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To: ITUC Affiliates

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Draft International Standard on Occupational health and safety management systems (ISO 45001)

Dear Colleagues,

On 12 February the International Organisation for Standardization (ISO) released for ballot a Draft International Standard (DIS) on Occupational health and safety management systems. All of the national standards bodies (NSBs) that belong to the ISO will be entitled to vote during the 3-month process which closes on 12 May. Should this DIS be approved, it would result in an international standard that would replace the British standard OHSAS 18001 and other similar standards that are now used in at least 127 countries.

We are writing to our affiliates to encourage them to influence to the extent of their capacities the decision of their respective NSB. We are aware of trade union involvement in some of the 64 NSBs participating in PC 283. We also realize that there may be trade union relationships with other NSBs that will also be entitled to vote.

The ITUC has been participating as a “liaison” organisation in PC 283, the ISO committee that has been developing this standard. We have serious concerns over the content of this DIS and want affiliates to urge their respective NSBs to address these concerns in comments when they consider the ballot.

Following an internal assessment of that document, and judging its content not only in comparison with previous drafts, but also with our overall occupational health and safety priorities, the ITUC has reasons to believe that if approved as presented, ISO 45001 will represent a risk for the advancement of good occupational health and safety at the workplace, and should not in consequence be adopted without further amendment.

The ITUC position is fully in line with the one developed by the ILO, which indicated that “*ISO/DIS 45001 in its current version fails to respect and support core principles and key provisions of international labour standards (ILS) and related ILO action on issues within ILO’s mandate (ILO issues). If not remedied, these deficits could lead to an ISO standard that fails to respect and support ILS and as a result, countries’ commitments under ratified ILS, national laws and other legal requirements. These deficits could impede the acceptance of ISO 45001 and complicate countries’ efforts to achieve compliance with ratified ILS, national labour laws and other legal requirements. As a result, it is the position of the International Labour Office that ISO/DIS 45001 is not ready for publication, and requires further revision to avoid conflict with ILS and related ILO action*”.

What is wrong with this DIS and should be changed

The most recent meeting of PC 283 reached agreements on critical wording relating to workers' participation in determining how an organisation develops and applies an occupational health and safety management system. Participating trade unionists and ILO representatives also made progress in wording over rights and principles embedded in international labour standards. Our most serious concerns are over changes in wording made by the PC 283 secretariat during editing in these areas.

The most important of these changes weaken or introduce ambiguity with respect to the employer's obligation to comply with all legal requirements and other requirements. We believe that the public will expect that certification to this management system means that the company is respecting all applicable laws. The PC 283 secretariat maintains that its edits reflect ISO policy on legal compliance. However, the Committee, in its most recent meeting, adopted language intended to address this concern made by the ISO's Central Secretariat. We remain convinced that the language introduced by the PC 283 secretariat created far more ambiguity on this essential issue than is warranted and that these changes should not be accepted.

Our second major concern is with respect to workers' participation. Although the standard stresses the role on non-managerial workers in determining the mechanisms for workers' participation, language with respect to specific mechanisms such as joint safety and health representatives has been weakened. Importantly, the PC secretariat has contributed to a significant obfuscation of both the meaning of "workers' participation" and of "consultation" in the Standard and the Annex. Although these terms were well-defined in the Clause 3 on Terms and definitions, the "guidance" in the Annex on Clause 5.4 seemingly contradicts these definitions and blurs the distinction between the two terms. We are concerned that this confusing text in the Annex will then be used to elicit comments calling for a change to both the definition and the provisions of Clause 5.4 on workers' participation and consultation, both of which are extremely good.

The task group assigned by the committee to the issue of workers' participation and consultation approved text that: provided examples of mechanisms for genuine workers' participation; added clarity that worker representatives could have other roles such as trade union stewards; and provided further guidance on what constitutes genuine "consultation". This text, which addressed likely confusions, was omitted by the PC secretariat without explanation.

