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Promotional framework for occupational safety and health

Fourth item on the agenda

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CONTENTS

	<i>Page</i>
INTRODUCTION	1
PROPOSED TEXTS	3
Proposed Convention on the Promotional Framework for Occupational Safety and Health	5
Proposed Recommendation on the Promotional Framework for Occupational Safety and Health	8

INTRODUCTION

On 15 June 2005 the International Labour Conference, meeting in Geneva at its 93rd Session, adopted the following resolution:

The General Conference of the International Labour Organization,

Having adopted the report of the Committee appointed to consider the fourth item on the agenda,

Having in particular approved as general conclusions, with a view to the consultation of Governments, proposals for a Convention and a Recommendation concerning occupational safety and health,

Decides that an item entitled “Occupational safety and health” shall be included in the agenda of its next ordinary session for second discussion with a view to the adoption of a Convention and a Recommendation.

By virtue of this resolution and in accordance with article 39, paragraph 6, of the Standing Orders of the Conference, the Office is required to prepare, on the basis of the first discussion by the Conference, the texts of a proposed Convention and Recommendation. These texts are to be sent to governments and are to reach them not later than two months from the closing of the 93rd Session of the Conference. The purpose of this report is to transmit to governments the proposed texts.

Governments are asked to reply within three months, after consulting the most representative organizations of employers and workers, and to state whether they have any amendments to suggest or comments to make. Under the Standing Orders of the Conference, any amendments or comments on the proposed texts should be sent as soon as possible, and should reach the Office in Geneva no later than 15 November 2005.

Governments which have no amendments or comments to put forward are asked to inform the Office by the same date whether they consider that the proposed texts are a satisfactory basis for discussion by the Conference at its 95th Session in June 2006.

Governments are requested to indicate which organizations of employers and workers they consulted before they finalized their replies pursuant to article 39, paragraph 6, of the Standing Orders. Such consultation is also required by Article 5(1)(a) of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), for countries which have ratified this Convention. The results of the consultation should be reflected in the governments’ replies.

PROPOSED TEXTS

The texts of a proposed Convention and Recommendation on the promotional framework for occupational safety and health are given below. These texts are based on the conclusions adopted by the International Labour Conference following the first discussion at its 93rd Session (2005).

The report of the Committee on Safety and Health, appointed by the Conference to consider this item, together with the record of the discussion in plenary session and the conclusions adopted, are contained in the *Provisional Record* of the Conference (*Provisional Record* Nos. 18 and 24).¹

Some drafting changes have been incorporated in the proposed instruments in the interest of greater clarity, to bring the two official language versions of the texts into line with one another or to harmonize certain provisions. Where necessary, they are discussed below and the Office invites comments on these issues.

The Office wishes to draw particular attention to the discussion in the Conference plenary when the report of the Committee was being approved.² The Reporter and the Chairperson of the Committee emphasized the spirit of consensus and compromise that had prevailed in the Committee and the desire to reach sensible and practical solutions. The Employers' group, for its part, expressed the view that, while the Employers were disappointed that their proposal for a Declaration had not been agreed to, the proposed new standards, built on the consensus of the 2003 discussion, would go a long way towards fostering political commitment to occupational safety and health and placing this issue high on national agendas. The Workers' group, for its part, stated that the new standards, as currently proposed, did not meet the Workers' expectations on what should be the content of an instrument establishing a promotional framework on occupational safety and health, and considered that the links to the workplace and to some key ILO instruments on occupational safety and health needed to be made more explicit in order to ensure an effective promotion of relevant existing instruments.

In the light of the foregoing and of the discussions in the Committee on these matters, and with a view to achieving tripartite consensus, the Office invites comments on the following questions:

1. The articulation of the link between the proposed instruments and relevant existing instruments in the area of occupational safety and health: How can this be best achieved with a view to the promotion of relevant existing instruments? Please comment.
2. Should the basic principles governing a national policy on occupational safety and health be included? If so, please specify.

