

## APPENDIX XIII

### Brief on Approval to have the Instrument Adopted by the International Labour Organisation (Convention 155 – Occupational Safety and Health, 1981) at the 67<sup>th</sup> Session of the International Labour Conference, Geneva, Switzerland, 3 June 1981, and (Convention 187 – Promotional Framework for Occupational Safety and Health, 2006) at the 95<sup>th</sup> Session of the International Labour Conference, Laid in Parliament

The Ministry of Labour, Social Security and Third Sector (MLSP) is seeking the approval to have Convention 155 – Occupational Safety Health, 1981 (No. 155), at **Appendix I** and Recommendation R164 – Occupational Safety and Health, 1981 (No. 164), at **Appendix II** which were adopted at the 67<sup>th</sup> (Centenary) Session of the International Labour Conference (ILC) of the International Labour Organisation (ILO); Convention 187 – Promotional Framework for Occupational Safety and Health, 2006 (No. 187), at **Appendix III** and Recommendation R197 - Promotional Framework for Occupational Safety and Health, 2006 (No. 197), at **Appendix IV**, which were adopted at the 95<sup>th</sup> (Centenary) Session of the International Labour Conference (ILC) of the International Labour Organisation (ILO), both to be laid in Parliament.

Additionally, the following Recommendations that are respective to both Conventions (155 and 187), should also be laid in Parliament, and are as follows:

- i. Recommendation R147 – Occupational Cancer Recommendation, 1974 (No. 147), at **Appendix V**;
- ii. Recommendation R160 – Occupational Safety and Health (Dock Work) Recommendation, 1979 (No. 160), at **Appendix VI**;
- iii. Recommendation R171 – Occupational Health Services Recommendation, 1985 (No. 171), at **Appendix VII**;
- iv. Recommendation R175 - Safety and Health in Construction Recommendation, 1988 (No. 175), at **Appendix VIII**;
- v. Recommendation R192 – Safety and Health in Agriculture Recommendation, 2001 (No. 192), at **Appendix IX**;
- vi. Recommendation R194 – List of Occupational Diseases Recommendation, 2002 (No. 194), at **Appendix X**;

- vii. Recommendation R207 – Safe and Healthy Working Environment (Consequential Amendments) Recommendation, 2023 (No. 207), at **Appendix XI**; and
- viii. Recommendation R004 – Lead Poisoning (Women and Children) Recommendation, 1919 (No. 4), at **Appendix XII**.

The request for the approval to have both Instruments laid in Parliament, is in keeping with Article 19 of the Constitution of the ILO, which specifies that Member States are required to bring before the Competent Authority – in this case, Parliament, the Instruments adopted by the ILO, with a view to the enactment of legislation or other action to give effect to them. Whereas, it states that this should be done within one (1) year, or at most, eighteen (18) months after the closing of the ILC. Sixty (60) years have passed since the adoption of Convention 155 at the ILC, in June 1981 and eighteen (18) years have passed since the adoption of Convention 187 at the ILC, in June 2006.

Two (2) of the significant features of Convention 155 are detailed as follows:

For the purpose of this Convention:

- i. The term health, in relation to work, indicates not merely the absence of disease or infirmity; it also includes physical and mental elements affecting health which are directly related to safety and hygiene at work; and
- ii. The term workplace covers all places where workers need to be or to go by reason of their work and which are under the direct or indirect control of the employer.

Two (2) of the significant features of Convention 187 are detailed as follows:

For the purpose of this Convention:

- i. The term national system for occupational safety and health or national system refers to the infrastructure which provides the main framework for implementing the national policy and national programmes on occupational safety and health; and

- ii. The term national programme on occupational safety and health or national programme 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.

The respective Recommendations further outline the core principles that should be addressed in the continued national approach, to occupational safety and health. These Recommendations underscores the measures that should be employed, to give effect to both Conventions

Barbados currently has the Safety and Health at Work (SHaW) Act, Cap 356, that supports and protects rights of workers, as it relates to health and safety in the workplace. In addition, Regulations have been legislated to strengthen the SHaW Act, Cap. 356 that include, but not limited to drinking water, noise, personal protective equipment, sanitary convenience, washing facilities, fuel stations and refusal of dangerous tasks.

Complementing the SHaW Act, Cap. 356, is the National Workplace Wellness Policy for Barbados, 2019 which could be seen as part of the framework that promotes the development of a preventative safety and healthy culture. Also for consideration, is the duty of care that is owed to all visitors to all premises, under the Section 4 (1) of the Occupiers Liability Act, Cap. 208.