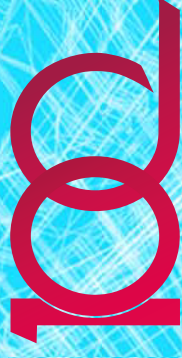


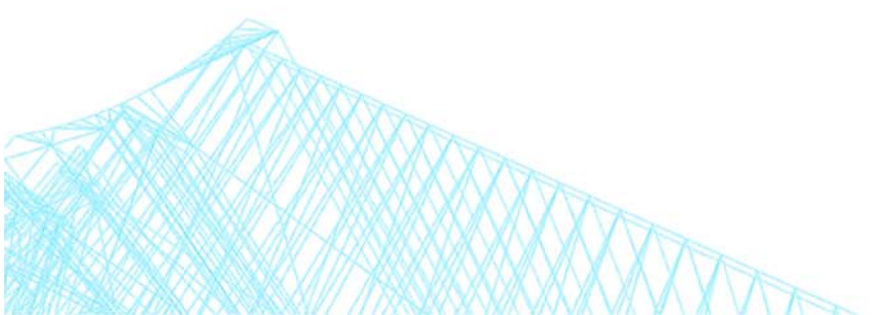
International
Labour
Organization



EU DIRECTIVES AND REFORM OF OSH AND LABOUR RELATIONS' LEGISLATION

“WHITE PAPER” OVERVIEW

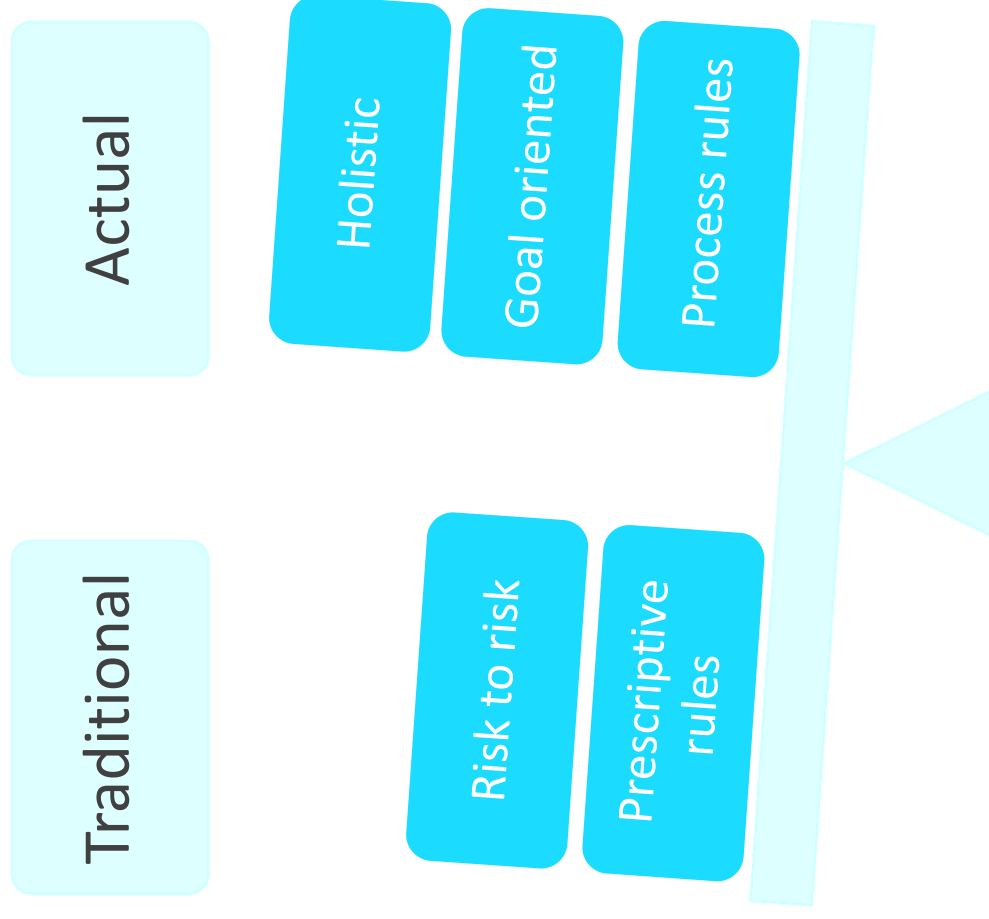
Mr. Manuel Roxo, ACT, Portugal

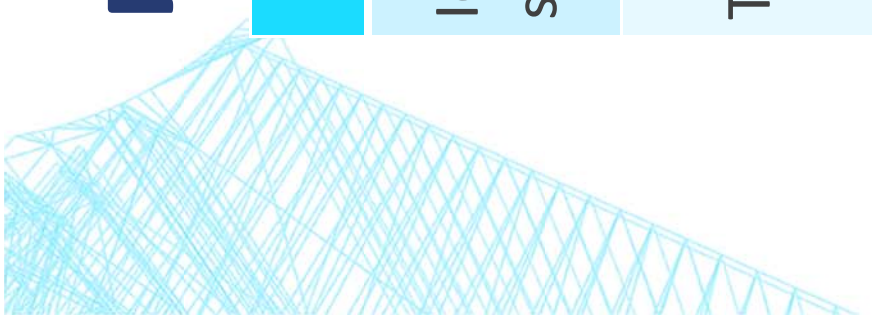


SUMMARY

- Reform OSH Ukrainian legal framework
 - Shift from prescriptive to goal oriented vision
 - Labour relation issues
- Developments required
 - Features, options
- Enforcement and promotion
- Road map
 - Strategic, legislative, operational measures

