

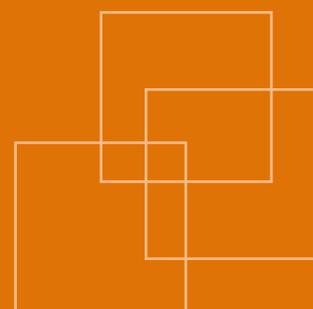


International
Labour
Office
Geneva



ILO Training Package on Development of a National Programme of Occupational Safety and Health

Module 1
The ILO's Strategic Approach to
Occupational Safety and Health



ILO Training Package on **Development of a National Programme of Occupational Safety and Health**

Module 1 **The ILO's Strategic Approach to Occupational Safety and Health**



Copyright © International Labour Organization 2012

First published 2012

Publications of the International Labour Office enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to ILO Publications (Rights and Permissions), International Labour Office, CH-1211 Geneva 22, Switzerland, or by email: pubdroit@ilo.org. The International Labour Office welcomes such applications.

Libraries, institutions and other users registered with reproduction rights organizations may make copies in accordance with the licences issued to them for this purpose. Visit www.ifrro.org to find the reproduction rights organization in your country.

ILO Training Package on Development of a National Programme of Occupational Safety and Health

ISBN: 978-92-2-126958-8 (print)
978-92-2-126959-5 (web pdf)
978-92-2-126960-1 (CD-ROM)

ILO Cataloguing in Publication Data

occupational safety / occupational health / national level

13.04.2

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

ILO publications and electronic products can be obtained through major booksellers or ILO local offices in many countries, or direct from ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland. Catalogues or lists of new publications are available free of charge from the above address, or by email: pubvente@ilo.org

Visit our website: www.ilo.org/publns

Design and printing by the International Training Centre of the ILO, Turin – Italy

“Work that respects human dignity is the essence of decent work, the mission of the ILO. Decent work must be safe work”

Juan Somavia – ILO Director General

What this Module is about

Module 1 addresses the need and rationale for the promotional framework on OSH, which is that of enhancing OSH governance by means of improved national OSH policies, systems, programmes and action plans.

Objectives

The aim of this module is to enable trainees to understand the ILO's strategic approach to national OSH development. At the end of the module the trainee will be able to:

- describe the ILO's key instruments and guidelines and the main concepts regarding national OSH governance;
- explain the benefits of developing a framework approach to dealing with OSH, as well as its advantages in comparison to the traditional approach;
- motivate the need for adoption of a National OSH Policy, as well as its purpose and content;
- identify the steps for the development of a National OSH Programme;
- describe the roles of the main stakeholders in national OSH development.



This training material was produced under the Swedish International Development Cooperation Agency (SIDA) funded project “Linking safety and health at work to sustainable economic development: from theory and platitudes to conviction and action“. The project promotes the improvement of occupational safety and health for all workers through the development of global products addressing the methodological and informational gaps in this field and through the mobilization of national stakeholders towards the implementation of practical measures at national, local and enterprise levels. The outputs of the project include training materials, practical tools and policy guidance to reinforce national and local capacities in occupational safety and health and to help constituents design and implement occupational safety and health policies and programmes.



Table of contents

1. INTRODUCTION TO THE ILO'S STRATEGIC APPROACH	1
1.1. ILO's strategic approach to OSH and its concepts.....	4
1.2. How are the different concepts related?	5
2. ILO STANDARDS AND GUIDELINES FOR OSH	7
2.1. ILO conventions and recommendations	7
2.2. ILO instruments on guiding policies for action in OSH	9
3. WHY A PROMOTIONAL FRAMEWORK ON OSH	12
3.1. A national preventive safety and health culture.....	12
3.2. The management systems approach	13
3.3 Advantages of the ILO's strategic approach	14
4. NATIONAL OSH POLICY	17
4.1 The elements of the National OSH Policy.....	18
5. PROCESS FOR THE DEVELOPMENT OF A NATIONAL OSH PROGRAMME	23
6. THE ROLE OF THE MAIN STAKEHOLDERS	26
6.1 The role of governments	26
6.2 The role of social partners	28
BIBLIOGRAPHY AND REFERENCES	30
Annex 1	
The International Labour Organization	32
Annex 2	
Convention 155 and Recommendation 164 of Occupational Safety and Health, 1981	34
Annex 3	
Convention 187 and Recommendation 197 on Promotional Framework for Occupational Safety and Health	49
Annex 4	
Instruments of the International Labour Organization relevant to the promotional framework for occupational safety and health	59





1. INTRODUCTION TO THE ILO'S STRATEGIC APPROACH

ILO estimates the worldwide fatality level of work-related injuries and diseases at about 2 million annually. The overall annual toll of occupational fatal and non-fatal accidents is estimated at 270 million, and some 160 million workers suffer from work-related diseases.

At national level, even if the data are not very accurate, it is clear that in many countries the problem requires more decisive action from the public authorities. From a historical perspective, countries have been making decisions with a view to addressing this problem through different political interventions. In general, adoption of the decisions has been influenced by the emerging social and public concerns at national level and, especially in recent years, by the international and supranational bodies.

Over many years (and unfortunately this is still the case in some countries), societies have interpreted occupational deaths, injuries and diseases as part of “industrial progress”, in consequence devoting very little attention to the prevention of occupational deaths, injuries and diseases. However, following occupational accidents and diseases, injured workers and their families were in a situation of need for which the public authorities were obliged to provide compensation. Some common law doctrines¹ provided employers with a defence that gave the injured worker little chance of receiving compensation: namely, the employer was not liable for injury to an employee

- which resulted from the negligence of a fellow employee (fellow servant rule);
- if the employee was injured due to his own negligence (contributory negligence);
- given that the employee took the job with full knowledge of the risks and hazards involved (assumption of risk).

The State promulgated **workers' compensation laws** making employers financially liable for damages whenever a worker was injured. Public and private insurance company schemes financed from employers' contributions were created to provide compensation and cover medical costs. However, the insurance and compensation covering occupational accidents and diseases did not create an incentive for preventing such occurrences, and further action was required from public authorities.

¹ Accident prevention manual for business and industry, 10th edition, National Safety Council, 1992.



Occupational accidents and diseases take place in the workplace, and it is there that these occurrences should be prevented. However most enterprises failed to take voluntary action for different reasons: lack of awareness, lack of knowledge, lack of incentives, and so forth. On the other hand, positive experience has progressively shown that any hazard can be overcome by preventive and protective measures, and consequently public authorities have started developing **OSH regulations** with the aim of preventing occupational accidents. These regulations have created a system of rights and duties for workers and employers, placing the main responsibility on the employer. These regulations were mainly focused on identifying the most prevalent hazards and on prescribing protective measures (personal protective equipment in many cases) that the employer should implement. These regulations initially focused predominantly on safety hazards in the manufacturing sector and have been progressively extended to other types of hazard, and moreover extended to all workers irrespective of the sector of activity. However, there are still many countries with a restrictive attitude both to the hazards and to the workers covered by the OSH regulations.

A system of **inspection** for monitoring, advising on and enforcing the implementation of OSH regulations was necessary. Countries have created factory or labour inspectorates with special supervisory and injunction powers, and with the help of a sanctions system). This traditional regulation-inspection-sanction approach is quite common in many countries for addressing general OSH and labour issues. These functions are necessary and a prerequisite for progress in OSH. However, experience in different countries also made clear that this approach is not enough to provide the necessary incentives and resources needed to resolve the problems associated with prevention of occupational accidents and diseases.

Workers' unions in many countries sought to play a role in OSH management at enterprise level. Although OSH management is a responsibility of the employer, workers are the main "user" of the OSH conditions in the enterprise, and are entitled to know, participate in and be consulted on decisions made with regard to these OSH conditions. In many countries public authorities have created a legal obligation for enterprises to develop systems of **workers' participation in OSH**, mainly through joint OSH committees in large and medium-size enterprises and through OSH union delegates in small-scale enterprises. OSH management at enterprise level can be stimulated by workers' representation systems in different ways:

- they can collaborate in identifying hazards and in making proposals for control measures (which it is especially important in small enterprises);
- they can also collaborate in facilitating the understanding of the workers and securing their collaboration; and
- they can also be the first front line (and the main interested party) in identifying and voluntarily reporting non-compliance with OSH regulations.

In many countries the main reason for poor compliance with OSH regulations is lack of information and knowledge. Frequently OSH regulations do not provide enough information for enterprises, employers and workers on how to address the



whole range of OSH problems: regulations say what but not how. Public authorities have come to realize that the provision of **information, awareness-raising activities, and technical assistance** are also necessary prerequisites and have addressed these shortages with a range of complementary strategies: developing national OSH institutes to provide information, stimulating partners in this function, increasing the advisory role of the inspectors, and others.

However, these strategies are not enough to cover all the daily needs for knowledge and know-how in all enterprises. This is why in some countries public authorities have created a legal obligation for enterprises (according to the number of workers and level of risks) to hire the permanent or short-term **services of persons with specialized expertise in OSH**, to support enterprises in their OSH duties. Public authorities also created a system of training and accreditation to guarantee the quality of these specialists in OSH.

It is evident that performing some of the functions indicated above (inspectors, OSH specialists, OSH workers' representatives, workers, etc.) may require specialized skills and know-how. This may require a range of **training** provision. To ensure enough capacity in the country, public authorities can build up the capacity of public institutions or stimulate the private sector to provide the required training in terms of quality and numbers in accordance with the need of the country.

In addition to the traditional means of ensuring good OSH conditions, some public authorities are increasingly developing new initiatives, programmes and incentives for enterprises to **promote voluntary action** in the enterprises. These initiatives include implementation of voluntary OSH management systems, economic incentives schemes (reduction of insurance premiums for a reduced level of occupational accidents and diseases), recognition schemes and prizes, and so on.

There are also some **initiatives at strategic level** that public authorities can adopt to prevent accidents and diseases, such as prohibition systems (prohibition of use and commercialization of particularly dangerous substances and processes) or certification systems (certification of the safety and health of certain machinery or processes periodically or prior to their use).

Public authorities realized that, in order to make adequate decisions on which sectors or hazards should be targeted for national regulations and action, it is necessary to obtain feedback on what is happening in the country on OSH. This means having in place a system for gathering and analyzing information, and for research. A **system of recording and notification of occupational accidents and diseases** should be in place. **Research capacity** is also necessary to identify emerging hazardous substances and processes, as well as new preventive techniques for addressing them, the associated health risks, and so forth.



1.1. ILO's strategic approach to OSH and its concepts

“Occupational accidents and diseases cause great human suffering and loss. The economic cost is high. Yet public awareness of occupational safety and health tends to be low. All too frequently it does not get the priority it merits. This must change and action needs to be stimulated and accelerated nationally and internationally”².

Efforts to tackle OSH problems, whether at international or national levels, are often dispersed and fragmented and as a result do not have the level of coherence necessary to produce effective impact. There is thus a need to give higher priority to OSH at international, national and enterprise levels, and to engage all social partners in initiating and sustaining mechanisms to promote continued improvement in national OSH systems.

The formulation of national OSH programmes, which has been promoted by the ILO in recent years, is an effective way of consolidating national tripartite efforts to improve national OSH systems. National OSH programmes should cover key aspects such as national policy; high-level commitment and vision that are publicly expressed and documented; national strategy including the development of a national OSH profile; targets, indicators, responsibilities and resources; and government leadership. This is basically what the ILO strategic approach to OSH provides.

There are some relevant concepts in the ILO strategic approach to OSH and it is important to define and differentiate them:

National OSH Policy: a national OSH policy is a specific, deliberate course of action adopted by a government (in consultation with the social partners) to fulfill its mandate for the prevention of occupational accidents and diseases. Normally it takes the form of a written statement and at least includes its commitment to the prevention of occupational accidents and diseases; the main principles guiding national action on OSH; the spheres of action on OSH; and the functions and responsibilities of the main stakeholders.

