August 2020

Social dialogue on occupational safety and health in the Covid-19 context

Ensuring a safe return to work

Practical examples

1. Introduction

As the Covid-19 pandemic continues to evolve around the globe, many countries have started to ease their lockdown measures, allowing people gradually to return to work. Yet, the “new normal” requires major adjustments at workplaces to ensure that this return to work is undertaken in ways that minimize the risks to everyone involved.

On all continents, albeit not in all countries, tripartite and bipartite social dialogue, involving consultation between and among governments and employers’ and workers’ organizations, has helped to shape the lockdown and to build effective immediate responses, particularly for economic support measures to protect workers and enterprises from the worst impacts of the crisis. Such consultation and collaboration between the tripartite partners is equally crucial for shaping a safe return to work. Safety and health at the workplace is increasingly on the agenda as more countries, sectors and enterprises prepare the ground for a gradual reopening of the economy. However, social dialogue concerning the return to work phase appears, so far, to be rather less common than it was with regard to the economic measures put in place at the onset of the crisis.

Consultations by the relevant authorities with workers’ representatives alongside those of business are needed for any work-related policy issue, and never more so than in the COVID-19 context. This brief showcases examples of how social dialogue has been used to manage the return to work in a safe manner. The examples include social dialogue at various levels and from different regions. They illustrate how effective dialogue helps deliver the solutions that are best adapted to the prevailing circumstances, builds trust and confidence in the measures adopted and paves the way to guarantee a safe return to work for all. The examples may provide inspiration for governments and the social partners around the world to consider for possible adaptation and application in their own contexts.

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3 For more information, see: Negotiation the return to work, IndustriALL, June 2020 and IOE President - Welcome remarks at IOE Digital Conference on Back to Work Policies, 6 May 2020.
2. The important role of international labour standards

Most ILO standards refer to the involvement of representatives of employers and workers in shaping and implementing policies and programmes for the world of work, while some relate specifically to social dialogue.

With regard to safety and health at work, the main standards are the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). Both conventions call for consultations with the most representative organizations of employers and workers for the development of national policies, systems and programmes on occupational safety and health. The ILO Centenary Declaration for the Future of Work, adopted in 2019, declared that safe and healthy working conditions are fundamental to decent work.

The Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205) calls for all crisis response measures to be developed and promoted through gender-inclusive social dialogue, recognizing the vital role of employers' and workers' organizations in this respect.

3. Social Dialogue

Social dialogue is valuable at all times, not only during a crisis. However, during crisis times, it can be especially effective when quick reactions to find often difficult solutions become necessary. Bipartite agreements between employers' and workers' representatives, or tripartite agreements involving government as well, may often be achieved more easily regarding occupational safety and health (OSH) than on other, potentially more divisive, issues. OSH Councils or OSH Committees often already exist at various levels (national, regional or enterprise); such institutions can provide a platform for exiting the lockdown and preparing a safe return to work.

Labour and health ministries, together with the social partners, have in some cases jointly developed approaches for exit from lockdown. Consultations were held to discuss and agree on concrete measures to open up businesses and make workplaces safe from the further spread, or resurgence, of the coronavirus. This collaboration between and among the actors in the world of work is essential to ensure that the measures put in place are acceptable to and supported by employers and workers, and will be effectively implemented in practice. Such tripartite dialogue has often started at the national level, resulting in the adoption of agreed national guidelines, which are then followed up by further consultation and bipartite or tripartite agreements at the regional or sectoral level to adapt them to the specific context. In addition, bipartite dialogue has sometimes been held at the enterprise level.

This reliance on a multi-level social dialogue approach corresponds to the fourth pillar of the ILO policy response to the Covid-19 crisis, entitled “Relying on social dialogue for solutions”.

Social partners have also individually published guidelines and support documents to facilitate a return to work that is safe, and where dialogue is considered essential.

3.1. Social dialogue at the national level

At the national level, some governments continued to invite the social partners to discuss exit from the lockdown and the requirements for a safe return to work. Usually, representatives of the public health authorities and other health professionals, such as researchers and epidemiologists, joined these tripartite discussions. The discussions were sometimes hosted within existing tripartite social dialogue institutions. Where such institutions did not exist, the dialogue was organized ad hoc in an emergency context.