PREVENTIVE MODELS





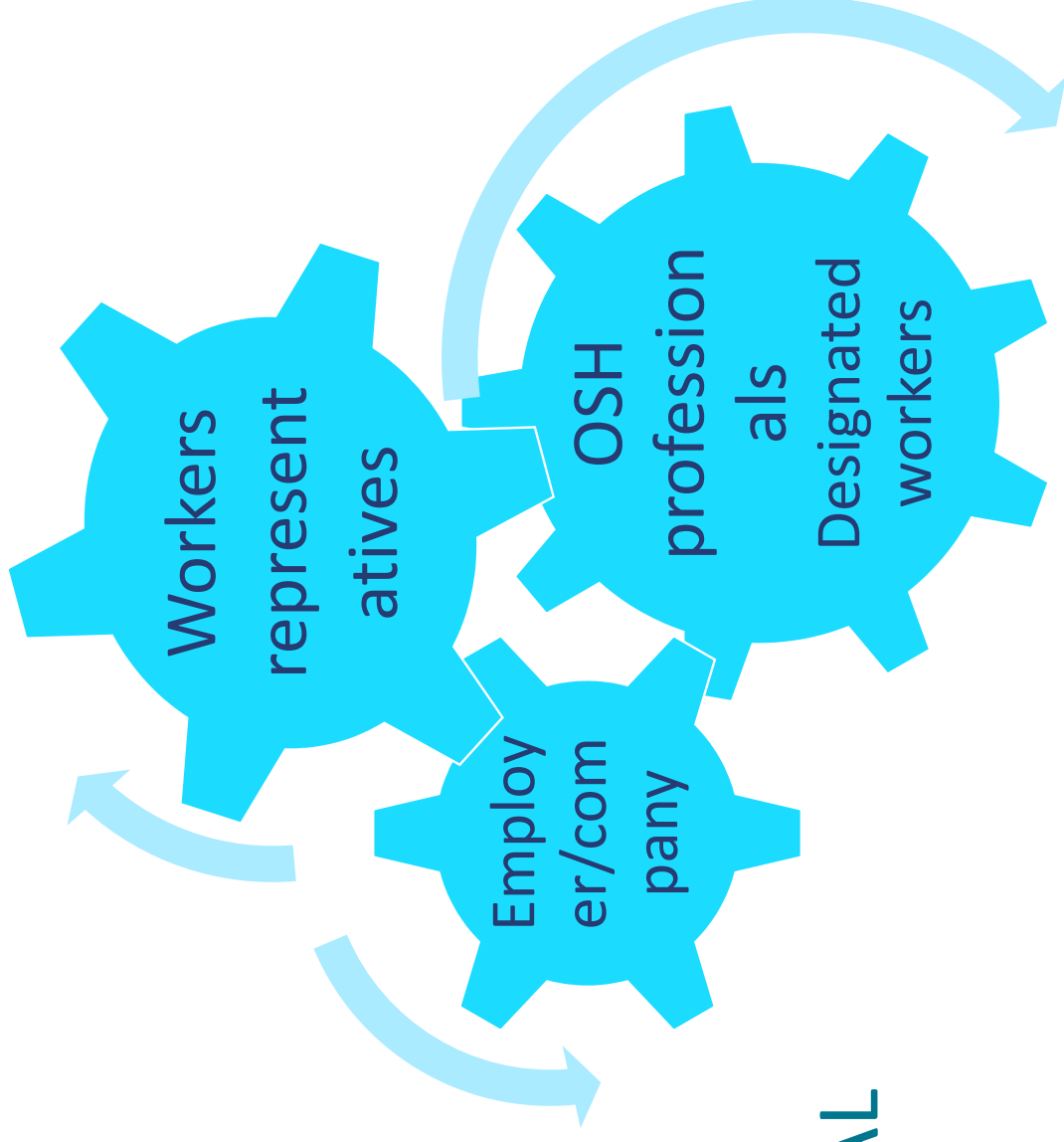
PRESCRIPTIVE MODEL

ADVANTAGES	DISADVANTAGES
Identifies problems and provides solutions	Volume and accessibility to recipients of the law Some economic activities
Technical specifications	Some specific risks Only material characteristics Potential obsolescence
Determinable obligations	Mainly physical integrity Discourages innovation
Ease of compliance and enforce	Rigidity of the legal framework

GOAL ORIENTED MODEL

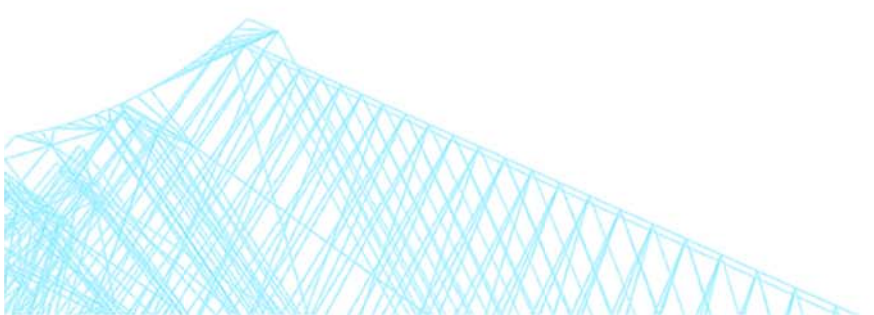
ADVANTAGES	DISADVANTAGES
