

Committee on the Application of Standards

► Draft outcome of the discussion by the Committee on the Application of Standards of the General Survey: Achieving comprehensive employment injury protection

Introduction

1. The Committee welcomed the opportunity to examine the General Survey prepared by the Committee of Experts, entitled *Achieving comprehensive employment injury protection*. The Survey encompassed six instruments: the Workmen's Compensation (Agriculture) Convention, 1921 (No. 12), the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), the Equality of Treatment (Accident Compensation) Recommendation, 1925 (No. 25), the Social Security (Minimum Standards) Convention, 1952 (No. 102) (Part VI), the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121) and the Employment Injury Benefits Recommendation, 1964 (No. 121).
2. The Committee recalled that this General Survey marked the first occasion on which several social security instruments were examined in relation to employment injury benefits. The Committee also highlighted the important interlinkages between the instruments under review and other relevant international labour standards, including the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), that have been recently recognized as fundamentals by the International Labour Conference.
3. The Committee further recalled that social protection in cases of employment injury is one of the oldest branches of social security and lies at the heart of the ILO's mandate, as established in the Preamble to its Constitution and reaffirmed in the 1944 Declaration of Philadelphia and the 2008 ILO Declaration on Social Justice for Fair Globalization. Moreover, the 2019 ILO Centenary Declaration for the Future of Work calls for the development and strengthening of social protection systems that are adequate, sustainable, and responsive to changes in the world of work. It recalled the vital role of social protection, including employment injury protection, as a social buffer and economic stabilizer.
4. The Committee emphasized the timeliness and relevance of the General Survey in light of the growing number of work-related risks, as well as the complex challenges posed by climate change, technological developments, health crisis and major industrial accidents.

The situation and needs of Member States

5. The Committee welcomed the various measures adopted in many countries to strengthen employment injury protection, including efforts to enhance the institutional and legal frameworks, extend coverage of employment injury benefits, improve the management of social security institutions, and promote occupational safety and health.
6. The Committee nevertheless noted with concern that, despite the progress made over the past decades, challenges to achieving comprehensive employment injury protection remain. Notably, the continued occurrence of employment injuries is reflected in the estimated 2.93 million work-related deaths each year, and an additional 395 million cases of non-fatal injuries. Disparities between regions are stark, with some of the lowest coverage rates observed in areas where injury incidence is highest. In this context, the effective realisation of the right to a safe and healthy working environment, recognized in 2022 as a fundamental principle and right at work, is essential for the prevention and mitigation of occupational risks.
7. The Committee noted the vital link between a strong occupational safety and health culture and employment injury benefit schemes. In particular, effective preventive measures, such as training, awareness raising, research and health services play a key role in detecting and treating employment injuries and reducing their incidence, which in turn lowers the overall cost of employment injury benefits and enhances the financial sustainability of these schemes. The Committee noted the need for the strengthening of collaboration between social security schemes and authorities responsible for OSH. The Committee noted the importance of enhancing collaboration among all parties involved.
8. The Committee stressed that Convention No. 102 establishes fundamental principles concerning participatory management and overall responsibility of the State for the due provision of benefits and the proper administration of institutions and services, and the need to address persisting gaps in coverage, with a view to extending employment injury protection to all workers. Notably, more efforts are required to ensure comprehensive protection for workers in the informal economy, as well as for domestic, migrant and agriculture workers, along with those in high-risk sectors. This should be approached with a gender-sensitive perspective, also bearing in consideration the emergence of new activities.
9. Taking note of the challenges faced by migrant workers, the Committee acknowledged the need to ensure equal treatment for all workers regardless of residential status or nationality. The Committee observed that migrant workers are often exposed to hazardous jobs and may lack access to information about their rights due to language barriers. In this context, overcoming practical barriers to guarantee the due provision of benefits was considered essential, including by the implementation of bilateral and multilateral agreements to ensure the portability of employment injury benefits.
10. The Committee noted that commuting accidents were not always considered as work-related in legislations of some ratifying countries of Convention 121 and expressed the need to align the definition of work-related accidents with the provisions of Convention No. 121 and its accompanying Recommendation. In what relates to the lists of occupational diseases, while acknowledging the need to ensure that all diseases included in the Schedule I of Convention No. 121 are recognised as occupational, the Committee expressed the importance of regularly updating national lists of occupational diseases, notably in accordance with scientific evidence and technological developments.
11. The tripartite Committee placed strong emphasis on the importance of promoting mental health and preventing psychosocial risks, which are becoming increasingly relevant in contemporary

work environments. These issues are particularly acute in female-dominated sectors such as health care, education, and social services. The Committee highlighted the need to extend employment injury protection to cases of psychosocial harm as well as workplace violence and harassment, including through revisions of national lists of occupational diseases.

