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Agenda item III

Committee on the Application of Standards

Briefing Note for Workers' Delegates

General Survey on the Occupational Safety and Health instruments concerning the promotional framework, construction, mines and agriculture, 2017

BACKGROUND

Under Article 19 of the ILO Constitution, Member States are required to report at regular intervals, at the request of the Governing Body, on the measures they have taken to give effect to any provision of certain conventions or recommendations, and to indicate any obstacles, which have prevented or delayed ratification of a particular convention. At its 322nd Session (November 2014), the Governing Body decided that the 2017 General Survey of the Committee would cover certain occupational safety and health instruments:

- Safety and Health in Construction Convention, 1988 (No. 167)
- Safety and Health in Construction Recommendation, 1988 (No. 175)
- Safety and Health in Mines Convention, 1995 (No. 176)
- Safety and Health in Mines Recommendation, 1995 (No. 183)
- Safety and Health in Agriculture Convention, 2001 (No. 184)
- Safety and Health in Agriculture Recommendation, 2001 (No. 192)
- Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)
- Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197)

Safety and health are at the heart of the ILO's constitutional mandate. The obligation of the organisation to promote safe working conditions was reaffirmed in the 1944 Declaration of Philadelphia, and the 2008 Declaration on Social Justice for a Fair Globalisation, which recognises healthy and safe working conditions as a key element of the Decent Work Agenda. The growing global recognition of occupational safety and health (OSH) as an important component of sustainable development is reflected in the inclusion of OSH in the 2030 Agenda for Sustainable Development

The conclusions of the 2009 General Survey concerning the Occupational Safety and Health Convention, 1981 (No. 155), the Occupational Safety and Health Recommendation, 1981 (No. 164), and the Protocol of 2002 to the Occupational Safety and Health Convention, 1981 emphasized that the implementation of preventive and protective measures at the workplace is a continuous process that requires not only technical knowledge and skills adapted to the scale and specific activities of undertakings, but also a preventive safety and health culture. The 2009 General Survey recognised that Convention No. 155, its 2002 Protocol and Recommendation No. 164 continue to be of considerable relevance and are key references in the development and strengthening of many national OSH systems, and that many member States are making increasing efforts to give effect to the provisions of these instruments.

The 2017 General Survey gives a global picture of the law and practice of member States application of the standards under review, regardless of ratification. In total, 111 governments, 41 workers' organizations and 17 employers' organizations, in addition to one bipartite national body, provided information and observations regarding these instruments. This represents higher number of governments' reports and a lower number of observations by workers' and employers' organizations compared to the 2009 General Survey.

In total, 75 member states have ratified at least one of the four Conventions examined in this General Survey: Convention No. 187 has 41 ratifications; Convention No. 167 has 30 ratifications, Conventions No. 176 has 31 ratifications and Convention No. 184 has 16 ratifications.

Chapter I: Objectives and content of instruments

Chapter I offers an overview of the Conventions reflecting on their rationale, content, scope of application, rights and responsibilities they afford, provisions in relation to consultations, enterprise-level cooperation and preventive measures.

- The Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) is based on two key aims: the development of a preventative safety and health culture and the application of a systems approach to manage OSH at national level. The Conference discussion preceding the adoption of the instrument highlighted that the aim of the Convention should be to enhance the impact of existing instruments by increasing the level of coherence.
- The Safety and Health in Construction Convention, 1988 (No. 167) sets out both essential general standards for OSH in construction and detailed prevention and protection measures. It defines the role of governments in that respect, as well as the responsibilities of all those involved in a construction project. The preamble of Convention 167 recalls that construction workers may be at risk of occupational exposure to asbestos and radiation and that the Asbestos Convention, 1986 (No. 162) and the Radiation Protection Convention, 1960 (No. 115) and its accompanying Recommendation provide important guidance to protect workers.
- The Safety and Health in Mines Convention, 1995 (No.176) sets out that safety and health must be a priority in the design, expansion, operation and upkeep of mines and their equipment, and establishes roles of governments, workers and employers in that respect. One of the key reasons for the adoption of the instrument was the recognition that mining was one of the most dangerous occupations in view of the adverse effects on health and exposure to hazards in mines.
- The preparatory work of the Safety and Health in Agriculture Convention, 2001 (No. 184) pointed at the large proportion of workers employed in the agricultural sector, as well as its hazardous nature. Fatal accident rates in this sector are often double the overall average. The fact that most agricultural work takes place in open air and the contribution of difficult weather conditions were taken into account. Because the sector covers not only farming, but associated activities, the importance of a flexible instrument reflecting the diversity of the sector was considered to be a priority. The Convention therefore permits the progressive extension of its coverage.