National OSH System: this is the infrastructure which provides the main (legal and institutional) framework for implementing the national policy and national programmes on OSH³.

National OSH Profile: this is a diagnostic document which summarizes the existing OSH situation, including national data on occupational accidents and diseases, high-risk industries and occupations, and a description of the national OSH system and its current capacity.



² Global strategy on Occupational Safety and Health. Conclusions adopted by the International Labour Conference at his 91st Session, 2003.

³ Convention 187 on Promotional Framework for Occupational Safety and Health

National OSH Programme: this is the national programme that includes priorities, objectives and targets for improving occupational safety and health within a predetermined timeframe, and indicators to assess progress⁴.

The concepts mentioned are used in the ILO international labour standards and associated literature. However, there are other ways of formulating or defining the same or similar concepts in different countries. For example, some countries denote the National OSH Programme as “Strategy”, “Strategic plan”, or “Plan of action”.

1.2. How are the different concepts related?

The following graphic shows the relationship among the different concepts.

The national OSH policy defines the main goal of the country on OSH, its extent and its beneficiaries, indicating the direction of national efforts. It also defines the functions (regulation, inspection, promotion and support, training, etc.), and responsibilities that should be in place in order to reach this goal, as well as the principles that will be the framework for guiding the way things should be done.

The national OSH system is the infrastructure and the resources available in the country to address OSH: the legal and institutional framework for the main functions identified by the policy, their mandate (who is in charge of what), their capacity (whether the deployed resources are sufficient to fulfil the function) and their performance (to what extent the institutional objectives are achieved). It covers not only public institutions but also private actors and resources addressing OSH.

The current situation in respect of occupational accidents and diseases is the last indicator of how well the national system is performing with regard to the ultimate goal of the policy: prevention of occupational accidents and diseases. It also provides information on which hazards and sectors of activity should be prioritized and targeted, and provides a very useful indicator as a baseline for measuring future performance.

The National OSH Profile is a “picture” of the National OSH situation at one moment in time. After collection and analysis of the information, it provides the basis for a diagnosis of the strengths and weak points and for selecting priorities for intervention. The profile is one instrumental step in the development of a national OSH Programme, and also has the purpose of being a reference for assessing and comparing the progress, performance and impact of the National OSH Programme.

⁴ Ibidem.



The National OSH Programme takes into account the analysis, conclusions and the results of the Profile to determine priorities for action (particularly relevant areas) and the goals to be reached within an agreed timeframe. The associated activities and actions to achieve the goals should then be formulated, including the expected results, resources, responsibilities and timeframes. After the Programme has been approved, the effectiveness of its implementation should be monitored and evaluated.

The Review should identify the impact of the Programme in terms of achievement of the goals, in terms both of reduction of occupational accidents and diseases and of strengthening the National OSH System. However, it also provides important feedback on the adequacy of the priorities and goals, the effectiveness and efficiency of the designed interventions, the resources allocated, and so forth, which are all very relevant to continuous improvement during the subsequent cycle.



2. ILO STANDARDS AND GUIDELINES FOR OSH

International labour standards⁵ are legal instruments drawn up by the ILO's constituents (governments, employers and workers) at the ILO's Annual International Labour Conference which sets out basic principles and rights at work. What benefits do they provide today?

- A path to decent work.
- An international legal framework for fair and stable globalization.
- A level playing field.
- A means of improving economic performance.
- A safety net in times of economic crisis.
- A strategy for reducing poverty.
- The sum of international experience and knowledge.
- They are articulated either as Conventions or as Recommendations.

2.1. ILO conventions and recommendations

Conventions are comparable to multilateral international treaties: they are open to ratification by Member States and, once ratified, create specific, binding obligations. A State that has ratified a Convention is expected to apply its provisions through legislation or other appropriate means as indicated in the text of the Convention.

Recommendations serve as non-binding guidelines for action by Member States.

In many cases a Convention lays down the basic principles to be implemented by ratifying States, while a related Recommendation supplements the Convention by providing more detailed guidelines on how it can be applied. Recommendations can also be autonomous, that is not linked to any Convention.

There are also **Protocols** which are separate treaties that supplement an ILO Convention. A Protocol is open to separate ratification by Member States which have also ratified, or are ratifying, the Convention to which the Protocol relates.

The protection of workers against sickness, disease and injury related to their work environment, as embodied in the Preamble to the Constitution of the ILO, has been a central issue for the ILO since 1919 when three of six Recommendations

⁵ The texts of ILO Conventions are available online in Arabic, Chinese, English, French, German, Russian, Portuguese and Spanish at <http://www.ilo.org/ilolex/english/convdisp1.htm>



directly related to OSH were adopted by the International Labour Conference. Of 188 (by 2011), about 70 ILO Conventions⁶ address OSH matters. OSH standards broadly fall into three categories:

- Guiding policies for action
- Protection in given branches of economic activity, for example the construction industry, commerce and offices, and dock work.
- Measures of protection against specific risks, for example ionizing radiation, benzene, asbestos; guarding of machinery; maximum weight of loads to be transported by a single worker; prevention of occupational accidents on board ship; prevention of occupational cancer; prevention of air pollution, noise and vibration in the working environment.

International labour standards are backed up by a supervisory system that is unique at international level and helps to ensure that countries implement the Conventions they ratify. The ILO regularly examines the application of standards in Member States and highlights areas where they could be better applied. If there are problems in the application of standards, the ILO seeks to assist countries through social dialogue and technical assistance.

ILO also produces Codes of Practice⁷, guides and manuals to supplement OSH Conventions and Recommendations that are developed through the tripartite system of the ILO. These documents are neither legally binding instruments nor substitutes for existing national legislation or regulations; rather they provide governments, employers, workers, enterprises and specialized OSH protection bodies with practical guidance on safety and health. Governments can also use ILO guides if they have not developed their own. Codes of Practice provide guidance on:

- safety and health at work in certain economic sectors (e.g. construction, opencast mines, coal mines, iron and steel industries, non-ferrous metals industries, agriculture, shipbuilding and ship repairing, forestry);
- protecting workers against certain hazards (e.g. radiation, lasers, visual display units, chemicals, asbestos, airborne substances); *and*
- certain safety and health measures (e.g. occupational safety and health management systems; ethical guidelines for workers' health surveillance; recording and notification of occupational accidents and diseases; protection of workers' personal data; safety, health and working conditions in the transfer of technology to developing countries).



⁶ <http://www.ilo.org/safework/normative/conventions/lang--en/index.htm>

⁷ ILO Codes of Practice: <http://www.ilo.org/safework/normative/codes/lang--en/index.htm>

2.2. ILO instruments on guiding policies for action in OSH

ILO has always been strongly committed to developing preventive strategies on occupational safety and health (OSH), and it is well placed to do so. Its unique tripartite structure enables government, employer and worker representatives to meet internationally on equal terms. The protection of workers against sickness, disease and injury related to their work environment, as embodied in the Preamble to the Constitution⁸ of the ILO, has been a central issue for the ILO since 1919 when three of six Recommendations directly related to OSH were adopted by the International Labour Conference.

The promotion of a national action on OSH emerged in an ILO Resolution adopted in 1975 which called for the development of OSH policies at national and enterprise levels that would define the terms of involvement of the employer and of the participation of workers.

ILO Convention on Occupational Safety and Health No. 155 and its Recommendation No. 164, adopted in 1981, were very important milestones for promoting a strategic approach to National OSH. They provide for the adoption of a coherent national OSH policy⁹, as well as action to be taken by governments and within enterprises to promote OSH and improve working conditions. The Convention and its Recommendation profoundly change the approach of the OSH Conventions away from a trend of prescribing protective measures against identified hazards in favour of more policy-oriented and preventive instruments¹⁰. They also include statements promoting the following principles:

- focus on **prevention** aimed at eliminating and minimizing the causes of hazards inherent in the working environment
- **participation of social partners** and other key stakeholders at national and enterprise levels
- **continuous improvement**, focusing on a review of the OSH situation and policy with a view to evaluating results, identifying problems and methods of dealing with them, and setting priorities for action
- **co-ordination** between various authorities and bodies for implementation of a National OSH policy.

These instruments covered the **main functions** of the national OSH system, extending the focus from the traditional emphasis on the regulation-inspection-sanction approach to national OSH governance to a broader, promotional approach

⁸ Constitution of the International Labour Organization and Declaration of Philadelphia: <http://www.ilo.org/ilolex/english/iloconst.htm>

⁹ See Art.4 of the Occupational Safety and Health Convention, 1981 (No. 155).

¹⁰ With the exception of the instruments relating to asbestos and construction, all OSH Conventions adopted after Convention No. 155 include a provision calling for a national policy on the subject matter they regulate.



that incorporates the functions of information, dissemination, technical support, research, collection and analysis of feedback, and so on.

The Protocol of 2002 to the Occupational Safety and Health Convention, 1981 (No.155) calls for the establishment and periodic review of requirements and procedures for recording and notification of occupational accidents and diseases, and for publication of related annual statistics. The availability of this information is very important for the strategic planning and management of OSH: it permits defining of priority sectors and hazards for action, and setting of baselines with which future performance can be compared.

This Occupational Health Services Convention, 1985 (No. 161) provides for the establishment of enterprise-level occupational health services entrusted with essentially preventive functions and responsibilities for advising the employer, the workers and their representatives in an enterprise on maintaining a safe and healthy working environment.

Then, in 2006 the Promotional Framework for Occupational Safety and Health Convention No. 187¹¹ was adopted. This was in line with the ILO Global Strategy on Occupational Safety and Health adopted in 2003. C187 aims at promoting a preventative OSH culture and progressively achieving a safe and healthy working environment. This Convention and its Recommendation (No.197) focuses on the progress that countries are already making, and urges them to make further efforts and improvements, no matter what point they have reached. In particular it aims at establishing a **National Framework** for continuous OSH improvement, which should include:

- a national policy in accordance with the principles of Article 4 of the Occupational Safety and Health Convention, 155;
- a proper national OSH System which provides the infrastructure for implementing national policy and programmes on OSH including OSH laws and legislation; a national tripartite advisory body on OSH; and appropriate authorities, bodies and compliance mechanisms including systems of inspection, an OSH training/information network, arrangements at the level of the undertaking, and so on;
- a strategic and time-bound National OSH Programme endorsed by the highest national authority and aimed at continuously improving OSH performance;
- a National OSH Profile, the most important tool for developing the National OSH Programme and which should include a summary of the OSH situation, the current status of the system and benchmarks for reviewing progress in national OSH performance.



¹¹ For the full text of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No.187) see Annex II.

The national systems and programmes shall be developed taking into account the principles set out in relevant ILO instruments¹². This Convention (No. 187) and its Recommendation (No. 197) were the first to apply a **new integrated approach** to ILO standards-related activities so as to increase their coherence, relevance and impact. This approach is focused on the development and adoption of methods and tools rather than on the elaboration of details and defined prescriptions. In essence, this approach aims at developing a consensus among the tripartite constituents of the ILO on a plan of action on OSH. These instruments provide flexibility because the approach could suit all countries, regardless of

- their level of development on OSH;
- their level of development of scientific knowledge;
- their level of resources;
- their particular priorities or prevalent risks or sectors of activity.

In its function as an overarching instrument with a promotional rather than prescriptive content, it would also contribute to increasing the impact of existing up-to-date OSH instruments¹³ and to continuous improvement of national OSH systems.

¹² A list of relevant instruments is contained in the Annex to the Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197).

¹³ See Annex III for the list of the main Conventions and Recommendation related to occupational safety and health.



