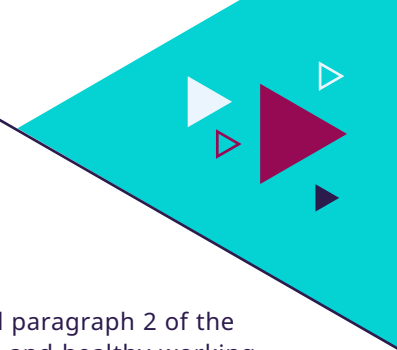




International
Labour
Organization

► A safe and healthy working environment is a fundamental principle and right at work





► A safe and healthy working environment is a fundamental principle and right at work

At its 110th Session in June 2022, the International Labour Conference decided to amend paragraph 2 of the [ILO Declaration on Fundamental Principles and Rights at Work](#) (1998) to include “a safe and healthy working environment” as a fundamental principle and right at work, and to make consequential amendments to the [ILO Declaration on Social Justice for a Fair Globalization](#) (2008)¹ and the [Global Jobs Pact](#) (2009).²

► ILO Declaration on Fundamental Principles and Rights at Work

Originally adopted in 1998, the ILO Declaration sets out principles and rights contained in the ILO Constitution and in the Declaration of Philadelphia, and states that all Members have an obligation to respect, to promote, and to realize, in good faith and in accordance with the Constitution, the fundamental principles and rights at work.

With the decision to include a safe and healthy working environment, the ILO Declaration now includes five categories of fundamental principles and rights at work:

- a. freedom of association and the effective recognition of the right to collective bargaining;
- b. the elimination of all forms of forced or compulsory labour;
- c. the effective abolition of child labour;
- d. the elimination of discrimination in respect of employment and occupation; and
- e. **a safe and healthy working environment.**

1 The 2008 Declaration promotes decent work through a coordinated approach to achieving four strategic objectives: (i) employment; (ii) social protection; (iii) social dialogue; and (iv) fundamental principles and rights at work, which now include “a safe and healthy working environment”.

2 The 2009 Global Jobs Pact recognizes that the respect for fundamental principles and rights at work is critical for human dignity and that it is also critical for recovery and development. The Pact (as amended in 2022) calls for increased vigilance to achieve the elimination and prevention of an increase in forms of forced labour, child labour and discrimination at work, as well as to achieve a safe and healthy working environment.

This historic decision was the result of a process that formally started in 2019, when the Conference recognized, through the [ILO Centenary Declaration for the Future of Work](#) that “safe and healthy working conditions are fundamental to decent work” and requested the ILO Governing Body, in the accompanying [Resolution on the ILO Centenary Declaration for the Future of Work](#), “to consider, as soon as possible, proposals for including safe and healthy working conditions in the ILO’s framework of fundamental principles and rights at work”.³

The protection of workers’ health and safety features prominently among the constitutional objectives of the ILO. The Preamble to the [ILO Constitution](#) (1919) notes that “the protection of the worker against sickness, disease and injury arising out of his employment” is among the improvements that are “urgently required”. The [Declaration concerning the aims and purposes of the International Labour Organisation \(Declaration of Philadelphia\)](#) (1944) recognizes the “solemn obligation” of the Organization to further programmes that will achieve “adequate protection for the life and health of workers in all occupations”.

The International Labour Conference also decided to designate the [Occupational Safety and Health Convention, 1981 \(No. 155\)](#) and the [Promotional Framework for Occupational Safety and Health Convention, 2006 \(No. 187\)](#) as fundamental Conventions, in line with its decision to recognize the right to a safe and healthy working environment as one of the fundamental principles and rights at work.

All Members, even if they have not ratified these Conventions, have an obligation arising from the very fact of membership in the ILO to respect, promote and realize, in good faith and in accordance with the ILO Constitution, the principles concerning the fundamental right to a safe and healthy working environment.

