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Project

“Towards safe, healthy and declared work in Ukraine”



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European Union

OSH – in the context of EU integration, as a Fundamental Principle and Right at Work & its economic benefits

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<https://www.youtube.com/c/EUILOProjectUkraine>

► The following points should be considered when deliberating the relevance of occupational safety and health issues for Ukraine in the context of the EU integration (1):

- 1. Both the EU-Ukraine Association Agreement (AA) and the EU-Ukraine Deep and Comprehensive Free Trade Agreement contain provisions on the matters pertinent to international labour standards (ILS) in particular:
- Article 424 of Chapter 21 of the AA concerning Ukraine's commitment to gradually approximate its legislation to EU Law, standards and practices in the areas of employment, social policy and equal opportunities according to a timetable set. This includes core directives on OSH (e.g. 89/391/EEC, 92/85/EEC, 2009/104/EC, 2003/88/EC) as well as on labour relations (e.g. 91/533/EEC, 1999/70/EC, 2019/1152);
- Article 296 of Chapter 13 on trade and sustainable development whereby Ukraine is committed to "uphold the current levels of protection" and, in particular "not to fail in the effective enforcements of its labour laws, through a sustained or recurring course of action or inaction, in a manner affecting trade or investment between the Parties". This includes "not to weaken or reduce the labour protection afforded by its laws to encourage trade or investment, by waiving or otherwise derogating from, or offering to waive and otherwise derogate from, its laws, regulations or standards, in a manner affecting trade or investment between the Parties";
- within the AA (Article 291) Ukraine affirmed its commitment to promote the development of trade in a way that is conducive to...decent work and to "effectively implement the ratified fundamental and priority ILO Conventions".

▶ The following points should be considered when deliberating the relevance of occupational safety and health issues for Ukraine in the context of the EU integration (2):

- 2. Occupational safety and health became a fundamental right at work with the accompanying two ILO Conventions (C155, C187) by the decision of the International Labour Conference in 2022, thus its importance *per se* as well as in the context of EU integration has increased including its relevance to free trade agreements (FTAs).
- 3. The ILO has been involved rather actively and thoroughly in the process leading up to the emergence of the current draft OSH Law and has commented extensively on the previous drafts which is well documented. The current draft OSH Law with minor corrections could – once adopted – serve as a basis for development of a new OSH conceptual framework (including the five technical directives that have been prepared) in line with the EU and ILO requirements. This will include also the wider context of its enforcement through labour inspection (currently under reform) as well as in the larger context of labour legislation reform. The ILO has indicated its readiness to support Ukraine in its effort to bring its legislation in line with the EU and ILO requirements, in compliance with ILS.



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- ▶ A safe and healthy working environment is a fundamental principle and right at work



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▶ A safe and healthy working environment is a fundamental principle and right at work

At its 110th Session in June 2022, the International Labour Conference decided to amend paragraph 2 of the ILO Declaration on Fundamental Principles and Rights at Work (1998) to include “a safe and healthy working environment” as a fundamental principle and right at work, and to make consequential amendments to the ILO Declaration on Social Justice for a Fair Globalization (2008) and the Global Jobs Pact (2009).

A safe and healthy working environment is a fundamental principle and right at work

ILO Declaration on Fundamental Principles and Rights at Work

Originally adopted in 1998, the ILO Declaration sets out principles and rights contained in the ILO Constitution and in the Declaration of Philadelphia, and states that all Members have an obligation to respect, to promote, and to realize, in good faith and in accordance with the Constitution, the fundamental principles and rights at work.

With the decision to include a safe and healthy working environment, the ILO Declaration now includes five categories of fundamental principles and rights at work:

- a. freedom of association and the effective recognition of the rights to collective bargaining;
- b. the elimination of all forms of forced or compulsory labour;
- c. the effective abolition of child labour;
- d. the elimination of discrimination in respect of employment and occupation; and
- e. a safe and healthy working environment.

This historic decision was the result of a process that formally started in 2019, when the Conference recognized, through the [ILO Centenary Declaration for the Future of Work](#) that “safe and healthy working conditions are fundamental to decent work” and requested the ILO Governing Body, in the accompanying [Resolution on the ILO Centenary Declaration for the Future of Work](#), “to consider, as soon as possible, proposals for including safe and healthy working conditions in the ILO’s framework of fundamental principles and rights at work”*.