3. WHY A PROMOTIONAL FRAMEWORK ON OSH

The International Labour Conference (ILC) at its 91st Session (2003) held a general discussion on an integrated approach to OSH management, resulting in the adoption of the Global Strategy on Occupational Safety and Health¹⁴.

The Strategy highlights National OSH Programmes as the means of placing OSH high on national agendas and as a framework for a systematic approach to continuous improvements in OSH performance and National OSH Systems. This strategy also highlights the importance of engaging stakeholders; planning and implementation can be effective only if an integrated approach is taken, with due involvement of all the various interested parties.

The fundamental pillars of a global OSH strategy are:

- the building-up and maintenance of a national preventive safety and health culture;
- the introduction of a systems approach to OSH management at national level.

These concepts, originally applied successfully at enterprise level, have been adopted as guidelines on how to handle OSH at national level and are reflected in the increasing number of formally-adopted national OSH programmes.

3.1. A national preventive safety and health culture

The concept of “safety culture”¹⁵ came into international usage following a report by the International Atomic Energy Agency (IAEA) in 1991 following the Chernobyl accident. The concept highlights the need for preventative approaches to OSH and to human and behavioural aspects of effective OSH management. A positive safety culture involves:

- strong leadership and a fundamental commitment to the “safety ethic”, *and*
- communication and consultation with the whole workforce and their active participation in preventing accidents and ill-health at work.



¹⁴ Global Strategy on Occupational Safety and Health, ILO 2004.

¹⁵ Other variants as “prevention culture”, “OSH culture”, “culture of risk prevention”, etc. have all been used in many countries.

ILO has advocated a more generalized application of this notion away from an enterprise context towards society at large¹⁶. The concept used for this application at national level is termed “national preventative safety and health culture”.

National preventive safety and health culture

This refers to a culture in which:

- the right to a safe and healthy working environment is respected at all levels;
- government, employers and workers actively participate in securing a safe and healthy working environment through a system of defined rights, responsibilities and duties; and
- the principle of prevention is accorded highest priority.

Building and maintaining a preventive safety and health culture is a dynamic and progressive process that evolves over time. It requires making use of all available means of increasing general awareness, knowledge and understanding of the concepts of hazards and risks and how they may be prevented or controlled.

3.2. The management systems approach¹⁷

This approach has been built on the systems approach to OSH management at enterprise level developed in the ILO *Guidelines on occupational safety and health management systems*¹⁸. It is based on the concept of continuous improvement of performance through the application of the PDCA cycle (“**Plan-Do-Check-Act**”). The Guidelines include five sections, namely Policy, Organizing, Planning and Implementation, Evaluation, and Action for Improvement, as explained below:

- “Policy” is the basis of the OSH policy management system and sets the direction for the organization to follow.
- “Organizing” provides guidance on management structures and the allocation of responsibility and accountability for delivering the policy.
- “Planning and Implementation” gives guidance on initial review, system planning, development and implementation, OSH objectives and risk control.
- “Evaluation” describes how to monitor and measure performance and carry out audits and reviews, identifying areas for improvement.
- “Action for improvement” addresses arrangements for taking preventive and corrective action.

¹⁶ For instance, the theme of the World Day for Safety and Health at Work in April 2003 was “Safety Culture at Work.”

¹⁷ Promotional framework for occupational safety and health, Report IV (1) the International Labour Conference, 95th Session, 2006.

¹⁸ ILO Guidelines on occupational safety and health management systems (ILO OSH 2001), ILO Geneva, 2001.



Based on the above, the main steps in developing such a management system approach at national level include the following:

- First, *national OSH policy* should be formulated in consultation with representative organizations of employers and workers, as laid down in the Occupational Safety and Health Convention, 1981 (No. 155).
- Second, a *national OSH system* should be developed which sets out the infrastructure for implementing the policy.
- Third, a *national OSH programme* should be developed, based on an analysis of the OSH situation and OSH system, which preferably should be summarized as a *national OSH profile* and implemented over a specific period of time.
- Fourth, following its implementation the OSH programme should be evaluated and reviewed to measure its outcomes and impact.
- Fifth and finally, based on the outcomes and the identified OSH situation, corrective actions and a new OSH programme should be adopted.

Comparison of the main elements of a management systems approach to OSH at the enterprise and national levels

Enterprise level	National level
Setting OSH policy within the enterprise.	Setting national OSH policy.
Establishing an organization and responsibilities within the enterprise.	Establishing and progressively developing a national OSH system.
Planning and implementing the elements of an OSH management system.	Formulating and implementing national OSH Programmes.
Evaluating and reviewing performance within the enterprise.	Reviewing national OSH programmes.
Taking action for continuous improvement.	Formulating new national OSH programmes for continuous improvement.

3.3 Advantages of the ILO's strategic approach

The traditional approach to the national administration of OSH was based on policy definitions relating to the assignment of responsibilities and functions to different institutions and the creation of a legal framework of rights and duties at the level of undertakings. Institutions would decide how they would fulfill their function. Sometimes there is no clear definition of responsibilities at national level and different Ministries (Labour, Health, Social Security, sectoral ministries, etc.) interpret their general mandate so as to formulate their institutional functions.



Frequently the planning of activities is elaborated at institutional level without any coordination or even communication with other involved institutions. In general terms, this approach:

- is more focused on reacting to occupational injuries instead of promoting preventive measures;
- is more focused on institutional rather than national planning and delivery;
- does not promote coordination between institutions;
- takes less advantage of the potential synergies of joint actions;
- can present problems of distribution of institutional responsibilities, with frequent overlap of the functions delivered by more than one institution, or areas not being covered at all;
- is focused more on activities than on impact;
- is mainly focused on the “legislative solutions” to the problems;
- is focused more on the exclusive fulfillment of the institutional functions than on creating new strategies for addressing emerging problems;
- frequently reveals a lack of correspondence between the responsibilities assigned and the resources allocated;
- has poor or non-existent evaluation systems.

The new ILO strategic approach aims to address most of these problems. The main advantages of the proposed approach are:

- **Increased concrete commitment and visibility.** There is general agreement that the protection of workers is of great importance and that OSH is a priority issue, but it is a fact that in many countries OSH has not in practice been given sufficient attention. Commitment to a National OSH Programme document with measurable, time-bound and budgeted goals creates concrete and practical obligations for government and stakeholders.
- **Promotion of inter-institutional coordination and communication.** Stronger coordination of institutional actors by means of common goals, mutually accepted procedural standards and joint working programmes brings about more efficient usage of resources or clearly superior results. There is a general improvement in communication and cooperation between the OSH actors within the framework of the formulation and implementation process.
- **Efficiency: focus on the priorities.** Frequently, there are not enough resources to address all the needs at the same time. This is why priorities should be set, so as to address the most urgent or those where institutional efforts will produce better results in the first instance. This focus on priorities will result in a more efficient use of resources.
- **From focus on actions to focus on impact.** When planning, monitoring and evaluating their efforts, many government institutions (and non-government institutions) are still more focused on the number of activities they perform than on their effects or the impact that they achieve thereby. The new approach subordinates activities to achievement of planned objectives, the activities



being useful primarily to the extent that they are functional in achieving the goals.

- **A re-thinking of the efficiency and effectiveness of the way in which institutions operate.** Further to the above, it is important to have feedback on how successfully an institution operates. It is necessary to know whether, through the activities that it performs, it achieves its goals or not, and whether it needs to modify its activities in consequence. The evaluation and review mechanisms of the management system approach will allow the making of informed decisions on the activities to be performed.
- **Facilitation of measurement of progress and success.** It is difficult to know whether we are going in the right direction without measuring the success of our initiatives. The National OSH Profile, drawn up with a view to formulating a National OSH Programme, also has the aim of being a reference so as to be able to measure progress in the improvement of the OSH situation and the OSH system. For example:

Revitalizing Health and Safety (RHS) Strategy Statement², Great Britain

The RHS Strategy Statement was adopted in June 2000 and set out how the Government of the Kingdom and Health and Safety Commission (HSC) work together to revitalise health and safety. The aim of RHS was to reduce the impact of health and safety failures by 30% over ten years. It contains the first ever targets for Great Britain's health and safety system:

- reduce the number of working days lost per 100,000 workers from work-related injury and ill health **by 30% by 2010.**
- reduce the incidence of fatal and major injury accidents **by 10% by 2010.**
- reduce the incidence of cases of work-related ill health **by 20% by 2010.**

Progress in Health and Safety outcomes since 2000³

- Based on self-reporting of working days lost due to work-related illness and injury, there has been a statistically significant reduction of 30% in the days lost per worker between 2000/02 and 2009/10.
- The change in the major injury rate between 1999/00 and 2009/10 is estimated to be a reduction of 22%. The smoothed rate of fatal injury to workers has fallen by 38% between 1999/2000 and 2009/10. The reported incidence of over-3-day injuries to employees in 2010 is 33% below the 1999/2000 level.
- Based on self-reporting, there has been a statistically significant reduction of 15% in the overall incidence of illness between 2001/02 and 2009/10.

- **Better demonstration of the social usefulness of government services.** Measurability of policy effects is also desirable. Some public services are criticized for their lack of contribution to the social and economic progress of the country concerned. Increasingly they are asked to demonstrate how useful, effective and efficient they are, especially when (as is frequently the case with the authorities in charge of OSH) they are asking for budget increases. The evaluation and review mechanisms of the management system approach allow public authorities the possibility of demonstrating their social and economic usefulness.



4. NATIONAL OSH POLICY

A fundamental basis for national OSH programmes and systems is the national OSH policy and the government's commitment to implementing it.

According to the ILO, each Member shall, in the light of national conditions and practice, and in consultation with the most representative organisations of employers and workers, formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment.¹⁹

“Policy” is commonly defined as a specific, deliberate course of action adopted by a government or public body to help fulfil its mandate. Any policy must be anchored in, and derive its authority from, formal legal powers and obligations and is thus an important instrument for decision-making processes.

Frequently there exists no single written document explicitly nominated as national policy on OSH; instead, statements are included in a number of different documents (National Labour Policy, National Health Policy, foreword of the main OSH Act, etc.). In other cases there are no written references to the National OSH Policy and, even if a deliberate course of action has been set out by a government, it has to be interpreted from its initiatives and actions on OSH.

Some problems can emerge if there is no deliberate course of action by public authorities in this area, or if there is a lack of correspondence and consistency between what is set out in the policy statement and actual practice. There can also be a major problem when the goals and principles of different institutional policies are not consistent with a common view or a single national OSH policy.

The development and implementation of national OSH policy is the responsibility of governments in tripartite collaboration with employers' and workers' organizations. The need is for a specific written document which provides:

- clear direction as to the government's mandate;
- greater openness and transparency regarding the way in which the government undertakes its functions;
- some assurance that public authorities are being held accountable for their work;
- a basis for operational plans.

¹⁹ See Art.4 of the Occupational Safety and Health Convention, 1981 (No. 155).



The development of national policy on OSH is then influenced by several factors, in particular:

- supranational agreements and international conventions²⁰.
- national legislation on labour and employment, health and social protection issues;
- tripartite national agreements;

As the wider labour policy context and priorities will vary significantly from one country to another, there will also be marked differences between individual national policies. Different organizational structures and levels of resources will also be major factors in setting priorities within policies. However, there is a minimum level of common ground in the principles and objectives of the policy framework and in practice similar ground may be covered despite differences in organization, resources and so forth.

In drafting the policy the social partners must be **consulted** to ensure that there is broad tripartite agreement at national level. Once drafted (usually by a government unit), the new policy should be presented to a national tripartite meeting, to be discussed, refined and **adopted**. Other concerned parties may also be consulted as appropriate. Once adopted, it should be given the strongest **political support** and be widely **disseminated** among all duty-holders and other key stakeholders.

