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EU-ILO Project

“Towards safe, healthy and declared work in Ukraine”



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UN Ukraine Medical and Health Response to COVID-19 WG

Main OSH International & EU Labour Standards and Ukrainian challenges

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► Why the special concern about health care workers?

- Due to the nature of their occupation, they are more exposed to the risk of being infected with SARS-CoV-2 during work
- The risk level is given by:

Risk level = Probability of Infection x Severity of the Consequences

- Whereas:

Probability of Infection = Frequency of Exposure X Duration of Exposure X Concentration of the Agent

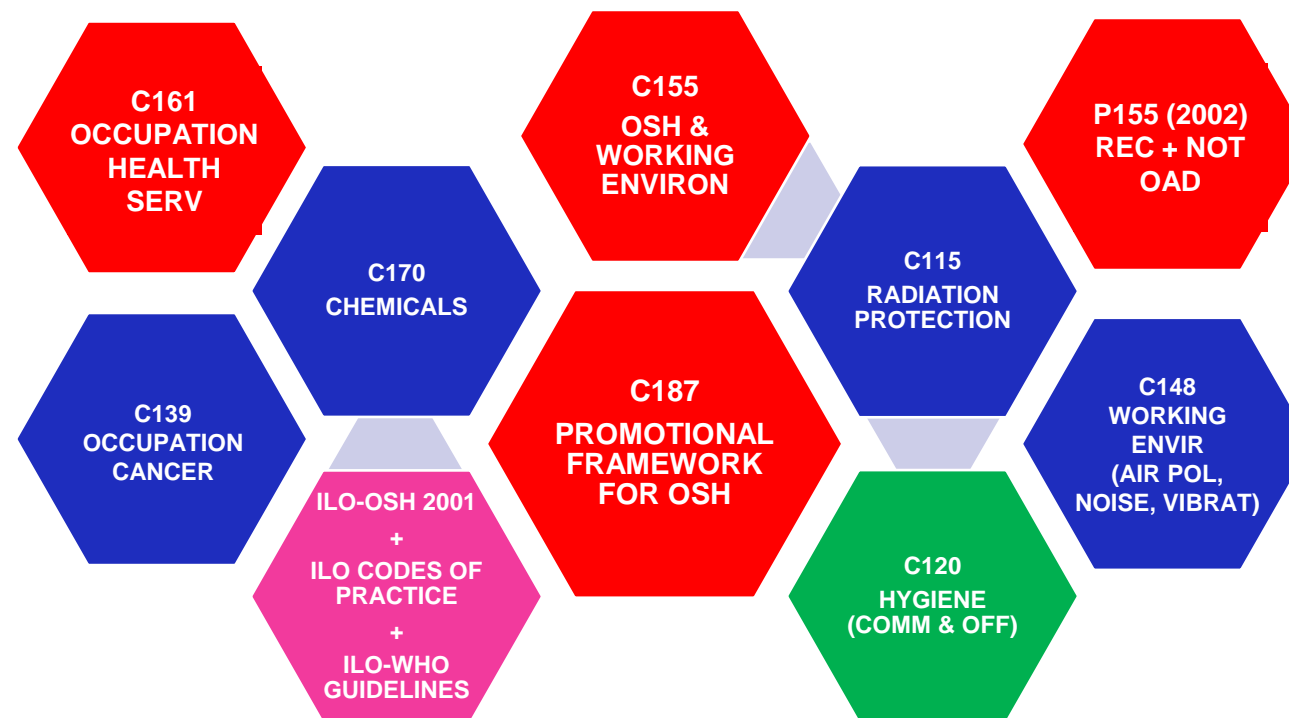
- And:

Severity of the Consequences = Individual State of Health and Characteristics X Dose X Medical Treatment

► How to reduce risk?

- Reduce the **probability** of infection through **preventive** measures:
 - Assess occupational risks and formulate/implement an occupational risk prevention plan
 - Organize internal OSH services and provide the necessary means
 - Provide information, training, health surveillance and clear instructions in case of suspected infection
 - Promote good respiratory hygiene, handwashing culture, new principles of social conduct and regular cleaning/desinfection of workplaces
 - Reorganize work to reduce concentration of HCW and patients: lagged working hours and/or additional work shifts (with fewer people each)
- Reduce the **severity** of consequences through **protective** measures:
 - Ensure isolation/separation of patients per status
 - Ensure physical distancing between HCW and patients (physical barriers, isolated areas, different entrances and circulation paths, etc.)
 - Limit the number and define the minimum distance of persons per each workplace
 - When possible, substitute physical contact by other types (phone, on-line, etc)
 - Prohibit eating or drinking in the workplace
 - Promote the non-sharing between workers of personal, work and domestic items
 - Promote the use of adequate PPEs