The protection of workers’ health and safety features prominently among the constitutional objectives of the ILO. The Preamble to the [ILO Constitution](#) (1919) notes that “the protection of the worker against sickness, disease and injury arising out of his employment” is among the improvements that are “urgently required”. The [Declaration concerning the aims and purposes of the International Labour Organisation \(Declaration of Philadelphia\)](#) (1944) recognizes the “solemn obligation” of the Organization to further programmes that will achieve “adequate protection for the life and health of workers in all occupations”.

* In response to the request of the Conference, the Governing Body held four discussions, from November 2019 to March 2022, to examine options and define the most efficient way forward; see [GB.337/INS/3/2](#), [GB.341/INS/6](#), [GB.343/INS/6](#) and [GB.344/INS/6](#)

The International Labour Conference also decided to designate the [Occupational Safety and Health Convention, 1981 \(No. 155\)](#) and the [Promotional Framework for Occupational Safety and Health Convention, 2006 \(No. 187\)](#) as fundamental Conventions, in line with its decision to recognize the right to a safe and healthy working environment as one of the fundamental principles and rights at work.

All Members, even if they have not ratified these Conventions, have an obligation arising from the very fact of membership in the ILO to respect, promote and realize, in good faith and in accordance with the ILO Constitution, the principles concerning the fundamental right to a safe and healthy working environment.

To this end, the 1998 Declaration recognizes the obligation on the ILO to assist its Members, in response to their established and expressed needs, in different ways, namely by:

- offering technical cooperation and advisory services to promote the ratification and implementation of the fundamental conventions;
- assisting those Members not yet in a position to ratify some or all of the fundamental conventions in their efforts to respect, promote and realize the principles concerning the fundamental rights that are the subject of these conventions; and
- helping Members in their efforts to create a climate for economic and social development.

The OSH fundamental conventions at the core of the ILO normative framework on safety and health at work

Since its foundation, the ILO has adopted more than 40 international labour standards that specifically deal with OSH, providing minimum standards for the control and management of work-related risks and the protection of workers across a wide range of occupations and situations in which work takes place.

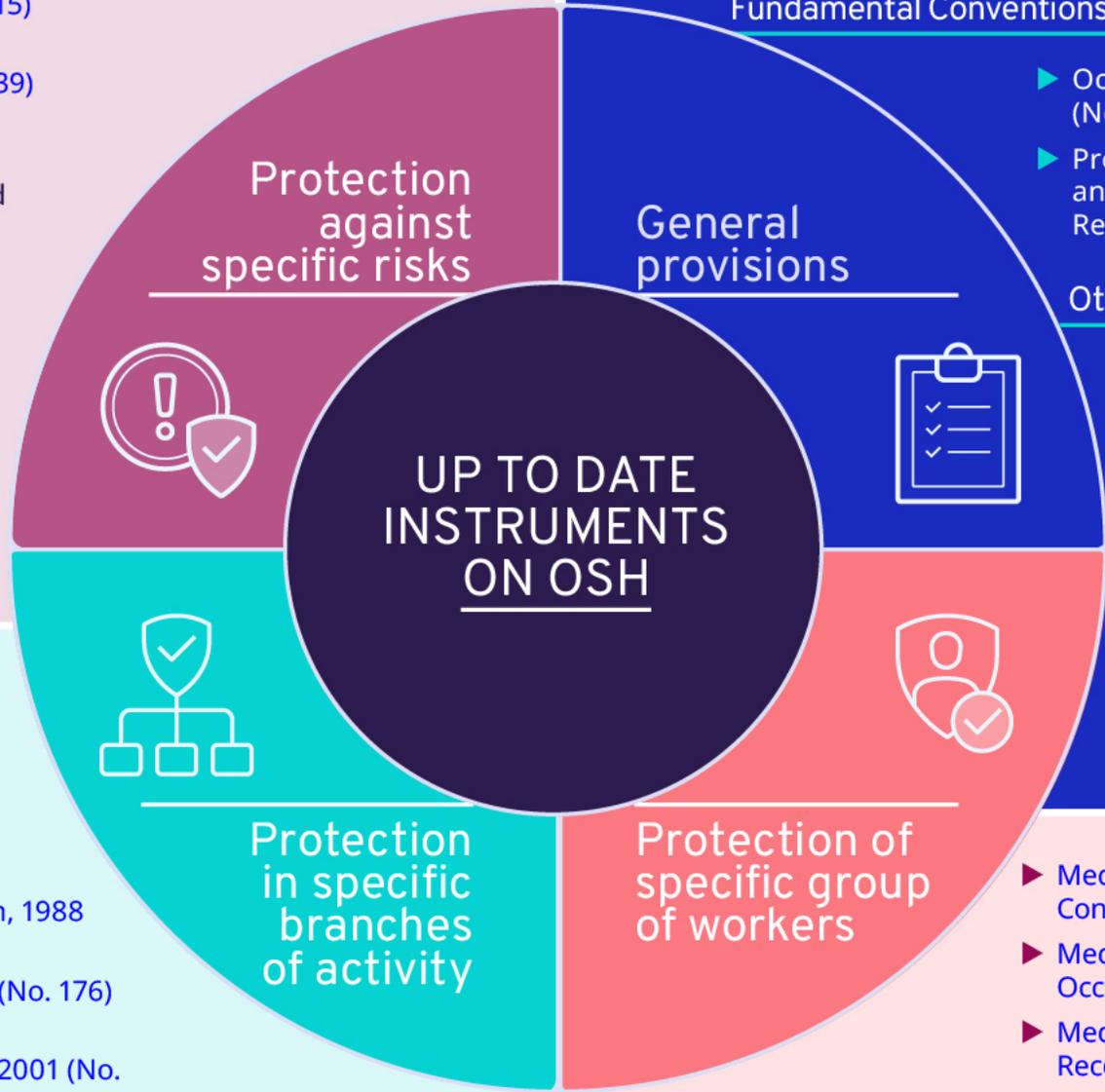
The [Occupational Safety and Health Convention, 1981 \(No. 155\)](#) and the [Promotional Framework for Occupational Safety and Health Convention, 2006 \(No. 187\)](#), which are now recognized as fundamental conventions, are fully complementary and reflect the relevant principles, duties and rights for ensuring a safe and healthy working environment.

