

**APPENDIX A (To the UK government response)**

**TUC comments**

[**Question 2**] The TUC believes that the British Government should be supporting a convention on this issue. The argument that ILO members need time to ratify existing conventions seems to be rather implausible given that members have had 23 years to implement the main Convention on Occupational health - Number 155. The TUC fails to see what possible benefit there would be to having a recommendation or declaration, and none of the arguments made are in any way convincing.

[**Questions 3(d) & 9(a)**]The TUC is also concerned that, despite the clearly articulated objectives contained in the 2003 document, the current ILO focus on promoting a "safety culture" is certainly not in line with current UK or EU policy on occupational health. In 2003 it was accepted that the use of the term 'safety culture' carried with it suggestions for blaming workers and absolving employers of responsibility.

Also, the recent document contains damaging approaches like "behavioural safety" that take the focus away from the organisation problems and poor management that are the root cause of most workplace health and safety problems, as has been shown by HSE research.

[**Paragraph 79**] The ILO framework document also alludes to "self regulation", which has been a key part of damaging deregulatory approaches for OHS world-wide. We consider it inappropriate for the ILO to now promote this approach, especially given the wide number of cases that show these damaging results in a number of countries. The HSE is committed to evidence based enforcement, and is currently developing a consultation on this. The framework should more adequately reflect the value of legislative rights and enforcement regimes which have been shown to be effective.

At present the ILO seems to favour a deregulatory and technocratic model, which does not reflect the current view of the HSE.

The current tenor of the document relegates worker participation and the union role in health and safety to the sidelines. It also sees workers as part of the problem, not vital to implementing key solutions. I would hope that the UK Government would re-iterate its support for worker involvement as being key to prevention as outlined in the recent HSC strategy.

There is also insufficient attention to successful union oriented initiatives - rights to union safety representatives, workplace safety committees, the use of union issued inspection notices, provision for roving safety reps to cover a union members in a broad geographic area, union rights of access to workplace and to freedom of association, protection from victimisation for raising safety concerns.

ILO's proposal for a possible instrument with safety culture as its central theme (chapter IV) would be a dangerous and retrograde step. It would put on acceptable face on a non-regulatory, non-binding ILO alternative to proper, enforceable legal requirements. In the Report and Conclusions from the ILO Conference 2003, the term "preventative safety and health culture" was used and accepted. There is no reason now to deviate from this accepted wording, concept and approach.

## MISC/04/26 ANNEX C

ILO QUESTIONNAIRE – PROMOTIONAL FRAMEWORK FOR OCCUPATIONAL SAFETY & HEALTH

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In conclusion we would hope that the HSE and the Government would support a full convention based, not on a "safety culture", but on a "preventative safety and health culture".