Possible Benchmarks for Occupational Health and Safety Performance for Manufacturers, Brands and Retailers in Global Supply Chains

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Currently, there is no one comprehensive set of benchmarks related to occupational health and safety (OHS) genuinely protective of workers that has been incorporated into any existing corporate code of conduct, corporate social responsibility guidelines, or national government's regulations.

Benchmarks for effective protection of workers' health and safety at the workplace requires combining three components: national regulations, where they exist and are health protective; international standards, including the conventions, recommendations and protocols of the tripartite International Labor Organization (ILO); and national and international "consensus standards" representing the recognized "best practices" of industry in various economic sectors.

National regulations

Given the large number of countries that are part of global supply chains for manufacturing consumer products, it is not easy to determine what OHS regulations exist in a specific country of interest.

Two useful research tools are on-line data bases maintained on the ILO called NATLEX, national legislation on labor and social rights; and LEGOSH, a data base on occupational health and safety legislation.

NATLEX: http://www.ilo.org/dyn/natlex/natlex_browse.home

LEGOSH: http://www.ilo.org/safework/info/publications/WCMS_217849/lang--en/index.htm

In addition, national governments around the world have ratified one or more of the ILO conventions and protocols related to OHS. Typically, a country will ratify an ILO convention that then becomes national law, or a second step is necessary to incorporate the ratified ILO convention into national law, and then the ILO convention or protocol is legally in force in that country. The ILO maintains a third on-line data base on country profiles, ratifications of ILO instruments, and their status in law, called NORMLEX.

NORMLEX: http://www.ilo.org/dyn/normlex/en/f?p=1000:11003:0::NO:::

International framework documents

In additional to the ILO OHS instruments, there have been a number of international framework documents, addressing workplace health and safety issues promulgated by the United Nations and its agencies over the last 40 years. These documents include:

- Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (1977);
- Convention on the Elimination of All Forms of Discrimination Against Women (1979);
- Declaration on Fundamental Principles and Rights at Work (1998);
- Declaration on Social Justice for a Fair Globalization (2008); and
- Guiding Principles on Business and Human Rights; Implementing the United Nations "Protect, Respect and Remedy" Framework (2011).

Any set of OHS benchmarks for global supply chains should incorporate the workers' rights provisions of these framework documents, which are somewhat generic and general in relation to occupational health and safety.

In addition, there are two international documents related to managing hazardous chemicals which also lay out a framework for protecting worker, community and environmental health:

- European Chemical Agency (ECHA), "Registration, Evaluation, Authorization and Restriction of Chemicals" (REACH, EU standard, 2007); and
- International Conference on Chemicals Management (ICCM), "Strategic Approach to International Chemicals Management" (SAIC, 2012).

Below are listed the national and international standards that can be incorporated into a set of benchmarks and minimum compliance thresholds for evaluating the OHS performance of national and international corporations, brands and retailers.

Benchmarks for overall OHS programs

These benchmarks below require action by both private sector employers and for national governments.

- National regulations related to OHS programs;
- Convention C155, Occupational Safety and Health (1981);
- Protocol P155, Protocol of 2002 to the Occupational Safety and Health Convention (1981);
- Convention C161, Occupational Health Services (1985);
- Convention C187, Promotional Framework for Occupational Safety and Health (2006);
- Recommendation R194, List of Occupational Diseases (2002);

- Convention C121, Employment Injury Benefits Convention (1964), including the Schedule I amended in 1980;
- ILO-OSH Guidelines, Occupational Health and Safety Management System (2001);
- Convention C183, Maternity Protection Convention (2000);
- Protocol 081, Protocol of 1995 to the Labour Inspection Convention 081 (1947); and
- Resolution regarding statistics of occupational injuries caused by occupational accidents, adopted by the 16th International Conference of Labor Statisticians (October 1998), although updated and current disease codes should be used.

Benchmarks for specific industry hazards

These is not an exhaustive list of ILO instruments related to all industries, but rather a selection of key documents related to global supply chains in the electronics, garment, sports apparel and equipment, and toy industries.

- National regulations related to specific hazards or toxic agents;
- Convention C115, Ionizing Radiation Convention (1960);
- Convention C119, Guarding of Machinery Convention (1963);
- Convention C139, Occupational Cancer Convention (1974);
- Convention C148, Working Environment (Air Pollution, Noise and Vibration) Convention (1977);
- Convention C162, Asbestos Convention (1986);
- Convention C170, Chemicals Convention (1990); and
- Convention C174, Prevention of Major Industrial Accidents Convention (1993).

ILO Recommendations related to the ILO Conventions above

Unlike Conventions, the ILO Recommendations are not legally binding under international law on the countries that adopt them, although they could be incorporated by the adopting countries into national law. The ILO Recommendations often are more health-protective and more specific than the ILO Conventions, and therefore desirable to have as part of the OHS benchmarks.