12. In the context of a technology-driven world, the Committee recognised the challenges and opportunities presented by evolving technological developments and workplace arrangements. While new technologies, including artificial intelligence may reduce workers' exposure to occupational hazards and improve labour inspections, fraud detection, handling complaints and support the administration and provision of benefits, these advances should not come at the cost of workers' health. The Committee considered that prevention and occupational safety and health measures require special attention in this respect, as a widespread technological working environment, which entails cognitive and visual overload, may negatively affect the physical and mental health of workers. It was also noted that social dialogue is particularly needed for an effective and responsible use of these new technologies.
13. The Committee stressed the need to ensure access to adequate quality medical care to all workers for all the contingencies covered under the instruments. It stressed the need for adequate facilities, also for rural and remote areas. The Committee underlined the need to ensure that cash benefits are paid as long as an injured worker is incapacitated for work.
14. The Committee emphasized the overarching responsibility of the State to guarantee the financial sustainability of employment injury benefit schemes and the due provision of benefits. The sound financing of the schemes must be based on resource pooling and risk sharing. Such approaches would help ensure adequate protection for workers and their dependents, while also enabling environment for sustainable enterprises by avoiding undue financial burdens on employers. Moreover, the State must ensure the proper administration of social security institutions and services, including by strengthening enforcement mechanisms and investing in labour inspection systems. Finally, the Committee considered that claim procedures and appeal mechanisms should be clear, simple, affordable and expeditious.

Common commitments

15. The Committee welcomed the broad commitment to further advance employment injury protection according to national circumstances, and in line with the relevant international labour standards. Comprehensive and effective employment injury protection systems are vital in achieving decent work, strengthening social protection, promoting occupational safety and health, and enabling environment for sustainable enterprises and productive employment. The Committee also recognized the importance of adapting employment injury protection systems to reflect evolving work environments, as well as emerging risks and advances in knowledge related to occupational safety and health.
16. The Committee noted the emphasis placed by the tripartite constituents on the need for closer coordination of social protection policies and other relevant public policies and strategies, including the ones relating to employment, occupational safety and health, vocational rehabilitation and non-discrimination, based on strong social dialogue. Fostering an occupational safety and health culture and promoting an enabling environment for sustainable enterprises, and strengthening inclusive and accessible social protection are key for achieving comprehensive employment injury protection.
17. The Committee recognized the importance of social dialogue and the key role of workers' and employers' organizations in the design, adoption and implementation of employment injury protection measures. Participatory management is a cornerstone of good governance, informed

decision-making, and public trust, ensuring that employment injury protection systems remain responsive to the changing realities of the world of work.

ILO means of action

18. The Committee recalled that comprehensive, effective and well-functioning employment injury protection systems are essential for alleviating the financial hardship experienced by injured workers and their families, supporting the reintegration of victims into the labour market, and contributing to the prevention and mitigation of employment injuries.
19. The Committee called upon ILO constituents to step up their efforts towards comprehensive employment injury protection. In this regard, it highlighted the value of technical assistance from the Office to strengthen the capacity of the tripartite constituents to develop robust legislative and policy frameworks on employment injury protection, and to establish and maintain effective employment injury protection systems based on good governance and sound financing.
20. The Committee invited Member States to consider the possibility of ratifying Conventions Nos 102 (Part VI) or 121, as well as other Conventions relevant to employment injury protection. To that end, the Committee encouraged the Office to provide technical assistance, as may be requested by Member States, to assess and overcome potential obstacles to ratification.
21. Finally, the Committee requested the Office to take into account the *General Survey on Achieving Comprehensive Employment Injury Protection*, the tripartite discussion that followed and the outcome of its discussion in relevant ILO work. It hoped that this outcome, along with the General Survey, would feed into the follow-up of the Standards Review Mechanism Tripartite Working Group recommendations stemming out of its examination of employment injury benefits standards in September 2022; as well as contribute to the objectives set out in the United Nations 2030 Agenda for Sustainable Development, particularly in SDGs 1 (No poverty), 3 (Good health and well-being) and 8 (Decent work and economic growth).