

ILC 2015 agenda: the current status of ILO standards on Occupational safety and health systems in respect of management, requirements and guidance for use

VI: A recurrent discussion on the strategic objective of social protection (labour protection), under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization, 2008.

At this 104th ILC, the item on Social Protection is not a discussion on the very important Social Protection Floors Recommendation N° 202 that was adopted in 2012, which is what one might have expected.

The item is to be the second part of a two-part recurrent discussion, the first part: social protection (social security) having taken place in 2011, and the two parts serving as follow-up to the Declaration on Social Justice for a Fair Globalization of 2008. The part in focus this time is social protection (labour protection) and it has 4 components: wage policies; working time; occupational safety and health; and maternity protection.

So there will be a substantial focus on Occupational safety and health, among other things, which is of itself of major interest, and of special interest to the health and social services affiliates of PSI. The background report (“Labour protection in a transforming world of work: a recurrent discussion on the strategic objective of social protection (labour protection)”), is dated 1 April 2015.

This background paper on **Labour protection** therefore makes for interesting reading and contains substantial reference to occupational safety and health.

On page 17 of the English-language version, the introductory “trends” chapter states in reference to Convention 155 that **“Available evidence suggests that...the presence of committees and OSH representatives has improved the standard of OSH management in workplaces”** (§ 36).

The development section (“policy challenges and responses”) on pages 35 to 42 has three interesting discussions, on psychosocial hazards (§84-87); on the lack of resources for OSH (§88-90); and - the most interesting - on the role of workers, unions and collective bargaining in improving OHS. It starts out **“Worker representatives play an important role in ensuring workplace health and safety.”**

The ILO responses section (“Making work safe: Improving national OSH coverage”) on pages 47 to 51 states **“The ILO guidelines on occupational safety and health management systems of 2001 have provided a reference for ILO constituents in crafting OHS programmes. They recognize that it is not feasible to draw a distinction between a person’s health at the workplace and his or her health outside of work, as these are interlinked and affect one another. Thus, managing OSH requires an integrated approach that involves not only institutions and measures within the confines of the world of work, but also those concerned with public health and safety”** (§ 106).

It also discusses the implementation of the ILO Plan of Action (2010-2016), its five areas of action, and its contributions.

In the concluding section, the report states “***The raison d’être of the ILO and its mandate since its founding in 1919 – to protect workers from unacceptable conditions of work and improve the overall standard of living – is as relevant as ever***” (§164). The report states several “new initiatives” to respond to the elaborated “challenges”, which include strengthening workplace compliance through labour inspection to improve OHS (§165 (c)).

Although the document was finalized and appeared (at least in English) on 1 April 2015, there is no reference anywhere to the “Report of the Director-General: Second Supplementary Report: Developments in the relationship between the ILO and the International Organization for Standardization (ISO), including in the field of occupational safety and health” [GB.323/INS/11/2] that was issued on 5 March 2015 and the ongoing work of the ILO with the ISO on a standard for management systems for occupational safety and health (OSH-MS) under an ILO-ISO Memorandum of Understanding (MoU) signed on 6 August 2013, nor of the decision of 27 March 2015 by the Governing Body to extend that MoU for a year, encompassing a review of the implementation of the MoU in November 2015. (The MoU had been extended in March 2014 the first time for a year).

The initiative to sign an MoU with the ISO meant that the ILO embarked on a *de facto* outsourcing and privatization of a standard on management systems for OHS. This is a critical aspect that is not addressed in the background paper to the 2015 ILC Agenda item VI. Moreover, one reason that the MoU was signed by ILO (a success from ISO’s perspective) was specifically because the 2001 ***ILO guidelines on occupational safety and health management systems*** that are highlighted and praised in the ***Labour Protection*** background paper did not in fact give rise in the time since to preparation by the ILO of the necessary tools and guidelines for implementation at national or enterprise level. ISO had already proposed a standard for the management of occupational safety and health to the International Labour Organization a decade earlier, but was rebuffed, and the understanding was that ILO would proceed with an elaboration of its own standard. But this did not happen, hence the ISO tried again and succeeded to impose its standard setting preparation in 2013, co-opting ILO in the process.

One basic condition for the 2013 agreement was that that no ISO standard should conflict with international labour standards and that the ILO should be an effective participant in the process. Yet although an earlier ILO-ISO collaboration had reach a satisfactory conclusion in 2005 (on corporate social responsibility), in 2013 and 2014 there was no such compliance with international labour standards, nor willingness to make ILO an effective partner on the new standard entitled “Occupational health and safety management systems - Requirements with guidance for use”.

In practice, despite the evident good faith of the ILO and the Organization’s methodical defence of labour standards, fundamental issues of principle arose in the process of the successive negotiations, which gave rise to major concerns in form, content and outcome, such as:

- ISO was running roughshod over the ILO, which was struggling to keep up, as the human resources on the ISO side were greater. In other words, the MOU terms were not being respected;

- Even if agreement were achieved, the final text could be watered down with regard to important language as it was difficult to see how the ILO would have control over the final production process);
- Even if agreement were reached, the ISO standard would in any case be voluntary; it would have no legal basis, and would not be a “standard” in any sense of ILO’s standard setting mandate
- ILO could end up having to support an OHS-MS standard that would be below its standards
- Trade unions and workers would end up having to support a “substandard” ISO OHS-MS standard in order to have employers provide them with Occupational Health and Safety
- Trade Unions and workers would have nothing to promote, champion or endorse in the field of occupational safety and health, as the OHS-MS standard would not warrant sponsorship and campaigns by workers

In view of the decision to renew the MoU for a further year, the only options now are for the process to fail (given a possibility but not a probability that the final vote of the ISO membership does not reach the level required), or for the ILO to withdraw from the MoU on the basis of a new decision by the Governing Body following its review of the implementation of the agreement in November 2015, if the ISO process has not yet reached the final vote.

PSI holds the view that the proposed standard tramples on ILO’s mandate and that the ISO-ILO should be set aside and replaced – or followed - by the ILO returning to the drawing board, with newly reallocated resources, to meet its international mandate to provide that standard, supported by social partners and strong tripartism. Indeed, even if agreement is reached, an ISO standard does not obviate the need for a standard under public international law if the world of work is to be serious about protecting the health and lives of workers in the workplace.

See:

<http://www.world-psi.org/en/regulation-private-enterprise-indulges-private-sector-and-obstructs-public-responsibility>

http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_358295.pdf

http://www.ilo.org/gb/GBSessions/GB323/ins/WCMS_356736/lang--en/index.htm

http://www.ilo.org/gb/decisions/GB323-decision/WCMS_357458/lang--en/index.htm