Systemic vision and self regulation	It involves strong commitment at the
Structure of legislation: main and secondary	various decision-making levels
Other normative orders, the <i>soft law</i>	Consistency needs...
Process and performance standards	Binomial certainty/uncertainty
All risks, economic activities, employed population	Requires availability of skills
	Difficulty for micro-, small and medium businesses
Adaptability to reality and change	More complexity in compliance and enforcement

SYSTEMIC STRUCTURED VISION



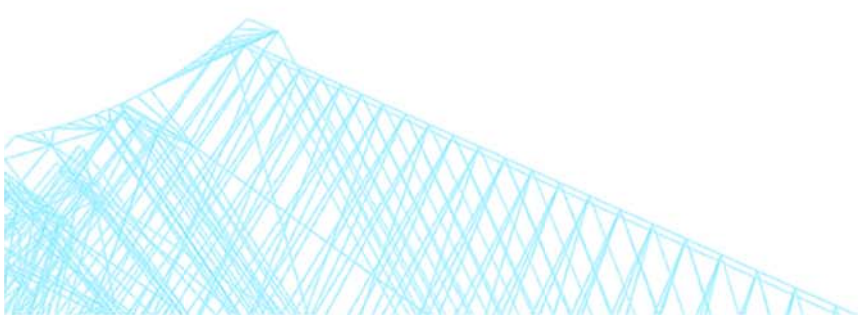
CONTEXTS:

- POLITICAL
- INSTITUTIONAL



LABOUR RELATION ISSUES: A CONTEXT OF CITIZENSHIP AT WORK

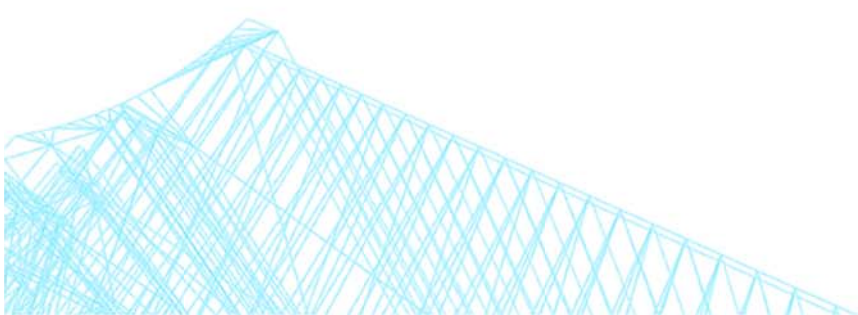
- Employment relationship
 - The nature of nowadays work
 - Undeclared work
 - Masked work
 - Atypical work
- Information and consultation to employees
- Equality between men and women: gender and genetic
- Anti discrimination



OSH LEGAL FRAMEWORK: MAIN FEATURES TO BE OBSERVED

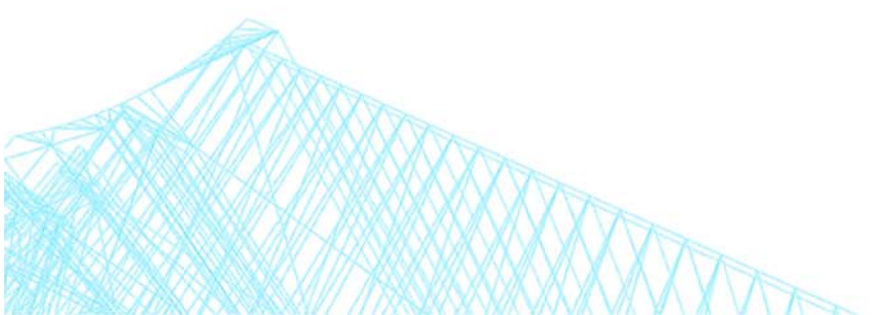
- Scope and objectives
 - All work activities, employees, third parties
 - The physical and mental health
- Employers obligation prevention
 - Obligation of result, prospective
 - Decision-making ruled by principles, the 9 GPP
- Participatory management system, strategic approach
 - Not transferable
 - Not conditioned by economic factors
- Resources, the OSH preventive services, health surveillance

OSH culture
✓ commitment
✓ competence
✓ conscientiousness



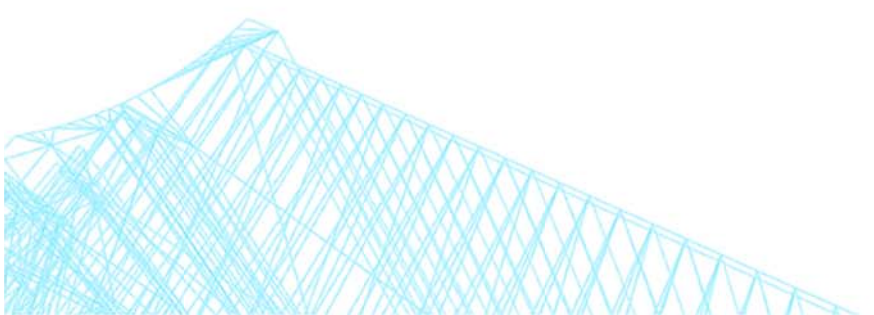
OSH LEGAL FRAMEWORK: MAIN FEATURES TO DEVELOP

- Preventive e protective services
 - Internal/external resources
 - Emergency and rescue
- OSH professionals
 - Safety engineers, occupational health physicians
 - Ergonomists, occupational health psychologists, industrial hygienists
- Employees participation on OSH
 - The workers representatives



