

# BUILDING A PREVENTATIVE SAFETY AND HEALTH CULTURE



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A guide to the Occupational Safety and Health Convention, 1981 (No. 155), its 2002 Protocol and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)



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its 2002 Protocol and the Promotional Framework for Occupational Safety  
and Health Convention, 2006 (No. 187)

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# Contents

Why are these three instruments important? . . . . .	1
Convention No. 155	
Why is Convention No. 155 of central importance? . . . . .	1
What should be the aim of a national OSH policy? . . . . .	2
What is a national OSH policy? . . . . .	2
What should a national policy contain? . . . . .	2
What principles should be taken into account? . . . . .	3
What are the main spheres of action of a national policy? . . . . .	3
What more has to be done? . . . . .	3
What are the actions to be taken at the national level? . . . . .	3
What are the actions to be taken at the enterprise level? . . . . .	4
The 2002 Protocol	
What are the main features of the 2002 Protocol? . . . . .	4
Convention No. 187	
What is the background to Convention No. 187? . . . . .	5
What is the systems approach to OSH? . . . . .	5
What are the main features of Convention No. 187? . . . . .	6
What is a national OSH profile? . . . . .	7
What are the instruments relevant to the promotional framework for OSH? . . . . .	7



# BUILDING A PREVENTATIVE SAFETY AND HEALTH CULTURE

Occupational accidents and diseases create a human and economic burden, which constitutes a serious concern for the ILO and its constituents. Tackling this challenge requires a collective effort by governments, employers and workers to build, implement and continuously strengthen a preventative safety and health culture.

This guide explains how the ILO Occupational Safety and Health Convention, 1981 (No. 155), its 2002 Protocol and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), aim to achieve this. It details how the dynamic national policy process they prescribe creates a solid basis for a continuous improvement of occupational safety and health (OSH).

## WHY ARE THESE THREE INSTRUMENTS IMPORTANT?

Convention No. 155 sets out the basic principles and methodology required for improvements in OSH management. The 2002 Protocol complements it and reinforces the requirement to collect relevant information to assess progress. Convention No. 187 strengthens the requirement for promoting safe and healthy working environments. It details the cyclical nature of the national policy process and how such policies, through national programmes, contribute to building and maintaining a preventative safety and health culture.

## CONVENTION NO. 155

### Why is Convention No. 155 of central importance?

This Convention is of central importance because it introduces a national policy process in relation to OSH. Its Article 4.1 provides:

*Each Member shall, in the light of national conditions and practice, and in consultation with the most representative organizations of employers and workers, formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment.*

Not only does the national OSH policy have to be formulated and implemented, but it also has to be *periodically reviewed*. Article 7 of the Convention adds that this review shall be done “with a view to identifying major problems, evolving effective methods for dealing with them and priorities for action”. The policy requirement is thus a *dynamic, cyclical process*. Requiring a periodical review ensures that scientific and technological progress and changes in the working environments can be incorporated into the national policy. Calling for a national policy on OSH emphasizes that governments must consider OSH as a matter of *national concern* and be actively involved. Article 4 also provides that the formulation, implementation and periodical review of the national policy on OSH shall be done *in* (not *after*) consultation with employers, workers and their representatives.

## What should be the aim of a national OSH policy?

The focus of Article 4.2 of Convention No. 155 is clearly on prevention. It states:

*The aim of the policy shall be to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, by minimizing, so far as is reasonably practicable, the causes of hazards inherent in the working environment.*

This provision recognizes that hazards are inherent in the working environment. The aim of prevention is therefore articulated as an obligation to *minimize, so far as is reasonably practicable*, the causes of these hazards.

## What is a national OSH policy?

A national OSH policy provides for a framework for action intended to ensure that the causes of hazards in the national working environment are minimized as far as is reasonably practicable. Its actual content and different components will depend on the *specific national conditions and practice*. It must, however, be *coherent* in the sense that its components shall make up a consistent whole. It should also be highlighted that a national policy is defined by its function and not by its form, and that its effectiveness will depend on improvements achieved in preventing accidents and injury to health. The national OSH policy should be a cyclical process to ensure a progressive improvement of OSH.

