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“Towards safe, healthy and declared work in Ukraine”



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# International Standards for Safety & Health at Work

FTUU seminar “Strengthening trade unions’ influence  
on the reform of the labour protection legislation. Improve by changing!”

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Kyiv, Ukraine

17/11/2021

[www.ilo.org/shd4Ukraine](http://www.ilo.org/shd4Ukraine)

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## Some ILO instruments of relevance

**ILO Constitution** sets forth the principle that workers must be protected from sickness, disease and injury arising from employment. (Over 40 standards 40 codes of practise on OSH)

- ▶ Promotional Framework Occupational Safety and Health Convention, 2006 (C187)
- ▶ Occupational Health Services Convention, 1985 (C161)
- ▶ Safety and Health in Construction, 1988 (C167)
- ▶ Recommendations: R097, R102, R164, R171, R197, R194



## Some ILO instruments of relevance (cont'd)

Ukraine ratified 71 ILO Conventions, incl. 8 Fundamental, 4 Governance (Priority) Conventions, 59 of the 177 Technical Conventions, OSH relevant ones ratified by Ukraine:

- ▶ Labour Inspection in Industry and Commerce (C81)
- ▶ Labour Inspection in Agriculture (C129)
- ▶ Labour Administration: Role, functions and organisation (C150)
- ▶ Occupational Safety and Health Convention (C155)
- ▶ Labour Statistics (C160)
- ▶ Safety and Health in Agriculture (C184), in Mines (C176), (C138/C182), (C154), (C102), (C159)
- ▶ Recommendations: R097, R102, R164, R171, R197, R194





## Some EU instruments of relevance

- ▶ EU Framework Directive 89/391/EEC, 1989
- ▶ Directives:
  - ▶ 89/654/EEC workplace requirements,
  - ▶ 89/656 use of personal protective equipment
  - ▶ 92/57 temporary or mobile construction sites
  - ▶ 92/58 safety and/or health signs
  - ▶ 2003/88 working time
  - ▶ 2009/104 use of work equipment
  - ▶ 1999/92 risks from explosives



## Current trends & perspectives

**OSH and compliance through Labour Inspection standards of ILO are increasingly important**

**GSP & GSP + in the future likely to incorporate also C81 and C144**

**ILO current Governing Body (343<sup>rd</sup> session) to address OSH becoming a fundamental right at work**

**Relevance for Ukraine through DCFTA/AA and possibly other FTAs**

**Importance of current legislation being developed on OSH and Labour Inspection to be in line with ILS and EU standards.**

## OSH Law & possible improvements for consideration

**Final Provisions** – “mini LI Law” does not belong there, neither structurally nor in spirit of 89/391 (compliance with C81/129 important) – should be/it is subject of another Law: Some Amendments on...

**Art. 11 Special conditions for performing high-risk, hazardous works:**  
essential state control/insurance option in addition not “and/or”. Para 8 – time frame for decision/obligation to reach a decision rather than the “no answer – go ahead” principle.

**Art. 16 Occupational risk management** – choice of risk assessment methodology not too prescriptive

## OSH Law & possible improvements for consideration

**Art. 35 (para. 4 subpara. 5, para 8) Employer's liability for violation of legislation on safety and health of workers** – discount 50% - 10 banking days/MUST be also the elimination of the violation itself

Moving from enforcement and control to the concept of **promoting the culture of compliance**

**More details here** [https://www.ilo.org/budapest/what-we-do/projects/declared-work-ukraine/WCMS\\_828365/lang--en/index.htm](https://www.ilo.org/budapest/what-we-do/projects/declared-work-ukraine/WCMS_828365/lang--en/index.htm)



**Дякую за увагу!**

**Thank you for your attention!**





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