They contain provisions of general scope covering all branches of activity and all workers, regardless of the type of hazard, and they serve as the basis for the safety and health measures provided in other specific OSH instruments.

In order to fully meet the requirements of Conventions Nos 155 and 187, Members need to take into account the provisions of the full body of OSH instruments set out below.

- ▶ Radiation Protection Convention, 1960 (No. 115) and Recommendation (No. 114)
- ▶ Occupational Cancer Convention, 1974 (No. 139) and Recommendation (No. 147)
- ▶ Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148) and Recommendation (No. 156)
- ▶ Asbestos Convention, 1986 (No. 162) and Recommendation (No. 172)
- ▶ Chemicals Convention, 1990 (No. 170) and Recommendation (No. 177)
- ▶ Prevention of Major Industrial Accidents Convention, 1993 (No. 174) and Recommendation (No. 181)
- ▶ Violence and Harassment Convention, 2019 (No. 190) and Recommendation (No. 206)

- ▶ Hygiene (Commerce and Offices) Convention, 1964 (No. 120) and Recommendation (No. 120)
- ▶ Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152) and Recommendation (No. 160)
- ▶ Safety and Health in Construction Convention, 1988 (No. 167) and Recommendation (No. 175)
- ▶ Safety and Health in Mines Convention, 1995 (No. 176) and Recommendation (No. 183)
- ▶ Safety and Health in Agriculture Convention, 2001 (No. 184) and Recommendation (No. 192)
- ▶ Maritime Labour Convention, 2006 as amended (MLC 2006)
- ▶ Work in Fishing Convention, 2007 (No. 188) and Recommendation (No. 199)



Fundamental Conventions and their accompanying Recommendations

- ▶ Occupational Safety and Health Convention, 1981 (No. 155) and Recommendation, 1981 (No. 164)
- ▶ Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) and Recommendation (No. 197)

Other instruments

- ▶ Occupational Health Services Convention, 1985 (No. 161) and Recommendation (No. 171)
- ▶ Protocol of 2002 to the Occupational Safety and Health Convention, 1981
- ▶ Protection of Workers' Health Recommendation, 1953 (No. 97)
- ▶ Welfare Facilities Recommendation, 1956 (No. 102)
- ▶ List of Occupational Diseases Recommendation, 2002 (No. 194)

