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Occupational Safety and Health as Fundamental Right at Work: The Facts, The Challenges

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Introduction

International Labour Organization (ILO) defines the term “health in relation to work” as not merely the absence of disease or infirmity but this includes the physical and mental elements affecting health which are directly related to safety and hygiene at work [1]. Occupational Safety and Health (OSH) is a comprehensive field dedicated to the well-being of workers in all industries, encompassing the implementation of policies, procedures, and practices designed to protect employees from workplace hazards, injuries, and diseases. At its core, OSH aims to create work environments that prioritize the health and safety of individuals, acknowledging the fundamental right of every worker to a secure and healthy workplace.

Work-related injuries and diseases continue to be a big challenge to policymakers, employers, and workers despite the huge efforts in term of prevention. Takala and al [2] estimates that, in 2019, globally, 2.9 million deaths were attributed to work, with 2.58 million deaths due to work-related diseases

Abstract

The International Labour Organization (ILO) has defined Occupational Safety and Health (OSH) as a comprehensive field dedicated to the well-being of workers in all industries, encompassing the implementation of policies, procedures, and practices designed to protect employees from workplace hazards, injuries, and diseases. The aim of OSH is to create work environments that prioritize the health and safety of individuals, acknowledging the fundamental right of every worker to a secure and healthy working environment. In 2019, it was estimated that 2.9 million deaths were attributed to work, with 2.58 million deaths due to work-related diseases and 0.32 million related to occupational injuries. The ILO’s framework of fundamental principles and rights at work was amended in 2022 to include “a safe and healthy working environment” as a fundamental principle. OSH challenges continue to be a big challenge to policymakers, employers, and workers despite huge efforts in prevention. The ILO aims to reconcile the desire to stimulate national efforts to ensure that social progress goes hand in hand with economic progress. The ILO has established a social minimum at the global level to respond to the realities of globalization. The ILO declaration on fundamental principles and rights at work defines 5 fundamental principles and rights at work and 10 ILO conventions as fundamental conventions. The ILO OSH strategy aims to respond to current and future challenges and proposes an integrated and holistic framework to manage occupational risks and reduce as low as possible work-related injuries and diseases.

Keywords: Occupational Safety and Health; Occupational risks; Occupational Safety and Health Strategy; Fundamental rights at work; Work-related injuries and diseases

and 0.32 million related to occupational injuries. Globally, work-related diseases with a long latency period are increasing, while the number of occupational injuries has decreased. Disability-Adjusted Life Years (DALY) attributable to work were estimated to be 180 million in 2019. economic loss of 5.8% of global GDP. Beyond the human burden, work-related injuries and diseases continue to have a heavy impact on the global economy. According to the same estimates, their cost constitutes a loss of 5.8% of the global GDP.

At its 110th Session in June 2022, the International Labour Conference decided to include “a safe and healthy working environment” in the ILO’s framework of fundamental principles and rights at work [3] and to designate the Occupational Safety and Health Convention, 1981 (No. 155) [1] and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) [4] as fundamental Conventions. This article aims to analyse the impacts of this ILO constituents’ resolution

and its impact on the world of work and facing the current and future OSH challenges.

ILO declaration on fundamental principles and rights at work, 1998

The challenges of globalization have been the focus of considerable debate within the ILO since 1994. Although globalization is a factor of economic growth, and economic growth is a prerequisite for social progress, the fact remains that it is not in itself enough to guarantee that progress. It must be accompanied by a certain number of social ground rules founded on common values to enable all those involved to claim their fair share of the wealth they have helped to generate.

A first step in this direction was made in Copenhagen in 1995, when the Heads of State and Government attending the World Summit for Social Development adopted specific commitments and a Programme of Action [5] relating to “basic workers’ rights”. In chapter 54 (b) of the final declaration heads of State and Government agree on “safeguarding and promoting respect for basic workers’ rights, including the prohibition of forced labour and child labour, freedom of association and the right to organize and bargain collectively, equal remuneration for men and women for work of equal value, and non-discrimination in employment”. This promotion will be based on fully implementation of ILO conventions of to thus achieve truly sustained economic growth and sustainable development; The States renewed their commitment to observe internationally recognized core labour standards during the World Trade Organization (WTO) Ministerial Conference held in Singapore in 1996, recalled that the ILO was the competent body to set and deal with these standards and reaffirmed their support for its work in promoting them.