Chapter II: Policy and legal framework

This chapter focuses on three key concepts developed in Convention No. 187: national policies, national systems and national programmes.

The Committee explained that national policies should promote the following principles: assessing occupational risks or hazards, combating occupational risks or hazards at source, and developing a national preventative safety and health culture. Governments should formulate, implement and periodically review national policies with the full participation of social partners.

- Mining: The Committee highlighted the importance to develop a health and safety policy for the mining sector and expressed concern over the fact that many countries, which have ratified Convention No. 176 have not yet developed or implemented coherent policies.
- Agriculture: The Committee noted that a number of ratifying countries have not yet provided full information on the formulation of a coherent national OSH policy in agriculture, nor on the consultations undertaken in this respect.

- Construction: While the Convention, the oldest among those examined, does not make specific reference to national policies, it highlights the need for consultations with social partners over measures intended to give effect to its provisions.

National systems to implement OSH policies should include, legislation and collective agreements, an authority responsible for occupational safety and health, mechanisms for ensuring compliance with national laws and regulations and arrangements promoting dialogue between management and workers on preventive measures. In addition, member states should develop the following elements: a national tripartite body; advisory services; training; OSH services; research; data collection; collaboration with insurance/social security schemes; specific measures for micro-, small- and medium-sized enterprises.

National systems are operationalised through national OSH programmes, which will ultimately bring about improvements. The Committee stressed that many countries reached a plateau in the reduction of occupational accident rates, while some countries even experienced an increase in occupational accidents and diseases. The Committee therefore highlighted the need for high-profile OSH programmes and the importance to prioritise OSH in the overall national agenda.

The Committee also emphasised the importance of data collection as an essential means to monitor progress, to enable labour inspectors to effectively carry out their preventive mandate and to measure progress on the Sustainable Development Goals. The recording and notification of accidents and diseases was specifically highlighted as a necessary early warning system to prevent future exposure to risk.

Workers' Group Recommendations

The Workers' Group may wish to join the Committee in highlighting the relevance of collective agreements as an important element of national systems and their significant contribution to progress towards a safer and healthier working environment. The national policy process constitutes an important mechanism for the development of tripartite solutions for accident and injury prevention that are adapted to national conditions. The implementation of OSH programmes should be monitored and reviewed in consultation with social partners.

Chapter III: Cooperation, responsibilities, duties and rights of employers and workers

This chapter looks at the cooperation between workers and employers as an essential principle of OSH and specifies rights and duties for both sides. With regard to the construction sector, the Committee emphasized the importance to promote cooperation with a view to improve health safety, both in permanent and temporary workplace and those with high rates of labour turnover. In relation to the mining sector, the Committee encouraged governments to take concrete measures to promote cooperation, paying specific attention to small mines. The Committee also underlined the importance of consultation and cooperation in agricultural enterprises of all sizes.

Employers' duties and responsibilities with respect to OSH

The Committee specified that employers have the duty to stop the operation and evacuate workers, not only in unavoidable situations or circumstances in which the competent authority has ordered measures to be taken, but in all situations of imminent and serious danger.

Just like worksites involving multiple employers, contracting and subcontracting arrangements should not prejudice workers' rights. The 2009 General Survey found that many countries provided for joint responsibility between different employers within the same undertaking.

In relation to mining, the Committee stated that the employer in charge of the mine shall be held primarily responsible for the safety of the operations, and must coordinate all measures concerning safety and health. This does not relieve individual employers from their duties, as they must remain responsible for the implementation of all measures concerning the safety and health of their workers.

