

Webinar: Effective governance of occupational safety and health through labour administration. Models and options

International Labour Organization, Geneva Thursday 25 May 2023

Report

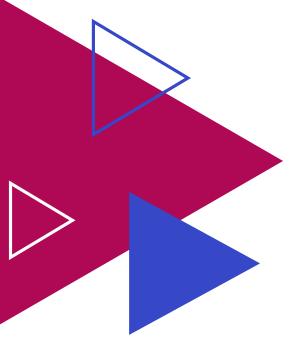




Replay

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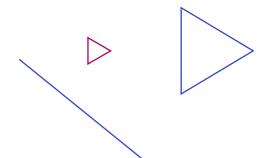




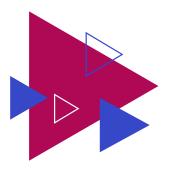
Introduction

- ▶ In June 2022 the International Labour Conference (110th Session) adopted the Resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work. In November 2022 the Governing Body requested the Office to prepare proposals and a roadmap for the review of the Global Strategy on Occupational Safety and Health adopted at the 91st Session of the Conference and the promotion of a safe and healthy working environment as a new fundamental principle and right at work for its 347th Session (GB.347/INS/7).
- One of the pillars proposed for the reviewed global strategy consists of promoting and ensuring an effective governance of OSH. Different models and options exist for the national governance of safety and health at work, namely in terms of policy and programme formulation and functioning of the different elements of a national system for occupational safety and health. ILO standards do not propose a specific model, but they are clear that ten system should include "an authority or body, or authorities or bodies, responsible for occupational safety and health, designated in accordance with national law and practice" (Article 4, 2 of Convention No. 187). Most (though not all) the functions that should be part of the system are most often under the scope of action of labour administration. Indeed, one of the main functions of labour administration institutions concerns the development and enforcement of regulations on OSH, as well as the formulation and support to employers/workers active involvement on OSH policy setting and workplace cooperation.
- ▶ The Office is preparing a General Survey on labour administration which will be discussed at the International Labour Conference in 2024. The General Survey will review, among other subjects, the role of labour adminis-

- tration in the management of OSH matters, coordination with other government bodies, as recent developments namely as a consequence of the COVID-19 pandemic.
- ▶ Both documents under preparation, the reviewed global OSH strategy and the General Survey on labour administration converge in the need for more in-depth knowledge and exchanges on how the national governance of OSH happens in practice in Member States, different options and their benefits and bottlenecks.
- ▶ The purpose of the webinar is to exchange on comparative experiences of countries in which labour administrations plays the role of national authority in charge of OSH and how this duty is discharged. Focus will be given to the options through which Member States established their national systems for OSH and the role of social partners and social dialogue in the governance of such systems. The event will assist to identify good practices and common challenges that will inform later work of the Office in providing assistance to constituents for the realization of safe and healthy working environments. At the same time it will inform the audience of the diverse modalities through each the governance of OSH can be operated.
- ▶ Objectives: The webinar will reinforce the role of the ILO concerning the promotion of institutions of work and will inform constituents of current trends and options for implementation of Conventions No. 150, 155 and 187 and in particular on how national systems of labour administration and occupational safety and health converge on the mutual objective of safeguarding health and life of workers.







Opening remarks

Key Takeaways

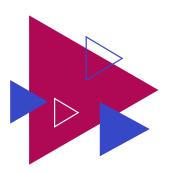
> SPEAKER



Vera Paquete-Perdigão, Director, Governance and Tripartism Department, ILO

- ▶ This technical dialogue brings together labour administrations and social partner representatives from different regions to exchange on best practices, opportunities, and challenges, as part of the integrated ILO set of actions aiming at fostering more effective accountable and inclusive systems of labour administration.
- ▶ In countries where labour administration is the national authority in charge of OSH, it is important to ensure that the national systems for labour administration and OSH converge on the joint objective of safeguarding and protecting the health and life of workers. It is also critical to recognize the key role of social partners and of social dialogue as a tool for the governance of OSH.
- ▶ In June 2022, the International Labour Conference adopted a resolution on the inclusion of safe and healthy working environments into the ILO's framework of Fundamental Principles and Rights at Work. The ILO is now developing a global strategy on OSH, the first pillar of which will revolve around implementing the key elements for good governance of OSH as identified in Conventions 155 and 187. It will also support the formulation, implementation, and periodic review of current and comprehensive national OSH programs, and the establishment of national OSH systems.
- National governance of OSH happens in the context of the broader labour governance. The pivotal role of labour administration must be taken into account as its influence extends from the level of individual workplace to the entire national labour market, including health and safety related aspects.
- ▶ The diversity of labour administration methods and organization is reflected in the Labour Administration Convention (C150) and different labour administration practices exist around the world, reflecting different historical, political and administrative backgrounds and governance systems. Despite our differences, we share the objective of attaining good governance of the labour market including OSH, which is in turn essential to achieving a safe and healthy working environment.
- ▶ The principles of effective good governance for sustainable development developed by the UN Committee of Experts on Public Administration (CEPA) effectiveness, accountability, and inclusiveness should guide institutional capacities, processes, and cultures in the governance of OSH.





