



## Scale of the problem

As outlined at the XVIII World Congress on Safety and Health at Work 2008<sup>1</sup>, there has been mounting pressure globally in workplaces to mark a new turning point and reinforce occupational safety and health, since work-related injuries and diseases have caused a staggering number of economic and human losses. The ILO estimates that more than 2.3 million people lose their lives due to occupational accidents and work-related diseases every year. At the same time, more than 337 million workers sustain injuries while over 160 million workers suffer from work-related diseases. Again in common with so many developing countries, Caribbean statistics on occupational safety and health (OSH) may be considered somewhat “hypothetical” in that many accidents never get reported and many occupational diseases are not recognized for what they are. Linked to inspection systems with insufficient capacity, coverage and equipment, it is clear that the true picture of OSH incidents may never be known.

On the economic front, such workplace calamities can translate into an average economic loss of nearly 4% of the global GDP. This means that large sums of money are paid out in the form of various kinds of compensation for injuries, work-absences due to work-related illnesses and medical treatment, as well as disability benefits and compensation to the bereaved families. The prevention of such unsustainable losses calls for a closer cooperation among relevant OSH stakeholders not only in the Caribbean but also around the world. Occupational safety and health still fails to get enough attention despite a wide range of efforts including OSH strategies, programmes and inspection activities in

parallel with the provision of education, training and information. Thus, it is required to raise political responsibilities and champions in order to make OSH policies a priority on national and international agendas.

For the Caribbean it is therefore vital at this time that the key points of the Seoul Declaration on Safety and Health at Work be re-enforced:

- The promotion of high levels of safety and health at work is the responsibility of society as a whole and all members of society must contribute to achieving this goal by ensuring that priority is given to occupational safety and health in national agendas and by building and maintaining a national preventative safety and health culture.
- 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.
- The continuous improvement of occupational safety and health should be promoted by a systems approach to the management of occupational safety and health, including the development of a national policy taking into consideration the principles in Part II of the ILO Occupational Safety and Health Convention, 1981 (No.155).

With regard to the scale of the OSH problem in the region, there will, of course, be considerable variations between:

- (i) countries in the region – centralized or decentralized administrations will

<sup>1</sup> Seoul Declaration on Safety and Health at Work – [www.safety2008korea.org](http://www.safety2008korea.org)

influence the kind of approaches, so does the overall economic development;

- (ii) economic sectors – with mining, construction, forestry, agriculture, and seafaring being particularly hazardous occupations;
- (iii) size of the enterprise – although it is difficult to monitor, it is generally found that small- and medium-sized enterprises (SMEs) have a much worse accident rate than that of large enterprises;
- (iv) vulnerable groups – certain groups of workers require special attention when considering OSH. For example, women and young workers are at particular risk of certain hazards in the workplace and this is often reflected in national regulations and is contained in several international labour standards; and
- (v) special cases – certain groups of workers (e.g. home-based workers, part-time workers, contract workers etc.) are particularly at risk as they are often excluded from any sort of OSH legislation. Such groups are often the most difficult to target to bring about real improvements in their working conditions.

In the past, statistics on workplace accidents and illnesses have often had little impact on decision-makers as accidents and ill health at work had too often been seen as a natural consequence of production. Some employers and policy-makers have questioned the need to change their approach to occupational safety and health, especially if there were many unemployed workers outside the factory gates willing to take on any form of employment. Such losses, whether counted in human or financial terms, were considered inevitable. But times have changed whereby employers, factory owners, workers and governments are increasingly recognizing that the social and economic costs of workplace accidents and diseases are unacceptably high and place a considerable burden on the competitiveness of the enterprise and the economic welfare of the country and which can be avoided. Compliance with international labour standards, national law and practice, and industry codes at the level of the enterprise is now seen as a fundamental pre-requisite for a successful modern company. Improving occupational safety and health is in the best interest of all stakeholders, and requires

consultation, co-operation and commitment from all concerned. Good safety and health management and practice are the main foundations of success of any business – it is something to which many companies aspire. There are no short cuts to improving safety and health in the workplace – it has to be seen as part of a total quality management (TQM) philosophy whereby “best health and safety practices are managed in” rather than relying solely on “inspecting defects out”.

