Accelerating the realization of Fundamental Principles and Rights at Work
The Safety + Health for All programme focuses on prevention to promote the right to a safe and healthy working environment, which was added to the ILO Fundamental Principles and Rights at Work (FPRW) framework in June 2022. The programme mobilizes governments, employers’ and workers’ organizations and other key stakeholders to implement strategic interventions at all levels in a fast-evolving world of work. At the beginning of 2023, Safety + Health for All benefited directly or indirectly over 182 million workers in 23 countries.

The actions target workers in vulnerable conditions, such as female, young, and migrant workers, as well as those in hazardous sectors such as agriculture, construction and more recently, mining. Programme interventions also respond to specific occupational safety and health (OSH) needs and challenges in small and medium enterprises and in global supply chains through the Vision Zero Fund.

To achieve the goal of improving the safety and health of workers worldwide, the Safety + Health for All programme implements a strategy consisting of four components: i) building knowledge on OSH; ii) creating conducive national OSH governance, policy and legal frameworks; iii) strengthening the capacities of OSH-related organizations at national level; and iv) promoting the demand for safe and healthy workplaces.
The five fundamental principles and rights at work are:

1. Freedom of association and the right to collective bargaining
2. Elimination of all forms of forced or compulsory labour
3. Effective abolition of child labour
4. Elimination of discrimination in respect of employment and occupation
5. A safe and healthy working environment

While the upgrading of OSH as a fundamental principle and right at work (FPRW) does not change the Safety + Health for All strategy, collaboration is under way with other ILO technical departments to accelerate the realization of fundamental principles and rights at work by:

- Expanding the knowledge of the realization on the five categories of FPRW and their interplay;
- Increasing support for the ratification and implementation of fundamental ILO Conventions with a focus on OSH;
- Empowering workers, employers and their representatives to lead and implement changes;
- Putting the labour inspectorates at the centre of the action to increase compliance with the five FPRWs; and
- Implementing innovative approaches using various entry points to address rights violations by building on existing capacities and ensuring policy convergence.

Although collaborative work is ongoing in these various areas, further support from development partners is required to facilitate innovative and comprehensive interventions.
1. ASSESSING THE REALIZATION OF FUNDAMENTAL PRINCIPLES AND RIGHTS AT THE WORKPLACE

The programme, in collaboration with the ILO’s FUNDAMENTALS branch, has developed a methodology to assess the realization of FPRW, including OSH, at the workplace (forthcoming in 2023). For the first time, investigation supported by this approach includes the five categories of FPRW. Through improved research in these areas, particularly in informal settings, the ILO aims to identify factors that enable or constrain the realization of these core standards at the workplace which are often interconnected.

This methodology can be implemented through a modular approach, focusing on one or several of the FPRWs depending on local priorities and opportunities. The methodology has already been used in Africa (Burkina Faso, Côte d’Ivoire, Kenya, Madagascar, Mauritania, Togo, and Tunisia) and in Asia (Indonesia, Nepal, the Philippines, Sri Lanka) in the framework of various projects.

Results from the baseline surveys will be consolidated and analysed, with specific focus on the inter-relations between OSH and the other four FPRWs, with the aim to provide an evidence base for integrated interventions.

Facilitating multi-stakeholder consultations in the Philippines

An Assessment Survey was conducted in the Philippines in the agriculture (banana), mining, and fishing (tuna) sectors. Findings were presented to the national constituents and other key stakeholders, including relevant regional Industry Tripartite Councils (ITCs) for these sectors. Results were discussed and used as inputs to define project interventions to address labour issues identified in the assessment, with a focus on OSH and gender equality. Findings also informed the development of tripartite Strategic Plans in the target sectors. The assessment findings will also be used as a benchmark for measuring progress and achievements under the project.

Woman worker packing bananas, Philippines, 2022. © ILO
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Madagascar ratifies three OSH Conventions

In Madagascar, a gap analysis of national legislation with provisions from C.155, C.161 and C.187 was conducted. The report included recommendations on the ratification process and a tripartite monitoring committee was set up under the coordination of the Ministry of Labour to facilitate the implementation of the road map. The programme further supported the Ministry in preparing instruments of ratification to formally request the Government to ratify the three conventions. It also contributed to a five-day workshop for members of Parliament on international labour standards. In addition, awareness-raising and capacity-building activities on the three Conventions were organized for relevant constituents (e.g., workers’ and employers’ organizations, judges and labour magistrates, and members of the National Labour Council). Representatives of the Government and of employers’ and workers’ organizations signed a tripartite declaration reaffirming their commitment to the ratification and implementation of these three ILO OSH Conventions. The documents for their ratification were submitted to the Council of Government and later approved by the National Parliament and the Senate. In June 2023, Madagascar deposited the instruments of ratification of the three ILO Conventions with the Director General of the ILO, concluding an intensive process to strengthen its legal OSH framework with the support of the programme.