In view of the specific risks that come with the proliferation of subcontracting in the construction sector, the Committee encouraged governments to regulate multiple-contracting and subcontracting, in particular the attribution of responsibility to one party for coordinating and ensuring health and safety measures.

During the preparatory work for the Convention, the relationship between multiple employers in the agricultural sector was understood as a sequence of interdependent activities, which did not occur at the same time. The instrument therefore calls for cooperation but does not specifically mention the responsibility of individual employers. The Committee has emphasised in the past that cooperation should include joint liability as well as a proactive approach to collaboration.

Rights and obligations of workers with respect to OSH

The right of workers to a safe and healthy working environment is the *cornerstone of OSH*. Workers should also be provided with adequate information and appropriate training in order to be able to comply with health and safety measures that are in place. Workers have the right to participate in measures relating to safety and health, the right to be informed on safety and health matters, and the right to remove themselves from situations, which reasonably appear to pose a danger to their safety and health. Duties workers have under the conventions include: the duty to comply with prescribed health and safety measures; the duty to report situations presenting a risk to health and safety; and the duty to cooperate with employers concerning their safety and health obligations. The Committee emphasised that the exercise of the right to removal is not conditional upon informing the supervisor, and that this duty should not be interpreted as requiring prior approval for exercising the right of removal.

Cooperation on OSH

The importance of cooperation between workers and employers was highlighted as an essential principle of OSH, without which no tangible progress in this area could be achieved. While the Committee recognised the challenges that may exist with respect to the implementation of mechanisms for cooperation in small enterprises, it considered that essential preventive mechanisms may in fact be most needed in smaller workplaces, where a large number of accidents occur.

Cooperation on OSH issues at the enterprise level often takes place through the establishment of occupational safety and health committees. In this regard, Recommendation No. 197 provides that promoting, at the level of the workplace, the establishment of joint safety and health committees, in accordance with national law and practice, is an important component of promoting a national preventative safety and health culture.

Workers' Group Recommendations

The Workers' Group may wish to support the views of the Committee and to encourage all governments to take measures to promote cooperation on OSH at the workplace, including through promoting the establishment and functioning of OSH committees.

In addition, the Workers' Group may wish to express concern over the indication by several governments, that their national legislation does not allow workers to remove themselves from dangerous situations. Several workers' organisations reported that workers frequently faced retaliation for removing themselves from dangerous situations. The Workers' Group may wish to emphasise that this right remains an essential foundation for the prevention of occupational accidents and diseases and must not be undermined by actions by employers. Therefore, this right must be protected in national law and regulations.

Chapter IV: Development of a national safety and health culture, occupational risk assessment and preventive and protective measures

The Committee analysed the concrete and practical measures taken to develop a preventive safety and health culture: (a) the vital role of raising public and workers awareness on OSH; (b) providing education and training to workers and employers on OSH, tailored to the three sectors; and (c) taking measures to ensure that workers are informed of safety and health hazards associated with their work.

In relation to the construction sector, the Committee recalled the importance to ensure that training and education reaches all workers, including migrant workers. Providing occupational health and safety training in a language understood by migrant workers is key in order to keep their skills up to date. Whenever new products, equipment and working methods are introduced, special attention should be paid to informing and training workers on their implications for safety and health. In its observations concerning the mining sector, the Committee underlined the importance of ensuring the provision of training on health and safety at no cost to the worker. With regard to agriculture, the Committee also highlighted the importance of tailoring training to the specific educational and language competencies of the workers and to focus on the exposure to specific hazards and the precautions to be followed in connection with the use of chemicals at work. This includes appropriate training in particular with regard to issues concerning women's health relating to pregnancy, breastfeeding and reproductive health.

Governments should consult social partners in order to develop measures that can be taken to ensure that OSH training is available for managers and supervisors, including more specific measures to support micro-enterprises and SMEs.

Occupational risk assessment was identified as a basic principle of OSH. The Committee listed the main steps for successful risk management: identify the hazards, identify who might be harmed and how; evaluate the risk and identify and decide on the safety and health risk control measures; record who is responsible for implementing control measures and the time frame; record the findings, monitor and review the risk assessment and update when necessary.