On 18 June 1998 the International Labour Organization adopted the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up [6]. The declaration adopted on 1998 defines 4 Fundamental Principles and Rights at Work (FPRW) and 8 ILO conventions as fundamental conventions (Table 1). The aim of the Declaration is to reconcile the desire to stimulate national efforts to ensure that social progress goes hand in hand with economic progress. The existing supervisory machinery already provides the means of assuring the application of Conventions in the States that have ratified them. For those that have not, the Declaration makes an important new contribution. Firstly, it recognizes that the Members of the ILO,

Table 1: Fundamental principles and rights at work and fundamental conventions according to ILO declaration 1998 amended in 2022.

FPRW	Fundamental conventions	Number of countries that ratified the conventions (Over 187 ILO's member states)
Freedom of association and the effective recognition of the right to collective bargaining	C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	158
	C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	168
Elimination of all forms of forced or compulsory labour	C029 - Forced Labour Convention, 1930 (No. 29) and its protocol (2014)	181 (59 ratifications of the protocol)
	C105 - Abolition of Forced Labour Convention, 1957 (No. 105)	178
Effective abolition of child labour	C138 - Minimum Age Convention, 1973 (No. 138)	176
	C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)	187
Elimination of discrimination in respect of employment and occupation	C100 - Equal Remuneration Convention, 1951 (No. 100)	174
	C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	175
Safe and healthy working environment	C155 - Occupational Safety and Health Convention, 1981 (No. 155)	80
	C187 - Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)	61

even if they have not ratified the Conventions in question, have an obligation to respect “in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions”. Next, and this is the first aspect of the follow-up provided in the annex to the Declaration, it seeks to achieve this aim by implementing the ILO’s unique Constitutional procedure in accordance with which each year States that have not ratified the core Conventions will be asked to submit reports on progress made in implementing the principles enshrined in them.

By adopting this Declaration, the ILO has established a social minimum at the global level to respond to the realities of globalization.

As mentioned, the ILO declaration on FPRW was amended in 2022 and OSH was added as FPRW with inclusion of 2 new conventions as fundamental conventions.

Fundamental OSH Conventions

C155-Occupational Safety and Health Convention [1]

C155, the Occupational Safety and Health Convention, was adopted by in 1981. This convention establishes the fundamental principles for promoting a safe and healthy working environment and outlines the responsibilities of member states to ensure the well-being of workers. It sets forth a comprehensive approach to OSH, emphasizing the importance of national policies, tripartite cooperation, adaptation to changing conditions, and the promotion of a safety and health culture. It provides a framework for member states to establish and maintain effective OSH systems that protect the well-being of workers. It includes the following:

- **Policy Formulation and Implementation:** Member states are required to formulate, implement, and periodically review a coherent national policy on OSH. The policy should aim at preventing accidents and injuries to health arising out of, linked with, or occurring in the course of work.
- **National System for OSH:** Member states must establish and maintain a national system for occupational safety and health, involving a tripartite approach that includes governments, employers, and workers. The system should include laws and regulations, inspection services, advisory services, training, and research.

- Adaptation to Changing Conditions:** The national system should be adapted to changing technologies, work processes, and other relevant factors. Member states are encouraged to consider the needs of small and medium-sized enterprises and the self-employed.
- Promotion of a Safety and Health Culture:** Member states should encourage the promotion of a safety and health culture at all levels of the workplace. This involves fostering awareness, understanding, and a shared commitment to safety and health among workers, employers, and relevant stakeholders.
- Rights and Duties of Workers and Employers:** Workers have the right to remove themselves from a work situation that they have reasonable justification to believe presents a serious and imminent danger to their life or health. Employers have a duty to ensure that workers are informed about potential risks, provided with necessary training, and given the means to protect themselves.
- Information and Consultation:** Workers and their representatives should be provided with relevant information on OSH matters and should be consulted in the formulation and implementation of OSH measures. Employers are encouraged to establish joint safety and health committees where appropriate.
- International Cooperation:** Member states are urged to collaborate at the international level to address common OSH concerns, particularly in industries or sectors where transnational activities are prevalent.