2. SUPPORTING THE RATIFICATION OF FUNDAMENTAL CONVENTIONS WITH FOCUS ON OSH

The inclusion of the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) in the 1998 ILO Declaration on Fundamental Principles and Rights at Work is increasing ILO Member States’ willingness to ratify these instruments.

In participating countries, Safety + Health for All supports the undertaking of a gap analysis to: i) find out if provisions contained in labour laws and/or OSH legislation are aligned with these two fundamental OSH conventions, as well as the Occupational Health Services Convention, 1985 (No. 161) and other sectoral OSH conventions; and ii) identify where changes in the national legislation are required. Once this analysis is completed, the programme can also support the tripartite development, adoption and implementation of action plans and road maps towards ratification, including steps to be taken, timeline and responsibilities to make changes in the national legislation as required.

Group picture, strengthening knowledge of Senate and Parliament representatives, Madagascar. © ILO
3. EMPOWERING WORKERS, EMPLOYERS AND THEIR REPRESENTATIVES

Bipartite and tripartite social dialogue on OSH at the enterprise, sectoral and national levels is promoted in all Safety + Health for All projects. Some programme initiatives aim at improving the participation of social partners in global OSH-related policy debates, notably in the promotion of chemical safety around the world.

Social partners in India take action to promote the ratification of OSH conventions

In collaboration with the ILO Decent Work Team in New Delhi, in particular with the workers’ specialist, the Safety + Health for All programme supported the organization of a strategic-level meeting with senior trade union leaders who were experts in labour law and health and safety at work. The objective of the meeting was for trade unions to discuss the current OSH framework in India and identify possible areas for strengthening needed to realize the principles of ensuring a safe and healthy working environment for all Indian workers in the formal as well as informal sectors. A key outcome from this national workshop was the creation of a joint trade union resolution on OSH, signed by all the central trade unions in India, and subsequently sent to the Government of India. The programme is currently developing a similar approach with ILO specialists in New Delhi to support employers’ organizations.

At national level, workers’ and employers’ organizations are involved in OSH policy and legal reform processes. They are particularly vital in the creation and proper functioning of national and regional tripartite OSH councils.

At workplace level, projects support the establishment and functioning of bipartite OSH committees and build the capacity of employers’ and workers’ organizations to promote OSH and enhance their ability to deliver OSH services to their members. In the Philippines, the Safety + Health for All programme is collaborating with trade unions to enable workers and their representatives to participate better in Safety Committees and engage on OSH issues.

Freedom of association, both for workers and employers, and collective bargaining are enabling rights that contribute to improved OSH performance.

Reviving tripartite bodies in Indonesia and the Philippines

Following baseline studies and sectoral assessments, the project supported the development of tripartite regional plans for interventions in target regions and sectors. In Indonesia, the project supported the setup of a Tripartite Forum in North Sulawesi. Tripartite constituents signed a joint commitment to improve compliance to labour standards with a focus on OSH and violence and harassment at work. In the Philippines, the project embedded key interventions in the relevant Tripartite Industry Council’s (ITC) agenda. Project engagement included data gathering, validation and action planning activities with regional industry partners and support from the Department of Labour and Employment (DOLE) which revitalized the role of these councils. It also provided a platform to expand membership, such as in the case of the Camarines Norte ITC (Region V), which now includes small-scale mining (SSM) organizations. Before these, ITCs only had large-scale mining companies as members, despite SSMs contributing sizably to the regional economy and employment. Rollout of activities in collaboration with tripartite bodies is ongoing in the two countries.
4. USING LABOUR INSPECTORATES TO PROMOTE COMPLIANCE WITH THE FIVE FPRW

Labour administration and labour inspection are key institutions for promoting decent working conditions and enforcing legal provisions, thus ensuring the respect for fundamental principles and rights at work, including the promotion of safe and healthy working environments. As such, the role of labour inspection is essential to the application of labour provisions contained in trade agreements.

Projects under Safety + Health for All include a component to strengthen labour inspectorate capacities to address OSH-related violations. Comprehensive training modules have been developed for specific sectors (agriculture, construction) or categories of risks (chemicals, violence, and harassment).

In addition, projects are providing support to improve planning and inspection methods using the Strategic Compliance Intervention Model (SCIM). Labour inspectorates implementing a Strategic Compliance Plan (SCP) identify priority issues and engage stakeholders both inside and outside of government to design a combination of interventions that include deterrents, incentives, awareness-raising, and guidance, which are specifically tailored for the sector’s compliance issues. The model engages a variety of traditional and non-traditional stakeholders, including inter-institutional collaboration, to enhance its reach and impact. In addition, the ILO also assists labour inspectorates with procedural aspects of planning and other managerial processes. By using this approach, labour inspectorates have been able to undertake targeted inspection campaigns that increase compliance with labour law. The result is a more efficient and effective approach to compliance that benefits both workers and employers.

