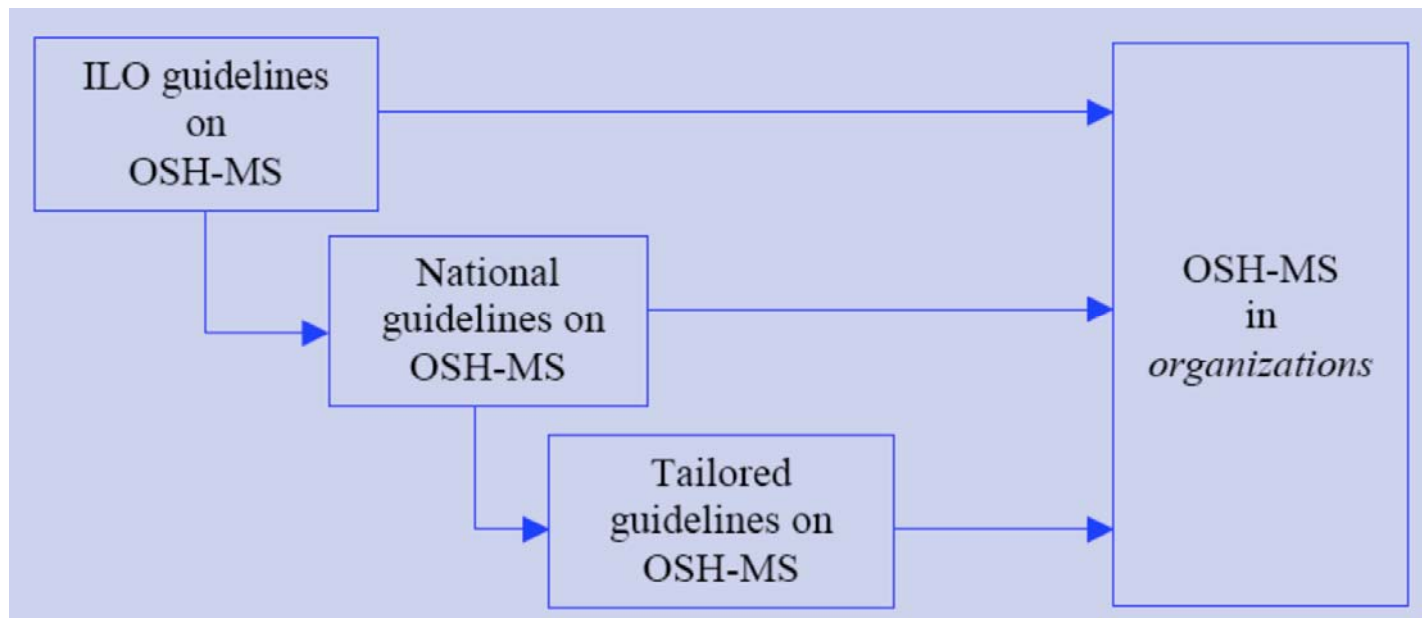


Construction OS&H

General duties



Summary

ILO Convention C167, Recommendation R175 and the Code of Practice

Duties of authorities, employers, the self-employed, and workers

Duties of construction clients and designers

Legal principles & legislation

Enforcement and audit

Continual improvement

Hazards and their prevention

ILO Convention C167

C167 is fundamental to Construction OS&H. It states an internationally agreed basis of legal requirements that should give effect to good OS&H practices and procedures.

Article 3

The most representative organisations of employers and workers concerned shall be consulted on the measures to be taken to give effect to the provisions of this Convention.

ILO Convention C167

Article 4

Each Member which ratifies this Convention undertakes that it will, on the basis of an assessment of the safety and health hazards involved, adopt and maintain in force laws or regulations which ensure the application of the provisions of the Convention.

Article 5

The laws and regulations adopted in pursuance of Article 4 above may provide for their practical application through technical standards or codes of practice, or by other appropriate methods consistent with national conditions and practice.

ILO Convention C167

Article 1

This Convention applies to all construction activities, namely building, civil engineering, and erection and dismantling work, including any process, operation or transport on a construction site, from the preparation of the site to the completion of the project.

