of the sex of the official performing the duty.
- 2.8. Given the nature of PES workers' early retirement and pension schemes based on the hazardous work they perform, and the increasing imbalance between numbers of staff reaching retirement age and decreasing recruits, employers should plan for, design and finance retirement systems which guarantee benefits on retirement. Such systems should be managed by bodies on which all stakeholders, including PES workers, are represented.

3. Occupational safety and health

- 3.1. To reduce the psychological and/or employment impact on individuals, co-workers, families and organizations as a result of the death, injury, disability and illness of PES workers in the line of duty, PES employers should commit to high standards of workplace safety and health based on a proactive policy and preventive measures. Workers should participate in the process of design and implementation of these measures.
- 3.2. Concrete measures to this end should include:
 - 3.2.1. application to PES workers of local or national safety and health laws applicable to other workers, and their adequate enforcement;
 - 3.2.2. allocation of adequate resources for their protection and own rescue in situations whereby they risk their lives to save others;
 - 3.2.3. adaptation of new technologies developed in the area of safety and health to constantly improve the PES working environment;
 - 3.2.4. making available modern equipment that meets international standards to workers in developing nations;
 - 3.2.5. provision for collective bargaining, where applicable, over safety and health standards and their application.
- 3.3. In view of physical, chemical and psychological hazards they face in rescuing others, PES employers should provide PES workers with the best preventive measures available, including properly designed personal protective equipment (PPE) and materials. Protective clothing, boots and other equipment provided to women PES workers must be designed to meet their physical requirements in the interests of women workers' safety and health and efficient service delivery. There should be provision for ongoing research on ways of improving occupational safety and health and responding to the occupational diseases that directly affect PES workers.
- 3.4. The knowledge and experience of front-line PES workers, including representation of women workers on the relevant bodies, should be taken into account through social dialogue processes to appropriate design and use of PPE.

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- 3.5. To reduce the impact of negative stress, the incidence of “burnout”, and of violence on PES workers while on duty, notably the consequences of critical incidents such as horrific accidents and tragic deaths leading to post-traumatic stress disorder (PTSD), PES agencies should implement the following practices:
 - 3.5.1. establish adequate stress management and counselling programmes to protect their staff and immediate family resulting from a cumulative or a specific incident of stress, including critical incident stress debriefings (CISD), with particular attention to rural areas and developing countries which do not often have such provisions;
 - 3.5.2. adopt a “zero-tolerance” policy towards workplace violence and ensure a dynamic intervention to deal with any problems arising from violent incidents;
 - 3.5.3. undertake risk assessments of critical incident stress and violence possibilities;
 - 3.5.4. provide for regular review of challenges, policies and measures to deal with problems through effective social dialogue on stress and violence issues.
 - 3.6. In relation to increased concern among PES workers about contracting HIV/AIDS and other communicable diseases while handling the injured and the sick, cooperation of employers’ and workers’ organizations should strive to ensure that workers are educated, sensitized and given proper protective equipment against such diseases. In the campaign against HIV/AIDS and other communicable diseases, prevention strategies should be based on the application of the “universal precautions” principle, including the ILO code of practice on HIV/AIDS and the world of work. This may include provision of protective clothing (especially in rural areas), immunization where available, training in the application of the principle and the establishment of a monitoring mechanism to assess effective application.
 - 3.7. Where protective measures are not sufficient to prevent infection, workplace compensation for PES workers should be provided where infection is work-related.
 - 3.8. With regard to stress management and counselling programmes, as well as measures to reduce vulnerability to, and prevalence of, HIV/AIDS and other communicable diseases, confidentiality should be strictly observed and formally prescribed to avoid the stigma and potential workplace isolation that is often attached to those who undergo testing, stress management and counselling programmes.
 - 3.9. To take account of changing PES response and work environments, information sharing on planning and implementation of new safety and health measures, particularly on new technology developed and applied to PPE, should be encouraged at the international level. Such information sharing, especially on new challenges and on best practices, will especially aid safety and health improvements for PES workers in developing countries.
 - 3.10. Where appropriate, regional standards on PPE could be referred to when developing international standards for PES.³

³ For example the European Directives on PPE as applicable to the Members of the European Union.

4. Social dialogue and rights at work

- 4.1. It is widely recognized that effective social dialogue mechanisms between employers and workers, and where appropriate, users of services, are critical means to ensure the input of all stakeholders on key decisions concerning the full range of needs and constraints in the provision of public emergency services. Given that social dialogue can improve the ability of all parties concerned to make improvements based on common interests, and contribute positively to reaching compromises over divergent viewpoints, it should be the overall aim of PES employers and workers to institute effective social dialogue mechanisms to ensure that PES are well run, efficient, accountable and provide quality service.
- 4.2. Synonymous with respect for basic rights (cf. General considerations, paragraph B), elements of social dialogue should include the recognition of other parties, mutual respect and readiness to listen to others. These elements would ensure shared responsibility in implementing what has been agreed through social dialogue.
- 4.3. To ensure the respect for basic rights and the institution of social dialogue mechanisms, the following principles should be borne in mind when adopting policies and practices:
 - 4.3.1. the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), enshrine basic workers' rights to organize and bargain collectively, including those in public services. The extent to which these provisions are applied to the police shall be determined by national laws or regulations. Under these circumstances the relevant provisions of the Labour Relations (Public Service) Convention, 1978 (No. 151), and the Collective Bargaining Convention, 1981 (No. 154), should be applied.
 - 4.3.2. the process of collective bargaining should be on a voluntary basis between the interested parties.
- 4.4. Where possible, disputes should be resolved through negotiations. In the event of failure to do so, fair, effective and speedy dispute settlement procedures, including conciliation, mediation and arbitration as appropriate, or if these procedures are unsuccessful, a mutually agreed legal process. These processes should be made available to all PES workers, including those whose rights to strike are restricted. Existing procedures should be improved with the close involvement of all parties concerned at all stages of the process.

5. Coordination in public emergency services

- 5.1. Good coordination must be ensured among different branches of PES for effective service delivery, especially to realize the life-saving mission of PES. Effective coordination is best achieved by clearly defining the roles and responsibilities of each agency within a clearly established chain of command, authority and accountability structure. Elements of good coordination practices should include:
 - 5.1.1. Clearly defined parameters for each service, identifying specific duties in the provision of public safety. Each service plays an equally vital role and should be considered of equal value;

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- 5.1.2. coordination of services in a network of shared information and reliable communications, especially on crisis management and dangerous substances, at both national and international levels;
 - 5.1.3. delegation of authority within accepted and clear senior management guidelines and protocols;
 - 5.1.4. provision for continuous and joint training and drills involving personnel of different agencies concerned so as to identify weaknesses in the existing coordination mechanism and ensure its smooth functioning when an emergency actually strikes;
 - 5.1.5. provision of adequate funds for effective coordination to avoid competition for funds resulting from inter-agency “turf” battles.
- 5.2. Establishment of an international early warning system should be envisaged to better combat disasters that are international in scope.

Annex

1. The primary goal of the ILO today is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity. This requires policies consistent with the four strands of the ILO's Decent Work Agenda, namely the promotion of rights at work, employment, social protection and social dialogue.
2. To achieve these objectives, the Governing Body of the ILO is invited to request the Director-General to promote and follow up the *Guidelines on social dialogue in public emergency services in a changing environment* through appropriate technical advisory services and technical cooperation to enable effective application by governments, the social partners and other key policy-making bodies.