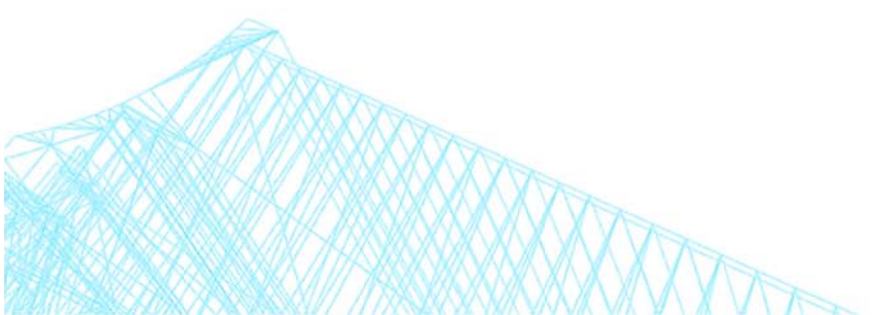
PREVENTIVE E PROTECTIVE SERVICES OPTIONS

- Option internal/external service provider: standardization of choice or not
 - Aptitude, personal, means
 - The case of small companies
- Type and nature of skills: Specialists, generalists, multidisciplinary: health, safety, psychosocial
 - Regulation process: hard law, soft law, codes of practice
- Certification of external services provider
- Relation with workers representatives



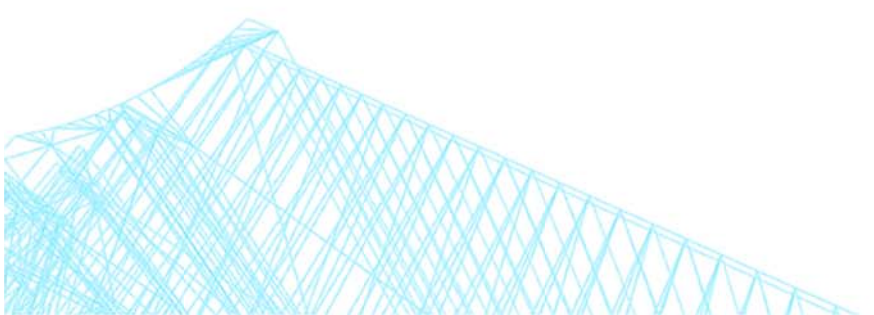
OSH PROFESSIONALS: OPTIONS

- Regulated profession: the access is legally limited to the possession of a specific professional qualification
- Chartered profession: formal credential by a relevant professional organization
- Indication of qualified professional
- The case of health professionals
- Definition of profile of skills
- Ethics and deontology
- Relation with companies and employees
- Independence of professionals
- Protection and conditions of exercise
- Regulation process: hard law, soft law, codes of practice



WORKERS REPRESENTATIVES: OPTIONS

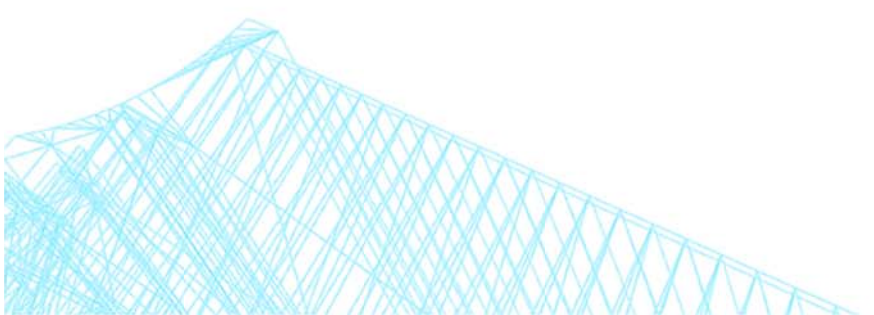
- Who are them
 - 1) Business councils or similar already existents
 - 2) Delegates and safety committees that may cumulate with the previous option
 - 3) Specific elected delegates and safety committees
 - 4) No reference in the law
- Protection and conditions of exercise
 - Electoral process
 - Relation with management and OSH professional
 - Training
 - Methodologies: access to information inspection's on the work place...
 - Credit of hours
 - Resources
 - Relation with authorities
 - Protection against discrimination