Given the harmful effects of the handling and disposal of hazardous substances, including asbestos, the Committee called on governments to take protective measures in this regard drawing particular attention to relevant ILO standards in this area.

The Committee emphasised that the provision of adequate welfare facilities, including sanitary facilities, plays an important role in preventing work-related communicable disease and exposure to hazards, and it has a considerable impact on public health. It strongly encouraged governments to ensure the provision of such facilities, in addition to access to adequate drinking water, at the workplace.

In view of the number of major mining disasters resulting in the death of numerous workers in the last decade, the Committee called on countries with a mining industry to adopt and implement appropriate emergency preparedness and mine rescue measures, including emergency response plans for every mine. The Committee also recalled the importance of ensuring that adequate well-maintained self-rescue respiratory devices are provided for workers in underground mines, particularly coal mines.

Workers' Group Recommendations

While noting the large number of countries reporting legislative requirements in relation to personal protective equipment at no cost to the worker, the Workers' Group may wish to highlight the importance of implementation in practice, in particular when it comes to precarious workers.

The Workers' Group may further wish to draw attention to the specific vulnerability of temporary and seasonal agricultural workers to OSH risks and join the Committee in requesting governments to take measures to ensure that such workers receive the same level of safety and health protection. Moreover, preventive and protective measures to the reproductive health of women in the agricultural sector, from the beginning of pregnancy as well as for breastfeeding, should be strengthened.

Chapter V: Measures taken to ensure compliance with national laws and regulations on OSH

Labour inspection

The Committee considered it essential for member States to allocate the necessary human and material resources to labour inspection, by recruiting an adequate number of inspectors, including women inspectors, and allocating appropriate budgetary provision, so that labour inspectors can carry out their duties effectively. Furthermore, the Committee stressed that all workplaces should remain liable to inspection and that focusing

inspections on the most hazardous workplaces must not diminish the overall resource commitment of the labour inspectorate. It also emphasised that labour inspections must be undertaken as often as is necessary to ensure the effective application of provisions concerning OSH and called member States to eliminate any restrictions in this regard.

The Committee also elaborated on the importance of labour inspectors in relation to migrant workers. The role of labour inspectors is not to enforce immigration law but to secure equal conditions of work. Workers in vulnerable situations would not be willing to collaborate with labour inspectors if they feared negative consequences such as job losses or deportation. In relation to the high incidence of vulnerable workers in the agricultural sector, including migrant workers, women and children, the Committee emphasised that labour inspectors should have the necessary skills and capacities to address their specific situation, including opportunities to speak with them directly, for example through the hiring of interpreters. Labour inspectors should also be provided sector specific training to ensure that they have the necessary technical expertise.

Corrective measures, appropriate penalties and their application

The sectoral conventions provide for both the application of penalties and measures to correct or remedy infringements. This may include the suspension or restrictions of operations on safety and health grounds. Labour inspectors in almost all countries are accorded powers in order to eliminate or reduce risks, including notices ordering alterations to installations, plant or premises, tools, equipment and machines. These can be required immediately or within a specified time limit. However, both workers' and employers' organisations highlighted difficulties in their implementation in practice.

Each of the sectoral Conventions requires the establishment of appropriate penalties for their enforcement. In this respect, the Committee has repeatedly emphasized that it is essential for the credibility and effectiveness of regulatory systems that penalties are sufficiently dissuasive and that they are defined in the national legislation in proportion to the nature and gravity of the offence. The Committee encouraged member States to ensure that the penalties established in the national legislation (whether they are of an administrative, civil or penal nature) are sufficiently dissuasive to deter OSH violations and that they are defined in proportion to the nature and the gravity of the offence.

Complementary measures

The preparatory work for Convention No. 187 reflected on enforcement measures that could be taken in order to complement the work of labour inspection systems. Complementary enforcement strategies can include measures to publicize the status of OSH conditions in workplaces, the exclusion of actors with poor safety records from participating in public tenders for contracts, increased insurance premiums, the withdrawal of permits and the suspension or revocation of a company's operating licence. The possibility of entrusting a role in the promotion of compliance to actors other than labour inspectorates, including employers and workers and other public and private entities was highlighted.