C187 - Promotional Framework for Occupational Safety and Health Convention [4]

C187, the Promotional Framework for Occupational Safety and Health Convention, adopted on 2006, provides a comprehensive framework for promoting Occupational Safety and Health (OSH) at the national level. It provides a holistic approach to occupational safety and health, focusing on the



Figure 1: National system for OSH according to C187.



Figure 2: ILO Global Strategy on OSH [21].

development and implementation of national policies, the involvement of workers in decision-making, employer responsibilities, education and training, and international cooperation to improve safety and health conditions in the world of work. C187 complements C155. While C155 primarily focuses on OSH principles, C187 takes a more comprehensive approach. It addresses not only the fundamental principles but also the promotion of a national OSH policy and system. It emphasizes the formulation, implementation, and periodic review of a coherent national policy on OSH, ensuring that member states have a strategic and comprehensive plan to address occupational safety and health issues. It delves deeper into the components of the national system for OSH (Figure 1), including laws, regulations, enforcement mechanisms, and the involvement of a tripartite approach (involving governments, employers, and workers). Convention No. 187 explicitly highlights the rights of workers and their representatives to participate in decision-making processes related to OSH at the workplace, reinforcing the importance of consultation in developing and implementing OSH measures. It underscores the need to promote training and education programs in OSH, emphasizing the role of education in creating awareness and understanding of occupational safety and health issues. C187 defines a national preventative safety and health culture as “a culture in which the right to a safe and healthy working environment is respected at all levels, where government, employers and workers actively participate in securing a safe and healthy working environment through a system of defined rights, responsibilities and duties, and where the principle of prevention is accorded the highest priority”. It places a specific emphasis on the promotion of a safety and health culture at all levels of the workplace, acknowledging the importance of fostering a shared commitment to OSH among workers, employers, and other stakeholders.

Implementation of OSH fundamental convention cannot be dissociated from the provisions of other conventions on OSH. The whole ILO OSH standards system offers an integral framework to build a strong OSH system as specified on the annex of R197 - Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197) [7]. As examples, C161 - Occupational Health Services Convention, 1985 (No. 161) [8] focuses on occupational health services, providing guidance on the establishment and maintenance of services that contribute to the health of workers. This complements C155 by emphasizing the health aspect of OSH. Together, they ensure a holistic approach to both safety and health in the workplace. Construction sites present specific risks and hazards. C167 - Safety and Health in Construction Convention, 1988 (No. 167) [9] focuses on safety and health in the construction industry, providing guidelines on risk prevention, training, and safety measures. When integrated with Conventions 155 and 187, it ensures a targeted approach to addressing construction-related OSH challenges.

Main Challenges in Term of OSH

OSH continues to pose a global challenge worldwide. The national dialogues on the future of work conducted during the ILO centenary initiatives conclude to the need for good health [10]. The ILO Centenary declaration on the future of work highlights the fundamental place safety and health working conditions to insure decent work [11].

Only 80 countries (42% of Member-States) ratified C155 and 61 (32% of Member-States) ratified C187 (Table 1). Several countries who haven't yet ratified one or the other of OSH fun-

damental conventions have implemented number of measures included in the conventions. Nearly all ILO Member-States have an authority or body responsible for OSH. 79% have a national tripartite body and 73% have provisions in national legislature for the establishment of workplace OSH committees. 47% of ILO Member-States have a national OSH policy and 34% have a national OSH programme. 171 countries have developed recording and notification systems for occupational injuries and diseases. Overall, workers in 68% of Member-States are protected from undue consequences if they remove themselves from dangerous situations [12]. However these averages mask disparities between countries and within the same country. For example, even 47% of countries developed an OSH policy, this percentage falls to 26% in low-income countries. According to the ILO, it was estimated that only about 14% of workers globally have access to effective OSH services. Some sectors (public sector, health, mining...) or specific workers (apprentices, subcontractors, self-employed...) in some countries are not covered by OSH regulations. In other countries, penalties for violating safety regulations are relatively low, which contribute to a lack of deterrence and a decreased incentive for employers to prioritize safety measures. Barriers to effective OSH enforcement can include inadequate resources, a lack of skilled personnel, and challenges in implementing and monitoring safety measures.

Continued transformations in the world of work, especially those arising from new technologies, are both offering new opportunities to improve workplace safety and creating new risks. On the one hand, new technologies are making working environments safer as advanced robotics are keeping workers out of harm's way in some traditional (often dangerous) machine processes. On the other hand, there is a large and growing array of hazardous chemicals, notably new and potentially hazardous materials related to nanotechnologies and new work processes [13].