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5 The Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), its accompanying Recommendation (No. 152) and the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113) are the prime standards to create an enabling framework for and to promote institutionalized social dialogue between government and the social partners. In order to assist constituents in implementing these standards, the ILO published a Guide for National Tripartite Social Dialogue.
6 The Conventions and their accompanying Recommendations (Nos. 164 and 197) are complemented by the Guidelines on occupational safety and health management systems (ILO-OSH 2001).
7 See also ILO publication on “Managing Conflicts and Disasters: Exploring Collaboration between Employers’ and Workers’ Organizations”, which includes collaboration on emergency situations such as the COVID-19 pandemic.
8 See also A safe and healthy return to work during the COVID-19 pandemic - ILO guidance.
In several instances, the social partners held internal meetings prior to their meeting with the government, in order to establish their respective positions. At the tripartite meeting, they were able to present concrete proposals regarding safety and health for the return-to-work phase, just as they had done with regard to support measures in the early stages of the crisis. In some cases, several meetings were held in quick succession before a joint document was agreed. A successful outcome could be the issuing of guidelines on OSH by the government, which had benefited from input and support from the social partners.

**Box 1: Germany: SARS-CoV-2 Occupational Safety and Health Standard at work**

On 16 April 2020, the Federal Ministry of Labour issued binding OSH Guidelines on Covid-19 and the envisaged return to work, which were developed in consultation with the social partners (BDA and DGB), other ministries, regional governments and federal health agencies (the 10-Point-Plan). These Guidelines are based on the principle that “whoever works in special times needs special protection”. Under the guidance of the Statutory Accidents Insurance Authority (DGUV), a tripartite task force was put in place to devise necessary sector-specific adjustments and to monitor the implementation of the guidelines. The advice and assistance they provide targets mainly small and medium-sized enterprises, on the assumption that larger enterprises will implement the required Covid-19 response measures using in-house OSH specialists. The OSH measures include:

- **a)** hygiene items available at workplace (disinfectant, soap), regular cleaning (including of doorknobs, handrails, work tools);
- **b)** social distancing at the workplace (5 feet) to be applied everywhere (including changing rooms); where this cannot be ensured, face masks have to be made available;
- **c)** display of numerous posters to promote correct behaviours (hand hygiene, distancing, personal protective equipment (PPE), sneezing etiquette, etc.);
- **d)** hotline for medical advice (company or public);
- **e)** no-one with fever or other Covid-19 symptoms allowed entry to the workplace;
- **f)** maximum use of teleworking.

*Source: SARS-CoV-2 Occupational Safety and Health Standard (SARS-CoV-2-Arbeitsschutzstandard). Federal Ministry of Labour and Social Affairs. 16 April 2020 (available in 5 languages).*

Tripartite dialogue was held at the national level in a number of other countries. In **Switzerland**, two meetings were held between the President, several Ministers and the umbrella social partner organizations in early March 2020 at the outset of the pandemic. Consultations continued in four working groups (on legal, fiscal, workplace and sectoral aspects). The consultations at the national level have extended to the reopening of businesses, determining the timing as well as the specific OSH-related measures to be adopted, which may differ according to the sector or workplace in question.

The government and social partners in **Italy** developed a joint protocol to regulate measures to combat and contain the spread of Covid-19 in workplaces (on 14 March 2020, updated on 26 April). The protocol makes social distancing a general rule across the country and at all events and encourages employers and workers to consult on its implementation at the enterprise level. It refers as well to free information flow on Covid-19 related changes, regulated entry/exit measures for workers and visitors as well as in common areas (canteen, changing rooms, etc.), increased hygiene and sanitization measures (work tools, private hygiene), arrangements for dealing with workers showing symptoms of Covid-19. It also calls for territorial committees composed of joint health and safety bodies and for the creation of internal Covid-19 committees that include trade union representatives at the enterprise level. Italy also published a separate protocol for construction sites10, developed jointly with the social partners. These tripartite protocols have stimulated further negotiations and agreements at enterprise level that focus on the safe return to work.

**Belgium** developed a detailed ‘Generic guide for combating the spread of Covid-19 at work’ which is the result of co-operation between the social partners in the High Council for Prevention and Protection at Work, the Economic Risk Management Group, the Federal Public Service for Employment, Labour and Social Dialogue and the policy unit of the Ministry for Employment.11 The tool, adaptable to different sectors, contains a number of building blocks to enable workers to return to work as safely as possible. Social dialogue at enterprise level is recognized as key to safely restart or progressively increase business operations.

In **South Africa**, several ministers have met regularly with the Executive Council of the National Economic Development and Labour Advisory Council (NEDLAC) since March 2020, and the President chaired a NEDLAC meeting on 15 May (virtual meeting) to discuss strategies to exit the lockdown and implement a safe return to work.12 Subsequently, the Government took

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Box 2: Singapore - Requirements for Safe Management Measures at the workplace

In Singapore, the tripartite partners agreed on and published an advisory guide on Covid-19 on 9 May 2020, which was updated on 1 June. The tripartite partners (namely, the Ministry of Manpower (MOM), the National Trades Union Congress (NTUC) and the Singapore National Employers Federation (SNEF)) issued details on ‘Safe Management Measures’ required of employers, on the basis of which they would be allowed to resume their operations. They include general requirements for general workplace settings. Specific workplaces, such as construction sites, are subject to additional requirements. The MOM, the Building and Construction Authority (BCA) and Enterprise Singapore (ESG) committed to step up enforcement and take action against non-compliant employers through, for example, stop-work orders and financial penalties.