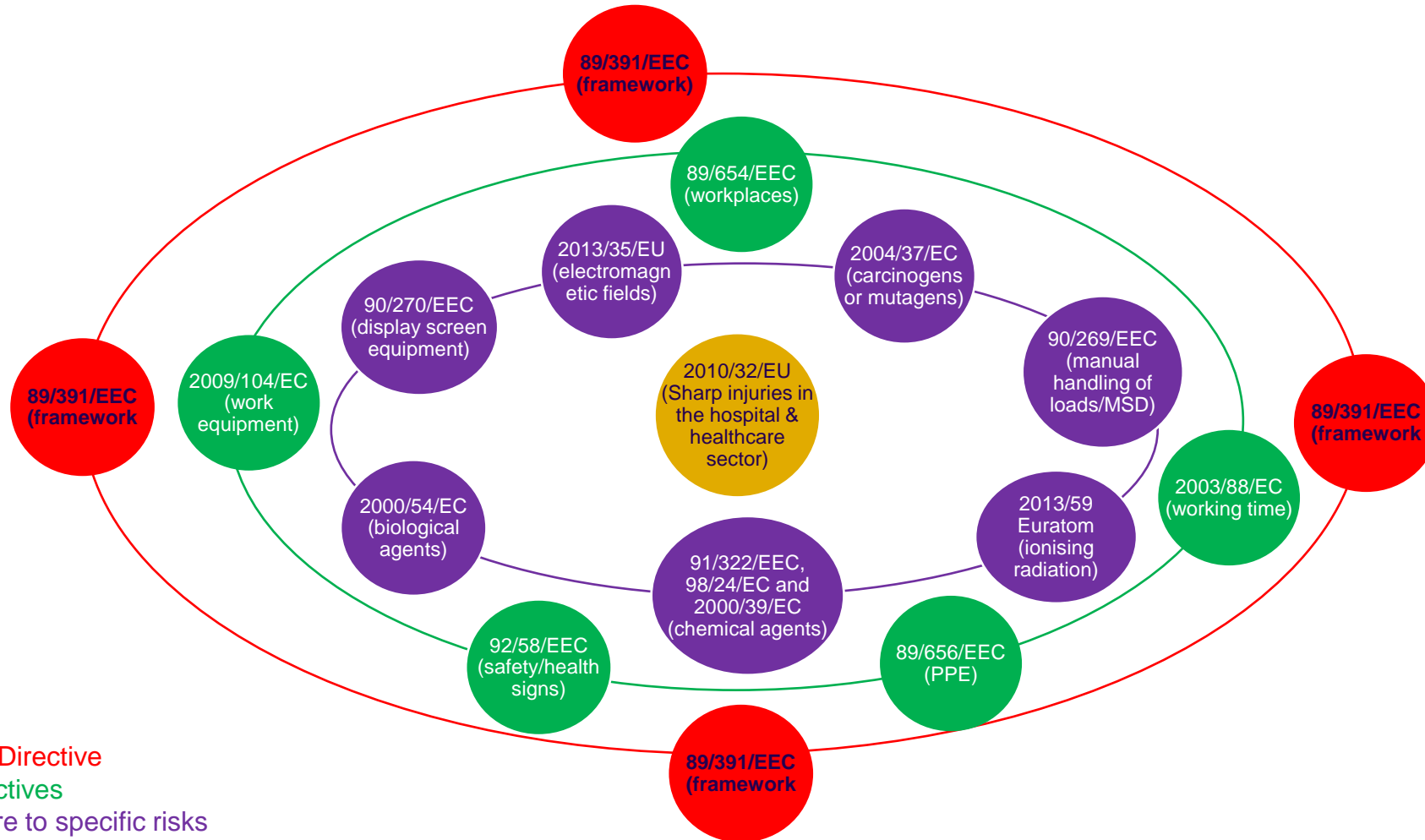
► Most relevant International Labour Standards on OSH for Health-Care Workers



Key ILO Standards on OSH;
 Other Instruments on OSH

ILO standards on OSH regarding particular branches of economic activity
 ILO standards on OSH concerning protection against specific risks

► Most relevant EU OSH labour standards for Health Care Workers



- EU OSH Framework Directive
- OSH transversal directives
- Directives on exposure to specific risks
- OSH directives focused on specific sectors of activity