To this end, the 1998 Declaration recognizes the obligation on the ILO to assist its Members, in response to their established and expressed needs, in different ways, namely by:

- ▶ offering technical cooperation and advisory services to promote the ratification and implementation of the fundamental conventions;
- ▶ assisting those Members not yet in a position to ratify some or all of the fundamental conventions in their efforts to respect, promote and realize the principles concerning the fundamental rights that are the subject of these conventions; and
- ▶ helping Members in their efforts to create a climate for economic and social development.

³ In response to the request of the Conference, the Governing Body held four discussions, from November 2019 to March 2022, to examine options and define the most efficient way forward; see [GB.337/INS/3/2](#), [GB.341/INS/6](#), [GB.343/INS/6](#) and [GB.344/INS/6](#)

► Key milestones leading to the recognition of the right to a safe and healthy working environment as a fundamental principle and right at work

1919

The **ILO Constitution** was drafted by the Commission on International Labour. The Preamble notes that “the protection of the worker against sickness, disease and injury arising out of his employment” is among the improvements that are “urgently required”.

1944

The **ILO Declaration of Philadelphia** concerning the aims and purposes of the ILO was adopted at the 26th Session of the International Labour Conference. It identifies a “solemn obligation” of the Organization to further programmes that will achieve “adequate protection for the life and health of workers in all occupations”.

1966

The **International Covenant on Economic, Social and Cultural Rights** was adopted by the United Nations General Assembly. It guarantees human rights in the economic, social and cultural spheres of life. Its Article 7(b) recognizes the right to “safe and healthy working conditions”.

1981

The **Occupational Safety and Health Convention (No. 155)** and its accompanying **Recommendation (No. 164)** were adopted. They set up the primary principles to improve safety and health at work, both at national and workplace levels.

1998

The **ILO Declaration on Fundamental Principles and Rights at Work** was adopted by the International Labour Conference at its 86th Session. It represents a landmark political statement affirming the obligations and commitments that are inherent in membership of the ILO to respect, promote and realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights.

2003

The **Global Strategy on Occupational Safety and Health** was adopted by the International Labour Conference at its 91st Session. It reaffirmed the role of the ILO in fostering a preventive approach to reducing work-related accidents and diseases through the wider promotion of a national preventive safety and health culture, and better management of occupational safety and health (OSH) at the national and enterprise levels.

2006

The **Promotional Framework for Occupational Safety and Health Convention (No. 187)** and its accompanying **Recommendation (No. 197)** were adopted. They call for the creation of a national preventative OSH culture and the promotion and advancement, at all relevant levels, of the right of workers to a safe and healthy working environment.

2008

The **ILO Declaration on Social Justice for a Fair Globalization** was adopted by the International Labour Conference at its 97th Session. It is a powerful reaffirmation of ILO values and promotion of decent work. It reaffirms the particular significance of the fundamental rights at work.

2009

The **Global Jobs Pact** was adopted by the International Labour Conference at its 98th Session. It addresses the social impact of the global crisis on employment. It recalls that the respect for fundamental principles and rights at work is critical for human dignity and is also critical for recovery and development.

2010

The **Plan of action (2010-2016) to achieve widespread ratification and effective implementation of the occupational safety and health instruments** was adopted by the Governing Body at its 307th Session. It was intended to serve as a basis for concerted and broad-based action to attain a significant reduction in the unacceptable human suffering and economic losses caused by work-related accidents and illnesses worldwide, by promoting the ratification and implementation of Convention No. 155, its 2002 Protocol and Convention No. 187.

2019

The **ILO Centenary Declaration for the Future of Work** and its accompanying **Resolution** were adopted by the International Labour Conference at its 108th Session. The Declaration states that “safe and healthy working conditions are fundamental to decent work” and the Resolution requested the Governing Body “to consider, as soon as possible, proposals for including safe and healthy working conditions in the ILO’s framework of fundamental principles and rights at work”.

