

Health and Safety Commission Paper		HSC/06/72	
Meeting Date:	17 October 2006	Open Gov. Status:	
Type of Paper:	Below the line	Paper File Ref:	
Exemptions:	None		

HEALTH AND SAFETY COMMISSION

ILO PROMOTIONAL FRAMEWORK CONVENTION FOR OCCUPATIONAL SAFETY AND HEALTH

A Paper by Claire Strutt, International Unit

Adviser(s): Malcolm Darvill

Name of Board Member lead: Giles Denham, Director Policy Group

Cleared by Jonathan Rees on 15 September 2006

Issue

1. The ratification of a new ILO Convention on a Promotional Framework for Occupational Safety and Health and its associated Recommendation.

Timing

2. Routine.

Recommendation

3. That HSC should support ratification of the new ILO Convention and its associated Recommendation. A draft letter from the Chair advising Lord Hunt of this is at Annex A.

Background

4. The new ILO Convention and Recommendation (Annex B) were adopted at the 95th session of the International Labour Conference (ILC) in Geneva on 16th June 2006.
5. HSE led the negotiations on the Convention for the UK Government at ILCs in 2005 and 2006. The negotiating strategy for ILC 2006 was presented to HSC in Commission paper Misc/05/21 (Annex C). HSE was influential in co-ordinating negotiations in line with this strategy so that the key features of the Convention reflect existing UK law, or are not legislative. They are:
 - Each Member shall promote a safe and healthy working environment by formulating a national policy.
 - Each Member shall establish, maintain, progressively develop and periodically review a national system for occupational safety and health, in consultation with the most representative organisations of employers and workers.

- Each Member shall formulate, implement, monitor and periodically review a national programme on occupational safety and health in consultation with the most representative organisations of employers and workers.
6. This Convention requires Member States to periodically consider with social partners steps that could be taken to ratify other Conventions. HSC will be presented with an update Paper in due course on the four main unratified occupational safety and health Conventions, which will assess possible measures to ratify them.
 7. The Government will ratify an ILO Convention only when our domestic law and practice is fully in line with its requirements.

Argument

8. As an ILO Member the UK is committed to bringing the Convention and Recommendation before Parliament within a year, or exceptionally 18 months, of adoption. The procedural tool for achieving this is through a White Paper produced by the Department for Work and Pensions (DWP). The White Paper will state the Government's position and is due to be published in the first six months of 2007.
9. HSE and HSE Northern Ireland (HSENI) Legal Advisers have confirmed that the Convention **is** fully consistent with existing UK law and therefore can be ratified without changes to the legislation.
10. The Commission's strategy is for the UK to be a world leader within health and safety at work. Early ratification of this Convention would demonstrate this. We propose that HSC supports ratification of the Convention and Recommendation and advises DWP Ministers of its recommendation.

Consultation

11. The TUC and CBI have been consulted in their specific roles as the UK's ILO representatives for workers and employers and have agreed to the adoption of the Convention and Recommendation at the ILC 2006. The Joint International Unit of the Department for Work and Pensions / Department for Education and Skills (DWP/DfES) have been consulted and are content for the UK to ratify this Convention and Recommendation.

Presentation

12. The main interest is likely to be from Trade Unions and Health and Safety professionals. HSE will lead on any publicity at the time of ratification.

Costs and Benefits

13. As the Convention is covered within existing UK law and practice there will be no burden on business caused by ratification. Consequently a regulatory impact assessment has not been prepared.
14. The benefits to ratification would be to demonstrate the UK's commitment to the ILO and its work to improve world health and safety at work.

Financial/Resource Implications for HSE

15. International Unit will be the policy lead within HSE. DWP/DfES will have the policy lead for the ratification of this Convention and will publish the Command White Paper, seeking input from HSE. FCO will advise the ILO on the UK Government's decision on ratification. HSE's role can be accommodated into International Unit's existing work on ILO matters and therefore there will be no significant resource implications for ratification. HSE has spent approximately £46.3K in staff costs over 4 years on negotiating and developing the Convention. Future costs in the event of ratification are estimated at £1.1K.

Environmental Implications

16. None

Other Implications

17. None

Action / Next Steps

18. Commissioners are invited to agree that the Chair should write, as at Annex A, to Lord Hunt informing him that HSC supports ratification of this Convention and Recommendation.