In addition to the above two concerns, the ITUC is seeking a better resolution of two other issues: clear recognition in the standard of the right of workers to refuse hazardous work without fear of discipline; and recognition that the employer has the obligation to provide Personal Protective Equipment (PPE) at no cost to the worker concerned. Here again, existing texts that were not entirely satisfactory were further weakened by editing.

What is right about this DIS and should be protected

In addition to the above deficiencies in the DIS that need changes, the ITUC is concerned over the likely attacks on many of the best provisions in the DIS. Affiliates seeking changes to the above should also be aware of good provisions that others will seek to diminish or remove. Many, if not most, of these provisions were the result of trade union participation in the process.

This DIS requires that employers: commit to the promotion of health and safety and prevention of injury and ill health (including occupational disease); ensure participation of all non-managerial workers in decision-making processes in developing and implementing the OSH management system; implement the hierarchy of controls to eliminate hazards when possible and minimize all risks; consult with workers in internal audits of the system and in the continual improvement system; address and satisfy legal and other obligations including national practice in the worker selection of their representatives; and address OSH hazards in outsourced activities and from procurement.

The DIS calls for workers participation in decisions over: the mechanisms for their participation and consultation; hazard identification and assessment of risk; actions to control hazards and risks; identification of needs of competence, training and evaluation of training; determining the information that needs to be communicated and how this should be done; determining control measures and their effective use; investigation incidents and non-conformities and determining corrective actions.

The DIS also requires workers to be consulted on decisions that: determine the needs and expectations

of workers; establishing the policy; assigning organisational roles, responsibilities, accountabilities and authorities as applicable; determining how to apply legal requirements and other requirements; establishing OSH objectives; determining applicable controls for outsourcing, procurement and contractors; planning, establishing, implementing and maintaining an audit programme(s); and establishing a continual improvement process.

Moreover, the DIS recognizes the right of workers to: be informed of all hazards; mechanisms, time, training and resources necessary for their participation; to have timely access to clear, understandable and relevant information about the OHS management system and to have all obstacles or barriers to participation removed. These provisions, and the emphasis on the participation of non-managerial workers, are a significant achievement that would not have been possible without the active participation of trade unionists and ILO representatives.

Why this matters

Affiliates should be aware that ITUC involvement in this ISO process does not constitute any endorsement of the ISO setting these kinds of standards. We have on various occasions voiced our objections to the ISO entering into an area that we believe belongs to the ILO. Our involvement has been to protect the interest of workers in a standard that is likely to be widely used. This involvement is also important because of the participation of both the ILO and the International Organisation of Employers (IOE) in this process.

Affiliates should also know that we share the specific objections of the ILO to this DIS made in the ILO statement that accompanies this DIS. The ISO agreed to circulate this ILO statement under the terms of a memorandum of understanding between the ILO and the ISO.

The NSB can either vote to approve the DIS; or to approve the DIS with comments; or to disapprove the DIS with reason (that is they must provide comments); or to abstain. Under ISO rules the DIS must receive an extraordinary majority of approval votes in order for it to become an international standard. This majority would include two thirds of the estimated 64 countries whose NSBs are participating in the committee and not more than one-quarter of the votes cast can be negative. Under these rules and in face of serious concerns that both the ITUC and the ILO have raised it is entirely possible that the DIS will not receive a sufficient number of positive votes.

After the ballot closes the ISO Committee developing the standard will meet in June to address comments that have been made. Depending on the results of the ballot and on the comments, PC 283 will either prepare the text for publication or continue with further development of a Final Draft International Standard (FDIS) to be the subject of another ballot.

Your efforts will be important and appreciated. Our recommendation at this stage is a no vote with amendments as suggested to specific areas in the text. Should you have any further questions please contact Dwight Justice at the ITUC headquarters. He can be reached at dwight.justice@ituc-csi.org or by phone at 00 32 2 2240325.

Yours sincerely,



General Secretary