> SPEAKER



Joaquim Pintado Nunes, Chief, LABADMIN/OSH Branch, ILO

The national governance of OSH and labour administration - Setting the scene

- ▶ Fundamental Conventions 155 and 187 identify the essential instruments for good OSH governance, namely putting in place an OSH policy, program, and system. However, more is required than simply having these elements in place. For example, a national OSH policy must incorporate at a minimum all requirements identified by Convention 155, while taking an effective preventative approach. This includes considering the complementarities and interconnections between OSH and broader health promotion and protection, as well as the environment.
- ➤ Convention 187 defines the national system for OSH as the infrastructure that provides the framework for implementing a national OSH policy and programme. When designing OSH and labour administration systems, it is important that all elements required by the Convention legal framework, OSH bodies or authorities, compliance mechanisms, workplace cooperation agreements etc. are addressed by governments in collaboration with social partners.
- ▶ Governance of OSH is complex in any country and requires a whole-of-government approach and coordinated action. ILO standards are clear in calling upon Member States to establish a central body as the main responsible authority for implementing the national OSH policy and programme, and ensuring coordination between the different authorities and bodies involved in the complex web of interdependencies. Employers and workers also play an important role. For example, governments may delegate authority to the private sector to carry out OSH functions, such as providing advisory services to companies and conducting technical inspection of equipment and machinery.
- ▶ As ILO standards leave flexibility to Member States in how they design national OSH systems and how they define the distribution of responsibilities between different authorities, we naturally find different realities at country level. The main OSH body may be part of the Ministry of Labour, the Ministry of Health, an independent agency, or a combination of these.
- ▶ The data indicates that all ILO Member States have designated an authority or authorities that are responsible for OSH. 80 per cent of these bodies are housed in the Ministry of Labour this means national OSH and labour administration systems are intercrossed in most member states. Further, 79 per cent of ILO member states have a national tripartite body addressing OSH issues, particularly in Europe, Central Asia, Africa, and the Americas.





> PANEL



Arsenio Fernández, Senior Specialist on Labour Administration, LABADMIN/OSH Branch, ILO



Ho Siong Hin, Senior Director, International Workplace Safety and Health (WSH) and Vice Dean (School of Regulation), Ministry of Manpower, SINGAPORE



Pedro Contador Abraham, Jefe de la Asesoría Legislativa y Seguridad Laboral Subsecretaría de Previsión Social, Ministry of Labour, CHILE



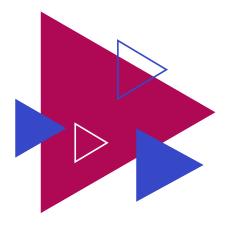
Salima Admi, Director of Labour, Ministry of Labour and Professional Integration, MORROCCO



Round table 1:

How are countries governing OSH, what is the role played by labour administrations and how is coordination ensured with other parts of the system

- ▶ The purpose of ILO Convention No. 150, on labour administration, is ensuring organization and effective operation of a system of labour administration with properly coordinated functions and responsibilities. It establishes the main functions of any labour administration system, aims to combat the marginalization of labour administration in decision-making, and highlights the key role of the labour administration in crises.
- ▶ Convention No. 150 is a flexible instrument which recognizes that labour administration takes many forms and organizational arrangements. However, no matter the form, it establishes that labour administration systems should provide sufficient financial resources and qualified staff. Governments should provide for the gradual extension of labour administration services to meet the needs of the greatest number of workers, particularly in countries where the informal economy is prevalent. Employers and workers organizations also play a central role in the Convention.
- ▶ Recommendation No. 158 consists of useful guidelines for the assessment of existing labour administration systems. The third part of the Recommendation addresses the organizational structure of the national system of labour administration. It suggests the types of internal specialized units that the system should have and promotes the organization and operation of effective field services. It calls for the coordination among ministries and notes that labour administration must decentralize by conferring or devolving powers to authorities setting in provinces, districts, localities, or regions.
- ▶ Certain functions of labour administration systems can eventually be delegated to social partners. According to C150 and C187, a number of activities can be entrusted to employers and workers organizations or representatives. Social partners are often represented in OSH agencies and are commonly responsible for the implementation of vocational training and retraining programs.
- ▶ Regarding coordination with special or independent agencies, many public functions have been delegated to private bodies. In many countries, this has been the case with public employment services which are outsourced to the private sector.