## What should a national policy contain?

Convention No. 155 includes both methodological and substantive requirements and states that a national OSH policy shall: be formulated, implemented and periodically reviewed according to certain *principles*; take account of defined *spheres of action*; ensure that certain *functions* are progressively carried out; and provide for certain defined *rights and duties*.

## What principles should be taken into account?

In addition to the central principles set forth in Article 4, Articles 6 and 7 of Convention No. 155 provide that the national policy shall determine and assign functions and responsibilities to public authorities, employers, workers and others, and that the national OSH situation shall be reviewed at appropriate intervals and results evaluated.

## What are the main spheres of action of a national policy?

The national policy shall take into account five *main spheres of action* listed in Article 5 of the Convention: (a) controlling the material elements of work; (b) adapting machinery, tools and working equipment to the needs of the workers; (c) providing training, including necessary further training, qualifications and motivations of the persons involved; (d) ensuring communication and cooperation at all levels of society; and (e) protecting workers and their representatives from disciplinary measures as a result of actions properly taken by them.

## What more has to be done?

Article 11 of Convention No. 155 sets out six *functions* that the national policy shall cover *progressively*. This article reflects the flexible nature of the Convention and serves to help countries with less developed national OSH systems to be able to ratify the Convention and progressively extend its scope of substantive application. Information on progress in this respect shall be provided on a regular basis in the context of the regular reports on the application of the Convention.

The provisions of Article 11(c) on the establishment of procedures for the notification of occupational accidents and diseases and those of Article 11(e) on the annual publication of information on OSH policy measures taken, including statistical information regarding occupational accidents and diseases, have been reinforced by the 2002 Protocol to Convention No. 155.

## what are the actions to be taken at the national level?

At the national level, governments are required to identify arrangements on the measures to be taken to: implement the policy; enforce relevant laws and regulations; and ensure the required coordination between various authorities and bodies on the manner in which the policy is to be implemented, including, for example, through a central national body. The required actions also include the provision of guidance on legal obligations to employers and workers and measures to ensure that OSH-related issues are included at all levels of education and training.

### ► *Obligations of designers, manufacturers, etc.*

The national requirements include obligations for those who design, manufacture, import, provide or transfer machinery, equipment or substances for occupational use to satisfy themselves that, correctly used, such equipment and substances do not expose operators to dangers. This is a further expression of a policy based on prevention.



➤ ***Situations presenting imminent and serious danger***

Article 13 of Convention No. 155 requires that national action be taken to protect workers against undue consequences if they remove themselves from a work situation when they have reasonable justification to believe that it presents an imminent and serious danger to their life and health. This provision is complemented by Article 19(f) which prescribes that there should be arrangements at the workplace requiring workers to report immediately to their supervisor any situations representing imminent and serious danger. Read together with Article 5(e), these provisions represent a careful balance between the employer's interest in the proper management of the enterprise, on the one hand, and the protection of the workers' life and health, on the other.

**What are the actions to be taken at the enterprise level?**

Convention No. 155 includes specific requirements regarding the rights, duties and responsibilities of employers, workers and their representatives at the level of the undertaking, coupled with a general requirement that management and workers should cooperate.

➤ ***Employers' duties and responsibilities***

Articles 16–18 of the Convention place obligations on employers to ensure, so far as is reasonably practicable, that the working environment is safe and without risk to health. When necessary, they must also provide, at no cost to the worker, adequate protective clothing and equipment. When two or more undertakings engage in activities at one workplace, they shall collaborate in applying the requirements of the Convention.