¹ These texts are reproduced in the *Record of Proceedings* of the 93rd Session of the International Labour Conference. They can also be consulted on the web site of the International Labour Office: www.ilo.org. Requests for copies should be addressed to the Distribution Unit, ILO, CH-1211 Geneva 22. The proposed Conclusions appearing in *Provisional Record* No. 18 were adopted without change.

² See *Provisional Record* No. 24, pp. 12-14.

3. Concerning workplace measures, should any specific issues of prevention, such as indication of rights, duties and responsibilities, information and training, and workplace safety and health committees, be included? If so, please specify.

The Office also invites comments on how the draft instruments could be further improved, including whether text should be modified, added to or deleted and in which of the instruments proposed text should best be placed.

Proposed Convention

TITLE OF THE CONVENTION

The Global Occupational Safety and Health Strategy adopted at the 2003 International Labour Conference called for the development of a new instrument establishing a promotional framework in the area of occupational safety and health. The Office report for the 2005 International Labour Conference was therefore entitled “Promotional framework for occupational safety and health”. Against this background and in view of the general agreement on the purpose of the new instrument, it is suggested that the term “Promotional framework for occupational safety and health” be included in the titles of the proposed Convention and Recommendation.

PREAMBLE

(Point 3 of the conclusions)

The Office has established a preambular text that incorporates point 3 of the conclusions. The reference to the ILO Constitution has been elaborated and modelled on preambles in previous Conventions, and the short title “Promotional Framework for Occupational Safety and Health Convention” is suggested (see comment above).

IV. NATIONAL SYSTEM

Article 4

(Point 9(2)(a) of the conclusions)

In Article 4, the Office understands that the amended and finally adopted text was intended to provide for flexibility as to the means of implementation of the national system. The adopted formulation of clause 2(a) was therefore slightly modified by replacing the word “and” with “or any” after the words “collective agreements”. The Office notes, however, that the standard formulation used in ILO instruments is “laws and regulations, or collective agreements, or any other relevant instruments”.

Proposed Recommendation

III. NATIONAL PROFILE

Paragraph 9

(Point 18(2) of the conclusions)

Paragraph 9 of the Recommendation, in specifying the information to be included in the national profile, lists the elements of the national system described in the

Convention for greater clarity, instead of making a reference to Article 4, paragraph 2, of the Convention.

ANNEX

(Annex in the conclusions)

In the annex to the Recommendation, the Employment Injury Benefits Convention, 1964 (No. 121), and its accompanying Recommendation (No. 121), have been added. These instruments are relevant, as the texts of the proposed Convention and Recommendation refer to insurance schemes covering occupational accidents and diseases. They also include provisions for the prevention of occupational accidents and diseases and a list of occupational diseases. A title has been added to the list of relevant ILO instruments contained in the annex based on guidance provided in the *Manual for drafting ILO instruments*.³

Proposed Convention on the Promotional Framework for Occupational Safety and Health

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Ninety-fifth Session on 30 May 2006,

Recalling that the protection of workers against sickness, disease and injury arising out of their employment is one of the core tasks assigned to the International Labour Organization under its Constitution, and

Noting paragraph III(g) of the Philadelphia Declaration which provides that the International Labour Organization has the solemn obligation to further among the nations of the world programmes which will achieve adequate protection for the life and health of workers in all occupations, and

Noting the Occupational Safety and Health Convention, 1981 (No. 155), and the Occupational Safety and Health Recommendation, 1981 (No. 164), and

Recalling that the promotion of occupational safety and health is part of the International Labour Organization's core objective of decent work for all, and

Recalling the Conclusions concerning occupational safety and health adopted by the 91st Session (2003) of the International Labour Conference, in particular the priority to be given to occupational safety and health in national agendas, and

Stressing the importance of the continuous promotion of a national preventative safety and health culture, and

Having decided upon the adoption of certain proposals on occupational safety and health, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

³ The *Manual for drafting ILO instruments* can be consulted at the web site of the International Labour Office at www.ilo.org/public/english/bureau/leg/man.pdf.

adopts this day of June two thousand and six the following Convention, which may be cited as the Promotional Framework for Occupational Safety and Health Convention, 2006.