Inadequate training and education on OSH contribute to a lack of awareness. The ESENER-2 survey (Second European Survey of Enterprises on New and Emerging Risks) conducted by the EU-OSHA (European Agency for Safety and Health at Work), reveals that only 36% of establishments across the EU-28 provide training to their workers on psychosocial issues with over half of establishments (56%) with more than 250 workers [14].

Emerging and re-emerging risks constitute a major OSH challenge. Globally 15% of working-age adults live with a mental disorder [15]. A number of studies have shown that a lack of job security, caused by restructuring, and contractual arrangements such as temporary and third-party contracts, may also give rise to psychosocial risks [16]. For example, while recent technological advances, such as telework and ICT-mobile work (T/ICTM), create greater autonomy, they also appear to be associated with higher levels of work intensity, as they blur the boundaries between workplace and home, as well as between time spent on and off the job [17]. Given that temporary workers are often ineligible to join the trade union at their workplace, they tend to be in a weaker position to safeguard their own health and well-being [18]. Global health crisis and their impacts on the world of work should be taken in account when modelling OSH for the future. The COVID-19 pandemic highlighted the impact of health crises on OSH, leading to the loss of millions of jobs globally. ILO estimated decline in working hours of around 10.7 per cent on the second quarter of 2020 compared to the last quarter of 2019, which is equivalent to 305 million full-time jobs (assuming a 48-hour working week).

Healthcare workers faced heightened risks due to exposure to the virus and shortages of protective equipment, underscoring the need for resilient OSH measures during global health emergencies. Climate change-related factors introduce new risks to workers (heat stress, vector-borne diseases, air pollution, major industrial accidents...). According to ILO estimates, 1.2 billion jobs or 40 per cent of the global labour force are at risk because of environmental degradation [19]. Between 2000 and 2015, 23 million working-life years were lost annually because of various environment-related hazards, caused, or exacerbated by human activity [20]. Outdoor workers particularly in agriculture, construction, fishing and transport are more vulnerable to climate-induced risks emphasizing the importance of integrating climate change considerations into OSH policies.

Young workers, migrants, women, workers in informal economy and persons with disabilities constitutes vulnerable groups and are more affected by occupational risks. Young workers are a vulnerable group, at higher risk of occupational injury and exposure to substances and working conditions that can cause occupational disease and health problems later in life. In the United States, the risk that young workers aged 15-24 will suffer occupational injury is approximately twice as high as it is for workers aged 25 or older [21]. In Europe, the rate of non-fatal work accidents is more than 40 per cent higher among young workers aged 18-24 as compared to older workers [22]. The informal economy comprises more than half of the global labour force and more than 90% of Micro and Small Enterprises (MSEs) worldwide [23]. Workers in informal sectors, such as construction, lack legal protections and safety measures, leading to higher rates of workplace accidents and health risks. In developing countries, construction workers often face hazardous conditions without proper safety standards, illustrating the critical need for extending OSH measures to the informal economy.

The ILO global strategy on OSH: A response to the challenges

To face these different challenges and guarantee safe and healthy working environment to all workers, ILO Governing Body adopted in October 2023 the ILO Global Strategy on OSH (GS-OSH) 2024-2030 and the action plan for its implementation (Figure 2) [24]. This new strategy builds on the 2003 Global Strategy on OSH [25]. The goal of the strategy is to support ILO constituents in accelerating progress towards the promotion, respect, and progressive realization of the fundamental right to a safe and healthy working environment worldwide and, ultimately, to contribute to a global decrease in the number of occupational fatalities, injuries and diseases, along with a reduction in the associated socio-economic costs. The strategy calls upon ILO constituents to accelerate action towards continuous improvement in building a preventative safety and health culture, as defined in C187, with the support of the Office. The strategy confirms the commitment of the ILO and its constituents to advancing social justice [26], by protecting the health and lives of workers and promoting decent work for all.

The strategy is based on four transversal principles:

- o **International labour standards:** The ILO normative framework, including the fundamental Conventions on OSH will guide the strategy implementation, with the aim of assisting constituents to promote, respect and realize the right to a safe and healthy working environment and build a culture of prevention. Ratification and implementation of risk-specific and

sector-specific standards on OSH will be promoted. The inter-complementarities between OSH and the other fundamental principles and rights at work will be considered, particularly regarding policy formulation and workplace interventions.