This Convention also applies to such self-employed persons as may be specified by national laws or regulations

Article 6

Measures shall be taken to ensure that there is co-operation between employers and workers, in accordance with arrangements to be defined by national laws or regulations, in order to promote safety and health at construction sites.



Article 7

National laws or regulations shall require that employers and self-employed persons have a duty to comply with the prescribed safety and health measures at the workplace.

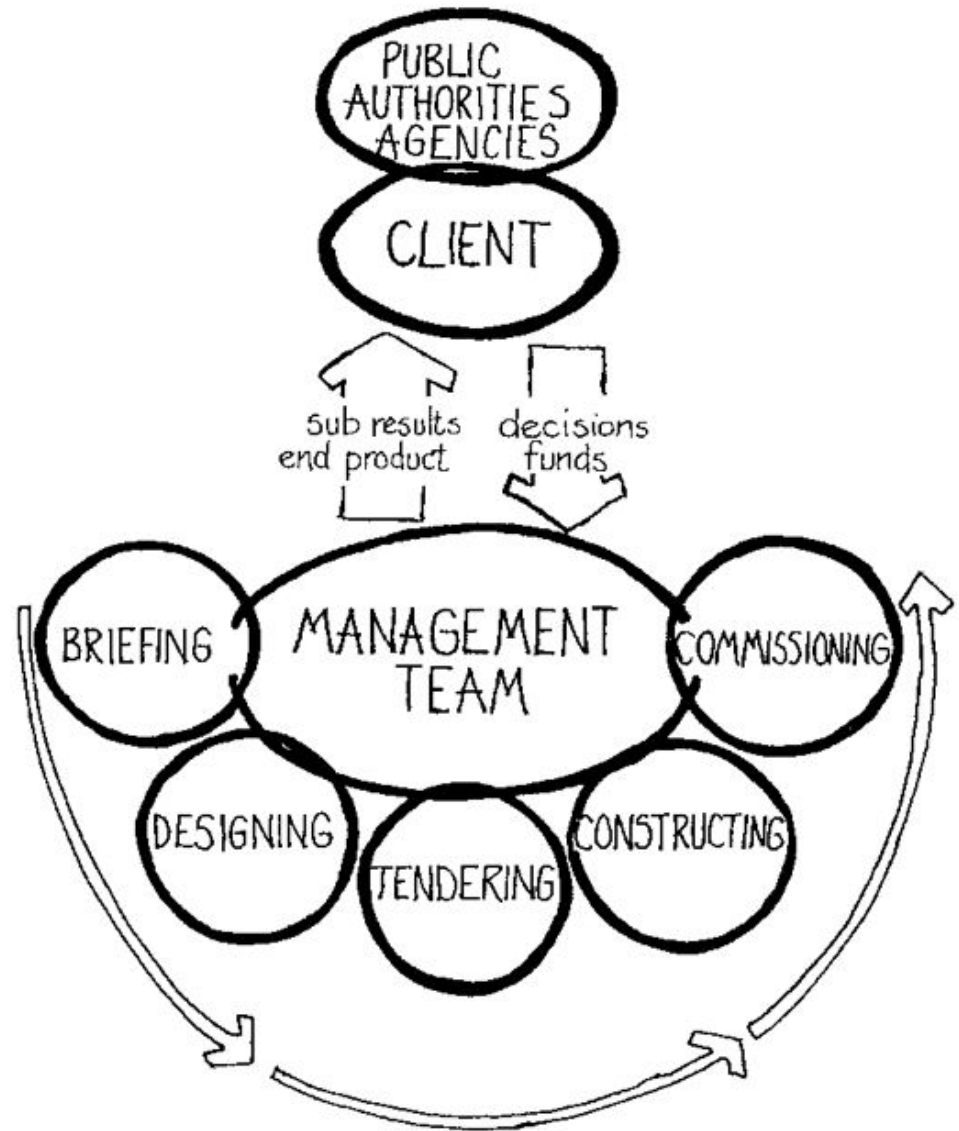
Article 8

1. Whenever two or more employers undertake activities simultaneously at one construction site:

- (a) the principal contractor, or other person or body with actual control over or primary responsibility for overall construction site activities, shall be responsible for co-ordinating the prescribed safety and health measures and, in so far as is compatible with national laws and regulations, for ensuring compliance with such measures;*
- (c) each employer shall remain responsible for the application of the prescribed measures in respect of the workers placed under his authority.*

Article 9

Those concerned with the design and planning of a construction project shall take into account the safety and health of the construction workers in accordance with national laws, regulations and practice.