I. DEFINITIONS

Article 1

For the purpose of this Convention:

- (a) the term “national policy” refers to the national policy on occupational safety and health and the working environment developed in accordance with the principles of Article 4 of the Occupational Safety and Health Convention, 1981 (No. 155);
- (b) the term “national system for occupational safety and health” refers to the infrastructure which provides the main framework for implementing national programmes on occupational safety and health;
- (c) the term “national programme on occupational safety and health” refers to any national programme that includes objectives, priorities and means of action formulated to improve occupational safety and health, to be achieved in a predetermined time frame;
- (d) the term “a national preventative safety and health culture” refers to a culture in which the right to a safe and healthy working environment is respected at all levels, where governments, employers and workers actively participate in securing a safe and healthy working environment through a system of defined rights, responsibilities and duties, and where the principle of prevention is accorded the highest priority.

II. OBJECTIVE

Article 2

Each Member which ratifies this Convention shall take active steps towards achieving progressively a safer and healthier working environment through national programmes on occupational safety and health by taking into account the principles in relevant ILO instruments on occupational safety and health.

III. NATIONAL POLICY

Article 3

1. Each Member shall promote a safe and healthy working environment by formulating a national policy.
2. Each Member shall promote continuous improvement of occupational safety and health by the development, on a tripartite basis, of a national policy, national system and national programme.
3. Each Member shall promote and advance, at all relevant levels, the right of workers to a safe and healthy working environment.

IV. NATIONAL SYSTEM

Article 4

1. Each Member shall establish, maintain, progressively develop and periodically review a national system for occupational safety and health, in consultation with representative organizations of employers and workers.

2. The national system for occupational safety and health shall include among others:

- (a) laws, regulations, collective agreements or any other relevant instrument on occupational safety and health;
- (b) an authority or body, or authorities or bodies responsible for occupational safety and health, designated in accordance with national law and practice;
- (c) mechanisms for ensuring compliance with national laws and regulations, including systems of inspection; and
- (d) arrangements to promote, at the level of the undertaking, cooperation between management, workers and their representatives as an essential element of workplace-related prevention measures.

3. The national system for occupational safety and health shall include, where appropriate:

- (a) information and advisory services on occupational safety and health;
- (b) the provision of occupational safety and health training;
- (c) occupational health services in accordance with national law and practice;
- (d) research on occupational safety and health;
- (e) a mechanism for the collection and analysis of data on occupational accidents and diseases, taking into account relevant ILO instruments;
- (f) provisions for collaboration with relevant insurance schemes covering occupational accidents and diseases; and
- (g) support mechanisms for a progressive improvement of occupational safety and health conditions in micro-, small and medium-sized enterprises.

V. NATIONAL PROGRAMME

Article 5

1. Each Member shall formulate, implement, monitor and periodically review a national programme on occupational safety and health in consultation with representative organizations of employers and workers.

2. The national programme shall:

- (a) contribute to the protection of workers by minimizing work-related hazards and risks, in accordance with national law and practice, in order to reduce work-related deaths, injuries and diseases;
- (b) be formulated and reviewed on the basis of analysis of the national situation on occupational safety and health, including the national system for occupational safety and health;

- (c) promote the development of a national preventative safety and health culture;
- (d) include targets and indicators of progress; and
- (e) be supported, where possible, by other complementary national programmes and plans which will assist in achieving the objective of a safer and healthier working environment.

3. The national programme shall be widely publicized and, to the extent possible, endorsed and launched by the highest national authorities.