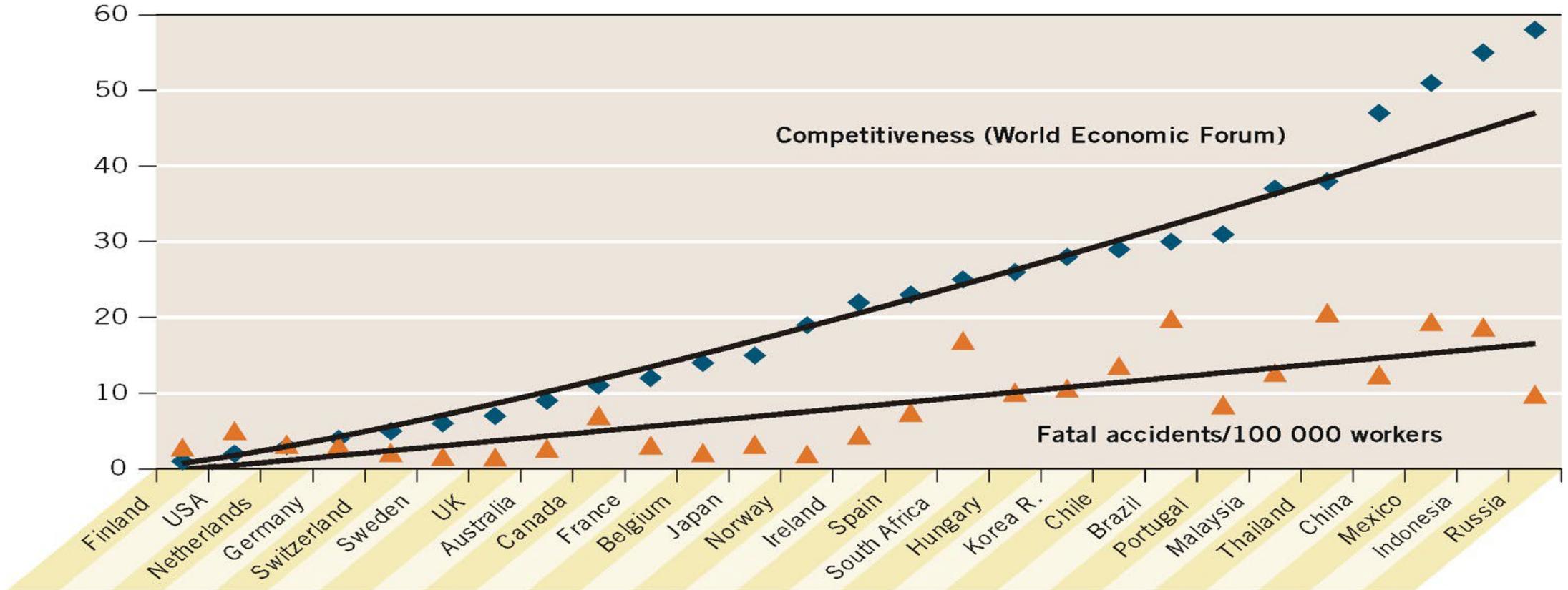
- ▶ Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77)
- ▶ Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78)
- ▶ Medical Examination of Young Persons Recommendation, 1946 (No. 79)
- ▶ Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124)
- ▶ Conditions of Employment of Young Persons (Underground Work) Recommendation, 1965 (No. 125)