➤ ***Rights and duties of workers and their representatives***

Pursuant to Article 19, workers have a general duty to cooperate with the employer; representatives of workers are entitled to receive adequate information; and both workers and their representatives are entitled to be given appropriate training. Workers or their representatives, and in some cases, their representative organizations, have the right to enquire into and are to be consulted by the employer on all aspects of OSH. In Article 19(f), the reporting duty on situations presenting imminent and serious danger is coupled with a right to refuse to return to a work situation where such danger persists.

**THE 2002 PROTOCOL**

**What are the main features of the 2002 Protocol?**

The 2002 Protocol to Convention No. 155 can only be ratified by States parties to Convention No. 155. The purpose of the Protocol is to strengthen the provisions of Article 11(c) and 11(e) of the Convention which contain elements of a national OSH policy. The Protocol provides for the creation and periodical review, in consultation with the most representative organizations of employers and workers, of the requirements and

procedures for recording and notification of occupational accidents (including commuting accidents), diseases and dangerous occurrences. Keeping track of dangerous occurrences, which are events that may cause injury or disease, can enhance the possibilities to prevent injuries or disease caused by such events. In the same way as for Convention No. 155, the social partners should be continuously involved in the actions taken according to the 2002 Protocol. One of the aims of the Protocol is to harmonize recording and notification systems in order to establish internationally comparable statistics. It therefore calls for the annual publication of statistics.

## CONVENTION NO. 187

### What is the background to Convention No. 187?

Convention No. 155 and its 2002 Protocol comprehensively regulate substantive aspects of a national policy on OSH as well as the actions required at the national and enterprise levels. It was agreed that new instruments were needed to ensure that priority be given to OSH in national agendas and to further develop the national policy approach to OSH. This resulted in the adoption of Convention No. 187 and its accompanying Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197), with the objective to promote this preventative safety and health culture. Convention No. 187 complements the first two instruments by stressing, in addition to a national policy, the importance of assessing occupational risks or hazards, combating these at source and developing a national preventative safety and health culture.

#### A 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) of Convention No. 187).*

### What is the systems approach to OSH?

The national policy approach to OSH emphasizes the role of national Governments in the management of OSH. From a Governmental perspective, OSH management is a combination of related parts, organized into a related whole or system. A systems approach<sup>1</sup> to OSH means that emphasis is on the interdependence and interactive nature of its different components and on the overall outcome of efforts to improve it. This approach complements the model in Article 4 of Convention No. 155, which is a way to consolidate efforts to improve the system.

<sup>1</sup> The concept of “system approach” should not be confused with the “national system for occupational safety and health” provided for in Article 4 of Convention No. 187.

## What are the main features of Convention No. 187?

The purpose of Convention No. 187 is to promote a preventative safety and health culture through the application of a systems approach to OSH. The Convention incorporates the national policy approach set out in Convention No. 155 and prescribes how national system and national programmes should be designed in order to promote continuous improvements in OSH.

### ➤ ***A right to a safe and healthy working environment***

Article 1(d) of Convention No. 187 defines a preventative safety and health culture, making it the first international labour standard to define a safe and healthy working environment as a *right*.

#### **NATIONAL POLICY**

*... refers to the national policy on occupational safety and health and the working environment developed in accordance with the principles of Article 4 of the Occupational Safety and Health Convention, 1981 (No. 155) (Article 1(a) of Convention No. 187).*

### ➤ ***National policy***

Article 3 of Convention No. 187 on national policy takes up the definition set out in Article 4 of Convention No. 155. It adds that workers' right to a safe and healthy working environment shall be promoted and advanced at all levels and that basic principles such as assessing occupational risks or hazards shall be promoted.

### ➤ ***National system***

#### **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 occupational safety and health (Article 1(b) of Convention No. 187).*

Article 4 of the Convention details the components that a national system for OSH shall include *in all cases* (Article 4.2) and the elements that it shall include *where appropriate* (Article 4.3). Articles 4 and 5 echo the provisions of Convention No. 155 requiring a periodical review of the national system and continuous involvement of the social partners in this process.

