International Standards on Occupational Health and Safety

SPH 290 – Global OHS
Garrett Brown – UC Berkeley
Week #3 – Fall 2018
Presentation Outline

• National vs. International
• Types of international standards
  – Framework documents
  – ILO documents
  – Voluntary consensus standards
  – Other international agreements
**National vs. International**

- **National = legally enforceable**
  - Depends on content of regulations
  - Depends on political will of government
  - Depends on resources of government
- **International = most are guidelines**
  - Lengthy complaint mechanisms (if any)
  - General, non-specific content
National Regulations

• **Health Hazards (exposures)**
  – Chemicals
  – Physical agents: noise, temperature, ergo

• **Safety Hazards**
  – Slips & trips; falls; struck by
  – Electrical hazards
  – Machine guarding & equipment operations
  – Confined spaces
Regulatory OELs

• Occupational Exposure Limits
• Goal: protect “most” workers
• Types:
  – Full shift: PELs
  – Short-term (15, 30 minutes): STELs
  – Never to be exceeded: CLs
Regulatory OELs

• Assumptions:
  – 8 hour day & 40 hour week
  – Time-weighted average > peaks
  – 40 years of workplace exposures

• Required for evaluation:
  – IH monitoring capacity
  – Accurate laboratory analysis
Regulatory OELs

• **Real life** in global supply chains:
  – No one works *only* 8 hr / 40 hr
  – Massive exposures in short time periods
  – Community/environmental exposures
  – Near-zero national IH capabilities
  – Near-zero national analytical labs
National Regulations

• **Scope and content of regs**
  – China and Mexico regulations
  – Bangladesh and Indonesia regulations

• **Enforcement of regs**
  – Political will
  – Corruption
  – Resources: financial, human, technical
International Framework Documents

• International Covenant on Economic, Social and Cultural Rights (UN)
  – Adopted in 1966
  – Went into effect in 1976
  – “safe and healthy working conditions” - Part III, Article 7 (b)
International Framework Documents

• ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy
  – Adopted in 1977
  – Amended in 2000, 2006 and 2017
  – Safety and Health paragraphs 43-46
    • ”multinational enterprises should maintain the highest standards of safety and health”
International Framework Documents

• ILO Declaration on Fundamental Principles and Rights at Work
  – Adopted in 1998
  – Annex revised in 2010
  – OHS not categorized as a “fundamental right,” but governments called on to “promote and realize” ILO Conventions, even if not ratified.
International Framework Documents

• ILO Decent Work Agenda
  – Developed in 1999 and integrated into later ILO documents
  – “Four pillars” of Decent Work Agenda
    • Employment creation
    • Social protection
    • Rights at work
    • Social dialogue
International Framework Documents

• ILO Declaration on Social Justice for a Fair Globalization
  – Adopted in 2008
  – “healthy and safe working conditions” (page 10)
  – How governments implement ILO conventions depends on “national conditions and circumstances” (page 11)
International Framework Documents

- OECD Guidelines for Multinational Enterprises
  - Organization for Economic Co-operation and Development
  - Adopted in 2008
  - MNEs should “take adequate steps to ensure health and safety in their operations” (Section IV, 4 b)
International Framework Documents

• OECD Due Diligence Guidance for Responsible Business Conduct
  – Adopted in May 2018
  – Goal: “provide practical support to enterprises on the implementation of the OECD Guidelines for Multinational Enterprises…in specific sectors and supply chains, namely minerals, agriculture, garment and footwear, extractives and finance.”
International Framework Documents

- United Nations Guiding Principles on Business and Human Rights
  - “Implementing the United Nations ‘Protect, Respect and Remedy’ framework”
  - Adopted in 2011 by UN Human Rights Council
  - Both “state duty” and “corporate responsibility”
  - “Business enterprises should respect human rights” as per ILO and other documents (Point 11, page 13)
International Framework Documents

- Transforming our World: The 2030 agenda for sustainable development
  - Adopted in 2015 by the United Nations Sustainable Development Program
  - 17 Sustainable Development Goals
    - OHS involved in Goals #1, #3 and #8
      - “Promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment” (Goal 8.8)
International Framework Documents

- ILO Forced Labour Protocol
  - Adopted 2014 – effective November 2018
  - 24.9 million people in forced labor
    - 16 million in private sector (ag, construction, domestic work)
    - 4.8 million in forced sexual exploitation
    - 4 million in forced labor by state authorities
  - 1 in 4 victims of modern slavery = children
International Framework Documents

- ILO Guidelines for a just transition towards environmentally sustainable economies and societies for all
  - Adopted in 2015
  - Guiding Principles (Section IV):
    - 13 (b): “Policies must respect, promote and realize fundamental principles and rights at work”
    - 13 (c): “Policies and programmes need to take into account the strong gender dimension…”
ILO Standards

• Five types of ILO documents:
  – Conventions
  – Recommendations
  – Protocols
  – Guidelines
  – Codes of Practice
ILO Standards

• Guidelines on occupational safety and health management systems – ILO-OSH 2001
  – First OSHMS program globally
  – Initiated after ISO decided not to develop a OSHMS (until 2014)
  – ILO’s tripartite nature created significant worker participation in this OSHMS
ILO Standards

- 40+ OHS documents
  - Fundamental principles of occupational safety and health
  - Health and safety in particular branches of economic activity
  - Protection against specific risks
  - Protection for vulnerable populations
    - Early years = restrictions on women
    - Now = protect women, migrants, indigenous
ILO Standards

• Text contains general requirements, “performance standards” rather than “specification standards”
• Conventions “binding” only when ratified by country – some countries require additional incorporation into national law
• Lengthy ILO complaint process only recourse for non-compliance
ILO Standards