4.1 The elements of the National OSH Policy

When there is a specific policy statement on occupational safety and health, the most common elements are:

- Commitment of public authorities
- Aim and purposes of the policy
- Principles guiding action on OSH
- Main spheres of action for OSH
- Workers covered by the policy
- Types of action and infrastructures
- Assignment of functions and responsibilities of the main stakeholders

The most important features of the international consensus in respect of the aforementioned items are set out below:



²⁰ The policy in the field of health and safety at work is aligned with: the Lisbon Strategy (...); with the European Community Strategy 2007-2012 on Safety and Health at Work (...) and the International Labour Organization Global Strategy on Occupational Safety and Health (...). Strategy from Safety and Health at Work 2008-2012. Bulgaria, 2008.

The commitment of public authorities

An explicit statement on the responsibility and will of the government authorities on OSH is usually the basis for the rest of the policy elements.

(...) Government is committed to regulate all economic activities for management of safety and health risks at workplaces and to provide measures so as to ensure safe and healthy working conditions for every working man and woman in the nation. *India*

Occupational Health and Safety Accord, South Africa⁴

"We, the social partners - Government, Organised Labour and Organised Business declare that together in partnership, we will strive to realise the following ideals:

- * A healthy and safe working environment
- * The development of best practices in occupational health and safety
- * Elimination of incidents and fatalities in the workplace.

We embrace the principles enshrined in ILO convention 155 and ILO convention 176.

We commit ourselves to:

- * Uphold the occupational health and safety principles as enshrined in the Bill of Rights
- * Integrate occupational health and safety into all business processes and strategies
- * Make occupational health and safety a way of life
- * Promote occupational health and safety awareness
- * Develop an enabling occupational health and safety legislation, regulations and directives
- * Improve the tripartite relationship to the benefit of all in our country.
- * Abide by the requirement of occupational health and safety legislation
- * Train workers and managers on safety working practices
- * Build and effective and efficient occupational health and safety institutional framework.

We commit ourselves further to working together constructively, in occupational health and safety.

Aim and purposes of the policy

In line with the ILO Occupational Safety and Health Convention (no.155)²¹, the aim of the policy shall be the **prevention** of occupational accidents and diseases and control of workplace hazards, as well as the development of a working environment and of work conducive to workers' health.

²¹ Art.4 of the Occupational Safety and Health Convention, 1981 (No. 155).



“The objective of the national policy is to create a general framework for the improvement of working conditions and working environment”²².

Estonia

“The basic objective of the labour protection policy is a safe and healthy work environment, which would promote job retention, the improvement of the economic condition of the State and undertakings and the increase of the welfare level of the whole public.”²³ *Latvia*

“The National Policy on Safety and Health at Work aims at promoting health and improving quality of life of workers and preventing accidents and injury to health arising from, related to work or occurring in the course of it, through the elimination or reduction of risks in the work environment.”²⁴ *Brazil*.

Principles guiding for action on OSH (at both national and enterprise levels)

Some of the basic principles on which there is a growing international consensus and that could be included in the National OSH Policy, such as:

- prevention (as the preferred main approach to OSH practices *vis-à-vis* cure, rehabilitation and compensation)
- assessing occupational risks or hazards and controlling them at source;
- developing a national preventative safety and health culture that includes information, consultation and training, etc.
- tripartite consultation at national level²⁵ and bipartite consultation at enterprise level.

The point of departure of the working conditions policy is to prevent risks arising in the first place, preferably by tackling the actual source of the problem. Only if the risk cannot be eliminated at source may the employer consider other preventive solutions, such as providing all workers with personal means of protection and making it compulsory to use them. *The Netherlands*

Principios de la Política. Participación; Universalidad; Integración; Equidad e Igualdad; La no discriminación; Trabajo Decente. *El Salvador*



²² National Policy on working environment, Estonia, 2003.

²³ Strategy for the Development of the Labour Protection Field. Latvia 2008-2013

²⁴ Política Nacional de Segurança e Saúde no Trabalho. Brazil, 2011

²⁵ And at regional, municipal, or sectoral level, when appropriate.

Main spheres of action for OSH

The range of topics that OSH may cover include, for example, material conditions, work content and organisation, working environment and other working conditions, and their adaptation to the workers' attributes and capacities.

Workers covered

OSH should be provided for all workers irrespective of:

- size of enterprise or company,
- type of employment (salaried worker or self-employed),
- economic sector (industry, public sector, services, agriculture and so on).

It should be provided particularly for workers in high-risk sectors and for other vulnerable workers such as those in the informal economy, along with migrant and young workers.

“The principles and statement of this policy apply to all workplaces in the country, and people who work in them (...)” *El Salvador*

OHS legislation must cover workers and employers in all sectors of the economy and in all forms of employment relationships. *South Africa*

Types of action and infrastructures

It is the responsibility of governments to establish appropriate infrastructures for OSH. The policy should define the different types of action and infrastructures (regulation, inspection, promotion and support, training, etc.) that should be developed and implemented.

“The development of an appropriate institutional structure for an integrated national OHS system including a policy-making and standard-setting national OHS authority, inspectorates (including specialist inspectorates in hazardous and technologically demanding sectors) and dedicated research and training institutions”. *South Africa*

Assignment of functions and responsibilities of the main stakeholders

Article 6 of the Convention 155 states “*The formulation of the policy (...) shall indicate the respective functions and responsibilities in respect of occupational safety and health and the working environment of public authorities, employers,*



workers and others, taking account both of the complementary character of such responsibilities and of national conditions and practice”.

The functions and responsibilities of all parties involved, particularly public authorities and including mechanisms for coordination and tripartite consultation, should be clearly defined. The primary onus of OSH provision is on the employer but other duty-holders such as workers, designers, manufacturers and others need to be specified.

Governments are responsible for regulating and enforcing workplace health and safety. Employers must provide safe and healthy workplaces and safe systems of work; employees must work in as safe a manner as possible; and suppliers, designers and manufacturers must provide safe products and accurate information about the safe use of materials and equipment. *Australia*

Good working conditions can only be achieved if employers and their workers pull together. While the employer is ultimately responsible for working conditions policy, consultation with the workers is still compulsory. *The Netherlands*

The Policy should be planned, monitored and periodically reviewed from the perspective of the OSH situation and its evolution, in consultation with social partners. There are several examples of National OSH policy statements such as those of the Netherlands,²⁶ India,²⁷ Brazil,²⁸ El Salvador²⁹ and South Africa.³⁰



²⁶ Working Conditions policy in the Netherlands, 1999.

²⁷ National Policy on safety and health and environment at the workplace, India, 2009.

²⁸ Política Nacional de Segurança e Saúde do Trabalhador, Brasil, 2004.

²⁹ Política Nacional de Seguridad y Salud Ocupacional, El Salvador, 2006.

³⁰ The National Occupational Safety and Health Policy, South Africa, 2003.

5. PROCESS FOR THE DEVELOPMENT OF A NATIONAL OSH PROGRAMME

The following implementation steps envisaged for adequate establishment of National OSH Programmes indicate the place of the National OSH Profile as well as the intended goals of National OSH Programmes.

1. National **tripartite agreement** to establish a National OSH Programme. The programme should be developed and implemented following tripartite consultation between government, employers and workers (typically through the decision of the framework of the National Tripartite Advisory Body).
2. Establishment of **coordination mechanisms** for the elaboration and implementation of the programme. As the responsibilities on OSH frequently involve various institutions from different ministries, the setting-up of a coordination mechanism will facilitate the formulation and implementation of the programme.
3. Preparation of a **National OSH Profile**. Initial profiling of the OSH provisions that the country already has in place (an overview of the laws, key organizations, programmes and partners, including labour inspection services, etc.) and of the outcomes (statistics on occupational accidents and diseases and the underlying trends) is a necessary prerequisite for preparing the National OSH Profile. This should include an evaluation of current strengths and weaknesses with a view to identifying the main priorities for action.
4. Situation analysis to **identify strong and weak points, and gaps** in the country's OSH system and framework, using the National OSH Profile. Identification of gaps will indicate those areas where it will be necessary to intervene; strong points will indicate elements that could be the basis and support for improvements.
5. Identification of **priorities** for national action to improve the level of OSH. As resources are limited, it is necessary to identify areas where the need is more urgent or necessary at the time of programme formulation. They are the priorities for national action.
6. Formulation of a **National OSH Programme** (together with action plans) for agreed priorities, including indicators of success. While such programmes



need clear objectives, targets and indicators, overall they should also aim at strengthening the national OSH system so as to ensure sustainability of improvements and build and maintain a safety culture. National OSH Programmes should be developed with due regard to ILO's OSH instruments. In terms of a progressive improvement in national OSH systems, the target should be effective implementation of the latest Conventions and Recommendations, as well as of other instruments such as codes of practice and guidelines adopted in this area (and others that may be developed in future). Below is an example:

Developing and implementing national OSH programmes in Asia⁵

Common steps taken to develop programmes

Countries in Asia have taken common, practical steps to develop national OSH programmes reflecting the views of workers' and employers' representatives, as well as those of the government agencies responsible for OSH.

The first step was to organize national tripartite OSH workshops to gather diverse views on the national OSH situation and discuss priority national actions.

The second step was to set up tripartite and inter-ministerial taskforces to prepare the national OSH programme. The taskforce members gathered and reviewed available OSH information from different sources. The review results were published as national OSH profiles.

The third step was for the taskforces to analyze the national OSH profiles, identify the national priority OSH actions and targets, and draft national OSH programmes. The draft national OSH programmes were circulated to the ministries concerned and to workers' and employers' organizations for their comments prior to finalization. The high-level government officials endorsed and officially launched the national OSH programmes.

In **Vietnam** the national OSH programme was endorsed by the Prime Minister and OSH was noted as a high priority on the national agenda. The exercises to design national OSH programmes opened up practical opportunities for different ministries and workers' and employers' organizations to work together. They jointly reviewed the national OSH situation and actively exchanged OSH information and views from different angles.

In **Indonesia**, the representatives of the National OSH Council and the Ministries of Manpower, Health, Energy and Natural Resources, and Agriculture, in consultation with workers' and employers' representatives, discussed and drafted the national OSH programme together. The taskforce team comprising different ministries and agencies confirmed their continuing collaboration in implementing the programme so as to achieve the national OSH goals.



Launching of the National OSH Programme with the **endorsement of the highest national authority**. The endorsement and launching of a national OSH programme by the highest government authority, for example by the Head of State, government or Parliament, places OSH high on national agendas and has a significant impact on strengthening national OSH capacities and mobilization of national and international resources. Several national OSH programmes launched in recent years by Member States have, in fact, been signed or endorsed by Parliament, Deputy Prime Ministers or other comparably high authorities in national governments.

Implementation of the activities provided for in the National OSH Programme with adequate mechanisms for monitoring and control.

Undertaking of **an evaluation** of the results and impact of the National OSH Programme, reporting the results to the stakeholders and the public.

Establishment of sustainable **mechanisms for continuous improvements** including periodic review, updating of data, and eventual designation of new priorities for action through the establishment of a new National OSH Programme based on an updated national profile document.



6. THE ROLE OF THE MAIN STAKEHOLDERS

The main stakeholders who will use the strategic approaches to national OSH development are the competent authorities of the government, employers' organizations and workers' organizations. Although the roles of these stakeholders vary from country to country, their main roles are identified in this section in the light of prescribed international labour standards and best OSH practice in high-performing countries.