Article 10

National laws or regulations shall provide that workers shall have the right and the duty at any workplace to participate in ensuring safe working conditions to the extent of their control over the equipment and methods of work and to express views on the working procedures adopted as they may affect safety and health.

Discussion: how could these working methods be improved?



In many ways, but the main issues are:

The concrete containers could be raised using a simple rope and pulley hoist.

The ramp is an obvious hazard for tripping and falling, it needs to be rebuilt properly

Handrails and guard rails should be provided

Personal protection needs to be provided: helmets, safety boots and gloves



Article 11

National laws or regulations shall provide that workers shall have the duty to-

(a) co-operate as closely as possible with their employer in the application of the prescribed safety and health measures

(b) take reasonable care for their own safety and health and that of other persons who may be affected by their acts or omissions at work

(c) use facilities placed at their disposal and not misuse anything provided for their own protection or the protection of others

(d) report forthwith to their immediate supervisor, and to the workers' safety representative where one exists, any situation which they believe could present a risk, and which they cannot properly deal with themselves

(e) comply with the prescribed safety and health measures

Article 12

1. National laws or regulations shall provide that a worker shall have the right to remove himself from danger when he has good reason to believe that there is an imminent and serious danger to his safety or health, and the duty to inform his supervisor immediately.

What should these workers do?



What should these workers do?

If they are not protected by national laws and contract conditions, and do not have strong support from a Trade Union, they are probably powerless to do anything



Article 13

- 1. All appropriate precautions shall be taken to ensure that all workplaces are safe and without risk of injury to the safety and health of workers*
- 2. Safe means of access to and egress from all workplaces shall be provided and maintained, and indicated where appropriate*

What should be done to improve this set up?



What should be done to improve this set up?

The whole arrangement needs to be completely re-designed with OS&H in mind, using proper equipment.

Since good methods are usually more efficient (it is difficult to imagine anything less efficient than this), this need not necessarily be more expensive, although it will require investment.



Article 13

3. All appropriate precautions shall be taken to protect persons present at or in the vicinity of a construction site from all risks which may arise from such a site.



ILO Recommendation R 175

adds some important recommendations for further action

6. The measures to be taken to ensure that there is organised co-operation between employers and workers to promote safety and health at construction sites should be prescribed by national laws or regulations or by the competent authority. Such measures should include:

(a) the establishment of safety and health committees representative of employers and workers with such powers and duties as may be prescribed

(b) the election or appointment of workers' safety delegates with such powers and duties as may be prescribed

(c) the appointment by the employer of suitably qualified and experienced persons to promote safety and health

(d) the training of safety delegates and safety committee members

III. Preventive and Protective Measures

9. Construction work should be planned, prepared and undertaken in such a way that:

- (a) risks liable to arise at the workplace are prevented as soon as possible;*
- (b) excessively or unnecessarily strenuous work positions and movements are avoided;*
- (c) organisation of work takes into account the safety and health of workers;*
- (d) materials and products are used which are suitable from a safety and health point of view;*
- (e) working methods are employed which protect workers against the harmful effects of chemical, physical and biological agents.*

Health Hazards

(1) An information system should be set up by the competent authority, using the results of international scientific research, to provide information for architects, contractors, employers and workers' representatives on the health risks associated with hazardous substances used in the construction industry.