2022

The **Resolution on the inclusion of a safe and healthy working environment in the ILO’s framework of fundamental principles and rights at work** was adopted by the International Labour Conference at its 110th Session. In the resolution, the right to a safe and healthy working environment is recognized as a fundamental principle and right at work; Conventions Nos. 155 and 187 are declared fundamental conventions through an amendment to the 1998 Declaration on Fundamental Principles and Rights at Work; and consequential amendments are made to the 2008 ILO Declaration on Social Justice for a Fair Globalization and the 2009 Global Jobs Pact.

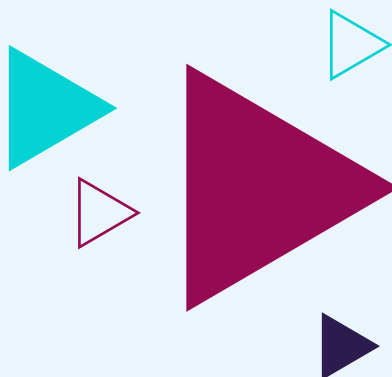
► The OSH fundamental conventions at the core of the ILO normative framework on safety and health at work

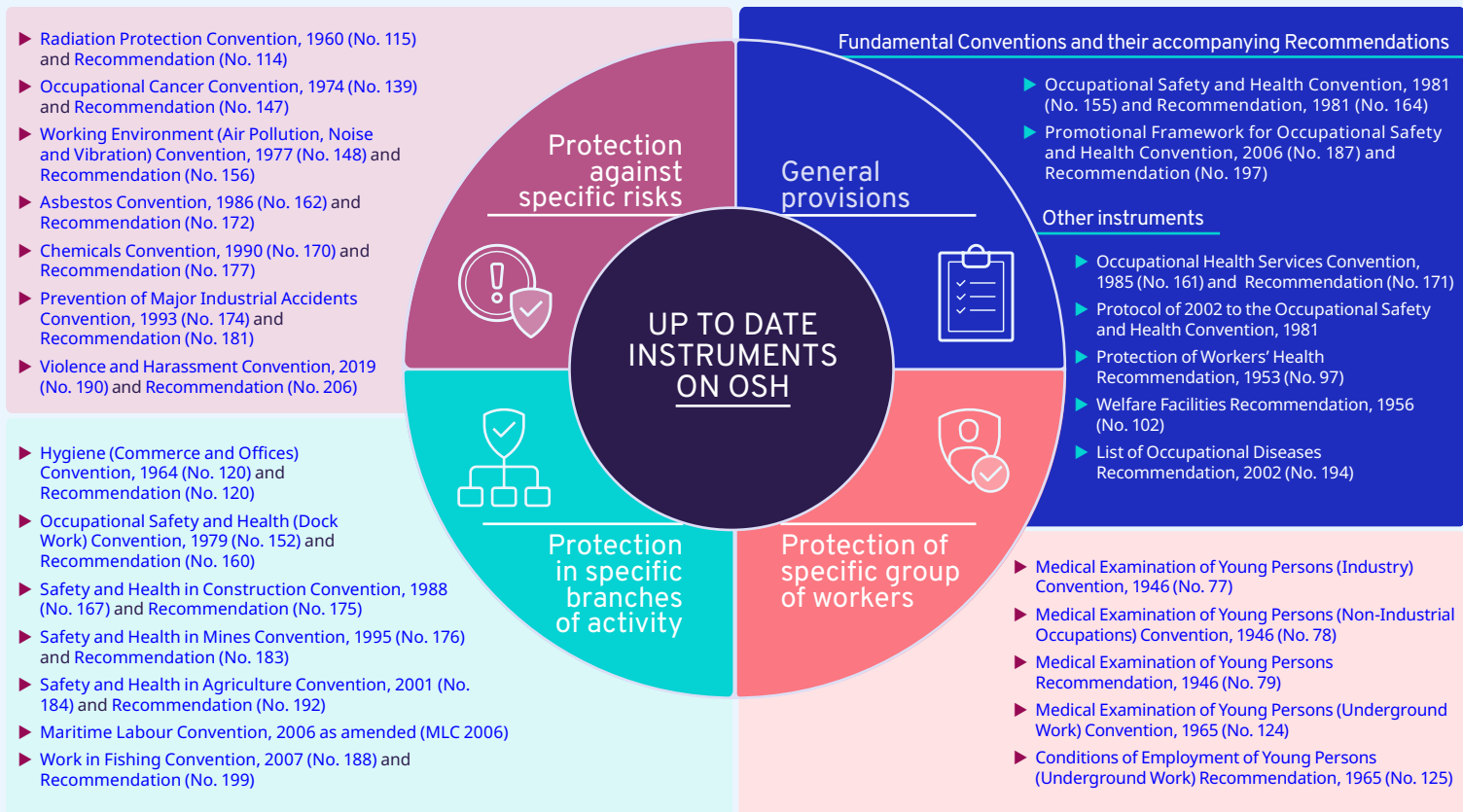
Since its foundation, the ILO has adopted more than 40 international labour standards that specifically deal with OSH, providing minimum standards for the control and management of work-related risks and the protection of workers across a wide range of occupations and situations in which work takes place.