Successful companies in the national and global arenas have unanimously recognized that workplace accidents and diseases cost money and that an effective system for managing safety and health, which involves workers in the process, will help to reduce costs, increase productivity and benefit workers and society as a whole. Effective OSH management at the national and enterprise level is an essential prerequisite in the attainment of *decent work* for all workers.<sup>2</sup> It is important to stress that tackling safety and health issues are to be an integral part of management, not an optional extra. Successful companies have long recognized that safety and health is a management responsibility of equal importance to production and quality. National and international standards emphasize that it is the duty of the employer to provide a safe and healthy working environment. Similarly many of the multinational corporations are now insisting through their Codes of Conduct and their approaches to corporate social responsibility (CSR), that OSH be considered as a priority. Poor publicity, with news of “sweat shop” production in third world countries and with sales falling as a result, has meant that the multinational corporations are now insisting that factories comply with core standards including OSH. For local factories it has often become a matter of complying with these core standards or lose the contract. However, for some owners and managers, any commitment to improving working conditions may be seen as an unnecessary cost – why spend the money when margins are so tight; when competition both nationally and internationally is fierce; when the owners are from overseas and unwilling to invest for the long-term; when national legislation is weak and is rarely enforced; and when the workforce has little awareness of safety and health issues?

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<sup>2</sup> “Only decent work for all - that is work that is carried out in conditions of freedom, equity, security and human dignity - can provide the social foundations for the global economy. This is the concept of decent work” Juan Somavia, Director General, ILO.

## Everyone has a role to play in improving OSH

In many countries in the region, with the growth and often continuing reliance of the private SME sector and the arrival of new production techniques and industries, the key stakeholders are seeking help in their quest for improved working conditions and greater productivity. Employers are seeking help in introducing low cost, effective OSH measures that improve productivity and gain them economic advantage over their competitors. Workers' organizations are seeking advice on how to protect their members from occupational accidents and diseases. Also governments, through their ministries responsible for OSH, are seeking assistance in how best to use their limited resources and capacity, - human, financial and technical - to ensure better governance. The need for consultation, co-operation and commitment on OSH issues from all the tripartite stakeholders is evident. Further, such consultation, co-operation and commitment are stressed in many international labour standards, above all the Occupational Safety and Health Convention, 1981 (No. 155) which two Caribbean countries have now ratified.

## Regulation and enforcement of OSH laws

Looking at the region as a whole, it has long been recognized that there is a need for coordinated national policies and programmes on OSH and of clear government commitments to placing priority on the safety and health of workers especially in a climate of slow economic growth. The pace of economic growth in the region has in many cases outstripped the ability of national governments to adequately provide for the safety and health of their workforce and large sectors in many countries lack statutory safety and health protection. This particularly applies to the large numbers of workers engaged under various contractual arrangements, to manufacture or process a variety of goods, or in home-based activities. In essence much of the OSH legislation in the region may be considered obsolete in that it fails to provide adequate coverage for all workers.

In many countries in the region, OSH Regulations are highly prescriptive and in many instances inconsistent.

This often makes it very difficult for enterprises to comply with the law, that is, employers need certainty as to the exact requirements of the standards and inspectors need specific standards against which to ensure compliance. Government labour inspectors who enforce the safety and health regulations often find them confusing. The confusion is often compounded when different government agencies are required to administer regulations with similar content such as with Ministries of Labour, Health and the Environment for example. Obviously, governments at the regional and national levels have a crucial role in setting and enforcing OSH standards. This is a primary role for governments in intervening to protect the welfare of their people. Sadly, many countries in the region still lack adequate occupational safety and health legislation at this time even though the CARICOM Model Law on Occupational Safety and Health in the Working Environment provides a good example of a model of best practice. However, once such legislation is developed, it has to be administered effectively by a cadre of trained and competent inspectors who are sufficient in numbers to provide coverage of all, but most importantly the highest risk workplaces in each country.

## The inspectorate system for OSH

The maintenance of a competent, independent and effective inspectorate to administer OSH laws is an essential component of any programme to enhance OSH. These administrative arrangements need to be appropriate to the scale and range of enterprises in each country. Generally, the administration of occupational safety and health laws is most effective where these responsibilities are allocated to a single government authority with jurisdiction extending across all industry sectors. This concentrates safety and health expertise in one agency and promotes consistency of approach, ensuring that standards and requirements are equitably applied to all workers regardless of the type of industry.

As for the inspectors, they must be both competent and independent. This is achieved by recruiting and training systems that focus on the knowledge and experience required for the specific inspections. In many countries in the region, economic growth has led to the development of an increasingly diverse range of industries and processes and the inspectorate must be resourced at a level that

provides adequate coverage of these industries. At the same time, it is important that the safety and health risks faced by workers in more traditional sectors such as agriculture, forestry, fishing and home-based activities are not neglected. This may require the recruitment and training of “specialist” inspectors in some countries. These would be inspectors with specific knowledge and skills in the hazards posed by particular industries or processes. A large pool of “generalist” inspectors might be appointed to cover the broad range of issues in the traditional sectors of the economies and SMEs. “Generalist” and “specialist” inspectors will have to work in close cooperation. To meet these requirements, these inspectors must be:

- (i) trained in all aspects of the law;
- (ii) independent of employers’/workers’ groups and their pressure;
- (iii) acting within the framework of the legislation and able to apply the law objectively and reasonably;
- (iv) knowledgeable about safety and health principles and standards relevant to the inspectors area(s) of responsibility;
- (v) sufficiently resourced to provide adequate coverage of the workforce;
- (vi) supported by technical staff who can provide expert advice to inspectors in carrying out their duties; and
- (vii) have access to/be trained in all the necessary monitoring and other equipment to assess workplace conditions.