The measures agreed include the following:

a) Actively enable employees to work from home: review work processes and provide the necessary IT equipment; hold virtual meetings; temporarily redeploy vulnerable employees to another role within the company;

b) When resuming operations: Stagger work and break hours (to reduce possible congregation of employees at common spaces such as entrances, exits, lobbies and canteens);

c) Split employees at workplace premises into teams, with each team restricted to one worksite wherever possible, with no cross-deployment;

d) Wear masks at the workplace: all onsite personnel, including employees, visitors, suppliers and contractors to wear masks at all times. Observing good personal hygiene (e.g. wash hands regularly, refrain from touching face);

e) Record the entry of all personnel (both employees and visitors); arrival/departure through separate entrances/exits;

f) Ensure physical spacing of at least 1 metre between persons at all times (demarcate safe physical distances, limit the number of persons waiting in queues);

g) Increase cleaning of workplace premises; provide cleaning and disinfecting agents (e.g. liquid soap; hand sanitisers at all stoppage points such as entrance, reception, security booths, lift lobbies; disinfectant sprays, paper towels and wipes in meeting rooms and other common spaces);

h) Employers must ensure that the measures listed above are put in place, communicated and explained to employees prior to their resuming work; signs should be put up to remind employees and visitors to observe all measures, and unionised companies should engage their unions on such arrangements. Employees must adhere to the measures.


13 Economic Cluster Media Briefing on Coronavirus COVID-19 Alert Level 3, 29 May 2020

14 Memorandum of Understanding between the tripartite social partners – Ministry of Labour and Social Protection, Central Organization of Trade Unions (COTU), and Federation of Kenya Employers (FKE), signed on 30th April 2020.
3.2. Social dialogue at regional and sectoral levels

In several countries, tripartite or bipartite agreements on Covid-19 reached at the national level have stimulated further agreements at the regional level that reflect the local context. Regional adjustments may take into account the local rate of Covid-19 infection, which will influence lockdown and return-to-work measures.

**Box 3: Switzerland – Public Call in Solothurn’s construction sector**

In the canton of Solothurn, social partners and the local Ministry of Economy regularly meet in “Dialogue Economy”. Following several individual complaints coming from the construction sector upon return to work, they discussed and jointly issued a Public Call (24 March) to “urgently remind everybody in the construction sector to follow and implement the Recommendations of Government and Health services with respect to preventing Covid-19, failure to observe which the construction site shall be closed”. Concrete measures to follow were listed and a previously published checklist for construction sites included.

*Source: Solothurner Zeitung, 24 March 2020*

Marked differences exist as well between sectors. Certain ILO standards specific to an economic sector are important in the context of Covid-19. As with the global standards previously mentioned, these standards refer to the need for social dialogue in addressing the issues. Some sectors were declared as essential sectors (such as health, food production and processing and sections of local transport) in which no shut down was possible, while others were prescribed a temporary shutdown in order to curb the spread of the virus. Such decisions were sometimes made by the government following consultation with the social partners.

It is important to recall the general principle that there is no ‘one-size-fits-all’ model for social dialogue. The right approach to take depends on the specific context, and innovative solutions may be needed to achieve the best outcome. Some examples of social dialogue at sectoral level are described below.

15 Sectoral standards on or including OSH include the Hygiene (Commerce and Offices) Convention, 1964 (No. 120), the Nursing Personnel Convention, 1977 (No. 149), the Safety and Health in Construction Convention, 1988 (No. 167), the Safety and Health in Mines Convention, 1995 (No. 176), the Safety and Health in Agriculture Convention, 2001 (No. 184), and the Maritime Labour Convention, 2006, (MLC, 2006).
3.3. Social dialogue at the workplace level

The ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) establishes that arrangements promoting cooperation constitute an essential element of workplace-related prevention measures. Research has shown conclusively that the presence of trade unions and the use of social dialogue to address OSH issues at the workplace are associated with a decrease in work-related injuries and accidents. The ILO Declaration on Social Justice for a Fair Globalization (2008) recommends that social partners negotiate internationally agreed OSH standards. Social dialogue allows for flexibility in adapting measures in the return-to-work phase. The return-to-work phase provides a valuable opportunity for the social partners to strengthen their cooperation and mutual trust at the enterprise level, particularly in the context of follow-up to national or sectoral level agreements. There are several examples of successful bipartite social dialogue at the enterprise level to agree upon specific Covid-19 OSH measures, adapted to the specific context.