- Recommendation 081, Labour Inspection Recommendation (1947);
- Recommendation R118, Guarding of Machinery Recommendation (1963);
- Recommendation C121, Employment Injury Benefits Recommendation (1964);
- Recommendation R147, Occupational Cancer Recommendation (1974);
- Recommendation R156, Working Environment Recommendation (1977);
- Recommendation R164, Occupational Safety and Health recommendation (1981);

- Recommendation R171, Occupational Health Services Recommendation (1985);
- Recommendation R172, Asbestos Recommendation (1986);
- Recommendation R177, Chemicals Recommendation (1990);
- Recommendation R181, Prevention of Major Industrial Accidents Recommendation (1993);
- Recommendation R191, Maternity Protection Recommendation (2000); and
- Recommendation R197, Promotional Framework for Occupational Safety and Health recommendation (2006).

Key chemicals management standards

As noted above, there are several chemicals standards and related documents elaborated internationally in recent years whose components can be incorporated into factory-level OHS programs:

- European Chemical Agency (ECHA), "Registration, Evaluation, Authorization and Restriction of Chemicals" (2007);
- European Chemicals Agency (ECHA), "Exposure Scenarios for the Semiconductor Industry, Examples" (2010);
- International Conference on Chemicals Management (ICCM), "Strategic Approach to International Chemicals Management" (SAIC, 2012).

Key consensus standards

In addition to the national and international regulations and standards above, there are some industry-generated "consensus standards" that reflect recognized "best practices" already in use by industry. Incorporation of selected consensus standards into OHS benchmarks for global supply chains provides an opportunity to address hazards not yet recognized by regulatory bodies, and, in some cases, to adopt more health protective practices than are required by national and international regulations, some of which are decades old.

Listed below are some U.S. examples – not an exhaustive list – of consensus standards relevant of OHS benchmarks in global supply chains:

- National Fire Protection Association (NFPA) "Life Safety 101" standard for fire and other emergencies;
- NFPA standard 33 for spray application using flammable or combustible materials, and NFPA standard 484 for combustible metals;
- American National Standards Institute (ANSI) Z9 series of standards for industrial ventilation installation and performance
- National Electric Code (NEC) for building electrical codes;
- Uniform Building Codes use by local, state and the federal government agencies; and

- American Conference of Governmental Industrial Hygienists (ACGIH) "Threshold Limit Values" (TLVs) for chemical, physical and biological agents; or the OELS of the Semiconductor Industry Association (SIA) in the US for chemical exposures, requiring whichever of these exposure limits is more health protective compared to national regulatory OELs for the target chemical.

In relation to the consensus standards for chemical exposure limits – the problem is that many chemicals used in the industry do not have legally enforceable, government exposure limits at all, or these governmental limits are set too high and are not health protective. The goal of designating three existing sets of chemical exposure limits – national regulatory OELs, ACGIH TLVs, and industry-generated OELS – and then requiring compliance with the most health protective of the three, is to cover as many chemicals as possible and in a health protective fashion.

This assumes that there is <u>any</u> industrial hygienist monitoring of workers' exposures to chemicals being done in supply chain factories that would provide actual exposure levels to be compared to the designated limits. But "exposure assessment," including industrial hygiene monitoring, is required by the ILO's overall OHS program standards, so there is a basis for requiring exposure monitoring combined with medical surveillance and use of biomarkers of the chemicals of interest.

<u>OHS benchmarks for the entire life cycle of products</u>

The benchmarks listed above relate primarily to the manufacture of consumer goods produced in global supply chains, such as electronics, garments, sportswear and equipment, or toys. There are significant OHS issues in all the other parts of a product's life cycle – resource extraction, raw materials processing, transportation to manufacturing and retail distribution points, and storage, treatment and disposal of wastes and obsolete products.

OHS benchmarks for each portion of a product's life cycle can and should be developed, and the commercial entities that profit from this entire life cycle should be held responsible to ensuring safe and healthful workplaces all along the life cycle.

<u>Conclusion</u>

How many and which of these possible OHS benchmarks to include for a specific industry or set of corporations is a matter of discussion among workers' rights advocates globally, both from producing and consuming countries. This discussion will take into account the characteristics of the specific industry involved and the countries where production is occurring.

Currently, there are no factories in any global supply chain, anywhere in the world, that would meet all the benchmarks listed above. So part of the discussion for workers rights

advocates is to determine how many of the benchmarks above to set as the initial basis for evaluating OHS performance by the manufacturer, brand and retailer.

Determination of the scope and timing of additional benchmarks, the schedule of compliance, and how to address non-compliance, is the next stage of the discussion.