The Committee emphasised the importance of the participation of workers in the promotion of compliance, and recalled that this requires the provision of adequate and appropriate training, as well as measures to ensure that workers receive the necessary health and safety information. The Committee also recalled the need to ensure the protection of workers and their representatives from disciplinary measures for action taken in this respect.

The Committee noted that enterprises have been taking on more responsibility, for example by carrying out risk assessments, including compliance self-assessments, which are increasingly being required as part of the effective management of OSH in the workplace.

The Committee also noted that an increasing number of private compliance initiatives (PCIs) have been developed in recent years with the objective, among others, of assessing conformity with national and international standards in the area of OSH. It stated that workers' and employers' organisations should be more closely involved in these initiatives. While considering that effective PCIs could contribute to addressing compliance gaps, the Committee also drew attention to an ILO report exposing a number of fundamental

limitations to the effectiveness of PCIs in ensuring long-term compliance, including a lack of accountability, worker participation and coordination with labour administration.

Workers' Group Recommendations

The Workers' Group may wish to welcome complementary enforcement mechanisms but should at the same time highlight that such strategies cannot replace the compliance and enforcement functions undertaken by independent and specially trained public servants. The enforcement of safety and health standards cannot be subcontracted. The Workers' Group may therefore wish to specify that labour inspection must remain the primary means of securing compliance and join the Committee in calling for necessary efforts to strengthen national labour inspection systems.

The Workers' Group may also wish to call on member states to ensure that dissuasive penalties for violations in the area of OSH are effectively enforced. Important measures that member States can undertake in this regard include: the effective cooperation of the labour inspection services with the justice system, the additional training of labour inspectors and enforcement staff, and the collection and review of statistical data on the violations detected and the follow-up action taken, including the outcome of the legal rulings related to the violations, to evaluate the effectiveness of judicial procedures.

Chapter VI: Achieving the potential of the instruments

Regarding the implementation of the instruments, the Committee noted that, in addition to the numerous cases of progress noted with respect to member States that have ratified the Conventions, a number of governments indicated in their replies that they have adopted measures to incorporate the provisions of the instruments into national legislation, despite not having ratified the Conventions. Several governments reported considering, or taking steps/examining the steps, towards ratification of one or several conventions examined in the General Survey (32 in total).

In total, 16 governments stated that they did not envisage any ratification. Governments pointed at legislative obstacles as difficulties preventing or delaying ratification (i.e. legislation not in conformity with the instruments), as well as practical difficulties impeding ratification (financial burden, the need to strengthen coordination between government authorities working on various OSH issues, the lack of national OSH policies, the lack of tripartite advisory bodies were some of the reasons invoked by governments).

The Committee took due note of the Governing Body decision, pursuant to a recommendation made by the Standards Review Mechanism's Tripartite Working Group (SRM TWG), requesting the Office to encourage state parties bound by Convention No. 62 on Safety Provisions (Building) to ratify Convention No. 167, which would result in the automatic denunciation of Convention No. 62. It notes that out of the 20 member States bound by Convention No. 62, a number of them provided specific information concerning the possibility of ratifying Convention No. 167. The Committee also took note of the Governing Body decision to invite State parties to Convention No. 45 on Underground Work (Women) to contemplate ratifying Convention No. 176 and possibly denouncing Convention No. 45, pursuant to the recommendation of the Working Party on Policy regarding the Revision of Standards (Cartier Working Party). Out of the 70 member States in which Convention No. 45 is in force, nine have ratified Convention No. 176. Concerning states parties to Convention No. 45 that have not ratified Convention No. 176, certain governments provided specific information related to the ratification of the latter.

Some misconceptions about the requirements of the instruments are highlighted in the General Survey. Clarifications in this respect include:

- Ratification of Convention No. 155 is not a prerequisite for the ratification of Convention No. 187.
- Convention No. 167 applies to such self-employed persons as may be specified by national laws or regulations.
- Convention No. 184 does not require coverage of self-employed workers. Its accompanying Recommendation No. 192 provides that member States should make plans to extend progressively to

self-employed farmers the protection afforded by the Convention, as appropriate, taking into consideration the views of representative organisations of self-employed farmers.