- o **Social dialogue and participation:** The active engagement of tripartite constituents will ensure sustainable and successful interventions. Effective social dialogue on OSH will be promoted at workplace, sectoral, national, and global levels.

- o **A human-centred, inclusive and gender-transformative approach:** [27,28] Interventions will consider that policies, programmes and workplace actions on OSH should recognize that workers are not a homogenous group and that there is no universal solution to meet their varied needs. A human-centred approach to OSH is then essential for ensuring equal opportunities and treatment in employment. The impacts of gender, age and disability on OSH will be further investigated, to promote equal access to occupational health services and health care for all workers, as well as to design and implement preventative measures and develop targeted information, education, and training programmes.

- o **A focus on prevention throughout the life cycle:** [29] Prevention of OSH risks should consider all stages of life, including raising awareness from a young age, during transition periods, and before or after participating in the labour market. The strategy will promote the integration of OSH-related issues in general education, technical and vocational training, and quality apprenticeships, as well as in job design, access to employment and skills strategies.

The strategy comprises three complementary and interdependent pillars.

- **Pillar 1: Improved national OSH framework:** The OSH national framework will be in line with fundamental conventions C155 and C187. It should contain different interdependent components (policy, programmes and system) periodically assessed and updated. The advocacy and support to the ratification and implementation of OSH fundamental conventions as well as other relevant standards will be at the core of the national OSH framework. The national OSH framework should promote the creation and maintenance of a national preventative culture, through social dialogue and the active participation of governments, employers, and workers, in a defined system of rights, responsibilities and duties. The development of a sound evidence-based research will enable the continuous improvement and resilience of the OSH framework and define priority groups of workers and high-risk to ensure targeted actions. The Effective enforcement and compliance mechanisms including labour inspection are central to the implementation of national regulatory frameworks. The OSH framework will also enhance the capacities and competencies of occupational health services and training, information and advisory services over all risks including emerging ones.

- **Pillar 2: Strengthened coordination, partnerships and investment in occupational safety and health:** The inclusion of occupational safety and health in other policy areas is key to realizing a national preventative safety and health culture. Links between occupational safety and health and other policies, agendas, strategies, programmes and action plans should be reinforced and expanded (social and economic development, health, environment, education, the other four fundamental principles and rights at work; violence and harassment and

other dimensions of labour protection, labour migration, formalization, active and inclusive labour market, investment, and trade...). International cooperation with other organizations will be enhanced. Sustainable and adequate resources need to be made available and used efficiently at national, sectoral and workplace levels.

- **Pillar 3: Enhanced workplace OSH management systems:** It aims management of OSH at workplace level, based on a holistic approach, encompassing the multifaceted nature of hazards and the constantly evolving working environment, prioritizing most hazardous sectors. Special attention will also be given to micro, small and medium-sized enterprises (MSMEs), workplaces operating in the informal economy and the specificities of workplaces and occupations in public administration. Workplace interventions will be based on management systems approach to OSH, such as OSH management systems ILO-OSH 2001 [30], integrated into other business systems. Social dialogue constitutes a key element for successful implementation and continuous improvement [31].

The action plan to implement to GS-OSH will be built around 5 action areas:

- a. International labour standards and instruments
- b. Knowledge development and dissemination
- c. Promotion, awareness-raising, and advocacy
- d. Technical assistance and support to ILO constituents
- e. Multilateral cooperation

A specific results framework to monitor and report on the strategy and plan of action has been developed, including indicators and targets for the implementation period (2024–30) [32]. A review of the strategy will be carried out in 2027.

Conclusion

Occupational Safety and Health (OSH), as a fundamental right at work, is an integral concept that promotes the well-being of workers in all industries. OSH aims to create work environments that prioritize the health and safety of individuals, acknowledging the fundamental right of every worker to a secure and healthy workplace. Fundamental conventions C155 and C187 defines the basic principles to implement a sustainable and efficient OSH system that reduce as low as possible work-related injuries and diseases. The ILO Global Strategy on Occupational Safety and Health offers a holistic and integrated framework to manage and tackle current and future challenges related to occupational risks in the working environment.

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