6.1 The role of governments

The humanitarian, economic and business benefits of promoting high OSH standards need to be widely recognized, so that governments give OSH the high priority it deserves. Governments, in their capacity as policy makers, regulators and procurers but also as major employers, have considerable influence over the achievement of better OSH outcomes. Governments³¹ need to be fully committed to implementing a national OSH policy as the basis for national programmes and systems. This means at least commitment to:

- developing a clear and proactive National OSH Policy;
- reviewing and analyzing the OSH situation of the country, in consultation with social partners;
- formulating, implementing and evaluating a National OSH Programme to strengthen the National OSH Systems;
- launching the National OSH Programme with the endorsement of the highest national authority;
- providing sufficient resources to ensure that the National OSH System operates effectively, and for the proper development and implementation of the National OSH Programme;
- ensuring the coordination and alignment of all government institutions under the National OSH Policy and Programme.



³¹ Promotional framework for occupational safety and health, Report IV (1) the International Labour Conference, 95th Session, 2006.

The provision of the necessary resources for the implementation of the National OSH Programme is the responsibility of the government. In general, resource needs are related to the ambitiousness of the National OSH Programme and the availability of resources in the main OSH-related institutions. In many cases, it does not involve major allocation of financial resources: most of the activities of the Programme can be undertaken using the available resources and within the regular activities of the existing institutions involved in the Programme. Only some specialized activities (special measures to be implemented, evaluation studies, etc.) may require additional resources in terms of staff and finance. Basically, the institutions reallocate existing resources to the priorities identified by the National OSH Programme.

Although one government ministry may have prime responsibility for OSH, in practice several ministries often have responsibilities and interests in this area, since OSH also impinges on their areas of concern. For example, ministries of labour, health, industry, education all have some OSH concerns and therefore good inter-ministerial cooperation on relevant topics should be guaranteed. In some countries, on the other hand, relationships between government institutions addressing OSH are uneasy; there are frequent disputes over competences and areas of intervention, different ways of thinking and operating, lack of collaboration, or even lack of information on the activities.

There are different levels of interaction between government institutions addressing OSH, from the most basic to the more elaborate:

- **Information.** Institutions inform each other on their initiatives, activities and workplans.
- **Communication.** The information channel provides for or allows dialogue, interchange and feedback between institutions.
- **Cooperation or collaboration.** Institutions work together on some activities on an *ad hoc* basis, when institutional workplans coincide on some objectives.
- **Coordination.** Institutions work together under a commonly-discussed national workplan, and institutional workplans are subordinated to the national programme.

Coordination and alignment of the OSH-related institutions with the national OSH policy and programme is a prerequisite for good functioning. It may require, depending on national practice, formal agreements, memoranda of understanding, public authority committees, or other mechanisms to facilitate inter-ministerial consultation and coordination in a practical way. An alternative way of creating unity of action could be creation of a single competent authority on which other institutions involved in OSH depend hierarchically or functionally.



6.2 The role of social partners

The employers are the main duty-holders on OSH. It is workers who suffer from accidents and diseases and have the right to a safe and healthy working environment. Social partners cannot therefore be excluded from decision-making processes and from being treated as jointly responsible for implementing interventions of National OSH Programmes at enterprise level.

The right of the social partners to submit proposals, to be consulted and to participate in decision-making on national OSH developments is an indispensable requirement of international labour standards. Active discussions should take place at all stages of policy and programme development and of implementation, as well as at the review stage.

Tripartite consultation and discussion is necessary to ensure *legitimation* of the proposed national OSH policy and is also an indispensable basis for *implementation* of the National OSH Programme: it is a prerequisite for finding *practical ways of improving working conditions* and environments.

Although the tripartite partners have different interests and perspectives and their relationships are not free of conflict, one of the results of tripartite consultation and discussion is an improvement in communication and information and a better understanding of the problems and constraints that all partners may have. It makes it possible to find a basis for the joint and agreed actions and for the development of a *collaborative* rather than *confrontational* culture for addressing OSH problems.

An essential component of any national OSH system is a national mechanism or body comprising the government's competent authorities and the most representative organizations of employers and workers, for the purposes of consultation, coordination and collaboration on key OSH issues. Where appropriate consultations should also involve other concerned parties such as professional associations for OSH specialists, OSH training providers, manufacturers, designers, industry trade associations and other business groups.



Duties, powers and members of the Kenyan OSH National Council⁶

For the purposes of setting up a national action plan on OSH and a mechanism to oversee its main focus, a legal provision inserted into the Kenyan OSH Act, 2007 provides for the establishment of a National Council for Occupational Safety and Health. Under the legislation, the National Council is to advise the Minister on:

- (a) the formulation and development of a national OSH policy framework
- (b) legislative proposals on OSH, including ways and means to give effect to ILO Conventions, and other international conventions and instruments relating to occupational safety, health, compensation and rehabilitation services
- (c) strategic means of promoting best OSH practice
- (d) the establishment, maintenance and development of a safety and health preventive culture
- (e) reviewing the provisions of the Act, rules and regulations, standards, and industry codes of practice
- (f) statistical analysis of work-related deaths and injuries
- (g) such other matters affecting OSH as it considers desirable in the interest of improving the quality of working life in Kenya.

Without limiting the above matters the Director may advise the Council on the formulation and publication of standards, specifications or other forms of guidance for the purpose of assisting employers, employees and other users to maintain appropriate standards of occupational health and safety.

Powers of the Council

It is a requirement that the Council shall at the request of the Minister, and may of its own motion, investigate and make recommendations to the Minister on any matter connected with the health and safety and health of persons at work. The Council may:

- (a) establish committees in respect of different industries for the purpose of assisting the Council to perform its functions in relation to industry codes of practice
- (b) establish such other committees as it deems necessary for the purpose of assisting the Council to perform its functions.

Membership of the Council

The Council shall consist of a chair person who shall be appointed by the Minister by notice in the Gazette. The members of the Council shall be:

- a. One representative from each of the following ministries – Health, Agriculture, Livestock Development, Industry, Water Development, Local Authorities and Education
- b. One representative from each of the following organizations and government departments – The Government Chemist, The Kenya Bureau of Standards, The Central Bureau of Statistics, The Commissioner of Insurance, The Association of Kenya Insurers, The Public Universities, The National Environment Management Authority, The National Council for Science and Technology, The Kenya Occupational Safety and Health Association
- c. The most representative workers' and employers' organizations
- d. Three persons with relevant qualifications and experience in OSH, who shall not be public officers.



BIBLIOGRAPHY AND REFERENCES

Global strategy on Occupational Safety and Health. Conclusions adopted by the International Labour Conference at his 91st Session, 2003.

http://www.ilo.org/public/english/protection/safework/globstrat_e.pdf

Convention no.155 concerning Occupational Safety and Health and the Working Environment. International Labour Conference, 67th Session, 1981.

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C155>

Recommendation no.164 concerning Occupational Safety and Health and the Working Environment .International Labour Conference, 67th Session, 1981.

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?R164>

Convention no.187 concerning the promotional framework for occupational safety and health. International Labour Conference, 95th Session, 2006.

www.ilo.org/ilolex/cgi-lex/convde.pl?C187

Recommendation no.197 concerning the promotional framework for occupational safety and health International Labour Conference, 95th Session, 2006.

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?R197>

Promotional framework for occupational safety and health, Report IV (1) the International Labour Conference, 93th Session, 2005.

<http://www.ilo.org/public/english/standards/reIm/ilc/ilc93/pdf/rep-iv-1.pdf>

Encyclopedia of Occupational Health and Safety. 4th Edition, ILO, 1998.

http://www.ilo.org/safework_bookshelf/english/

Accident prevention manual for business and industry, 10th edition, National Safety Council, 1992.

Comparative analysis of national strategies for safety and health at work, BAUA, 2010.

http://www.baua.de/SharedDocs/Downloads/en/Publications/Expert-Papers/F2234.pdf?__blob=publicationFile



Introductory Guide to National Occupational Safety and Health Systems. ILO Working document, 2002.

http://ilo-mirror.library.cornell.edu/public/english/protection/safework/papers/nat_systems.pdf

ILO Guidelines on occupational safety and health management systems (ILO OSH 2001), ILO Geneva, 2001.

http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/normativeinstrument/wcms_107727.pdf

Labour inspection: General Survey of the reports concerning the Labour Inspection (...) ILO (Geneva), International Labour Conference, 95th Session, 2006, Report III (Part 1B).

http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/meetingdocument/wcms_108572.pdf

Code of Practice on Recording and Notification of occupational accidents and diseases, ILO 1996.

http://lamp.itcilo.org/oshcourse/platform/_upload/bibliografia/747_1.pdf

Progress in Health and Safety outcomes since 2000, UK.

<http://www.hse.gov.uk/statistics/history/progress-since-2000.pdf>

Revitalising Health and Safety (RHS) Strategy Statement, UK, June 2000.

<http://www.hse.gov.uk/revitalising/strategy.pdf>

Strategy from Safety and Health at Work 2008-2012. Bulgaria, 2008.

<http://osha.europa.eu/en/organisations/bulgarian-strategy-on-safety-and-health-at-work-shw-2008-2012>

National Policy on working environment, Estonia, 2003.

<http://osh.sm.ee/legislation/policy.stm>

Strategy for the Development of the Labour Protection Field. Latvia 2008-2013.

<http://osha.europa.eu/en/organisations/E1359%20-%20Cab%20-Strategy%20-2-LATVIA%20OSH%20STRATEGY.pdf>

Política Nacional de Segurança e Saúde no Trabalho (Portuguese). Brazil, 2011.

http://www.previdencia.gov.br/arquivos/office/3_120423-150408-348.pdf

The National Occupational Safety and Health Policy, South Africa 2003.

www.kznhealth.gov.za/occhealth/policy2.pdf

National Policy on safety and health and environment at the workplace, India 2009.

<http://labour.nic.in/policy/OSH-Policy.pdf>

National Policy of occupational safety and health (Spanish), El Salvador, 2006.

<http://www.elsalvador.com/riesgos/articulos/PNSSOESA.pdf>



Annex 1

The International Labour Organization

The **International Labour Organization**³² (ILO) is a UN specialized agency whose main object is to promote the social justice and internationally recognized human and labour rights.

Founded in 1919, in the wake of a destructive war, to pursue a vision based on the premise that universal, lasting peace can be established only if it is based upon decent treatment of working people. The ILO became the first specialized agency of the United Nations in 1946 and it is the only 'tripartite' agency that brings together representatives of governments, employers and workers to jointly shape policies and programmes. ILO accomplishes its work through three main bodies:

The **International Labour Conference**³³ establishes and adopts international labour standards and is a forum for discussion of key social and labour questions. It also adopts the Organization's budget and elects the Governing Body.

The **Governing Body**³⁴ is the Executive body of the ILO, is composed of 56 titular members (28 Governments, 14 Employers and 14 Workers) and it meets 3 times a year (March, June, November). Its main functions are:

- To take decisions on ILO policy.
- To decide the agenda of the Conference.
- To adopt the draft ILO Programme and Budget for submission to the Conference.
- To elect the Director-General (for a five-year renewable term).

The **International Labour Office**³⁵ is the permanent secretariat of the International Labour Organization. It is the focal point for ILO's overall activities, which it prepares under the scrutiny of the Governing Body and under the leadership of a Director-General. The Office employs some 1,900 officials of over 110 nationalities at the Geneva headquarters and in 40 field offices around the world.