- Convention No. 184 does not establish a general minimum age for admission to work and its provisions are consistent with Conventions Nos 138 and 182.

Workers' Group Recommendations

The Workers' Group may wish to call on governments to make full use of the important OSH framework established in ILO instruments for the promotion of the continuous improvement of OSH. Those countries that have ratified Convention No. 187 should engage in a regular tripartite dialogue to examine measures that could be taken to ratify relevant OSH standards. It may join the Committee in encouraging governments to take advantage of ILO technical assistance for the implementation of the important principles contained in these Conventions.

In addition, the Workers' Group may wish to urge state parties to Convention No. 62 on Safety Provisions (Building) and Convention No. 45 on Underground Work (Women) to ratify Convention No. 167 and Convention No. 176 respectively as the most up-to-date standards in their respective fields.

Proposal for ILO action

Technical cooperation and technical assistance needs

A number of governments requested possible ILO support and technical assistance. These included:

- Technical support for consideration of ratification of the conventions
- Technical assistance in relation to the requirements of the instruments
- Support on capacity building for government officials
- Support on capacity building for social partners on OSH issues
- Assistance on training of labour inspectors on OSH
- Support to raise awareness on OSH
- Assistance on good practices
- Assistance to strengthen the system for the reporting of accidents, data collection and analysis

Certain workers' organizations made proposals for the strengthening of the technical assistance and called on the ILO to redouble its efforts to foster the impact of the supervisory system. The need for assistance in relation to capacity building and policy development, including the elaboration and implementation of a national policy on OSH were highlighted.

Workers' Group Recommendations

The Workers' Group may wish to support the call made by the Committee for the ILO to provide assistance to promote the ratification and full implementation of Conventions Nos 167, 176, 184 and 187.

Proposals for standards-related action

Workers

A number of workers' organisations indicated that they are opposed to the consolidation of the ILO's OSH instruments. They highlighted that ILO standards on safety and health at work have supported workers in promoting improvements in law and practice at the national level. These organizations underlined that, while these standards often contain very specific provisions, they also provide considerable flexibility, making it possible to take into account national circumstances. A consolidation of the standards is not advisable, as it could result in more abstract and diluted provisions, making it difficult to provide the same level of protection for workers. Several organisations proposed a ratification campaign for the OSH instruments in construction, mining and agriculture. In addition, numerous workers' organisations pointed at gaps in standards and proposed to examine the following areas: maximum weight for the manual transport of loads; subcontracting in different sectors of economic activity; psychosocial risks and occupational diseases; teleworking; OSH for

domestic workers, OSH relating to work with new communication technologies; OSH for those performing work involving nanotechnology; and OSH research.

Governments

Several governments highlighted the need to consolidate OSH related instruments. Others pointed at gaps that should be addressed in relation to new and emerging forms of work, psychosocial risks and the possibility of increased stress and fatigue linked to the proliferation of information technology and its intrusion into the private lives of workers. Some governments stated that no standards-related action was necessary and that the existing standards cover OSH issues.

Employers

The IOE indicated it would be more desirable to consider possibilities to simplify, update and consolidate existing OSH instruments. It proposed a one high-impact ILO framework Convention on OSH, to which annexes could be added on OSH in high-risk sectors or on specific OSH issues. Such annexes should be limited to universally relevant specificities of the respective sectors/issues, while the framework convention would deal with the basics of OSH.

- Construction: Convention No. 167 could be reviewed given the technological advances since the adoption of the Convention.
- Mining: While Convention No. 176 was considered to be up-to-date the IOE stressed the need for the Conference or Governing Body to review the convention with regard to its ongoing relevance in light of the new realities of the mining industry.
- Agriculture: the IOE does not consider Convention No. 184 designed for all kinds of agricultural economic units. Its full implementation could affect the competitiveness and viability of small and medium family farms. The instrument does not recognise that agriculture is driven by weather and that the concept of working time arrangements is injurious to production. Ergonomics, the special treatment of women and compulsory insurance undermine the fragile economics of agriculture. The IOE questioned whether the instrument was still appropriate and relevant and considered the SRM to be the appropriate forum to conduct such a review.