Responsibilities of States and employers

State level

National policy on OSH

- Worker's right to safety and health at work ensured by employer
- Prevention based on risk assessment
- Technical conditions for design, manufacture, import, sale, assignment, installation, organization, use and processing of MCW
- Substances, agents or processes that should be prohibited, limited or subject to authorization
- Workers' exposure limits to chemical/physical/biological agents
- Technical and scientific applied research on OSH
- Education, training and information
- Worker's health surveillance
- Awareness raising – preventative culture
- System of labour inspection

National system for OSH

- Coordinated and coherent infrastructure / network composed by public, private or cooperative entities acting on the following areas:
- Regulation
 - Licensing
 - Certification
 - Standardization
 - Research;
 - Training
 - Information
 - Consultation and participation
 - Technical services of prevention;
 - Health surveillance; and
 - Inspection

Actions at national level

- Promotion of training, information and awareness raising initiatives
- Inclusion of OSH subjects in education & VT curricula
- Competent authorities approves technical specifications on OSH
- National and international standards relevant to OSH taken into account
- Licensing legislation considers OSH specifications
- Available work equipment complies with OSH minimum requirements
- Compliance with OSH regulations promoted and enforced by an effective LI system
- OAD recording, notification and inquiry procedures in place

Undertaking level

Right of workers to safe and healthy working conditions

Employer's obligation to ensure workers' safety and health in every aspect related to work, with observance of the GPP

Risk management.:
avoidance,
assessment
& control)

