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ILO QUESTIONNAIRE – PROMOTIONAL FRAMEWORK FOR OCCUPATIONAL SAFETY & HEALTH UK GOVERNMENT RESPONSE
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Form of the instrument

1. Do you consider that the International Labour Conference should adopt an instrument to promote occupational safety and health?

Yes. Promotion is the first step before one considers more concrete measures. It is important to build on the discussions surrounding the consensus conclusion of the International Labour Conference's 91st session (2003) calling for a new instrument establishing a promotional framework in occupational safety and health. The instrument should be developed to provide sufficient flexibility to accommodate many differing cultures and a rapidly evolving context.

2. If so, do you consider that the instrument should take the form of:

(a) A Convention;

(b) A Recommendation;

(c) A Convention supplemented by a Recommendation (if you choose this alternative please indicate, in your comments on the questions regarding the content of the instrument, which elements of the question concerned should be dealt with by a Convention or a Recommendation); or

(d) A Declaration?

Either (b) or (d). These would be the most appropriate to allow signatory nations the flexibility to promote health and safety in line with their national policies, priorities and legislation. The UK's general line is that ILO members need time to ratify existing conventions before further legislative standards are put in place to ensure a level of compliance throughout all ILO members. Any future instruments need to be achievable and sufficiently flexible to avoid non-ratification due to minor points of prescriptive detail.

Furthermore it can be argued that since the effectiveness of existing conventions and recommendations on occupational safety and health has levelled off then a declaration appears to be the most appropriate instrument.

Preamble

3. Should the instrument contain a Preamble referring to:

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(a) The provision in article III(g) of the Philadelphia Declaration which provides that the International Labour Organization has the solemn obligation to further among the nations of the world, programmes which will achieve adequate protection for the life and health of workers in all occupations

Yes

(b) The pursuit of the objective of a safe and healthy working environment?

Yes

(c) The conclusions on occupational safety and health adopted following the general discussion on ILO standards-related activities in the area of occupational safety and health at the 91st Session (2003) of the International Labour Conference, in particular, the need to ensure that priority is given to occupational safety and health in national agendas?

Yes. This is consistent with the UK's Strategy and with the key message that health and safety is a cornerstone of a civilised society.

(d) The importance of the promotion of a "safety culture", which is defined as the assembly of beliefs, values, attitudes and patterns of behaviour in organizations and of individuals, wherein prevention is given the highest priority?

The instrument and the Preamble should contain a reference to the promotion of a safety culture. However it should be ensured that the phrase 'promotion of a "safety culture"' is clarified as it is shorthand for health and safety culture, and it should be ensured that it is meaningful given that existing safety cultures are not necessarily effective. Furthermore, the term "safety culture" should not be seen as an absolute concept that only exists when prevention is given the highest priority. It consists of many different attributes that may be good or bad within a single organisation, and this is not apparent from the present definition in the question. Question 3(d) also does not reflect a risk-based approach.

The UK government advocates the terms "positive safety culture" or "effective safety culture" in preference to just "safety culture". It should also be acknowledged that any such culture must highlight the involvement of both employers and employees.

(e) The Occupational Safety and Health Convention, 1981 (No. 155), and the Occupational Safety and Health Recommendation, 1981 (No. 164)?

No. We feel that specific ILO conventions should not be listed.

(f) Other relevant ILO instruments on occupational safety and health?

No, as per the answer to Question 3(e).

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Definitions

4. *Should the instrument include the following definitions:*

(a) *“National programme on occupational safety and health” which means timebound national programmes that include set objectives, priorities and means of action in the area of occupational safety and health?*

Yes, provided the programmes, objectives, priorities and means of action can be finalised at a national level from concepts developed by the ILO.

(b) *“National system for occupational safety and health” which means the national infrastructure in the area of occupational safety and health which provides the main framework for the implementation of national programmes on occupational safety and health?*

Yes, as per the answer to Question 4(a), provided that the framework can be finalised at a national level.