Workers' Group recommendations

The Workers' Group may wish to reiterate that OSH is a very sensitive area for workers with a profound impact on their wellbeing and future. Despite scientific and technological developments workers continue to face hazards at their workplaces and often pay for the negligence of employers and public authorities with their lives. ILO standards on OSH have helped workers in advocating for improvements in laws and practices at national level.

The Workers' Group may also wish to respond to the specific proposal made by the IOE.

Concerning the proposal to consolidate existing OSH instruments into one high-impact ILO framework Convention on OSH, it is unclear what the added value would be when there is already the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) which was precisely adopted for the purpose of increasing the level of coherence. Moreover, Occupational Safety and Health Convention, 1981 (No. 155) already elaborates OSH standards applicable throughout all sectors. The Committee has indeed emphasized that these instruments constitute an important blueprint for progressive and sustained improvements towards the provision of safe and secure working environments.

Convention No. 167 will be reviewed by the SRM TWG and the impact of technological advances on OSH, which the IOE refers to, will certainly be examined. However, it is undeniable that work in the construction sector remains deadly for many workers. The 2017 General Survey exposes that the sector has in fact become more dangerous in some countries. The Committee pointed out that between 2002 and 2016, the number of work-related deaths had not decreased.

In relation to the IOE's claim that Convention No. 184 does not take due account of all different kinds of agricultural units, the Workers' Group may wish to refer to the preparatory work of this instrument which did look at this aspect of the sector. This is precisely the reason why the Convention permits the progressive extension of its coverage. The IOE also argues that the concept of working time arrangements is injurious to production. However, the Convention does not regulate this area and refers instead to national laws in this respect. Furthermore, the IOE states that the special treatment of women and compulsory insurance undermine the fragile economics of agriculture. In this regard, the Workers' Group may wish to recall the huge economic costs of inadequate occupational safety and health at both the national and enterprise level, and the negative impact of poor OSH conditions on productivity. Lowering the level of OSH protection for economic reasons can therefore not be regarded as justifiable.

Conclusion: The way forward and concluding remarks: Building on common commitments

The way forward

The Committee noted a number of important common commitments shared by the tripartite constituents on the topics covered by the present General Survey and in particular, an almost universal recognition of the importance of ensuring safe and secure conditions at work, in general, and in the construction, mining and agriculture sectors in particular. All member States reported measures taken in law or practice to promote OSH and protect workers from occupational accidents and diseases, and many reported on recent measures to reinvigorate and intensify efforts in this regard. While a number of ratifications have been registered in recent years, the Committee noted that many governments that have not ratified the relevant Conventions reported that their legislation and practice reflect the spirit of the Conventions.

Nonetheless, many constituents have acknowledged that much more needs to be done to address major challenges remaining. Numerous reports emphasised that work in the construction, mining and agriculture sectors continues to be quite hazardous. Many reports also highlighted the huge economic costs of inadequate occupational safety and health at both the national and enterprise level, and the negative impact of poor OSH conditions on productivity. It therefore appears to be difficult to translate the commitment expressed into concrete OSH improvements. In this context, the Committee was mindful that the objective of the instruments is to provide a framework for member States to address the challenges of safety and health in the workplace and to achieve progressive improvement in this respect.

The Committee noted that efforts should continue to be made to enhance the capacity of the competent authorities, including labour inspectors and other public officials, to implement and enforce the relevant OSH legislation. Recognizing the pivotal role of the social partners in ensuring the progressive improvement of OSH, the Committee emphasized that employers' organizations and workers' organizations should be enabled to fulfil their role pursuant to the instruments. The Committee also noted the repeated emphasis of constituents on the importance of prevention, a foundational principle of the OSH instruments under examination. The emphasis on progressive improvement and continuous review, provide a flexible and useful tool to address emerging risks and proactively meet the OSH challenges of a changing world of work.