Proposed Recommendation on the Promotional Framework for Occupational Safety and Health

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Ninety-fifth Session on 30 May 2006,

Having decided upon the adoption of certain proposals on occupational safety and health, which is the fourth item of the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Promotional Framework on Occupational Safety and Health Convention, 2006 (hereinafter referred to as “the Convention”);

adopts this day of June of the year two thousand and six the following Recommendation, which may be cited as the Promotional Framework for Occupational Safety and Health Recommendation, 2006.

I. NATIONAL SYSTEM

1. In establishing, maintaining, progressively developing and periodically reviewing the national system for occupational safety and health defined in Article 1(b) of the Convention, Members may extend the consultations provided for in Article 4 of the Convention to other interested parties.

2. With a view to reducing work-related deaths, injuries and diseases, the national system should provide appropriate measures for the protection of all workers, in particular workers in high-risk sectors and of vulnerable workers, such as those in the informal economy, migrant and young workers.

3. In promoting a national preventative safety and health culture, Members should seek:

- (a) to raise awareness in the workplace and public awareness on occupational safety and health through national campaigns linked, where appropriate, with international initiatives;
- (b) to promote mechanisms for delivery of occupational safety and health education and training, in particular for management, supervisors, workers and their representatives and government officials responsible for safety and health;
- (c) to introduce occupational safety and health concepts in educational and vocational training programmes;
- (d) to facilitate the exchange of occupational safety and health statistics and data between relevant authorities, employers, workers and their representatives;

- (e) to provide information and advice to employers and workers and promote or facilitate cooperation between them and their organizations with a view to eliminating or reducing hazards;
- (f) to promote, at the level of the workplace, the establishment of safety and health policies and joint safety and health committees and the designation of workers' safety representatives, in accordance with national law and practice; and
- (g) to address the constraints of micro-, small and medium-sized enterprises and contractors in the implementation of occupational safety and health policies and regulations, in accordance with national law and practice.

4. Members should promote the management systems approach to occupational safety and health, such as that set out in the *Guidelines on occupational safety and health management systems (ILO-OSH 2001)*.

II. NATIONAL PROGRAMME

5. In formulating and reviewing the national programme on occupational safety and health defined in Article 1(c) of the Convention, Members may extend the consultations provided for in Article 5 of the Convention to other interested parties.

6. The national programme on occupational safety and health should be coordinated, where appropriate, with other national programmes and plans, such as those relating to public health and economic development.

7. In formulating and reviewing the national programme on occupational safety and health, and without prejudice to their obligations under Conventions which they have ratified, Members should take into account the international labour Conventions and Recommendations listed in the annex.

III. NATIONAL PROFILE

8. Members should prepare and regularly update a national profile which summarizes the existing situation on occupational safety and health and the progress that has been made in achieving a safer and healthier working environment. The profile should be used as a basis for formulating and reviewing the national programme.

9. The national profile on occupational safety and health should include information on the following elements, where appropriate:

- (a) laws, regulations, collective agreements or any other relevant instrument on occupational safety and health;
- (b) authority or body, or authorities or bodies responsible for occupational safety and health, designated in accordance with national law and practice;
- (c) mechanisms for ensuring compliance with national laws and regulations, including systems of inspection;
- (d) arrangements to promote, at the level of the undertaking, cooperation between management, workers and their representatives as an essential element of workplace-related prevention measures;
- (e) information and advisory services on occupational safety and health;
- (f) the provision of occupational safety and health training;
- (g) occupational health services in accordance with national law and practice;