▶ Article Four of ILO Convention No. 187 requires ILO member states to assign an authority or body with the responsibility for OSH related matters. Countries usually include an OSH department within the Ministry of Labour or the Ministry of Health, or they establish an independent OSH authority.

Governance of Safety and Health at Work in Chile

In Chile, the Ministry of Labour is currently updating the national policy for health and safety in the workplace while establishing a basis for the national policy of OSH in mines with a view to incorporate ILO convention No. 176. The Ministry of Labour is also aiming to address conventions No. 187 and No. 155 through the updated policy.

Chile has a significant coverage of the majority of workers through their social security system which insures workers.

As a result of their first OSH policy in 2016, the Ministry of Labour believes that coordination efforts, where several state agencies were working together, have contributed to a certain reduction of accidents in the workplace. Despite this reduction, the task of OSH in Chile is unfinished and requires time, effort, and coordination.

In general, the system of governance in the area of OSH is both complex and fragmented while lacking coordination. The institutional system requires all components to work hand and glove to fulfill the goals of the national policy.

There are nine main bodies - including the Ministries of Labour, Health, Mining, Transport, and Economy - which control entities to ensure they fulfill regulations with regard to OSH in enterprises. The Ministry of Labour, which falls directly

under President of the Republic, has two sub-secretariates which share the institutional aspects of regulation — the secretariat of labour and the secretariat of social security.

- Under the Secretariat of Labour is:
 - ► The department of labour which regulates enterprises
- ▶ Under the Secretariat of Social Security is:
 - ▶ The Institute for Labour Security
 - ► Superintendence of Social Security
 - ► Advisory body for OSH
 - Includes three specialists designated by the president, one specialist representing employers, and one specialist representing workers.
 - ▶ The committee of ministries for OSH, which formulates regulations and includes seven different ministries.



Workplace Safety and Health (WSH) Framework and Enforcement Levers in Singapore

- ➤ **Vision:** A healthy workforce in safe workplaces; a country renowned for best practices in workplace safety and health.
- ► **Mission:** to prevent all work-related death, injury, and ill health.

Governance Structure

- ► The Occupational Safety and Health Division (OSHD) is under the Ministry of Manpower (MOM). Within the OSHD, there are six departments — covering planning, research, enforcement, and compensation. OSHD of MOM works with the Workplace Safety and Health Coun cil to improve WSH outcomes.
- ► The Workplace Safety and Health Council is a tri- partite body that aims to bring together various industry stakeholders and social partners. It consists of three main functions:
 - ▶ Build industry capacity for better management of WSH.
 - ▶ Promote safety and health at work and recognise companies with good WSH records.
 - ► Set acceptable WSH practices.

WSH Legislations

- ► Work Injury Compensation (WIC) Act: To protect injured workers from excessive financial loss.
- ► Workplace Safety and Health (WSH) Act: To prevent accidents and ill health at work. Reformed in 2005 with three guiding principles:
 - ▶ Reduce risk at source by requiring all stakeholders to eliminate or minimize the risks they create.
 - ▶ Prevent accidents through higher penalties for poor safety and health management.
 - ► Greater industry ownership of WSH outcomes.
- ➤ Since the reform Singapore's workplaces have become much safer experiencing a 73% reduction in the fatality rate from 2004 to 2022 —demonstrating the effectiveness of cultivating

ownership.

WSH 2028 Strategy

- ► A tripartite committee of social partners was brough together to formulate the strategy. The strategy highlights two key insights:
 - ► Companies must be intrinsically motivated to improve their WSH standards
 - ► Workforce health will increasingly be a factor affecting WSH
- ▶ WSH 2028 has three strategies to guide efforts:
 - ➤ Strengthen WSH ownership sharpen the business incentive for safety.
 - ► Enhance focus on workplace health— prevention of ill-health and occupational disease, but also total workplace safety and health.
 - ► Promotion of technology enabled WSH promote technology adoption.