Concluding remarks

The promotion of OSH and the prevention of accidents and diseases at work is a core element of the ILO's founding mission and of the Decent Work Agenda. Moreover, the 2030 Agenda for Sustainable Development shines a light on OSH, and ILO instruments will be a key tool for countries wishing to make progress over the next 15 years towards the achievement of SDG target 8.8 in promoting safe and secure working environments for all workers. The collection, evaluation and dissemination of statistical data on OSH will be indispensable for both measuring and achieving progress.

The Committee recognised that the ILO is in the process of reinforcing its development assistance and development cooperation capacities with respect to OSH through the recent launching of the flagship programme Occupational Safety and Health Global Action for Prevention (OSH GAP). Many governments reported on assistance received, and the numerous needs identified for future development cooperation bear witness to the desire of constituents to improve OSH outcomes concretely. The Committee encouraged the

Office to pursue its efforts to strengthen technical assistance and cooperation activities on OSH. The Committee also emphasised that ratification of OSH Conventions can be accompanied by the provision of technical assistance for supporting their full implementation.

- With respect to Conventions Nos 167, 176 and 184, the Committee acknowledged the low rates of ratification of these instruments and observed that challenges persist in the implementation of certain of their provisions. Noting the ongoing OSH challenges in the construction, mining and agricultural sectors, the Committee considered that the objectives and principles of these instruments – prevention, protection and dialogue to achieve progressive improvement – remain important today in addressing the difficulties in these sectors. In the light of these principles, an economic crisis does not provide a valid reason for the non-fulfilment of governments’ obligations under the Conventions or the lowering of the level of protection already provided for in OSH legislation. Furthermore, the promotion of a safe and secure working environment for all workers could foster foreign investments and it is a condition for sustainable development.
- With respect to Convention No. 187, the Committee recognised the broad support expressed for this instrument and its important potential, along with Convention No. 155, in responding in a flexible and adapted manner to many of the current OSH challenges. Nonetheless, the Committee appreciated that the full potential of Convention No. 187 may not yet have been fully achieved, particularly in light of the widespread tripartite endorsement that the Convention received upon its adoption a decade ago.

In terms of future standard setting, the Committee was mindful of a divergence of opinion in relation to the desirability of consolidating the OSH standards. In this context, the Committee hoped that this General Survey would provide a useful contribution to the future examination by the SRM TWG.

The Committee recalled that Convention 155, its Protocol of 2002 and Convention 187 were identified by the Governing Body in 2010 as the key OSH instruments. This led to the adoption by the Governing Body of a Plan of Action (2010–16) to achieve the widespread ratification and effective implementation of these key OSH instruments. The Committee noted that, as the implementation of the Plan of Action ends, *an examination could be undertaken of the next steps needed with respect to these instruments* in order to achieve their full potential

Workers’ Group recommendation

The General Survey reveals that an estimated 2.3 million workers die every year from occupational accidents and work-related diseases, in addition to the many millions of workers who suffer non-fatal injuries and illnesses. Given the enormous OSH challenges, the Workers’ Group may wish to highlight the importance and relevance of ILO standards on OSH, specifically in high-risk sectors such as construction, mining and agriculture.

The Workers’ Group may wish to call on governments to ratify and implement Conventions Nos. 167, 176, 184 and 187, including by availing themselves of ILO technical assistance. The ILO should embark on a campaign to promote ratification and effective implementation of OSH standards in the mining, agriculture and construction sectors. As the Plan of Action (2010–16) to achieve the widespread ratification and effective implementation of these key OSH instruments has come to an end, an examination should be undertaken of the next steps needed with respect to these instruments. These should include training programmes, the preparation of campaign materials and the provision of technical support, particularly for Governments that have indicated their readiness to ratify or asked for ILO technical assistance to help them with ratification.

Governments should ensure that the social partners are consulted on the topic of OSH, in line with the Conventions, as full tripartite commitment is required for progressive improvement in implementation to be achieved. Governments should also make efforts to enhance the capacity of the competent authorities, including labour inspectors and other public officials, to implement and enforce the relevant OSH legislation.

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