ILO is the global body responsible for drawing up and overseeing international labour standards. Working with its Member States, ILO seeks to ensure that labour standards are respected in practice. Several hundred experts undertake missions in all regions of the world under the programme of technical cooperation. The

³² <http://www.ilo.org/global/about-the-ilo/lang--en/index.htm>

³³ <http://www.ilo.org/ilc/ILCSessions/100thSession/lang--en/index.htm>

³⁴ <http://www.ilo.org/gb/lang--en/index.htm>

³⁵ <http://www.ilo.org/>



Office also works on research, documentation and information producing many specialized studies, reports and periodicals. ILO's diverse tasks are grouped and addressed under four strategic objectives:

- Promote and realize standards and fundamental principles and rights at work.
- Create greater opportunities for women and men to secure decent employment and income.
- Enhance the coverage and effectiveness of social protection for all.
- Strengthen tripartism and social dialogue.
- The InFocus Programme on Safety and Health at Work and the Environment (SafeWork³⁶) is the focal point for the ILO's work on OSH and has the fundamental task of promoting relevant standards. The major goals of the programme are:
 - preventive policies and programmes are developed to protect workers in hazardous occupations and sectors;
 - effective protection is extended to vulnerable groups of workers falling outside the scope of traditional protective measures;
 - governments and employers' and workers' organizations are better equipped to address problems of workers' well-being, occupational health promotion and the quality of working life;
 - the social and economic impact of improving workers' protection is documented and recognized by policy- and decision-makers.

In addition to the international Labour Office, there are other 2 institutions of the ILO:

- **International Institute for Labour Studies** (established in 1960) promotes research, public debate and knowledge sharing on emerging issues of concern to the ILO and its constituents - government, employers and workers.
- **International Training Centre** (established in 1964 and located in Turin, Italy) is the ILO focal point for training and human resource development of governments, employers' organizations, workers' organizations and other social and economic actors.

³⁶ <http://www.ilo.org/safework/lang--en/index.htm>



Annex 2

Convention 155 and Recommendation 164 of Occupational Safety and Health, 1981

C155 Occupational Safety and Health Convention³⁷

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-seventh Session on 3 June 1981, and

Having decided upon the adoption of certain proposals with regard to safety and health and the working environment, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-second day of June of the year one thousand nine hundred and eighty-one the following Convention, which may be cited as the Occupational Safety and Health Convention, 1981:

PART I. SCOPE AND DEFINITIONS

Article 1

1. This Convention applies to all branches of economic activity.
2. A Member ratifying this Convention may, after consultation at the earliest possible stage with the representative organisations of employers and workers concerned, exclude from its application, in part or in whole, particular branches of economic activity, such as maritime shipping or fishing, in respect of which special problems of a substantial nature arise.
3. Each Member which ratifies this Convention shall list, in the first report on the application of the Convention submitted under Article 22 of the Constitution of the International Labour Organisation, any branches which may have been excluded in pursuance of paragraph 2 of this Article, giving the reasons for such exclusion and describing the measures taken to give adequate protection to workers in excluded



³⁷ <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C155>

branches, and shall indicate in subsequent reports any progress towards wider application.

Article 2

1. This Convention applies to all workers in the branches of economic activity covered.
2. A Member ratifying this Convention may, after consultation at the earliest possible stage with the representative organisations of employers and workers concerned, exclude from its application, in part or in whole, limited categories of workers in respect of which there are particular difficulties.
3. Each Member which ratifies this Convention shall list, in the first report on the application of the Convention submitted under Article 22 of the Constitution of the International Labour Organisation, any limited categories of workers which may have been excluded in pursuance of paragraph 2 of this Article, giving the reasons for such exclusion, and shall indicate in subsequent reports any progress towards wider application.

Article 3

For the purpose of this Convention--

- (a) the term **branches of economic activity** covers all branches in which workers are employed, including the public service;
- (b) the term **workers** covers all employed persons, including public employees;
- (c) the term **workplace** covers all places where workers need to be or to go by reason of their work and which are under the direct or indirect control of the employer;
- (d) the term **regulations** covers all provisions given force of law by the competent authority or authorities;
- (e) the term **health** , in relation to work, indicates not merely the absence of disease or infirmity; it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work.

PART II. PRINCIPLES OF NATIONAL POLICY

Article 4

1. Each Member shall, in the light of national conditions and practice, and in consultation with the most representative organisations of employers and workers,



formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment.

2. The aim of the policy shall be to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, by minimising, so far as is reasonably practicable, the causes of hazards inherent in the working environment.

Article 5

The policy referred to in Article 4 of this Convention shall take account of the following main spheres of action in so far as they affect occupational safety and health and the working environment:

(a) design, testing, choice, substitution, installation, arrangement, use and maintenance of the material elements of work (workplaces, working environment, tools, machinery and equipment, chemical, physical and biological substances and agents, work processes);

(b) relationships between the material elements of work and the persons who carry out or supervise the work, and adaptation of machinery, equipment, working time, organisation of work and work processes to the physical and mental capacities of the workers;

(c) training, including necessary further training, qualifications and motivations of persons involved, in one capacity or another, in the achievement of adequate levels of safety and health;

(d) communication and co-operation at the levels of the working group and the undertaking and at all other appropriate levels up to and including the national level;

(e) the protection of workers and their representatives from disciplinary measures as a result of actions properly taken by them in conformity with the policy referred to in Article 4 of this Convention.

Article 6

The formulation of the policy referred to in Article 4 of this Convention shall indicate the respective functions and responsibilities in respect of occupational safety and health and the working environment of public authorities, employers, workers and others, taking account both of the complementary character of such responsibilities and of national conditions and practice.



Article 7

The situation regarding occupational safety and health and the working environment shall be reviewed at appropriate intervals, either over-all or in respect of particular areas, with a view to identifying major problems, evolving effective methods for dealing with them and priorities of action, and evaluating results.

PART III. ACTION AT THE NATIONAL LEVEL

Article 8

Each Member shall, by laws or regulations or any other method consistent with national conditions and practice and in consultation with the representative organisations of employers and workers concerned, take such steps as may be necessary to give effect to Article 4 of this Convention.

Article 9

1. The enforcement of laws and regulations concerning occupational safety and health and the working environment shall be secured by an adequate and appropriate system of inspection.

2. The enforcement system shall provide for adequate penalties for violations of the laws and regulations.

Article 10

Measures shall be taken to provide guidance to employers and workers so as to help them to comply with legal obligations.

Article 11

To give effect to the policy referred to in Article 4 of this Convention, the competent authority or authorities shall ensure that the following functions are progressively carried out:

(a) the determination, where the nature and degree of hazards so require, of conditions governing the design, construction and layout of undertakings, the commencement of their operations, major alterations affecting them and changes in their purposes, the safety of technical equipment used at work, as well as the application of procedures defined by the competent authorities;

(b) the determination of work processes and of substances and agents the exposure to which is to be prohibited, limited or made subject to authorisation or control by the competent authority or authorities; health hazards due to the simultaneous exposure to several substances or agents shall be taken into consideration;



(c) the establishment and application of procedures for the notification of occupational accidents and diseases, by employers and, when appropriate, insurance institutions and others directly concerned, and the production of annual statistics on occupational accidents and diseases;

(d) the holding of inquiries, where cases of occupational accidents, occupational diseases or any other injuries to health which arise in the course of or in connection with work appear to reflect situations which are serious;

(e) the publication, annually, of information on measures taken in pursuance of the policy referred to in Article 4 of this Convention and on occupational accidents, occupational diseases and other injuries to health which arise in the course of or in connection with work;

(f) the introduction or extension of systems, taking into account national conditions and possibilities, to examine chemical, physical and biological agents in respect of the risk to the health of workers.

Article 12

Measures shall be taken, in accordance with national law and practice, with a view to ensuring that those who design, manufacture, import, provide or transfer machinery, equipment or substances for occupational use--

(a) satisfy themselves that, so far as is reasonably practicable, the machinery, equipment or substance does not entail dangers for the safety and health of those using it correctly;

(b) make available information concerning the correct installation and use of machinery and equipment and the correct use of substances, and information on hazards of machinery and equipment and dangerous properties of chemical substances and physical and biological agents or products, as well as instructions on how known hazards are to be avoided;

(c) undertake studies and research or otherwise keep abreast of the scientific and technical knowledge necessary to comply with subparagraphs (a) and (b) of this Article.

Article 13

A worker who has removed himself from a work situation which he has reasonable justification to believe presents an imminent and serious danger to his life or health shall be protected from undue consequences in accordance with national conditions and practice.



Article 14

Measures shall be taken with a view to promoting in a manner appropriate to national conditions and practice, the inclusion of questions of occupational safety and health and the working environment at all levels of education and training, including higher technical, medical and professional education, in a manner meeting the training needs of all workers.

Article 15

1. With a view to ensuring the coherence of the policy referred to in Article 4 of this Convention and of measures for its application, each Member shall, after consultation at the earliest possible stage with the most representative organisations of employers and workers, and with other bodies as appropriate, make arrangements appropriate to national conditions and practice to ensure the necessary co-ordination between various authorities and bodies called upon to give effect to Parts II and III of this Convention.

2. Whenever circumstances so require and national conditions and practice permit, these arrangements shall include the establishment of a central body.

PART IV. ACTION AT THE LEVEL OF THE UNDERTAKING

Article 16

1. Employers shall be required to ensure that, so far as is reasonably practicable, the workplaces, machinery, equipment and processes under their control are safe and without risk to health.

2. Employers shall be required to ensure that, so far as is reasonably practicable, the chemical, physical and biological substances and agents under their control are without risk to health when the appropriate measures of protection are taken.

3. Employers shall be required to provide, where necessary, adequate protective clothing and protective equipment to prevent, so far as is reasonably practicable, risk of accidents or of adverse effects on health.

Article 17

Whenever two or more undertakings engage in activities simultaneously at one workplace, they shall collaborate in applying the requirements of this Convention.



Article 18

Employers shall be required to provide, where necessary, for measures to deal with emergencies and accidents, including adequate first-aid arrangements.

Article 19

There shall be arrangements at the level of the undertaking under which--

(a) workers, in the course of performing their work, co-operate in the fulfilment by their employer of the obligations placed upon him;

(b) representatives of workers in the undertaking co-operate with the employer in the field of occupational safety and health;

(c) representatives of workers in an undertaking are given adequate information on measures taken by the employer to secure occupational safety and health and may consult their representative organisations about such information provided they do not disclose commercial secrets;

(d) workers and their representatives in the undertaking are given appropriate training in occupational safety and health;

(e) workers or their representatives and, as the case may be, their representative organisations in an undertaking, in accordance with national law and practice, are enabled to enquire into, and are consulted by the employer on, all aspects of occupational safety and health associated with their work; for this purpose technical advisers may, by mutual agreement, be brought in from outside the undertaking;

(f) a worker reports forthwith to his immediate supervisor any situation which he has reasonable justification to believe presents an imminent and serious danger to his life or health; until the employer has taken remedial action, if necessary, the employer cannot require workers to return to a work situation where there is continuing imminent and serious danger to life or health.

Article 20

Co-operation between management and workers and/or their representatives within the undertaking shall be an essential element of organisational and other measures taken in pursuance of Articles 16 to 19 of this Convention.

Article 21

Occupational safety and health measures shall not involve any expenditure for the workers.



PART V. FINAL PROVISIONS (...)

R164 Occupational Safety and Health Recommendation³⁸

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-seventh Session on 3 June 1981, and

Having decided upon the adoption of certain proposals with regard to safety and health and the working environment, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Occupational Safety and Health Convention, 1981, adopts this twenty-second day of June of the year one thousand nine hundred and eighty-one, the following Recommendation, which may be cited as the Occupational Safety and Health Recommendation, 1981:

I. Scope and Definitions

1.

(1) To the greatest extent possible, the provisions of the Occupational Safety and Health Convention, 1981, hereinafter referred to as the Convention, and of this Recommendation should be applied to all branches of economic activity and to all categories of workers.

(2) Provision should be made for such measures as may be necessary and practicable to give self-employed persons protection analogous to that provided for in the Convention and in this Recommendation.

2. For the purpose of this Recommendation--

(a) the term **branches of economic activity** covers all branches in which workers are employed, including the public service;

(b) the term **workers** covers all employed persons, including public employees;

(c) the term **workplace** covers all places where workers need to be or to go by reason of their work and which are under the direct or indirect control of the employer;

³⁸ <http://www.ilo.org/ilolex/cgi-lex/convde.pl?R164>



(d) the term **regulations** covers all provisions given force of law by the competent authority or authorities;

(e) the term **health**, in relation to work, indicates not merely the absence of disease or infirmity; it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work.

