

Template for comments and secretariat observations

Date: 18 May 2017

Document: ISO 45001

Project:

MB/NC ¹	Line number (e.g. 17)	Clause/ Subclause (e.g. 3.1)	Paragraph/ Figure/ Table/ (e.g. Table 1)	Type of comment ²	Comments	Proposed change	Observations of the secretariat
ITUC	365	3.9	Note 2	Gen	<p>In the current version of the text, it is written that collective agreements 'may' be part of legal requirements and other requirements'. This leaves open the possibility for employers not to have to comply with collective bargaining agreements.</p> <p>The text also does not reference the importance of collective agreements in supporting occupational health and safety.</p>	<p>The DIS should be revised to state that 'collective agreements, where existing, are among the legal and other requirements that employers have to comply with.'</p> <p>The DIS should also be revised to stress the need to support the development of collective agreements in the area of occupational health and safety – this could possibly be added in clause 5.4, 'Consultation and participation of workers'</p>	
ITUC	657-658	5.4	Note 4	Gen	<p>The current version merely includes a note recognising that the provision of training at no cost to workers and provision of training during working hours can remove significant barriers to workers participation – but it still leaves open the possibility for workers having to personally bear the costs of training in order to ensure their health and safety.</p>	<p>The DIS needs to be revised to clarify that training shall be provided at no cost to workers and during working hours where possible. This should not be included in the form of a note but in the main text itself.</p>	
ITUC	818-820	7.3	Paragraph f)	Gen	<p>The current text does not provide clear enough protections for workers against dismissal or less favourable treatment because they refuse to work in conditions that are in breach of health and safety requirements.</p> <p>The current text sets out that, 'Workers shall be made aware of arrangements providing workers the ability to remove themselves from work situations that they believe present an imminent and serious danger to their life or health, as well as protecting them from undue consequences for doing so' (lines 818-820). This formulation is extremely restrictive as it only applies to the extreme circumstances.</p> <p>Moreover, workers who launch a complaint due to a breach of health and safety conditions are also</p>	<p>No job should compel a worker to jeopardise his or her health and safety or otherwise lose a job, and the DIS must be revised to fully ensure this. Similarly, workers should be protected against any prejudicial treatment for complaining, in good faith, of any believed unhealthy or unsafe working conditions, in line with ILO Recommendation 164.</p> <p>Moreover, for clarity, such protections should not be included under Clause 7.3 'awareness', but rather under a new separate clause on 'protections'.</p>	

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					not protected against dismissal or less favourable treatment in this text.		
ITUC	916-917	8.1.2	Note 1	Gen	The text merely includes a note that 'in many countries, legal requirements and other requirements include the requirement that personal protective equipment is provided at no cost to workers' . This still leaves open the possibility for workers having to personally bear the costs of personal protective equipment in order to ensure their health and safety.	The DIS needs to be revised to clarify that such equipment shall be provided at no cost to workers. This should not be included in the form of a note but in the main text itself.	
ITUC	934-935	8.1.4	-	Gen	The current text, which sets out that the organisation should ensure that outsourced processes are 'controlled', leaves substantial margin for companies to outsource unsafe or unhealthy work.	The DIS should be revised to ensure that outsourced processes shall be those that are legally recognised, as well as adhere to the same health and safety requirements as those processes that are not outsourced.	
ITUC	1449	A.7.2	-	Gen	The explanatory annex of the DIS notes that in many countries, it is a legal requirement to provide training at no cost to workers. This however is not sufficient to ensure that workers do not have to personally bear the costs of personal protective equipment in order to ensure their health and safety.	The DIS needs to be revised to clarify that such equipment shall be provided at no cost to workers. This should not be included in the explanatory annex, but in the main text itself.	

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