(c) *Other definitions? Please specify.*

No

National programmes

5. *Should the instrument provide that each Member should seek to progressively develop a safer and healthier working environment through national programmes on occupational safety and health with due regard to relevant ILO instruments on occupational safety and health?*

Yes. The UK supports the concept of progressive development.

6. *Should the instrument provide that each Member should:*

(a) *Formulate, publicize and implement national programmes on occupational safety and health?*

Yes

(b) *Seek the endorsement and launching of these national programmes by the highest government authorities?*

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Yes. As set out in the summary of the UK programme in the report (page 45), the UK has done this with both its ‘Revitalising Health and Safety’ initiative and the new Health and Safety Commission (HSC) initiative *A strategy for workplace health and safety in Great Britain to 2010 and beyond*, and similar initiatives in Northern Ireland.

7. Should the instrument provide that such national programmes should be formulated and reviewed on the basis of an analysis of the national situation on occupational safety and health, including the national system for occupational safety and health?

Yes

8. Should the instrument provide that such national programmes should be formulated and reviewed:

(a) In consultation with representative organizations of employers and workers?

Yes

(b) As appropriate, in consultation with other concerned parties?¹ Please specify.

Yes. However the UK would want to avoid specifying the concerned parties. The phrase “as appropriate, in consultation with other concerned parties” is sufficient in itself without citing the parties. It is best that these remain in the accompanying report as examples.

9. Should the instrument provide that such national programmes should:

(a) Seek to promote the development of a safety culture?

Yes

(b) Include targets and indicators of progress?

Yes, the instrument should provide that national programmes seek to develop robust data and information to be able to consider the setting of targets and indicators of progress.

(c) When applicable, be associated with other national programmes and plans, such as those relating to economic development?

Yes. Linking health and safety and other “national programmes and plans” is unavoidable. This reflects the UK’s current approach of mainstreaming occupational health and safety into other policy initiatives. The qualification “when applicable” provides sufficient flexibility.

¹ Such as those described in para. 49, Chapter II.

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National system

10. *Should the instrument provide that each Member should establish and develop a national system for occupational safety and health?*

Yes, providing it takes account of national circumstances.

11. *Should the instrument provide that such a national system should be established and developed:*

(a) In consultation with representative organizations of employers and workers?

Yes

(b) As appropriate, in consultation with other concerned parties?² Please specify.

Yes, but also see the answer to Question 8 (above). The reservation over that question also applies to Question 11.

12. *Should the instrument provide that such a national system should include, as appropriate:*

(a) Legislation on occupational safety and health?

Yes

(b) Designated authority or authorities for occupational safety and health?

Yes

(c) Mechanisms for ensuring compliance with legislation on occupational safety and health, including systems of inspection?

Yes

(d) Information and advisory services on occupational safety and health?

Yes

(e) Occupational safety and health training?

Yes, providing that it takes account of existing national legislation.

² *ibid*

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(f) Occupational safety and health services?

No. The UK is uncertain over the exact definition of national occupational safety and health services. It is currently piloting a model for occupational health, safety and rehabilitation support. If this is successful and can be transformed into a nationally provided service, it will be based on voluntary provision.

(g) A mechanism for the collection and analysis of data on occupational accidents and diseases?

No. National systems of data collection should enable member states to identify high risk and priority areas, and to monitor trends. Such purposes may be met by a range of sources of data and not just by one mechanism.

(h) Collaboration with (an) employment injury insurance scheme(s)?

Yes. The instrument should encourage the adoption of a system that makes a clear and explicit link between occupational health and safety performance and the cost for insuring risks to occupational ill health and injury. The UK government is currently working with key stakeholders including the insurance industry and business to develop an index that will assist in the measurement of health and safety performance of small and medium-sized enterprises and in linking more effectively the cost of insurance to that performance.

Awareness raising

13. Should the instrument provide that each Member should, in the promotion of a safety culture, seek to raise public awareness on occupational safety and health through national campaigns linked to international initiatives?