LABOUR INSPECTION SYSTEM

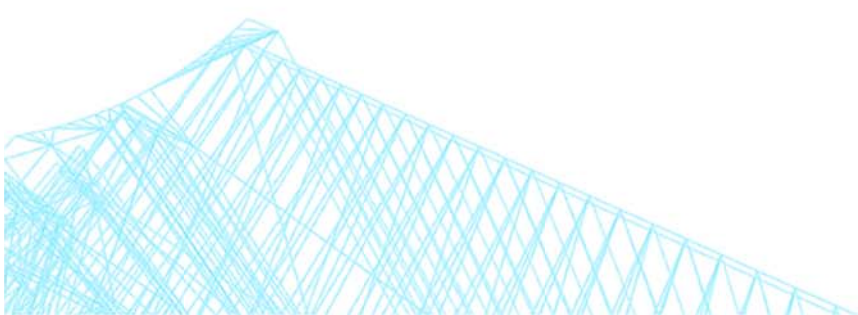
Compliance with ILO Conventions 81 and 128

- Main functions / accessories functions
- Organizational structure
 - Central authority and proximity to regions
 - Independence to the interests
 - Social partners and other stakeholders
- Labour inspection procedure
- Powers and deontology
- Career and statute of inspection professionals



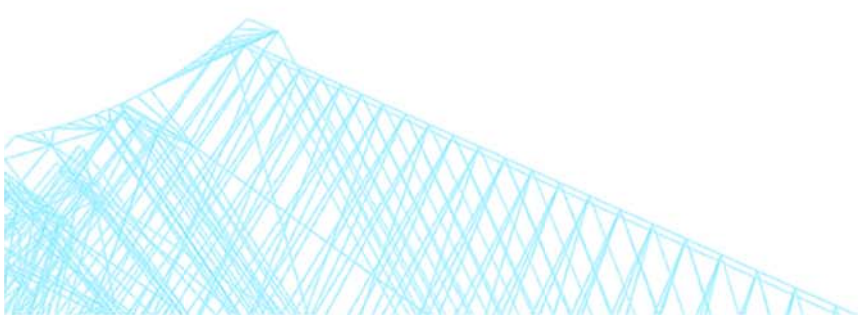
ROAD MAP: STRATEGIC MEASURES

- Ukrainian National Strategy for the Pro-motion of OSH
- Legislative intervention program
- Panel of relevant indicators on working conditions
- Strengthen the labour administration, Improve labour inspection action



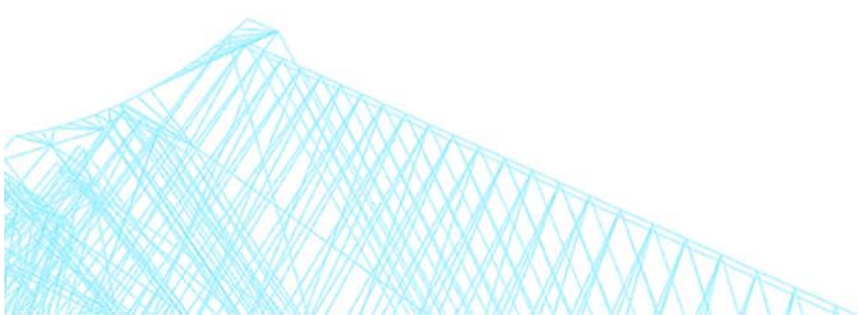
ROAD MAP: LEGISLATIVE MEASURES

- Transpose directives to national law instrument
- Create an OSH guidelines system
- Additional regulations and/or OSH guidelines on OSH professional qualifications, OSH preventive services, OSH workers representative
- Strengthen and improve the efficiency and effectiveness of the labour inspection system



ROAD MAP: OPERATIONAL MEASURES

- Training on the forth-coming national OSH legal framework
- Information and awareness-raising campaign on the EU legislation
- Disseminate technical information
- Reorient the system for collecting, processing and disseminating data on work accidents and occupational diseases



RISKS TO AVOID

- Lack of legislative authorities involvement
- Miss a participatory and goal-oriented OSH approach
- Rigidity of the legal framework and legal solutions
- Less consideration by micro, small and medium enterprises
- Prejudice to public confidence and to compliance
- Demotivation and lack of qualifications
- Lack of knowledge about occupational diseases and accident situation
- Social costs...

- The “*Association Agreement between EU and Ukraine*” is a confluence of economic imperatives consistent with social policies.
- There is an intention to obtain sustainability and capacity to project the future.
- The promotion of OSH plays an important role in these goals.