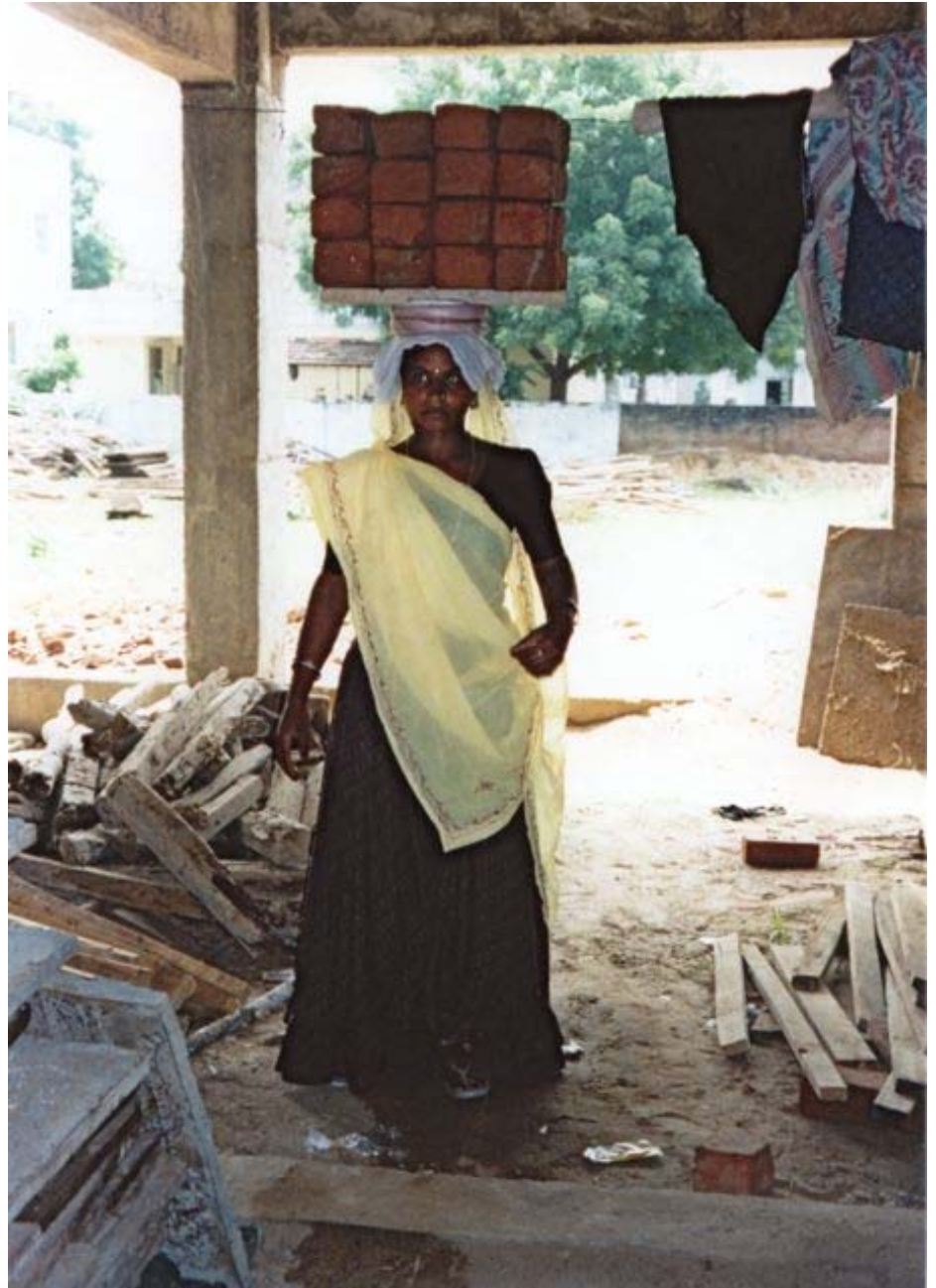
(2) Manufacturers and dealers in products used in the construction industry should provide with the products information on any health risks associated with them and on the precautions to be taken.

Health Hazards

(3) In the use of materials that contain hazardous substances and in the removal and disposal of waste, the health of workers and of the public and the preservation of the environment should be safeguarded as prescribed by national laws and regulations.

(4) Dangerous substances should be clearly marked and provided with a label giving their relevant characteristics and instructions on their use. They should be handled under conditions prescribed by national laws and regulations or by the competent authority.

43. The manual lifting of excessive weights which presents a safety and health risk to workers should be avoided by reducing the weight, by the use of mechanical devices or by other means.



Whenever new products, equipment and working methods are introduced, special attention should be paid to informing and training workers with respect to their implications for safety and health.