The instrument should require that each member promotes a safety culture, but it would be inconsistent with the pursuit of national programmes (Question 7) for the campaigns to be linked to international initiatives. Different countries are at different stages in developing a health and safety culture and have different risk profiles. Universal campaign approaches would not be as effective as campaigns tailored to the specific needs of each nation. The instrument should therefore provide that each member should, in the promotion of a safety culture, seek to raise public awareness on occupational safety and health through national campaigns, focussing upon priorities identified in their national programmes.

14. Should the instrument provide that each Member should, in the promotion of a safety culture, seek to introduce hazard, risk and prevention concepts in basic education and vocational training curricula?

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Yes, although it should be recognised that these ideas are extremely difficult to achieve in practice.

Management systems approach

15. Should the instrument provide that each Member should promote the management systems approach to occupational safety and health based on the ILO Guidelines on occupational safety and health management systems, ILO-OSH 2001?

No. It is not appropriate that the instrument should prescribe the promotion of management systems based on ILO Guidelines occupational safety and health management systems, ILO-OSH 2001. Members should have the flexibility to determine which, if any, management systems to promote taking account of a range of factors, including the needs of small and medium-sized enterprises. However the UK recognises the vital contribution that management systems have to play in ensuring that the risks to occupational health and safety are properly controlled. ILO-OSH 2001 could be seen as one source of inspiration.

National profile

16. Should the instrument provide that national programmes should be formulated and reviewed on the basis of current information of the national situation (see question 7, above) collected in the form of a national profile on occupational safety and health?

No. We support the ideas in Question 7, however Question 16 is too prescriptive. There could also be problems over the definition of what a national profile is exactly.

17. Should the instrument provide guidance on the information on the national situation that a national profile could contain? Please specify.

No. Again this is too prescriptive. If there was non-mandatory guidance then this may solve the problem.

Exchange of information

18. Should the instruments provide that the International Labour Organization should facilitate an international exchange of information on national programmes on occupational safety and health, including good practices and innovative approaches thereto?

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Yes. However such information is rapidly becoming readily available on national websites and this should enable the exchange of information without the need for ILO intervention. The UK would have concerns if requests for information in other forms became burdensome. The ILO could facilitate the international exchange of information by mapping the current provider organisations, coordinating their information, seeking to identify the gaps and facilitate them to complete the picture. It should not duplicate the role and activity of other organisations at a multinational level.

Special considerations

19. Are there any particularities of national law or practice that are liable to create difficulties in the practical application of the instrument as conceived in this questionnaire? If so, please state the difficulties and suggest how they might be resolved.

Difficulties in practical application would stem from any (overly) prescriptive instrument, however the degree of difficulty would vary according to the choice of instrument.

20. Are there any other issues not addressed in this questionnaire that ought to be taken into consideration in the preparation of the instrument? Please specify.

The instrument should not specify designation or delivery mechanisms for the national system. The UK government recommends that the ILO formulate any future instruments on set objectives and in goal-setting terms, rather than using a prescriptive approach. For any instrument, if the methods and means to achieve the objectives are over-specific and constrained then this rigidity may result in difficulty in endorsing the instrument.

The UK government would like to emphasise that it supports and promotes worker involvement. In the HSC's new strategy it is stated that HSC/E aims to "develop new ways to establish and maintain an effective health and safety culture in a changing economy, so that all employers take their responsibilities seriously, the workforce is fully involved and risks are properly managed". Successful existing union oriented initiatives could be incorporated into the instrument, for example rights to union safety representatives, workplace safety committees, provision for roving safety reps to cover a union members in a broad geographic area, and protection from victimisation for raising safety concerns.

It is important that a global approach to well-being at work and the development of a health and safety culture at national level does not undermine innovation and develop a risk aversion culture. National occupational safety and health systems must be put in the context of national cultures and priorities and it is necessary that a promotional framework is sufficiently flexible to encourage this whilst maximising international coherence, relevance and impact. The UK government does not necessarily suggest

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harmonisation of all systems but instead an improvement in the awareness and performance of health and safety at workplaces from the standards currently achieved.