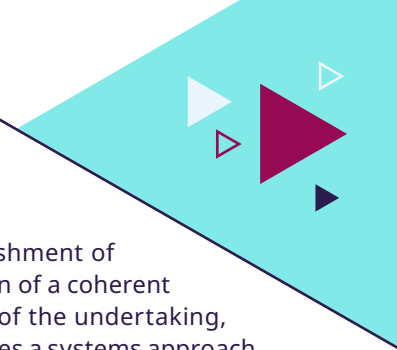
The [Occupational Safety and Health Convention, 1981 \(No. 155\)](#) and the [Promotional Framework for Occupational Safety and Health Convention, 2006 \(No. 187\)](#), which are now recognized as fundamental conventions, are fully complementary and reflect the relevant principles, duties and rights for ensuring a safe and healthy working environment.

They contain provisions of general scope covering all branches of activity and all workers, regardless of the type of hazard, and they serve as the basis for the safety and health measures provided in other specific OSH instruments.

In order to fully meet the requirements of Conventions Nos 155 and 187, Members need to take into account the provisions of the full body of OSH instruments set out below.







The provisions of Convention No. 187 complement the foundational principles of Convention No. 155, and together they constitute a blueprint for progressive and sustained improvements towards the provision of safe and healthy working environments.⁴

Together, the Conventions Nos 155 and 187 set out the general principles for the establishment of a **systems approach** to the management of OSH. Convention No. 155 calls for the adoption of a coherent national OSH policy. It also requires action to be taken at the national level and the level of the undertaking, defining the key responsibilities, duties and rights in the field of OSH. Convention No. 187 takes a systems approach to promoting safe and healthy working environments by focusing on the establishment of national policies, systems and programmes, with a view to fostering a national preventative OSH culture. Such a systems approach should be implemented while taking account the principles set out in the relevant OSH specific instruments.

The **principle of prevention** is fundamental to OSH, which is well reflected in Conventions Nos 155 and 187, as well as other OSH instruments. For example, Convention No. 155 states that “the aim” of the national policy shall be “to prevent accidents and injury to health”. Convention No. 187 recognizes that the principle of prevention is to be accorded the “highest priority”.

Conventions Nos 155 and 187 emphasize the **participation of employers and workers**, through express provisions on consultation and cooperation in the decision-making process.

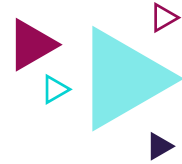
The 2022 [Resolution on the inclusion of a safe and healthy working environment in the ILO’s framework of fundamental principles and rights at work](#) recognizes the importance of dialogue and collaboration between the social partners. It notes that “a safe and healthy working environment requires the active participation of governments, employers and workers through a system of defined rights, responsibilities and duties, as well as through social dialogue and cooperation”.