- (h) research on occupational safety and health;
- (i) the mechanism for the collection and analysis of data on occupational accidents and diseases, taking into account relevant ILO instruments;
- (j) provisions for collaboration with relevant insurance schemes covering occupational accidents and diseases;
- (k) support mechanisms for a progressive improvement of occupational safety and health conditions in micro-, small and medium-sized enterprises;
- (l) coordination and collaboration mechanisms at national and enterprise levels, including national programme review mechanisms;
- (m) technical standards, codes of practice and guidelines on occupational safety and health;
- (n) educational and awareness-raising structures including promotional initiatives;
- (o) specialized technical, medical and scientific institutions with linkages to various aspects of occupational safety and health, including research institutes and laboratories concerning occupational safety and health;
- (p) persons engaged in the area of occupational safety and health, such as inspectors, officers, occupational physicians and hygienists;
- (q) occupational accident and disease statistics;
- (r) occupational safety and health policies and programmes of organizations of employers and workers;
- (s) regular or ongoing activities related to occupational safety and health, including international collaboration;
- (t) financial and budgetary resources with regard to occupational safety and health; and
- (u) related data addressing, for example, demography, literacy, economy and employment, as available, as well as any other relevant information.

IV. INTERNATIONAL EXCHANGE OF INFORMATION

10. The International Labour Organization should:

- (a) facilitate the exchange of information on national policies, systems and programmes on occupational safety and health, including good practices and innovative approaches, and the identification of new and emerging hazards and risks in the workplace; and
- (b) inform on progress made in achieving a safer and healthier working environment.

V. UPDATING OF THE ANNEX

11. The list annexed to this Recommendation should be reviewed and updated by the Governing Body of the International Labour Office. Any new list so established shall be adopted by the Governing Body and shall replace the preceding list after having been communicated to the Members of the International Labour Organization.

ANNEX

List of ILO instruments relevant to the promotional framework for occupational safety and health

I. CONVENTIONS

- Labour Inspection Convention, 1947 (No. 81)
- Radiation Protection Convention, 1960 (No. 115)
- Hygiene (Commerce and Offices) Convention, 1964 (No. 120)
- Employment Injury Benefits Convention, 1964 (No. 121)
- Labour Inspection (Agriculture) Convention, 1969 (No. 129)
- Occupational Cancer Convention, 1974 (No. 139)
- Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)
- Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)
- Occupational Safety and Health Convention, 1981 (No. 155)
- Occupational Health Services Convention, 1985 (No. 161)
- Asbestos Convention, 1986 (No. 162)
- Safety and Health in Construction Convention, 1988 (No. 167)
- Chemicals Convention, 1990 (No. 170)
- Prevention of Major Industrial Accidents Convention, 1993 (No. 174)
- Safety and Health in Mines Convention, 1995 (No. 176)
- Protocol of 1995 to the Labour Inspection Convention, 1947 (No. 81)
- Safety and Health in Agriculture Convention, 2001 (No. 184)
- Protocol of 2002 to the Occupational Safety and Health Convention, 1981 (No. 155)

II. RECOMMENDATIONS

- Labour Inspection Recommendation, 1947 (No. 81)
- Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82)
- Protection of Workers' Health Recommendation, 1953 (No. 97)
- Welfare Facilities Recommendation, 1956 (No. 102)
- Radiation Protection Recommendation, 1960 (No. 114)
- Workers' Housing Recommendation, 1961 (No. 115)
- Hygiene (Commerce and Offices) Recommendation, 1964 (No. 120)
- Employment Injury Benefits Recommendation, 1964 (No. 121)
- Labour Inspection (Agriculture) Recommendation, 1969 (No. 133)
- Occupational Cancer Recommendation, 1974 (No. 147)
- Working Environment (Air Pollution, Noise and Vibration) Recommendation, 1977 (No. 156)
- Occupational Safety and Health (Dock Work) Recommendation, 1979 (No. 160)

- Occupational Safety and Health Recommendation, 1981 (No. 164)
- Occupational Health Services Recommendation, 1985 (No. 171)
- Asbestos Recommendation, 1986 (No. 172)
- Safety and Health in Construction Recommendation, 1988 (No. 175)
- Chemicals Recommendation, 1990 (No. 177)
- Prevention of Major Industrial Accidents Recommendation, 1993 (No. 181)
- Safety and Health in Mines Recommendation, 1995 (No. 183)
- Safety and Health in Agriculture Recommendation, 2001 (No. 192)
- List of Occupational Diseases Recommendation, 2002 (No. 194)