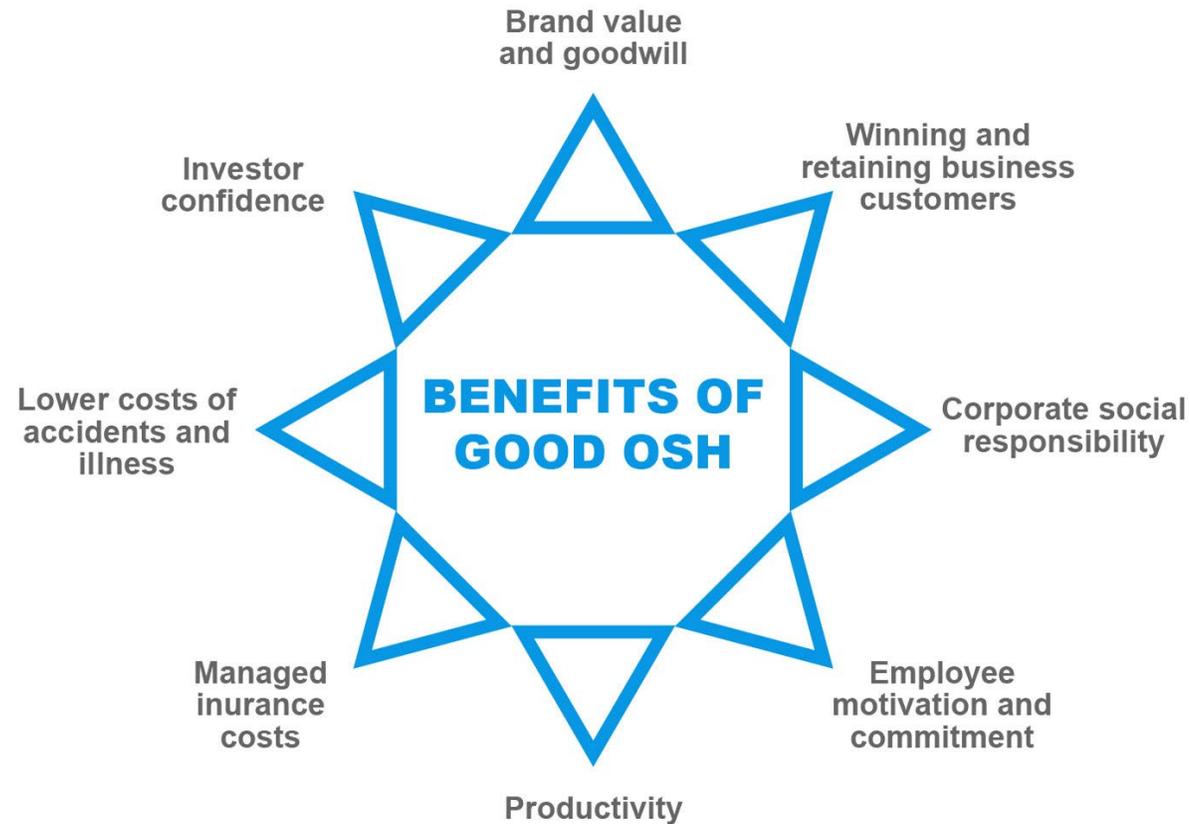
Competitiveness and safety

Sources: World Economic Forum; ILO/SafeWork

Rank



Good OSH – vital part of Good business management



OSH Costs and Benefits (1)

Traditional view → investment in prevention is an externally imposed cost and reduce competitiveness - Modern understanding → investments in prevention as productive investments in the “health” of workers and the health of enterprises

Inactive – organisations regard both benefits and costs of compliance as low, perception of organisational risk to be low, they adopt a short-term, non-systematic compliance approach.

Reactive – perceive costs to be high relative to benefits of compliance, perceives costs on safety more driven by legal concerns than actual safety and health, view safety compliance as excessive and hindrance to competitiveness.

Proactive – perceives OSH costs as an investment, they more concerned with production disruptions and harm to employees than non-compliance costs, management commitment, employee participation and OSH knowledge, integrated business decisions.

▶ OSH Costs and benefits (2)

*According to recent estimates, **investments** in this area can produce high **ratios of return, averaging 2.2**, and in a range between 1.29 and 2.89- “Calculating the international return on prevention for companies”-ISSA*

*Estimates vary, but typically, for most countries, the **costs** of accidents at work and occupational ill health range **from 2.6% to 3.8% of GDP**.*

*What is the real price to pay for not investing in occupational safety and health?-
Estimating the cost of accidents and ill-health at work: A review of methodologies EU-
OSHA*

Useful Links

<http://www.ilo.org/safework/lang--es/index.htm>

<https://www.issa.int/en/details?uuid=f070f204-5fbd-4017-8afb-e07d98ba53ba>

<https://osha.europa.eu/en/themes/good-osh-is-good-for-business>

<https://osha.europa.eu/en/tools-and-publications/publications/reports/estimating-the-costs-of-accidents-and-ill-health-at-work/view>

<https://osha.europa.eu/en/tools-and-publications/publications/estimating-cost-work-related-accidents-and-ill-health-analysis/view>



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Дякую за увагу!

Thank you for your attention!