• Convention ratification examples:
  – The ILO has 187 member states
  – C139 - Occupational Cancer (1974) – 41 ratifications
  – C148 - Working Environment (1977) – 46 ratifications
ILO Standards

• Convention ratification examples from 187 member states:
  – C170 - Chemicals (1990) – 21 ratifications
  – C174 - Prevention of Major Industrial Accidents (1993) – 18 ratifications
ILO Summary

• On the plus side:
  – ILO Conventions are nominally enforceable
  – Suite of ILO documents covers most issues
  – More specific and comprehensive than documents from other organizations

• On the minus side:
  – Performance standards without specifics
  – Little to zero enforcement
Voluntary Consensus Standards

- ACGIH – TLVs and BEIs
- NIOSH – RELs
- ISO standards and guidelines
- NFPA, ANSI, ASTM, AMSE, ASHRAE
- OARS – WEELs
ACGIH

• American Conference of Governmental Industrial Hygienists
• Founded in 1938
• TLVs = basis for Federal OSHA exposure limits in 1970, other countries (e.g., Mexico and Indonesia) have adopted as regulatory limits – 700 chemicals and physical agents
ACGIH

• **Key documents:**
  – Threshold Limit Values for chemicals
  – Threshold Limit Values for physical agents
  – Biological Exposure Indices (50 chemicals)
  – Industrial ventilation manual
  – Air sampling instruments manual
  – Bioaerosols assessment and control
  – Control of laser hazards
NIOSH

• National Institute for Occupational Safety and Health
• Established in 1970 under OSHA Act
• Mandate: research and recommend health and safety standards to OSHA and MSHA – but NIOSH recommendations generally ignored by regulatory agencies
NIOSH

• **Key documents:**
  – NIOSH Pocket Guide to Chemical Hazards (677 chemicals)
  – Recommended Exposure Limits (RELs)
  – Criteria Documents
  – Alerts
  – Special Hazard Reviews, Occupational Hazard Assessments, Technical Guidelines
ISO

- International Organization for Standardization
- Founded in 1946
- Currently 161 national standard setting bodies; 780 technical committees; staff of 135 at Secretariat in Geneva
- 22,209 standards and guidelines – certification process for standards
ISO

• Key ISO documents:
  – 90001:2015 – Quality Management System
  – 14001:2015 – Environmental Management System
  – 26001:2010 – Guidance on Social Responsibility
  – 45001:2018 – OHS management system
NFPA

• National Fire Protection Association
• Founded in 1896
• 50,000+ members globally; 250 technical committees with 9,000 volunteers
• 3,000+ consensus codes and standards
  – Electrical, fire, building, and life safety
ASTM International

- American Society for Testing and Materials
  - Founded in 1898
  - 30,000 members; 140 technical committees, in 152 countries
  - 12,000 ASTM standards published yearly
  - 6,700 ASTM standards adopted in US and other countries
ASME

- American Society of Mechanical Engineers
- Founded in 1880
- 130,000 members, including 32,000 student members, 151 countries
- Codes and standards on machinery and equipment
ASHRAE

• American Society of Heating, Refrigeration and Air Conditioning Engineers
  • Founded in 1894
  • 56,000 members in 132 countries
  • Codes and standards for heating, ventilation, air conditioning and refrigeration
OARS - WEELs

- Occupational Alliance for Risk Science - Workplace Environmental Exposure Levels
- WEELs developed by AIHA until 2013 when transferred to OARS, which is run by TERA – Toxicology Excellence for Risk Assessment, a non-profit corporation
- 131 chemicals on OEL list
Other International Standards

• SAICM
• World Bank/International Finance Corporation
• Treaties on POPs, mercury and conflict minerals
• Proposed treaty on Human Rights Due Diligence
SAICM

• Strategic Approach to International Chemicals Management
• Dubai conference in 2006 sponsored by UNEP and WHO
• “2020 Goal” = “chemicals are produced and used in ways that minimize significant adverse impacts on the environment and human health”
SAICM

• Key documents:
  – Dubai Declaration
  – Overarching Policy Strategy
    • Risk reduction; knowledge and information; governance; capacity-building and technical cooperation; and illegal international traffic
  – Global Plan of Action
WB-IFC

- World Bank – International Finance Corporation
- Industrial Sector Guidelines (2007 on)
- 10 Environmental and Social Standards, required for borrowers (2017)
World Bank

• Environmental and Social Framework
  – Chapter 2: Labor and Working Conditions
  – Guidance Notes for Borrowers
• Guidance Notes = “not World Bank policy, nor are they mandatory”
• Not comprehensive; performance standards; voluntary guidelines
International Treaties

- Environmental and human rights treaties with OHS aspects and impacts
- 2013: Minamata Convention on Mercury
- 2021: EU Regulation on Conflict Minerals (tin, tantalum, tungsten and gold)
Human Rights Due Diligence (HRDD)

• Concept established in the 2011 UN Guiding Principles on Business and Human Rights
• Proposal for a binding international treaty with enforceable complaint mechanism
• Requires mandatory HRDD legislation on national and international levels
HRDD

• 10 key elements proposed by the European Coalition for Corporate Justice (see reading list)

• Goal: “identify, prevent, mitigate and account for” actual or potential adverse human rights impacts a corporation may create directly or via its business relationships, including supply chains
Summary

• Strong worker protections require comprehensive national regulations; well-resourced government regulatory agencies; political will; and member-controlled worker organizations

• In the absence of these elements = Plan B
Summary

• Plan B:
  – Use of non-regulatory international standards and guidelines as benchmarks for corporate performance throughout supply chains
  – Sustained campaigns to highlight hazards and demand compliance: media/publicity, legal, investor, consumer, and support for worker-initiated actions
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