A wide range of projects address other fundamental principles and rights, in particular child labour and forced labour (such as in the cocoa sector in Côte d’Ivoire, the vanilla sector in Madagascar, and the fisheries sector in Indonesia) and use the SCP Model, including specific components to train labour inspectors on non-compliance with FPRW and other legal provisions.
The importance of strategic compliance plans in tackling FPRW

Under Madagascar’s SCP, the labour inspectorate promoted workplace social dialogue on OSH by encouraging target employers to create OSH committees, contributing to a 60 per cent increase in OSH-related compliance during subsequent inspection campaigns. The inspectorate also developed new inspection checklists and a sample improvement notice for non-compliance, which are being used by all labour inspectors and controllers during inspection visits.

To facilitate this approach, a comprehensive guide covering child labour, forced labour, discrimination and freedom of association and collective bargaining is being developed. The aim is to provide labour inspectorates with direct practical guidance and tools to help them identify and act upon potential violations. This guidance will include planning, preparation and implementation of interventions at the workplace level to effectively apply relevant legislation and supervise compliance.

Further initiatives could be promoted to put labour inspectorates at the centre of a coordinated set of interventions to improve OSH outcomes together with the broader realization of FPRW.

In Indonesia, an integrated SCP to tackle all five FPRW has been developed. The SCP facilitated the first joint inspection campaign by the three Government entities with regulatory oversight over the fishing sector. Strategic Compliance Plans were developed for priority provinces, including measures to enhance coordination of information gathering, inspections, and awareness-raising. Joint inspections were conducted in May and June 2019, and awareness-raising campaigns on labour rights and OSH hazards were organized in the North Sulawesi province through collaboration between other Government entities and trade unions.
5. EXPLORING NEW GROUNDS AND SCALING-UP JOINT INTERVENTIONS

Joint activities have been implemented to address OSH-related issues in conjunction with the other FPRWs, notably with a view to eliminate hazardous work for young workers. These collaborations have taken various forms:

- **The implementation of joint campaigns**, such as *Generation Safe and Healthy*, when SafeDay was coupled with the International Day Against Child Labour (2018). This campaign shined a spotlight on the global need to improve the safety and health of young workers and end child labour. The campaign called for coordinated action to:
  
  - Promote the universal ratification and application of key ILO Conventions on OSH and on child labour;
  - Ensure quality education for all children and integrate OSH into general education and vocational training programmes;
  - Strengthen the evidence base for improved policies and actions to eliminate hazardous child labour and improve the safety and health of young workers;
  - Ensure that young workers gain access to trade union membership and can exercise their right to freedom of association, collective bargaining, and safety and health at work; and
  - Build stronger tripartite action to improve OSH for young workers and eliminate hazardous child labour, drawing on the experience of employers’ and workers’ organizations.

A thorough examination of this initiative should include a systematic review of what has been achieved since 2018, taking into account the effects of COVID-19 on young workers and the impact of the pandemic on their health and safety.

- **The development of a detailed OSH risk assessment** in the vanilla sector in Madagascar under an IPEC+ project (Map 16) which could be further extended to other sectors.

- **The integration of specific components to improve OSH outcomes** as part of past, ongoing and forthcoming projects implemented in the framework of the IPEC+ programme.
Beyond these collaborative efforts, the programme aims to establish a joint comprehensive intervention framework to eliminate hazardous work for young workers, based on existing initiatives, lessons learned and good practices from both Safety + Health for All and IPEC+ projects.

Further research is required to look at the nexus between OSH and forced labour. Various indicators can be used to ascertain when a situation amounts to forced labour, such as restriction on workers’ freedom of movement, withholding of wages or identity documents, physical or sexual violence, threats and intimidation, or fraudulent debt from which workers cannot escape. The safety and health of workers in forced labour is violated. A number of projects on forced labour issues, including trafficking in fisheries, touch upon the question of OSH. For instance, the Ship to Shore Rights project implemented in Asia includes some (limited) activities on OSH (e.g., safety training for workers and focus on labour inspection on OSH in the sector) and new initiatives are also being developed in this area. Nonetheless, specific focus on the promotion of physical and mental safety and health for workers trapped in forced labour has been limited in ILO projects so far. Collaborations could be strengthened in this area.

Various projects that are part of Safety + Health for All put a specific emphasis on the link between safety and health and the elimination of all forms of discrimination. These include: Safety + Health for All Workers in South Asia, Improved Workers’ Rights in Rural Sectors of the Indo-Pacific with a focus on Women, and a project in Kosovo (undertaken in conjunction with UNWOMEN) on Gender Component in Occupational Safety and Health (OSH) Management and Social Dialogue. A global development cooperation project funded by SIDA also looked into gender-sensitive OSH practice. This relatively fragmented approach could be streamlined as part of a broader initiative to address violence and harassment at work.
ILO publications such as *Covid-19, Collective Bargaining and Social Dialogue* and *Employers and workers negotiating measures to prevent the spread of COVID-19, protect livelihoods and support recovery* have indicated that COVID-19 increased the importance of OSH on collective bargaining agendas. However, little work has been done on exploring the links and interrelations between freedom of association and collective bargaining and OSH outcomes specifically.

Finally, additional support to social partners is needed for achieving effective negotiations on OSH-related areas such as handling of chemicals or violence and harassment at work.