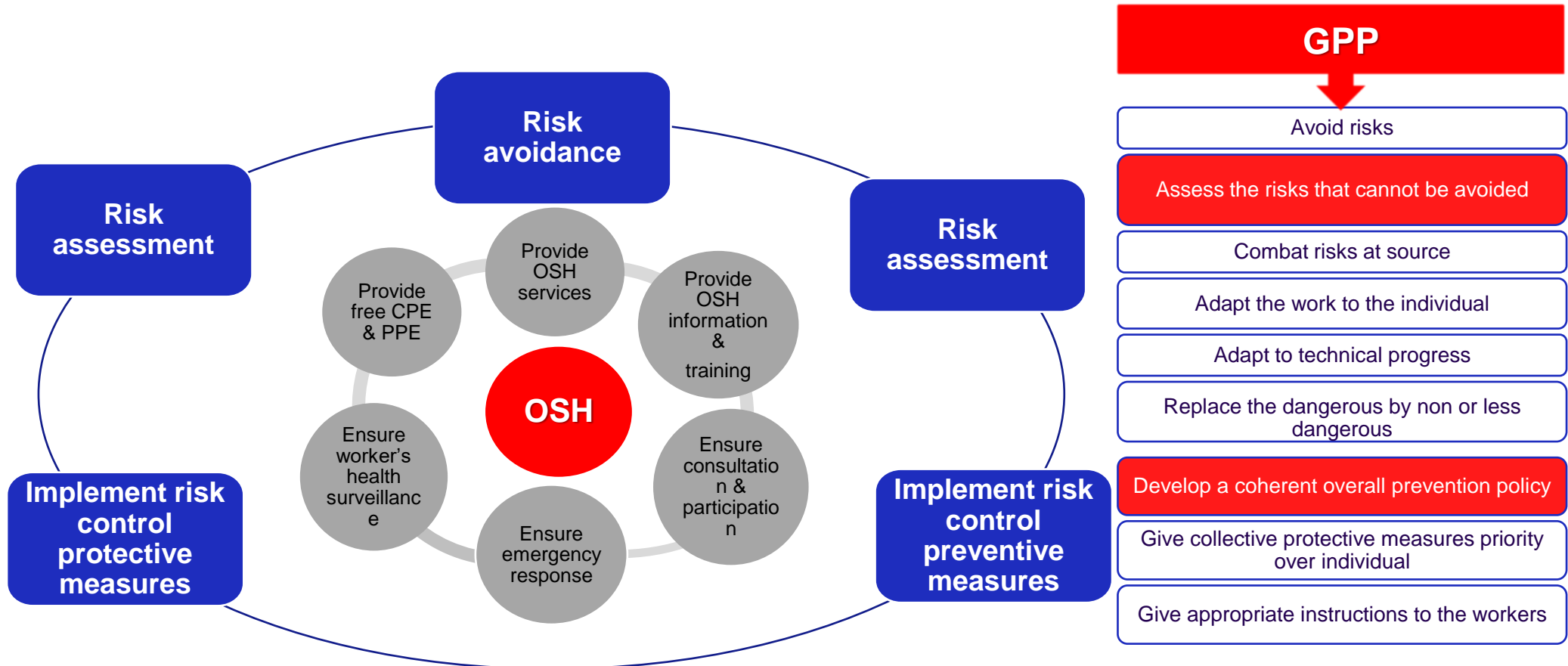
OSH
services

Information
&
training

Consultation
&
participation

Health
surveillance

► Main obligations of employers



▶ Ukrainian main challenges on OSH

- ▶ Stimulation of tripartite **social dialogue** around OSH issues
- ▶ **Better alignment** with ILS and EU Acquis on OSH (as foreseen in Annex XL to Chapter 21 of the AA)
- ▶ Definition of a **National Policy and System** for OSH
- ▶ Development of a national OSH **Preventive Culture**
- ▶ Adoption of a more 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**
- ▶ To establish the **employers' obligations** for:
 - ❑ Ensuring the safety and health of the workers in all aspect of the work with compliance with the GPP
 - ❑ Assessing and controlling occupational risks

▶ Ukrainian main challenges on OSH

- ❑ Organize OSH services, provide the necessary means to its functioning and ensure the necessary arrangements for first-aid, firefighting and evacuation of workers
 - ❑ Ensure information, training, participation and consultation of workers
 - ❑ Ensure the workers' health surveillance
-
- ▶ Provide **labour inspectors with the powers** they need to discharge their duties (as foreseen in ILO Conventions C81 and C129), ensuring 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)
 - ▶ Establish **dissuasive sanctions** (fines and accessory sanctions) to ensure “adequate penalties for violations of the laws and regulations” are provided (as foreseen in Article 9(2) of ILO C155)

► Recommendations on the alignment with ILS and EU Acquis

- The approximation process should result in the **alignment of the whole national legal architecture on OSH with the EU OSH legal framework** (not in the mere transposition of individual directives without connection between them)
- The process should **start with the transposition of the EU OSH framework Directive 89/391/EEC**, which act as an “umbrella directive” beneath which flesh out the other specific individual directives
- Each EU Directive should, as much as possible, be **transposed through just one legal act** (except for by-laws regulating certain technical aspects of its application)
- The EU Directives should be transposed **through VR laws or, at least, CMU Decrees** (instead of Ministry orders) in order to ensure the necessary legal power and sustainability
- The **deadlines** for approximation, foreseen in the Annex XL to Chapter 21 **of the AA**, should be consider
- Process should be **accompanied** by the **alignment with ILO C81 and C129** (on labour inspection)
- Provision of **training** to competent authorities, social partners and other stakeholders on the content and application of each transposing legal acts
- Launch of a **nationwide information and awareness-raising campaign** on the EU legislation being transposed to Ukraine, in order to facilitate its understanding and compliance

► Roadmap

- 1.** Alignment with **EU OSH framework Directive 89/391/EEC** (applicable to all employers, workers, workplaces, aspects of the work, and all types of risks - without prejudice to more stringent and/or specific provisions contained in individual directives)
- 2.** Transposition of **transversal directives** (which regulate aspects that are common to the generality of employers, workers and sectors of activity): 89/654/EEC, on workplaces; 2009/104/EC, on work equipment; 89/656/EEC, on Personal Protective Equipment; 2003/88/EC, on working time; 92/58/EEC, on safety & health signs
- 3.** Directives on exposure to **specific risks**: 2000/54/EC, biological agents; 2003/10/EC, noise; 2002/44/EC, mechanical vibration; 90/270/EEC, display screen equipment; 90/269/EEC, manual handling of loads; 2013/59/Euratom, ionizing radiation; 2013/35/EU, electromagnetic fields; 2006/25/EC, artificial optical radiation
- 4.** Directives on risks arising from **specific sectors**: 2010/32/EU, sharp injuries in hospital and healthcare sector; 92/57/EEC, temporary or mobile constructions sites; 92/104/EEC, mineral-extracting industries; 92/91/EEC, mineral-extracting industries through drilling; 93/103/EC, work on board fishing vessels
- 5.** Directives focused on **specific types of workers**: 94/33/EC, young workers; 92/85/EEC, pregnant workers; 91/383/EEC, workers with a fixed-duration or temporary employment relationship

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[Issue #1 \(June 2020\)](#)

[Issue #2 \(December 2020\)](#)



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

Q&A



Contacts

Дякую за увагу!

Thank you for your attention!





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