ILO Code of Practice

This code provides guidance in the implementation of the provisions of the Safety and Health in Construction Convention, 1988 (No. 167), and the Safety and Health in Construction Recommendation, 1988 (No. 175).

*The provisions of this code should be considered as the **basic requirements** for protecting workers' safety and health.*

And

The provisions of this code should be applied to self-employed persons as may be specified by national laws or regulations.

Employers should arrange for regular safety inspections by competent persons at suitable intervals of all buildings, plant, equipment, tools, machinery, workplaces and systems of work under the control of the employer at construction sites in accordance with national laws, regulations, standards or codes of practice. As appropriate, the competent person should examine and test by type or individually to ascertain the safety of construction machinery and equipment.

DISCUSSION

Summary of general duties

Working in groups of two or three, list the following:

Four duties of Public Authorities

Eight duties of Employers

Two duties of Self-employed workers

Five duties of all Workers

Summary of general duties

Public Authorities

Public authorities must:

- Acknowledge their responsibilities under these agreements
- Consult with employers and workers
- Put in place national laws, regulations, standards and codes to implement them
- Put in place comprehensive inspection regimes

Summary of general duties

Employers

Employers must note that on projects with multiple ‘employers’, one of them shall be deemed to be the ‘principal contractor’ and will have overall responsibility for OS&H, but each employer remains responsible for their own OS&H.

Summary of general duties

Employers

Employers must:

- Co-operate with each other
- Evacuate immediately all employees from imminent danger
- Ensure that all workplaces are safe and that there are safe means to get to and from them
- Establish OS&H committees with employer and worker representatives
- Employ qualified OS&H persons to ensure compliance
- Offer appropriate training to all relevant persons
- Ensure that all workers are suited (by age, physique, health and skill) to the tasks they undertake and are made aware of all relevant OS&H provisions
- Take effective measures to protect all those in the community in which the construction project is based

Summary of general duties

Self employed

Employers must co-operate with self-employed persons

Self-employed persons have the same OS&H rights as all others employed on the project

Summary of general duties Workers

All workers:

- Have the right to participate in the process of ensuring OS&H
- Have the right to remove themselves from danger
- Must co-operate with their employers and comply with all OS&H measures
- Must take care of their own safety and the facilities provided
- Must report risks outside their control

Legal principles & legislation

Legal requirements can be considered under two distinct headings:

- National or criminal law
- Contract law.

National or criminal law

Almost all countries have national OS&H legislation to protect employees.

Regulations and schedules usually support these general laws.