Furthermore, these Conventions highlight the complementary roles of governments, employers and workers in improving safety and health at work. Convention No. 155 states that the formulation of a national OSH policy “shall indicate the respective functions and responsibilities ... of public authorities, employers, workers and others”. It also outlines the key functions of the national authority on OSH, defines the responsibilities of employers and describes the rights and roles of workers and their representatives. Convention No. 187 mentions “a system of defined rights, responsibilities and duties” as part of “a national preventative safety and health culture”.

Convention No 155 is complemented by the [Occupational Safety and Health Recommendation, 1981 \(No. 164\)](#) and the [Protocol of 2002 to the Occupational Safety and Health Convention, 1981 \(No. 155\)](#), while Convention No. 187 is accompanied by the [Promotional Framework for Occupational Safety and Health Recommendation, 2006 \(No. 197\)](#), which provide more detailed guidance.

⁴ Conventions Nos 155 and 187 both embrace the notion of progressive realization. For instance, Convention No. 155 states that various actions on OSH at the national level are to be “progressively carried out” (Article 11). The objective of Convention No. 187, a safe and healthy working environment, is to be achieved “progressively” (Article 2) and a national system for OSH is also to be developed “progressively” (Article 4(1)).

► Occupational Safety and Health Convention, 1981 (No. 155)



Convention No. 155 defines health, in relation to work, as “not merely the absence of disease or infirmity; it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work” (Art. 3(e)).

A national policy

Article 4 requires Member States, “in the light of national conditions and practice, and in consultation with the most representative organizations of employers and workers”, to “formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment”. The aim of such a policy “shall be to **prevent accidents and injury** to health arising out of, linked with or occurring in the course of work, by minimising, so far as is reasonably practicable, the causes of hazards inherent in the working environment”.

Article 5 defines the main spheres of action that should be considered in the policy as:

- design, testing, choice, substitution, installation, arrangement, use and maintenance of the **material elements of work**;
- relationships between the material elements of work and the persons who carry out or supervise the work, and **adaptation** of machinery, equipment, working time, organisation of work and work processes **to the physical and mental capacities of the workers**;
- **training, qualifications and motivations** in the achievement of adequate levels of safety and health;
- **communication and co-operation** at the levels of the working group and the undertaking and at all other appropriate levels up to and including the national level; and
- the **protection** of workers and their representatives **from disciplinary measures** as a result of actions properly taken by them in conformity with the policy.

Article 6 provides that the formulation of the policy shall indicate the **functions and responsibilities** in the field of OSH of public authorities, employers, workers and others, taking account both of the complementary character of such responsibilities and of national conditions and practice.

Action at the national level

To give effect to the policy, Convention No. 155 calls on Member States, in consultation with the representative organizations of employers and workers, to take the necessary steps at the national level, including:

- ▶ ensuring the **enforcement of OSH laws and regulations** by an adequate and appropriate system of inspection and by providing for adequate penalties for violations (Art. 9);
- ▶ providing **guidance to employers and workers** so as to help them to comply with legal obligations (Art. 10);
- ▶ ensuring that **designers, manufacturers, importers, providers or transferers** of machinery, equipment or substances for occupational use **make information available** for their safe use and guarantee that, so far as is reasonably practicable, such machinery, equipment or substances do not entail dangers for the safety and health of those using them correctly (Art. 12);
- ▶ **protecting workers** who have removed themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health **from undue consequences** in accordance with national conditions and practice (Article 13); and
- ▶ promoting the inclusion of OSH issues at all levels of **education and training**, including higher technical, medical and professional education (Art. 14).