II. Technical Fields of Action

3. As appropriate for different branches of economic activity and different types of work and taking into account the principle of giving priority to eliminating hazards at their source, measures should be taken in pursuance of the policy referred to in Article 4 of the Convention, in particular in the following fields:

(a) design, siting, structural features, installation, maintenance, repair and alteration of workplaces and means of access thereto and egress therefrom; (b) lighting, ventilation, order and cleanliness of workplaces;

(c) temperature, humidity and movement of air in the workplace;

(d) design, construction, use, maintenance, testing and inspection of machinery and equipment liable to present hazards and, as appropriate, their approval and transfer;

(e) prevention of harmful physical or mental stress due to conditions of work;

(f) handling, stacking and storage of loads and materials, manually or mechanically;

(g) use of electricity;

(h) manufacture, packing, labelling, transport, storage and use of dangerous substances and agents, disposal of their wastes and residues, and, as appropriate, their replacement by other substances or agents which are not dangerous or which are less dangerous;

(i) radiation protection;

(j) prevention and control of, and protection against, occupational hazards due to noise and vibration;

(k) control of the atmosphere and other ambient factors of workplaces;

(l) prevention and control of hazards due to high and low barometric pressures;



- (m) prevention of fires and explosions and measures to be taken in case of fire or explosion;
- (n) design, manufacture, supply, use, maintenance and testing of personal protective equipment and protective clothing;
- (o) sanitary installations, washing facilities, facilities for changing and storing clothes, supply of drinking water, and any other welfare facilities connected with occupational safety and health;
- (p) first-aid treatment;
- (q) establishment of emergency plans;
- (r) supervision of the health of workers.

III. Action at the National Level

4. With a view to giving effect to the policy referred to in Article 4 of the Convention, and taking account of the technical fields of action listed in Paragraph 3 of this Recommendation, the competent authority or authorities in each country should--

- (a) issue or approve regulations, codes of practice or other suitable provisions on occupational safety and health and the working environment, account being taken of the links existing between safety and health, on the one hand, and hours of work and rest breaks, on the other;
- (b) from time to time review legislative enactments concerning occupational safety and health and the working environment, and provisions issued or approved in pursuance of clause (a) of this Paragraph, in the light of experience and advances in science and technology;
- (c) undertake or promote studies and research to identify hazards and find means of overcoming them;
- (d) provide information and advice, in an appropriate manner, to employers and workers and promote or facilitate co-operation between them and their organisations, with a view to eliminating hazards or reducing them as far as practicable; where appropriate, a special training programme for migrant workers in their mother tongue should be provided;
- (e) provide specific measures to prevent catastrophes, and to co-ordinate and make coherent the actions to be taken at different levels, particularly in industrial zones where undertakings with high potential risks for workers and the surrounding population are situated;



(f) secure good liaison with the International Labour Occupational Safety and Health Hazard Alert System set up within the framework of the International Labour Organisation;

(g) provide appropriate measures for handicapped workers.

5. The system of inspection provided for in paragraph 1 of Article 9 of the Convention should be guided by the provisions of the Labour Inspection Convention, 1947, and the Labour Inspection (Agriculture) Convention, 1969, without prejudice to the obligations thereunder of Members which have ratified these instruments.

6. As appropriate, the competent authority or authorities should, in consultation with the representative organisations of employers and workers concerned, promote measures in the field of conditions of work consistent with the policy referred to in Article 4 of the Convention.

7. The main purposes of the arrangements referred to in Article 15 of the Convention should be to--

(a) implement the requirements of Articles 4 and 7 of the Convention;

(b) co-ordinate the exercise of the functions assigned to the competent authority or authorities in pursuance of Article 11 of the Convention and Paragraph 4 of this Recommendation;

(c) co-ordinate activities in the field of occupational safety and health and the working environment which are exercised nationally, regionally or locally, by public authorities, by employers and their organisations, by workers' organisations and representatives, and by other persons or bodies concerned;

(d) promote exchanges of views, information and experience at the national level, at the level of an industry or that of a branch of economic activity.

8. There should be close co-operation between public authorities and representative employers' and workers' organisations, as well as other bodies concerned in measures for the formulation and application of the policy referred to in Article 4 of the Convention.

9. The review referred to in Article 7 of the Convention should cover in particular the situation of the most vulnerable workers, for example, the handicapped.



IV. Action at the Level of the Undertaking

10. The obligations placed upon employers with a view to achieving the objective set forth in Article 16 of the Convention might include, as appropriate for different branches of economic activity and different types of work, the following:

(a) to provide and maintain workplaces, machinery and equipment, and use work methods, which are as safe and without risk to health as is reasonably practicable;

(b) to give necessary instructions and training, taking account of the functions and capacities of different categories of workers;

(c) to provide adequate supervision of work, of work practices and of application and use of occupational safety and health measures;

(d) to institute organisational arrangements regarding occupational safety and health and the working environment adapted to the size of the undertaking and the nature of its activities;

(e) to provide, without any cost to the worker, adequate personal protective clothing and equipment which are reasonably necessary when hazards cannot be otherwise prevented or controlled;

(f) to ensure that work organisation, particularly with respect to hours of work and rest breaks, does not adversely affect occupational safety and health;

(g) to take all reasonably practicable measures with a view to eliminating excessive physical and mental fatigue;

(h) to undertake studies and research or otherwise keep abreast of the scientific and technical knowledge necessary to comply with the foregoing clauses.

11. Whenever two or more undertakings engage in activities simultaneously at one workplace, they should collaborate in applying the provisions regarding occupational safety and health and the working environment, without prejudice to the responsibility of each undertaking for the health and safety of its employees. In appropriate cases, the competent authority or authorities should prescribe general procedures for this collaboration.

12.

(1) The measures taken to facilitate the co-operation referred to in Article 20 of the Convention should include, where appropriate and necessary, the appointment, in accordance with national practice, of workers' safety delegates, of workers' safety and health committees, and/or of joint safety and health committees; in joint



safety and health committees workers should have at least equal representation with employers' representatives.

(2) Workers' safety delegates, workers' safety and health committees, and joint safety and health committees or, as appropriate, other workers' representatives should--

(a) be given adequate information on safety and health matters, enabled to examine factors affecting safety and health, and encouraged to propose measures on the subject;

(b) be consulted when major new safety and health measures are envisaged and before they are carried out, and seek to obtain the support of the workers for such measures;

(c) be consulted in planning alterations of work processes, work content or organisation of work, which may have safety or health implications for the workers;

(d) be given protection from dismissal and other measures prejudicial to them while exercising their functions in the field of occupational safety and health as workers' representatives or as members of safety and health committees;

(e) be able to contribute to the decision-making process at the level of the undertaking regarding matters of safety and health;

(f) have access to all parts of the workplace and be able to communicate with the workers on safety and health matters during working hours at the workplace;

(g) be free to contact labour inspectors;

(h) be able to contribute to negotiations in the undertaking on occupational safety and health matters;

(i) have reasonable time during paid working hours to exercise their safety and health functions and to receive training related to these functions;

(j) have recourse to specialists to advise on particular safety and health problems.

13. As necessary in regard to the activities of the undertaking and practicable in regard to size, provision should be made for--

(a) the availability of an occupational health service and a safety service, within the undertaking, jointly with other undertakings, or under arrangements with an outside body;



(b) recourse to specialists to advise on particular occupational safety or health problems or supervise the application of measures to meet them.

14. Employers should, where the nature of the operations in their undertakings warrants it, be required to set out in writing their policy and arrangements in the field of occupational safety and health, and the various responsibilities exercised under these arrangements, and to bring this information to the notice of every worker, in a language or medium the worker readily understands.

15.

(1) Employers should be required to verify the implementation of applicable standards on occupational safety and health regularly, for instance by environmental monitoring, and to undertake systematic safety audits from time to time.

(2) Employers should be required to keep such records relevant to occupational safety and health and the working environment as are considered necessary by the competent authority or authorities; these might include records of all notifiable occupational accidents and injuries to health which arise in the course of or in connection with work, records of authorisation and exemptions under laws or regulations to supervision of the health of workers in the undertaking, and data concerning exposure to specified substances and agents.

16. The arrangements provided for in Article 19 of the Convention should aim at ensuring that workers--

(a) take reasonable care for their own safety and that of other persons who may be affected by their acts or omissions at work;

(b) comply with instructions given for their own safety and health and those of others and with safety and health procedures;

(c) use safety devices and protective equipment correctly and do not render them inoperative;

(d) report forthwith to their immediate supervisor any situation which they have reason to believe could present a hazard and which they cannot themselves correct;

(e) report any accident or injury to health which arises in the course of or in connection with work.

17. No measures prejudicial to a worker should be taken by reference to the fact that, in good faith, he complained of what he considered to be a breach of statutory requirements or a serious inadequacy in the measures taken by the employer in respect of occupational safety and health and the working environment.



V. Relations to Existing International Labour Conventions and Recommendations

18. This Recommendation does not revise any international labour Recommendation.

19. (1) In the development and application of the policy referred to in Article 4 of the Convention and without prejudice to their obligations under Conventions they have ratified, Members should refer to the international labour Conventions and Recommendations listed in the Appendix.

(2) The Appendix may be modified by the International Labour Conference, by a two-thirds majority, in connection with the future adoption or revision of any Convention or Recommendation in the field of safety and health and the working environment. ANNEX (...)



Annex 3

Convention 187 and Recommendation 197 on Promotional Framework for Occupational Safety and Health

C187 Promotional Framework for Occupational Safety and Health Convention³⁹

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Ninety-fifth Session on 31 May 2006,

Recognizing the global magnitude of occupational injuries, diseases and deaths, and the need for further action to reduce them, and

Recalling that the protection of workers against sickness, disease and injury arising out of employment is among the objectives of the International Labour Organization as set out in its Constitution, and

Recognizing that occupational injuries, diseases and deaths have a negative effect on productivity and on economic and social development, and

Noting paragraph III(g) of the Declaration of Philadelphia, 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, and

Mindful of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up, 1998, and

Noting the Occupational Safety and Health Convention, 1981 (No. 155), the Occupational Safety and Health Recommendation, 1981 (No. 164), and other instruments of the International Labour Organization relevant to the promotional framework for occupational safety and health, and

³⁹ www.ilo.org/ilolex/cgi-lex/convde.pl?C187



Recalling that the promotion of occupational safety and health is part of the International Labour Organization's agenda of decent work for all, and

Recalling the Conclusions concerning ILO standards-related activities in the area of occupational safety and health - a global strategy, adopted by the International Labour Conference at its 91st Session (2003), in particular relating to ensuring that priority be given to occupational safety and health in national agendas, and

Stressing the importance of the continuous promotion of a national preventative safety and health culture, and

Having decided upon the adoption of certain proposals with regard to occupational safety and health, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this fifteenth day of June of the year two thousand and six the following Convention, which may be cited as the Promotional Framework for Occupational Safety and Health Convention, 2006.

I. DEFINITIONS

Article 1

For the purpose of this Convention:

(a) the term ***national policy*** refers to the national policy on occupational safety and health and the working environment developed in accordance with the principles of Article 4 of the Occupational Safety and Health Convention, 1981 (No. 155);

(b) the term ***national system for occupational safety and health*** or ***national system*** refers to the infrastructure which provides the main framework for implementing the national policy and national programmes on occupational safety and health;

(c) the term ***national programme on occupational safety and health*** or ***national programme*** refers to any national programme that includes objectives to be achieved in a predetermined time frame, priorities and means of action formulated to improve occupational safety and health, and means to assess progress;

(d) the term ***a national preventative safety and health culture*** refers to a culture in which the right to a safe and healthy working environment is respected at all levels, where government, 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.

