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Міжнародною організацією праці

EU-ILO Project  
“Towards safe, healthy and declared work in Ukraine”



Project is funded by European Union

# Metinvest Polytechnic University

Main OSH International & EU Labour Standards  
and Ukrainian Draft Law on OH

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## ► Who are we?



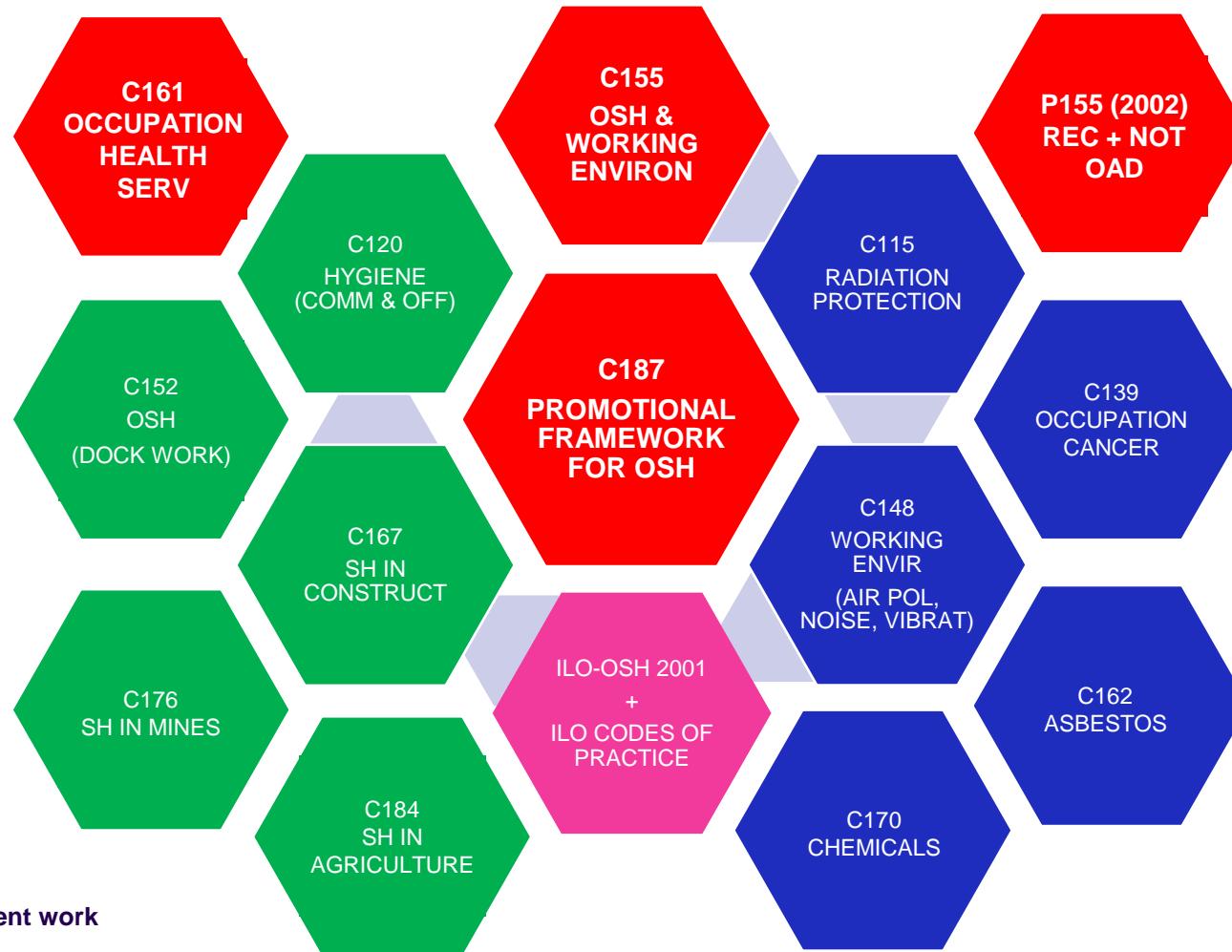
<https://www.youtube.com/watch?v=chv0h34Jw1k>

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

## ► Why we do what we do? - work death's paradox

- ▶ Work purposes: mean of subsistence, individual dignity, personal fulfilment and self-esteem, social cohesion, stability, peace and economic growth
- ▶ Work kills more people than wars. From a global workforce of around 2.84 billion, :
  - between 350 and 360 thousand people die annually (in about 270 million accidents)
  - about 2 million dies annually from occupational diseases
- ▶ In Ukraine, the incidence rate of fatal work-related accidents is almost the triple of the average in EU countries