## From enforcement to advisory services

Labour inspection was first formalized in the period of the industrial revolution in Europe in response to the need to ensure that the early laws on the physical protection of workers, particularly on matters of safety and health, and conditions of employment of women and children, were observed by employers. With the development of social legislation, labour inspection services in many countries were separated from the other social protection activities. At the same time, labour inspection activities and responsibilities have progressively increased. However, this broadening of activities and

responsibilities has not followed the same pattern in all parts of the world. In many less-industrialized countries, labour inspection services cover only industrial activities and exclude the informal, agricultural and tertiary sectors.

Labour inspectors' functions are normally listed as:

- to enforce the labour law and related regulations;
- to advise employers and workers on how to comply with the law; and
- to report to superiors on problems and defects not covered by the law.<sup>3</sup>

In some countries, inspectors may also perform other functions, including:

- promoting harmonious relations between employers and workers; and
- investigating, conciliating, and mediating disputes between employers and workers.

The main work of any labour inspector is to inspect factories and other workplaces. The basic purpose of any such routine inspection is to verify if the working conditions comply with the provisions of the law. The assumption is that the law gives the basic reference to safe and healthy working conditions which means that workers can do their jobs the whole day in those conditions without harming or damaging their health. Accordingly, the basic skills the inspector needs therefore are a thorough understanding of the national labour laws, and what it means in practice and how it can be applied to the working environment. For observing the working environment the inspector needs a framework or the classification of occupational hazards (this is often covered in a checklist). For convincing the employer to improve the working conditions, the inspector needs basic communication skills. If the working conditions do not comply with the laws, the inspector will give the necessary instructions to the employer, and after a follow-up inspection, and in cases where nothing has changed, may start legal proceedings as the employer is in breach of the provisions of the OSH law. In these types of inspections, the inspector is taking on the role of enforcer (because it focuses on enforcement). This sometimes provides a negative image of an inspector's work whereby the employers see only “barriers” to progress and productivity. From a worker's perspective, the inspector may also be seen

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<sup>3</sup> ILO Labour Inspection Convention, 1947 (No. 81), Article 3.

negatively as little appears to change after such an inspection. Although inspectors can offer advice to employers about any potential hazard, they can only enforce the law as it is - they cannot go beyond the limitations of the legislation.

Fortunately, there are many other roles for labour inspectors including that of an adviser or promoter of OSH. Over the past decades there has been a change in how companies approach OSH with the establishment of what are generally referred to as safety organizations at the enterprise level. Usually in larger companies, these OSH organizations include a safety and health officer, a safety and health representative and a joint safety and health committee with members drawn from both management and workers. The concept is simple - give the social partners the basic OSH information and let them make the necessary changes to improve the working environment. Many would question whether it is really necessary for a highly qualified labour inspector to be dealing with common sense issues such as basic housekeeping or storage of materials or the correct provision of welfare facilities. Many, if not all, the relevant ministries, have such limited capacity in both human and financial terms that skilled inspectors must be used more efficiently to target major OSH issues. Research has shown that informed employers and workers working together in a spirit of consultation, co-operation and commitment are more than capable of introducing new and/or corrective OSH measures that not only improve the working conditions (and thereby workers' safety and health) but also lead to greater productivity. In such cases, labour inspectors with the requisite knowledge can be called upon to give advice. However in most cases, such proactive enterprises can largely be assumed to be self-reliant.

Such safety promotional activities are undertaken systematically either by the labour inspectors or labour promotion officers. One part of this promotional work is directed towards supervision and guidance of safety organizations at workplaces. This is a relatively new role for labour inspectors, namely that of an adviser/ promoter of OSH. This twofold approach to OSH is covered in a number of international labour standards. . The rationale is that by providing employers and workers with the requisite information and skills to jointly resolve many of the OSH issues at the level of the enterprise, this allows more efficient use of labour

inspectors' expertise (and more importantly, his/her time) to tackle more complicated OSH issues and ensure compliance with national/international standards. This is sometimes referred to as a supervisory role for labour inspectors. The supervisory role of inspectors deals with so-called *advance inspections*. It concerns working methods, production methods and processes, and planning of factory buildings; equipment, tools and machinery; and use of chemical substances. The specified inspection methods and working procedures of the advance inspection, including necessary legal documents, standards and guidelines, have been developed and practiced in many industrialized countries. Checking the plans of a workplace is one example of the advance inspection which is in common use also in many developing countries.

The modern, balanced view therefore of the role of labour inspectors is that of advisers for employers and workers as well as enforcers of legislation.