To give effect to the policy (...), the **competent authority** or authorities shall ensure that the following functions are progressively carried out:

- ▶ the determination (where the nature and degree of hazards so require) of conditions governing the design, construction and layout of undertakings, the start of their operations, major changes, the safety of technical equipment used at work, as well as the application of procedures defined by the competent authorities;
- ▶ the determination of work processes and of substances and agents the exposure to which is to be prohibited, limited or made subject to authorization or control by the competent authority or authorities;⁵
- ▶ the establishment and application of procedures for the notification of occupational accidents and diseases, by employers and, when appropriate, insurance institutions and others directly concerned, and the production of annual statistics;
- ▶ the holding of inquiries, where cases of occupational accidents and diseases or any other work-related injuries appear to reflect situations which are serious;
- ▶ the annual publication of information on measures taken in pursuance of the policy and on occupational accidents and diseases and other injuries which arise in the course of or in connection with work; and
- ▶ the introduction or extension of systems, taking into account national conditions and possibilities, to examine chemical, physical and biological agents in respect to the risk to the health of workers (Art. 11).

⁵ Health hazards due to the simultaneous exposure to several substances or agents should be taken into consideration.

Action at the level of the undertaking

Convention No. 155 defines the key responsibilities of employers, as well as the basic rights and roles of workers and their representatives.

Employers shall be required to:

- ▶ ensure that, so far as is reasonably practicable, the **workplaces, machinery, equipment and processes** under their control are **safe** and without risk to health (Art. 16(1));
- ▶ ensure that, so far as is reasonably practicable, the **chemical, physical and biological substances and agents** under their control are **without risk** to health when the appropriate measures of protection are taken (Art. 16(2)); and
- ▶ provide, where necessary and at **no cost** to the worker, adequate **protective clothing and protective equipment** to prevent, so far as is reasonably practicable, risk of accidents or of adverse effects on health (Arts 16(3) and 21).

Whenever two or more enterprises engage in activities simultaneously at one workplace, they shall collaborate in applying the requirements of the Convention (Art. 17).

Employers shall also be required to provide, where necessary, for measures to deal with emergencies and accidents, including adequate first-aid arrangements (Art. 18).

Furthermore, according to Article 19, there shall be **arrangements at the level of the undertaking** under which:

- ▶ workers and their representatives **cooperate** with the employers in the field of OSH;
- ▶ workers and their representatives are given appropriate **training** in OSH;
- ▶ workers' representatives are given adequate **information** on measures taken by the employer to secure OSH and may consult their representative organisations about such information provided they do not disclose commercial secrets;
- ▶ workers or their representatives (or their representative organizations), in accordance with national law and practice, are enabled to **enquire** into, and are **consulted** by the employer on, all aspects of OSH associated with their work – for this purpose technical advisers may, by mutual agreement, be brought in from outside the undertaking;
- ▶ a worker **report** forthwith to their immediate supervisor any situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health; until the employer have taken remedial action, if necessary, the employer cannot require workers to return to a work situation where there is continuing imminent and serious danger to life or health.

Convention No. 155 highlights the importance of **cooperation between management and workers** and/or their representatives, which is considered an essential element of measures to be taken at workplace level (Art. 20).

Convention No. 155 also explicitly provides that OSH measures shall not involve any expenditure for the workers (Art. 21).

► Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

Convention No. 187 calls for the promotion and advancing, at all relevant levels, of the right of workers to a safe and healthy working environment (Art. 3(2)).

It requires Member States to promote continuous improvement of OSH to prevent occupational injuries, diseases and deaths, by the development, in consultation with the most representative organizations of employers and workers, of a national policy, national system and national programme. This process should take into account the **principles set out in ILO instruments** relevant to the OSH promotional framework (Art. 2(1) and 2(2)).

Convention No. 187 when outlining the general objectives, calls on Member States, in consultation with the most representative organizations of employers and workers, to periodically consider what measures could be taken to **ratify relevant OSH Conventions** of the ILO (Art. 2.3).

A national policy

Convention No. 187 reaffirms the policy, principles and processes defined in Convention No. 155.

It provides further details on the basic principles that shall be promoted (in light of national conditions and practice and in consultation with the most representative organizations of employers and workers):

- assessing occupational risks or hazards;
- combating occupational risks or hazards at source; and
- developing a national preventative safety and health culture that includes information, consultation and training (Art. 3.3).