## ► Key International Labour Standards on OSH



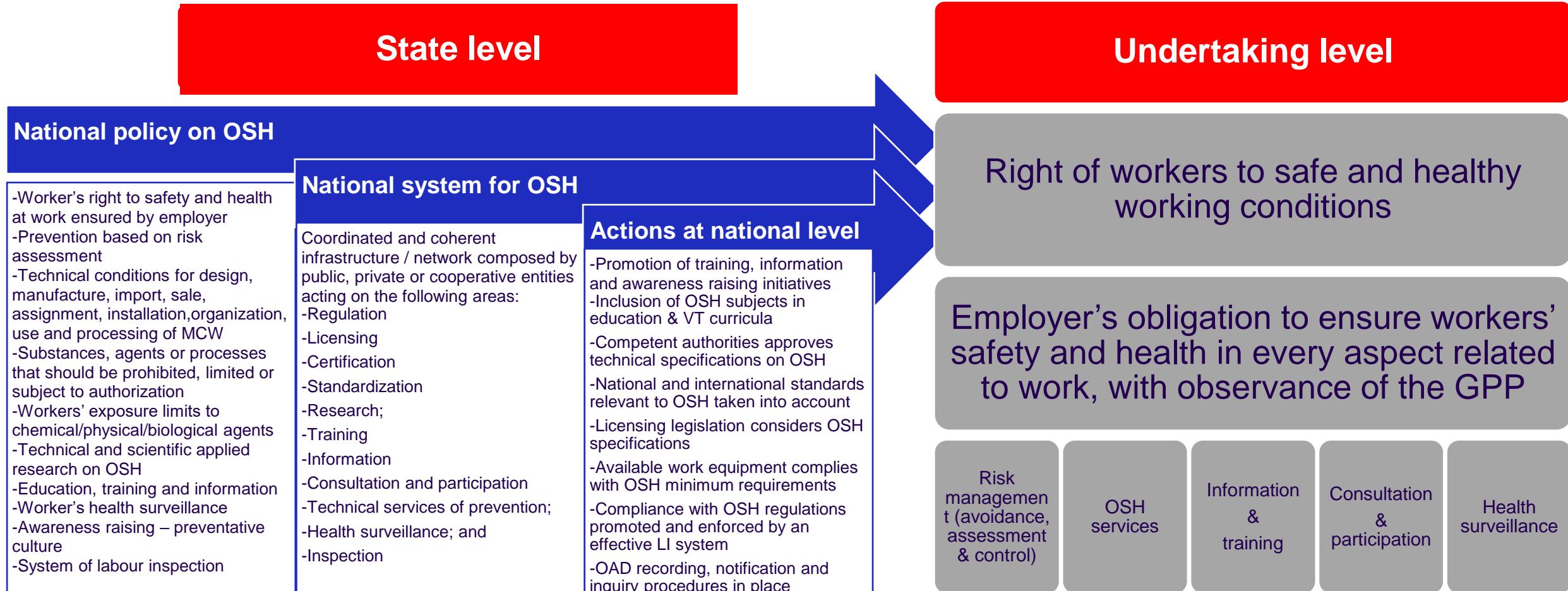
- Key ILO Standards on OSH
- ILO standards on OSH regarding particular branches of economic activity
- ILO standards on OSH concerning protection against specific risks
- Other ILO Instruments on OSH

# Main EU OSH labour standards

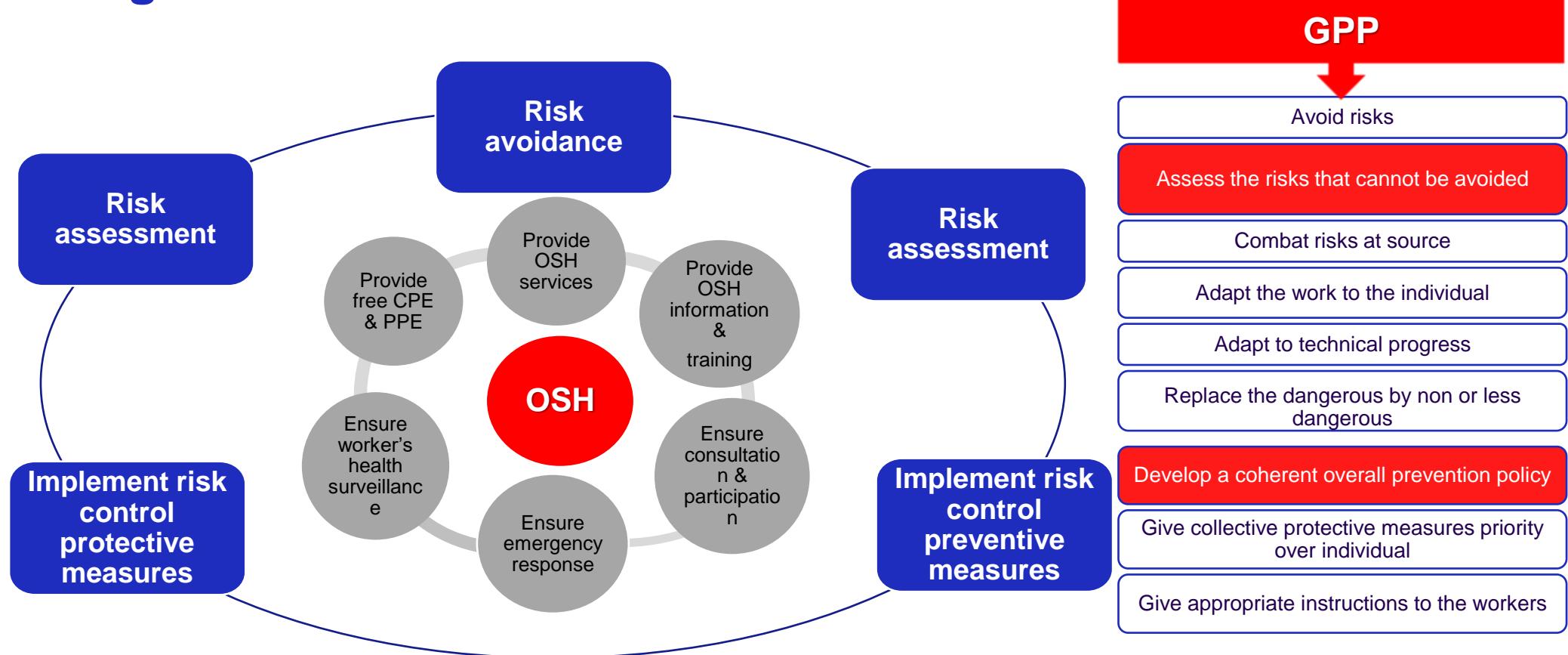
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## ► Implications for policy makers & legal acts' drafting experts – OSH framework