OSHD's Enforcement Levers

- **▶** Enforcement
 - ▶ OSHD's resources are deployed strategically at high-risk sectors (29% of workforce), while Auxiliary Enforcement Agency (AEA) officers enforce lower risk sectors (71% of workforce)
 - Notice of Non-Compliance (NNC): Serves as a warning to duty holders.
 - Composition Fines (CF): Legal action taken against duty holders.
 - Stop Work Order: Issued for serious infractions and imminent danger to prevent harm by cessation of work.
 - ▶ Legal prosecution Singapore has high penalties for poor safety management. The new framework states that even without any serious injuries or ill health officers can impose a high penalty because there is a severe infringement of the law.
- ► Surveillance
- ► Engagement and Capability Building

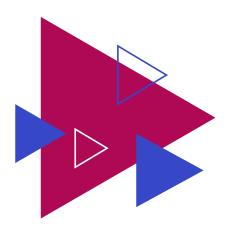




Governance of Safety and Health at Work in Morocco

- ▶ Morocco has ratified international conventions on OSH including Convention No. 187. To promote the principles and provisions of these conventions, they have a large legal framework beginning with their Constitution which enshrines the rights to health, social security, and medical coverage.
- ▶ The Labour Code includes a number of health and safety provisions that have to be respected by employers. It provides for occupational medicine and establishes redress for work accidents and occupational diseases, including exposure to radiation. The Moroccan Institute for Standardization has developed technical standards for particular processes for health and safety at work, which are available to businesses.
- ▶ The OSH institutional framework includes different bodies such as the Ministry of Health, Ministry of Maritime Fishing, and Ministry of Labour, but the latter is the main actor for preventing occupational risk. The Ministry of Labour has two OSH-related structures at the territorial and central levels.
- ► Labour inspection in the main way to ensure respect of the rules. Inspectors check that provi-

- sions are being implemented and ensure safety, while doctors inspect issues around medicine and health. There are technical inspectors, for example to address nuclear or radioactivity hazards, as well as private bodies accredited by ministerial departments
- ▶ Within companies, there two main bodies. Firstly, the medical services at work is independent within every company; it identifies risks that could occur in the company and provides a bipartite space for dialogue within the hygiene and safety department. Secondly, the consulting body for work medicine and risk is made up of government representatives, workers, and employers, and meets annually.
- ▶ The government of Morocco takes a consulting and dialogue approach in advance of any laws or programmes linked to employment. Using this approach, a national policy on OSH was developed in consultation with all relevant actors. The policy has four strategic pillars and four objectives: developing training on OSH; promoting culture and prevention; strengthening the national system; and strengthening governance, dialogue, and territorial systems.



▶ Some challenges faced in implementing the OSH governance model in Morocco include the need to ensure all sectors are covered by OSH legislation, to provide support for micro, small and medium businesses to establish OSH policies and programs, and to coordinate between many different stakeholders, including social partners. In Singapore, the pandemic has prompted a greater focus on the issue of workplace health, including mental health. It has also led to using more technology such as applications and IT tools to tackle workplace safety and health issues.





> PANEL



Youcef Ghellab, Head of Unit Social Dialogue, ILO



Kristiaan De Meester, Senior Advisor, Federation of Belgian Enterprises, BELGIUM



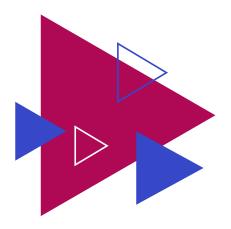
Ruben Pinel Ballesteros, Adjunto Secretaría, Confederación Sindical de Comisiones Obreras (CCOO), SPAIN

Round table 2:

OSH governance and social dialogue, the two sides of a coin

- ▶ The governance tools of social dialogue and tripartism are fundamental values of the ILO and key means of action in the promotion of decent work and productive workplaces, and in advancing the overall objective of social justice, together with international standards.
- ▶ Social dialogue helps to promote consensus building and the democratic involvement of social partners in decision making on various issues in the governance of the world of work. Further, the tool of social dialogue has great potential in contributing to developing, implementation, and realizing fundamental principles of OSH.
- ▶ ILO conventions on OSH as well as other international labour conventions and recommendations emphasize the importance of social dialogue for the implementation of conventions at the national level. Convention No. 155 and No. 187 require consultation by the government with employers and workers representative organizations in the development of national policies, systems, and programs on OSH. Further, articles of these conventions clearly articulate the necessity of consultations at the national and workplace levels for the development of programs relating to OSH.
- ▶ There is no one size fits all when it comes to organizing OSH policies at the national level. Constituents must work with social partners to determine policies that are suited to the national context.
- Labour administration systems are critical to social dialogue since most institutions for social dialogue are situated within these systems. Strong labour administration systems with adequate resources, capacities, and expertise play an essential role in facilitating and sustaining tripartite dialogue at the national level and bi-partite social dialogue at the workplace level on OSH.
- ▶ Research undertaken by the ILO demonstrates that social dialogue helps governments and social partners in framing policies that promote safe and productive workplaces. Examples include collaboration between governments and social partners during the pandemic to frame effective pandemic responses, mitigate the impact of COVID-19 on workplaces, and facilitate the return to safe workplaces. Further, social dialogue has played a key role in addressing post-pandemic challenges, including the promotion of sustainable workplaces that are safe and productive and the management of transformations in the world of work (ex. digitalization and environmental change).





▶ In order for social dialogue to develop strong policy outcomes the following preconditions should be in place. First, we must ensure that the right to freedom of association and collective bargaining is guaranteed to workers and employers. Second, we should secure the presence of independent and strong worker and employers' organization that can participate in the framing of policies in the area of OSH. Third, we should develop an effective labour administration system with adequate resources and capacity which can promote social dialogue. Fourth, we must establish a space for social partners to address OSH issues at the workplace level without interference we require trust and respect of social dialogue results.

Social Dialogue in Spain

► Legislación Laboral Article 13 establishes a National Commission for Health and Safety in the Workplace. The National Commission for Health and Safety has developed the 2023-2027 strategy for safety and health at work. The Confederación Sindical de Comisiones Obreras (CCOO) contributes to the National Commission for Health and Safety from the union side which includes administration, enterprises, and unions (70 members total). As the majority union, their contributions have been heard and they are contributing to plans for major policy strategies. CCOO participates in the commission through several working groups, including a representation for social dialogue with an advisory committee divided into groups based on

risks they would like to address. Another way CCOO contributes to social dialogue is through the national advisory body for labour inspection. They contribute to campaigns involving labour inspection at the national level.

The Labour Foundation for Construction is an institution for the prevention of construction related risks that has a centralized institution and autonomous bodies in several regions. It is an effective tool in the construction sector, which has a high level of occupational risk. The foundation works in a bi-partite manner to prevent risk while also implementing informational campaigns. The foundation is supervised by the Ministry of Health.



- ▶ Examples of social dialogue with the National Labour Council and Health and Safety Council in Belgium demonstrate the possible positive results of providing opportunities to social partners and supporting proper labour administration functions. A broad and collaborative approach including the participation of management and workers, in addition to guidance from experts has proven to be effective in OSH governance.
- ▶ Including the opinion of workers representatives is essential to OSH governance, yet in some countries political parties have prevented this essential social dialogue. In Spain for example, work at the regional level has been hindered by political parties that do not support social dialogue. The Confederación Sindical de Comisiones Obreras (CCOO) continues to advocate for and support the mission of effective of social dialogue.



Belgium Health and Safety Council

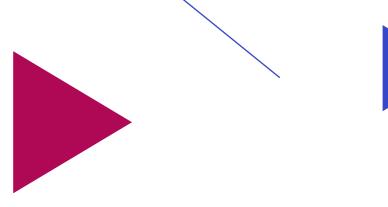
The Health and Safety Council is the dedicated advisory body on OSH issues in Belgium. It is a bipartite social partner council governed by the Ministry of Employment. In addition to the role of advisory body, the Health and Safety Council develops initiatives on OSH, contributes the recognition and accreditation of OSH services and supports the recognition of training institutes that deliver dedicated training for prevention officers. The Health and Safety Council is also involved in Belgium's National Strategy on OSH, with the aim of expanding their role to comprise shared ownership.

Belgium National Labour Council

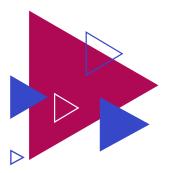
The National Labour Council deals with health and safety especially relating to labour law and social protection legislation.