A **national preventative safety and health culture** refers to 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 (Art. 1(d)).

A national system

Member States shall establish, maintain, progressively develop and periodically review a national OSH system, in consultation with the most representative organizations of employers and workers (Art. 4.1).

A **national system for occupational safety and health** refers to the infrastructure which provides the main framework for implementing the national policy and national programmes on OSH (Art. 1(b)).

The national OSH system shall include (Art. 4(2)):

- ▶ **laws and regulations**, collective agreements where appropriate, and any other relevant instruments on OSH;
- ▶ an **authority** or body (or several) responsible for OSH;
- ▶ mechanisms for ensuring **compliance** with laws and regulations, including systems of inspection; and
- ▶ arrangements to promote, at the level of the undertaking, **cooperation** between management, workers and their representatives as an essential element of workplace-related prevention measures.

The OSH system shall also include, where appropriate (Art. 4(2)):

- ▶ a national **tripartite** advisory body, or bodies, addressing OSH issues;
- ▶ **information** and advisory services on OSH;
- ▶ the provision of OSH **training**;
- ▶ **occupational health services** in accordance with national law and practice;⁶
- ▶ **research** on OSH;
- ▶ a mechanism for the collection and analysis of **data** on occupational injuries and diseases, taking into account relevant ILO instruments;⁷
- ▶ provisions for collaboration with relevant insurance or **social security** schemes covering occupational injuries and diseases; and
- ▶ support mechanisms for a progressive improvement of OSH conditions in **micro, small and medium-sized enterprises** and in the **informal economy**.

6 More guidance on the establishment of occupational health services, their functions and organization is provided in the [Occupational Health Services Convention, 1985 \(No. 161\)](#) and its accompanying [Recommendation \(No. 171\)](#).

7 More guidance on reporting, recording and notification procedures is provided in the [Protocol of 2002 to the Occupational Safety and Health Convention, 1981 \(No. 155\)](#).

A national programme

Member States shall formulate, implement, monitor, evaluate and periodically review a national programme on OSH in consultation with the most representative organizations of employers and workers (Art. 5.1).

A **national programme on occupational safety and health** refers to any national programme that includes objectives to be achieved in a predetermined time frame, priorities and means of action formulated to OSH, and means to assess progress (Art. 1(c)).

The national programme on OSH shall:

- ▶ promote the development of a **national preventive safety and health culture**;
- ▶ contribute to the **protection** of workers by eliminating or minimizing, so far as is reasonably practicable, work-related hazards and risks, in accordance with national law and practice, in order to prevent occupational injuries, diseases and deaths and promote safety and health in the workplace;
- ▶ be formulated and reviewed on the basis of **analysis of the national situation**, including analysis of the national system for OSH;
- ▶ include **objectives, targets and indicators** of progress; and
- ▶ be supported, where possible, by other **complementary national programmes** and plans which will assist in achieving progressively a safe and healthy working environment.

The national programme shall be widely publicized and, to the extent possible, endorsed and launched by the highest national authorities.

The accompanying **Recommendation No. 197** further specifies that in formulating and reviewing the national programme, Member States should take into account the instruments of the ILO relevant to the promotional framework for OSH, listed in the Annex to the Recommendation.



... We made a collective commitment to act together to make everybody's work safe and healthy.

...The extent to which we honour that commitment will be measured in terms of accidents and diseases prevented, and ultimately lives saved.

What indeed, could be more fundamentally important than that?

**Guy Ryder,
ILO Director General**

*110th Session of the International
Labour Conference, June 2022*



Labour Administration, Labour Inspection and Occupational
Safety and Health Branch (LABADMIN/OSH)

Governance and Tripartism Department (GOVERNANCE)

International Labour Office
4 route des Morillons
CH-1211 Geneva 22 – Switzerland

T: +41 (0) 22 799 61 11
E: labadmin-osh@ilo.org

ilo.org/labadmin-osh

**A safe and healthy
working environment is
a fundamental principle
and right at work and is
fundamental to decent work**