II. OBJECTIVE

Article 2

1. Each Member which ratifies this Convention shall promote continuous improvement of occupational safety and health to prevent occupational injuries, diseases and deaths, by the development, in consultation with the most representative organizations of employers and workers, of a national policy, national system and national programme.

2. Each Member shall take active steps towards achieving progressively a safe and healthy working environment through a national system and national programmes on occupational safety and health by taking into account the principles set out in instruments of the International Labour Organization (ILO) relevant to the promotional framework for occupational safety and health.

3. Each Member, in consultation with the most representative organizations of employers and workers, shall periodically consider what measures could be taken to ratify relevant occupational safety and health Conventions of the ILO.

III. NATIONAL POLICY

Article 3

1. Each Member shall promote a safe and healthy working environment by formulating a national policy.

2. Each Member shall promote and advance, at all relevant levels, the right of workers to a safe and healthy working environment.

3. In formulating its national policy, each Member, in light of national conditions and practice and in consultation with the most representative organizations of employers and workers, shall promote basic principles such as assessing occupational risks or hazards; combating occupational risks or hazards at source; and developing a national preventative safety and health culture that includes information, consultation and training.



IV. NATIONAL SYSTEM

Article 4

1. Each Member shall establish, maintain, progressively develop and periodically review a national system for occupational safety and health, in consultation with the most representative organizations of employers and workers.

2. The national system for occupational safety and health shall include among others:

(a) laws and regulations, collective agreements where appropriate, and any other relevant instruments on occupational safety and health;

(b) an authority or body, or authorities or bodies, responsible for occupational safety and health, designated in accordance with national law and practice;

(c) mechanisms for ensuring compliance with national laws and regulations, including systems of inspection; and

(d) arrangements to promote, at the level of the undertaking, cooperation between management, workers and their representatives as an essential element of workplace-related prevention measures.

3. The national system for occupational safety and health shall include, where appropriate:

(a) a national tripartite advisory body, or bodies, addressing occupational safety and health issues;

(b) information and advisory services on occupational safety and health;

(c) the provision of occupational safety and health training;

(d) occupational health services in accordance with national law and practice;

(e) research on occupational safety and health;

(f) a mechanism for the collection and analysis of data on occupational injuries and diseases, taking into account relevant ILO instruments;

(g) provisions for collaboration with relevant insurance or social security schemes covering occupational injuries and diseases; and



(h) support mechanisms for a progressive improvement of occupational safety and health conditions in micro-enterprises, in small and medium-sized enterprises and in the informal economy.

V. NATIONAL PROGRAMME

Article 5

1. Each Member shall formulate, implement, monitor, evaluate and periodically review a national programme on occupational safety and health in consultation with the most representative organizations of employers and workers.

2. The national programme shall:

(a) promote the development of a national preventative safety and health culture;

(b) contribute to the protection of workers by eliminating or minimizing, so far as is reasonably practicable, work-related hazards and risks, in accordance with national law and practice, in order to prevent occupational injuries, diseases and deaths and promote safety and health in the workplace;

(c) be formulated and reviewed on the basis of analysis of the national situation regarding occupational safety and health, including analysis of the national system for occupational safety and health;

(d) include objectives, targets and indicators of progress; and

(e) be supported, where possible, by other complementary national programmes and plans which will assist in achieving progressively a safe and healthy working environment.

3. The national programme shall be widely publicized and, to the extent possible, endorsed and launched by the highest national authorities.

VI. FINAL PROVISIONS (...)



R197 Promotional Framework for Occupational Safety and Health Recommendation.⁴⁰

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Ninety-fifth Session on 31 May 2006,

Having decided upon the adoption of certain proposals with regard to occupational safety and health, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Promotional Framework for Occupational Safety and Health Convention, 2006 (hereinafter referred to as “the Convention”);

adopts this fifteenth day of June of the year two thousand and six the following Recommendation, which may be cited as the Promotional Framework for Occupational Safety and Health Recommendation, 2006.

I. NATIONAL POLICY

1. The national policy formulated under Article 3 of the Convention should take into account Part II of the Occupational Safety and Health Convention, 1981 (No. 155), as well as the relevant rights, duties and responsibilities of workers, employers and governments in that Convention.

II. NATIONAL SYSTEM

2. In establishing, maintaining, progressively developing and periodically reviewing the national system for occupational safety and health defined in Article 1(b) of the Convention, Members:

(a) should take into account the instruments of the International Labour Organization (ILO) relevant to the promotional framework for occupational safety and health listed in the Annex to this Recommendation, in particular the Occupational Safety and Health Convention, 1981 (No. 155), the Labour Inspection Convention, 1947 (No. 81) and the Labour Inspection (Agriculture) Convention, 1969 (No. 129); and

(b) may extend the consultations provided for in Article 4(1) of the Convention to other interested parties.



⁴⁰ www.ilo.org/ilolex/cgi-lex/convde.pl?R197

3. With a view to preventing occupational injuries, diseases and deaths, the national system should provide appropriate measures for the protection of all workers, in particular, workers in high-risk sectors, and vulnerable workers such as those in the informal economy and migrant and young workers.

4. Members should take measures to protect the safety and health of workers of both genders, including the protection of their reproductive health.

5. In promoting a national preventative safety and health culture as defined in Article 1(d) of the Convention, Members should seek:

(a) to raise workplace and public awareness on occupational safety and health through national campaigns linked with, where appropriate, workplace and international initiatives;

(b) to promote mechanisms for delivery of occupational safety and health education and training, in particular for management, supervisors, workers and their representatives and government officials responsible for safety and health;

(c) to introduce occupational safety and health concepts and, where appropriate, competencies, in educational and vocational training programmes;

(d) to facilitate the exchange of occupational safety and health statistics and data among relevant authorities, employers, workers and their representatives;

(e) to provide information and advice to employers and workers and their respective organizations and to promote or facilitate cooperation among them with a view to eliminating or minimizing, so far as is reasonably practicable, work-related hazards and risks;

(f) to promote, at the level of the workplace, the establishment of safety and health policies and joint safety and health committees and the designation of workers' occupational safety and health representatives, in accordance with national law and practice; and

(g) to address the constraints of micro-enterprises and small and medium-sized enterprises and contractors in the implementation of occupational safety and health policies and regulations, in accordance with national law and practice.

6. Members should promote a management systems approach to occupational safety and health, such as the approach set out in the Guidelines on occupational safety and health management systems (ILO-OSH 2001).



III. NATIONAL PROGRAMME

7. The national programme on occupational safety and health as defined in Article 1(c) of the Convention should be based on principles of assessment and management of hazards and risks, in particular at the workplace level.

8. The national programme should identify priorities for action, which should be periodically reviewed and updated.

9. In formulating and reviewing the national programme, Members may extend the consultations provided for in Article 5(1) of the Convention to other interested parties.

10. With a view to giving effect to the provisions of Article 5 of the Convention, the national programme should actively promote workplace prevention measures and activities that include the participation of employers, workers and their representatives.

11. The national programme on occupational safety and health should be coordinated, where appropriate, with other national programmes and plans, such as those relating to public health and economic development.

12. In formulating and reviewing the national programme, Members should take into account the instruments of the ILO relevant to the promotional framework for occupational safety and health, listed in the Annex to this Recommendation, without prejudice to their obligations under Conventions that they have ratified.

IV. NATIONAL PROFILE

13. Members should prepare and regularly update a national profile which summarizes the existing situation on occupational safety and health and the progress made towards achieving a safe and healthy working environment. The profile should be used as a basis for formulating and reviewing the national programme.

14. (1) The national profile on occupational safety and health should include information on the following elements, as applicable:

(a) laws and regulations, collective agreements where appropriate, and any other relevant instruments on occupational safety and health;

(b) the authority or body, or the authorities or bodies, responsible for occupational safety and health, designated in accordance with national law and practice;

(c) the mechanisms for ensuring compliance with national laws and regulations, including the systems of inspection;



- (d) the arrangements to promote, at the level of the undertaking, cooperation between management, workers and their representatives as an essential element of workplace-related prevention measures;
 - (e) the national tripartite advisory body, or bodies, addressing occupational safety and health issues;
 - (f) the information and advisory services on occupational safety and health;
 - (g) the provision of occupational safety and health training;
 - (h) the occupational health services in accordance with national law and practice;
 - (i) research on occupational safety and health;
 - (j) the mechanism for the collection and analysis of data on occupational injuries and diseases and their causes, taking into account relevant ILO instruments;
 - (k) the provisions for collaboration with relevant insurance or social security schemes covering occupational injuries and diseases; and
 - (l) the support mechanisms for a progressive improvement of occupational safety and health conditions in micro-enterprises, in small and medium-sized enterprises and in the informal economy.
- (2) In addition, 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 on occupational safety and health;
 - (c) educational and awareness-raising arrangements, including promotional initiatives;
 - (d) specialized technical, medical and scientific institutions with linkages to various aspects of occupational safety and health, including research institutes and laboratories concerned with occupational safety and health;
 - (e) personnel engaged in the area of occupational safety and health, such as inspectors, safety and health officers, and occupational physicians and hygienists;
 - (f) occupational injury and disease statistics;



(g) occupational safety and health policies and programmes of organizations of employers and workers;

(h) regular or ongoing activities related to occupational safety and health, including international collaboration;

(i) financial and budgetary resources with regard to occupational safety and health; and

(j) data addressing demography, literacy, economy and employment, as available, as well as any other relevant information.

V. INTERNATIONAL COOPERATION AND EXCHANGE OF INFORMATION

15. The International Labour Organization should:

(a) facilitate international technical cooperation on occupational safety and health with a view to assisting countries, particularly developing countries, for the following purposes:

(i) to strengthen their capacity for the establishment and maintenance of a national preventative safety and health culture;

(ii) to promote a management systems approach to occupational safety and health; and

(iii) to promote the ratification, in the case of Conventions, and implementation of instruments of the ILO relevant to the promotional framework for occupational safety and health, listed in the Annex to this Recommendation;

(b) facilitate the exchange of information on national policies within the meaning of Article 1(a) of the Convention, on national systems and programmes on occupational safety and health, including on good practices and innovative approaches, and on the identification of new and emerging hazards and risks in the workplace; and

(c) provide information on progress made towards achieving a safe and healthy working environment.

VI. UPDATING OF THE ANNEX

16. The Annex to this Recommendation should be reviewed and updated by the Governing Body of the International Labour Office. Any revised annex so established shall be adopted by the Governing Body and shall replace the preceding annex after having been communicated to the Members of the International Labour Organization.



Annex 4

Instruments of the International Labour Organization relevant to the promotional framework for occupational safety and health

I. CONVENTIONS

- ☀ Labour Inspection Convention, 1947 (No. 81)
- ☀ Radiation Protection Convention, 1960 (No. 115)
- ☀ Hygiene (Commerce and Offices) Convention, 1964 (No. 120)
- ☀ Employment Injury Benefits Convention, 1964 (No. 121)
- ☀ 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)
- ☀ Protocol of 1995 to the Labour Inspection Convention, 1947 (No. 81)
- ☀ Safety and Health in Agriculture Convention, 2001 (No. 184)
- ☀ Protocol of 2002 to the Occupational Safety and Health Convention, 1981 (No. 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)
- ☀ Employment Injury Benefits Recommendation, 1964 (No. 121)
- ☀ 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)



International Labour Office
Employment Sector
4, route des Morillons
1211 Geneva
Switzerland

TEL. +41 22 799 7722
FAX +41 22 799 7562

www.ilo.org/employment

ISBN 978-92-2-126177-3



9 789221 269588