➤ **National programme**

**NATIONAL PROGRAMME (ON OCCUPATIONAL HEALTH AND SAFETY)**

*...refers to any national programme that includes objectives to be achieved in a predetermined time frame, priorities and means of action formulated to improve occupational safety and health, and means to assess progress (Article 1(c) of Convention No. 187).*

Article 5 of Convention No. 187 sets out the objectives to be achieved as well as the means to be used and the measures to be undertaken in order to ensure an effective development of a national preventative safety and health culture. Article 5.2(d) specifically provides for the use of objectives, targets and indicators of progress which are essential complements to the review process prescribed in Article 4 of Convention No. 155, based, inter alia, on the information collected in accordance with the 2002 Protocol. While a national policy and a national programme both have the same ultimate goal, a national programme may be more specific than a national policy. It may target a certain area or be time-bound. Translating a national policy into practice may involve implementing several different or consecutive national programmes depending on the sectors being targeted, for example. Recommendation No. 197 provides for further useful guidance in this respect. Paragraph 7 of the Recommendation provides that a national programme “should be based on principles of assessment and management of hazards and risks, in particular at the workplace level”. Paragraph 10 underscores the role of the social partners and provides that national programmes should “actively promote workplace prevention measures and activities that include the participation of employers, workers and their representatives”.

**What is a national OSH profile?**

Countries that are in the process of designing or developing a national policy on OSH may be in particular need of systematically collected information not only for the purpose of devising a policy but also for implementing it in practice. Recommendation No. 197, Paragraph 14 provides a useful checklist of relevant information to include in such a profile, which should be used as a basis for formulating and reviewing both the national policy and programme.

**What are the instruments relevant to the promotional framework for OSH?**

Article 2.2 of Convention No. 187 provides that achieving progressively a safe and healthy working environment shall be done by taking account of the principles set out in ILO instruments relevant to the promotional framework for OSH. In addition to

Convention No. 187 and Recommendation No. 197, relevant instruments<sup>2</sup> are listed in the Annex to Recommendation No. 197 and include the following:

**Conventions:** Labour Inspection (No. 81) and its 1995 Protocol, Radiation Protection (No. 115), Hygiene (Commerce and Offices) (No. 120), Employment Injury Benefits (No. 121), Labour Inspection (Agriculture) (No. 129), Occupational Cancer (No. 139), Working Environment (Air Pollution, Noise and Vibration) (No. 148), Occupational Safety and Health (Dock Work) (No. 152), Occupational Safety and Health (No. 155) and its 2002 Protocol, Occupational Health Services (No. 161), Asbestos No. (162), Safety and Health in Construction (No. 167), Chemicals (No. 170), Prevention of Major Industrial Accidents (No. 174), Safety and Health in Mines (No. 176), and Safety and Health in Agriculture (No. 184).

**Recommendations:** Labour Inspection (No. 81), Labour Inspection (Mining and Transport) (No. 82), Protection of Workers' Health (No. 97), Welfare Facilities (No. 102), Radiation Protection (No. 114), Workers' Housing (No. 115), Hygiene (Commerce and Offices) (No. 120), Employment Injury Benefits (No. 121), Labour Inspection (Agriculture) (No. 133), Occupational Cancer (No. 147), Working Environment (Air Pollution, Noise and Vibration) (No. 156), Occupational Safety and Health (Dock Work) (No. 160), Occupational Safety and Health (No. 164), Occupational Health Services (No. 171), Asbestos (No. 172), Safety and Health in Construction (No. 175), Chemicals (No. 177), Prevention of Major Industrial Accidents (No. 181), Safety and Health in Mines (No. 183), Safety and Health in Agriculture (No. 192), and List of Occupational Diseases (No. 194).

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<sup>2</sup> Texts of ILO Conventions and Recommendations are available online at: [www.ilo.org/normlex](http://www.ilo.org/normlex)





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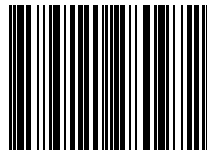


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