Belgian Social Partners Setting the Example for the World

- ➤ COVID-19 Guidance: Social partners developed a guidance for companies to start up again after the first initial pandemic lockdown. Later, they developed a new modified guidance for business continuity after the pandemic. These COVID guides were recommended by the World Health Organization for all businesses and were translated for use in other countries.
- ➤ Safe and Healthy Telework: Social partners developed a collective labour agreement to address several aspects of telework including safe and healthy working conditions and environment.
- ▶ Prevention of Drugs and Alcohol at Work: In collaboration with social partners, the National Labour Council and Health and Safety Council developed a collective agreement on the prevention of drugs and alcohol in the workplace. They also developed awareness raising materials, a brochure for companies with guidance, posters, and arranged several seminars.
- ► Contractor Safety Management: Strong coordination and exchange of information on risk is required when outside entrepreneurs preform work activities inside the site of a plant owner. Social partners developed a contractor safety management scheme organized by industry for industry (i.e., plant owners and contractors) in collaboration with the Ministries of Labour and Economy, labour inspectorates, OSH services, accident insurers, and experts. As the result of this social dialogue, 4000 companies in Belgium are certified with the management scheme aimed at contactor safety — and 100,000 workers each year have received training on basic knowledge of health and safety and practical training on high-risk activities.
- ▶ Burnout Prevention Projects: Social partners, in collaboration with the National Labour Council and Health and Safety Council developed a vision relating to the primary prevention mental health issues and burnout.







> SPEAKER



Joaquim Pintado Nunes, LABADMIN/OSH Branch Chief, ILO

Webinar moderated by:



Olena Vazhynska, Programme Officer, Social Protection, Governance and Tripartism International Training Centre of the ILO (ITCILO)

Concluding Remarks

- ▶ Good governance at the national level is of critical importance for the objective of progressively promoting the realization of the Fundamental Principle and Right at Work to a safe and healthy working environment. Moreover, a strong system for social dialogue is essential for the good governance of occupational health and safety at the national level.
- ▶ Important elements of the ILO's new Global Strategy on Safety and Health at Work will include the good governance of occupational safety and health systems and strong social dialogue, at national, sectoral, and workplace levels.





13.00 > 13:02	Welcome Moderator	Olena Vazhynska, Programme Officer, Social Protection, Governance and Tripartism Inter- national Training Centre of the ILO (ITCILO)
13.02 > 13:06	Opening remarks	Vera-Paquete Perdigão, Director, Governance and Tripartism Department
13.06 > 13:12	The national governance of OSH and labour administration - Setting the scene	Joaquim Pintado Nunes, Branch Chief, LABADMIN/OSH
	Brief introduction to the meaning of OSH governance, common requirements of labour administration systems and OSH national systems, how these intersect, and why are they relevant based on ILS and national experiences. The introduction sets the scene to the panel discussions.	
13.15 > 14:00	Round table 1:	
	How are countries governing OSH, what is the role played by labour administrations and how is coordination ensured with other parts of the system	
	Overview of ILO Convention No. 150 and Recommendation 158, comparative prac- tice on the national OSH authority	Arsenio Fernandez, Sr. Specialist on LA, LABADMIN/OSH
	Government speakers provide an overview of their systems addressing the following issues: • Legal framework. • Institutional framework. • Enforcement mechanisms, in particular labour inspection	Pedro Contador Abraham, Jefe de la Asesoría Legislativa y Segu- ridad Laboral Subsecretaría de Previsión Social Ministerio del Trabajo y Previsión Social-CHILE
		Engineer (Er.) Ho Siong Hin, Senior Director, International Work- place Safety and Health and Vice Dean (School of Regulation) Ministry of Manpower- SINGAPORE
	Q&A	Salima Admi, Directrice du Travail au Ministère de l'Inclusion Économique de la Petite Entreprise de l'Emploi et des Compé- tences-MAROC



13.15 > 14:00

Round table 2:

OSH governance and social dialogue, the two sides of a coin

Relevance of social dialogue for effective labour administration and OSH, with reference to ILS and recent research

One employer and worker representative inform of how employers and workers organizations participate on the governance of OSH on their countries and why is this relevant, giving practical examples

- Information on the national advisory body on OSH-related issues
- Other means of participation of social partners

Q&A

Youcef Ghellab,

Head of Unit Social Dialogue

Ruben Pinel Ballesteros,

Adjunto Secretaría, Confederación Sindical de Comisiones Obreras (CCOO)- **SPAIN/ESPAÑA**

Kristiaan De Meester,

Senior Advisor, Federation of Belgian Enterprises- **BELGIUM**

14.40 > 14:45

Concluding remarks

J. Pintado Nunes,

LABADMIN/OSH Branch Chief, ILO