Box 6: Germany – Daimler AG

The car manufacturer Daimler AG resumed production after four weeks of standstill in large parts of the company. About 80% of the 170,000 employees in Germany had been on short-time work arrangements (Kurzarbeit). Prior to work resumption, management and works councils jointly elaborated a list of specific health and safety requirements for each workplace. This list was also referred to in the course of tripartite consultations with the federal government on OSH guidelines (see box 1). In order to limit direct contact among workers, they were to be recalled gradually, starting in only a few departments, or with only one or two shifts in some factory sites; shift work would have staggered start and end times (leading to reduced contact at the gate and in changing rooms), and teleworking would continue wherever possible.


Box 7: Spain – Telefónica

Telefónica Group signed an agreement with the global union UNI-ICTS to pilot a return to worldwide activity. The agreement establishes a common protocol for its more than 122,000 workers spread across a dozen countries in Europe and Latin America. The protocol includes a range of measures already agreed in Spain, such as the provision of PPE in all work centres and training in their correct use, minimising the time spent in the work centre, limiting the occupation of work centres, lifts and meeting rooms according to the social distancing rules, increasing the cleaning and disinfection of all work areas, bathrooms and common areas, as well as greater working time flexibility.

Source: Telefónica extiende a Hispam y Brasil el protocolo de retorno a las oficinas tras alcanzar un acuerdo global con UNI, UGT y CCOO. Telefonica, Madrid, 12 May 2020.

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16 European Agency for Safety and Health at Work: Worker representation and consultation on health and safety: An analysis of the findings of the European survey of enterprises on new and emerging risks (Luxembourg, 2012). See also ILO document Recurrent discussion under the ILO Declaration on Social Justice for a Fair Globalization on Social Dialogue, 2013, para 127.

17 Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197)

18 E.g. South Africa has roving safety representatives; for details see: General Survey on the occupational safety and health instruments concerning the promotional framework, construction, mines and agriculture, International Labour Conference, 106th Session, 2017, para 199.

19 Several countries in Latin America have implemented a System for Integrated Measurement and Advance of Productivity (SIMAPRO), an ILO programme based on social dialogue, that includes improved communication, collaboration and training for workers in SMEs, e.g. in Mexico, Chile, Cuba, Dominican Republic; see General Survey on the occupational safety and health instruments concerning the promotional framework, construction, mines and agriculture, International Labour Conference, 106th Session, 2017, para 200.

20 For more information about bipartite social dialogue on Covid-19 in general, see: Employers and workers negotiating measures to prevent the spread of COVID-19, protect livelihoods and support recovery: A review of practice. ILO Policy Brief, July 2020.
4. Conclusions

The new coronavirus SARS-CoV-2 is a biological hazard that should be addressed, like any other health risk at the workplace, through social dialogue.

Managing the safe return of people to work in the context of the COVID-19 creates unprecedented challenges for governments, for employers and for workers everywhere. Indeed, ensuring that return-to-work is safe is absolutely critical to instil confidence among the workforce and allow the business operations to resume in a productive and sustainable way.

There is a need, therefore, for social dialogue to be instrumental in the design and implementation of return-to-work OSH policies and measures. Experience around the world shows that this need has been recognized in many countries, industries and enterprises, but this is by no means universal. This lack of meaningful social dialogue risks undermining the effectiveness of those very measures in the medium and longer run. Hence, it is important for the actors in the countries concerned to have recourse to social dialogue if the return to work is to be managed in a more sustainable manner.

Good practices in using social dialogue for designing return-to-work measures have nonetheless been identified at different levels – national, regional, sectoral and enterprise.

Social dialogue is needed at all these different levels, which frequently interact with and reinforce each other. Social partners’ involvement in decision-making with governments regarding return-to-work OSH policies is needed from the very start. Also, at sectoral and enterprise levels, employers’ representatives need to consult with workers’ representatives from the earliest stages in their planning for resuming safe operations.

There is no single solution or model to follow when it comes to managing the return to work; the evolution of the pandemic, and the different national contexts, demand innovative and flexible approaches, both to social dialogue and to the various OSH measures to be taken, that are best-adapted to the precise circumstances, and that can be modified as the situation further evolves.

Box 8: Panama – Special Covid-19 committees

The Ministry of Labour prepared a protocol on safety and health for the prevention of Covid-19, based on guidelines established by the Ministry of Health. The protocol has been agreed with the workers’ and employers’ organizations. It requires companies to set up a special committee on health and hygiene for the prevention and care of COVID-19, consisting of at least 2 to 6 representatives of workers and management each, depending on the size of the company. If there is a union representation in the company, it must be part of the committee.

The committee will function for the duration of the pandemic as declared by the World Health Organization and confirmed by the Ministry of Health. These committees are formed exclusively to address COVID-19 within the company and will meet regularly to discuss measures to be taken, monitor progress in the implementation of the protocol and keep track of the health of the workers.