## Implications for policy makers & legal acts' drafting experts – employers main obligations



## ► New Ukrainian OSH draft law - positive aspects

- ▶ Stimulation of tripartite **social dialogue** around OSH issues
- ▶ Definition of a **National Policy and System** for OSH
- ▶ Obligation of the employer to continually **ensure the safety and health of the workers in all aspect of the work**
- ▶ Holistic approach that includes both **safety + health** aspects of the work (and not just safety)
- ▶ Shift from a reactive approach (based on protection/compensation) to an **approach focused on prevention** and foreseeing:
  - General principles of prevention (GPP) on the organization, by employers, of the safety and health services
  - Employers' obligation to assess occupational risks

## ► New Ukrainian OSH draft law - positive aspects

- ▶ Specification of the **main employers' obligations** on OSH (e.g., preventive and protective services; first-aid, fire-fighting and evacuation of workers; occupational risks management; training; information; consultation & participation; health surveillance; collective and personal protective equipment, etc)
- ▶ Special protection of the safety and health of **special vulnerable groups** of workers (e.g., pregnant workers, workers who have recently given birth, or who are breastfeeding; workers under 18 years of age; and workers with disabilities)
- ▶ Consideration of legal provisions **promotion & enforcement** (labour inspection and liabilities for non-compliance)

## ► New Ukrainian OSH draft law – aspects to improve

- ▶ **Structure and systematics:** Section II should only include **State obligations**. The parts that refers to employers' obligations should be moved the specific section on employers' obligations
- ▶ **Terms** (e.g., workplace, workstation, occupational accident, occupational disease, night workers);
- ▶ Option for regulating **procedures and lists of risk factors** through **by-laws**
- ▶ Need to provide that, even when **high-risk works** or the use of **high-risk work equipment** is authorized, employer shall remain obliged to take all the necessary and adequate measures to minimize, as far as practically possible, the occupational risks and their impact on worker's OSH
- ▶ **Obligation to assess risks** is usually not accompanied by the clarification of **how** to do it and, **what** to do next (e.g. inform workers of results and measures to be taken; health surveillance; adapt working conditions; etc.)

## ► New Ukrainian OSH draft law – aspects to improve

- ▶ Organization & functioning of preventive & protective OSH services is not flexible, prescribing the same modality for all employers' workplaces, instead of allowing its provision through:
  - One/or more joint services (for safety and health) or through one/or more separate services (for safety, for one side, and for health, on the other side);
  - Different modalities (internal vs external; joint vs separated) for different workplaces of the same employer (depending on the number of workers and risks)
- ▶ Employers' obligations on first aid, fire-fighting, elimination of breakdowns, and evacuation of workers are focused on their obligations once a breakdown (or any other event) happens (thus requiring emergency measures) to the detriment of the measures to ensure preparedness to deal with such events if they occur
- ▶ Employers' obligation to subordinate all his/her actions on OSH to the strict observance of the hierarchical and sequential GPP should be improved (exception: obligation to organize OSH services)

## New Ukrainian OSH draft law – aspects to improve

- ▶ Absence of employers' obligation to formulate and implement an overall plan for the prevention of occupational risks
- ▶ The provisions on labour inspectors' powers should be reviewed, to better align them with ILO C81 and C129 and ensure that "enforcement of laws and regulations on OSH are secured by an adequate and appropriate system of inspection" (as foreseen in Article 9(1) of ILO C155)
- ▶ Employers' liability for violation of OSH legislation should be review to ensure "adequate penalties for violations of the laws and regulations" are provided (as foreseen in Article 9(2) of ILO C155), through, for example:
  - Introduction of accessory (non-monetary) sanctions
  - Adjustment of the amount of the fines to the size of the employers (number of workers and/or turnover)
  - Further differentiation of the amount of fines by the seriousness of the offenses;
  - The limitation to a minimum of the violations covered by the residual provision (foreseeing fines in the amount of a half minimum wage)

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## Contacts

Дякую за увагу!

Thank you for your attention!





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