Legal principles & legislation

National or criminal law

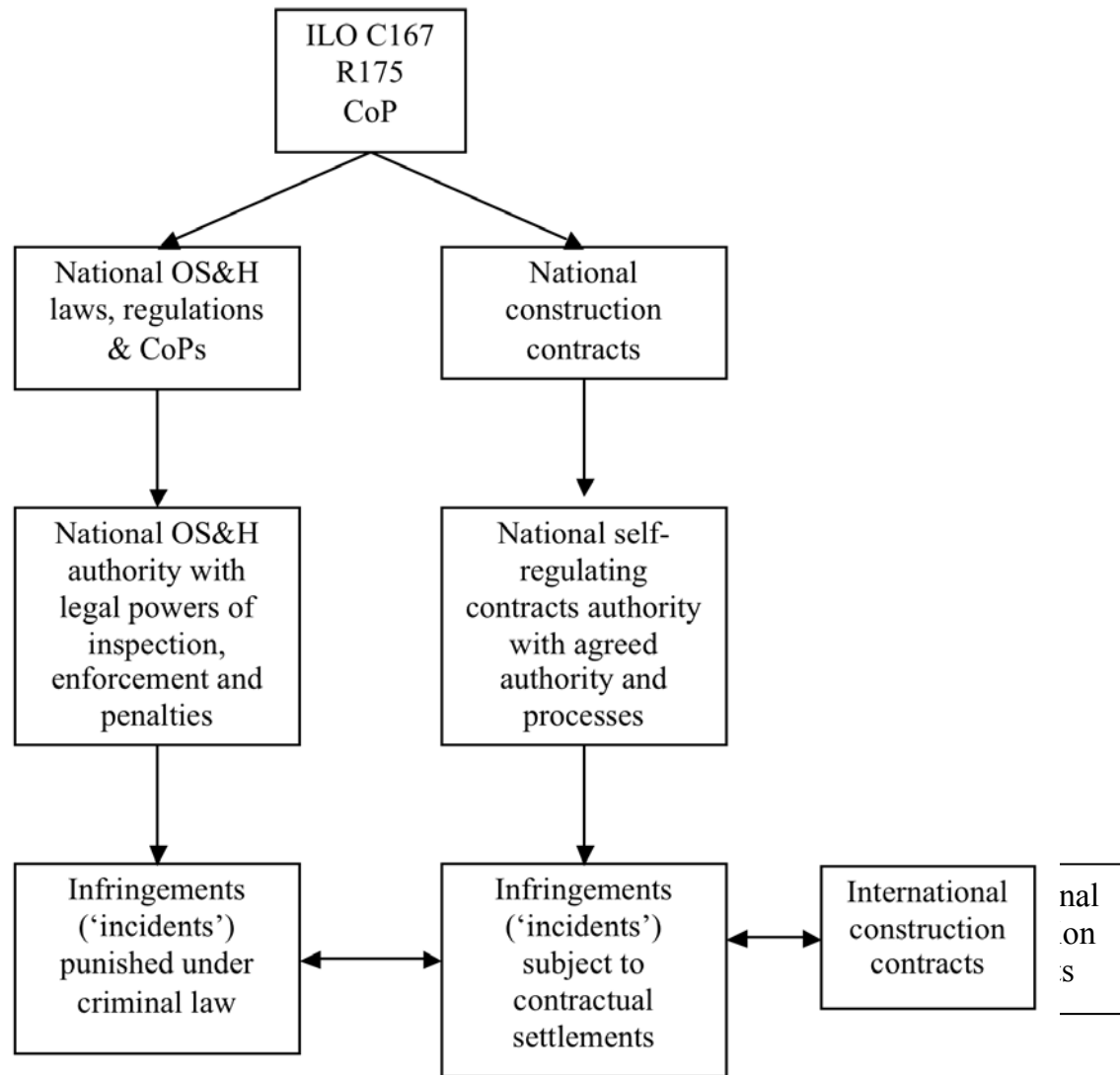
Infringement of these laws is a criminal offence, but it is often the case that the penalties for, say, causing the death of a worker by negligent OS&H provision are considerably less than for a case of homicide.

This attitude that somehow deaths on construction sites are just a fact of life, compared to homicide which is intentional, is one of the prime causes of the appalling accident performance of the construction industry.

Contract law

Within the framework of national law, which applies to all involved, more specific provision for effective OS&H must be made through the contract for the construction project. This is especially important when the national OS&H law is weak.

The ultimate responsibility lies with the client, who must require those submitting tenders to make provision for the cost of safety and health measures during the construction process. This provision must include the requirement that it is taken forward in all sub-contracts and employment arrangements.



Enforcement and audit

ESSENTIAL ELEMENTS OF A NATIONAL OSH SYSTEM

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none">• Legislation, and any other relevant OSH instruments;• One or more authorities or bodies responsible for OSH;• Regulatory compliance mechanisms, including systems of inspection;• A national tripartite advisory mechanism addressing OSH issues;• Arrangements to promote at the enterprise level, cooperation between employers and workers;• OSH information and advisory services;• Systems for the provision of OSH training; | <ul style="list-style-type: none">• Occupational health services;• Research on OSH;• A mechanism for the collection and analysis of data on occupational injuries and diseases;• 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. |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Enforcement and audit

Good governance in the workplace requires competent and well-resourced labour inspection systems, with modern inspection practices that focus on prevention. However, there are still substantial concerns about the lack of resources allocated to labour inspectorates in many countries, weakening the impact of national OSH policies and programmes at the enterprise level.

Where resources for inspection, enforcement and audit are inadequate, more responsibility is placed on the employers, who have a duty to enforce their stated commitments to OS&H by:

Arranging regular safety inspections by competent persons, including testing where necessary

Scheduling these inspections purposefully and at regular and appropriate intervals

Including all parts of the facilities, workplaces, equipment and systems of work in the inspections

This inspection regime must apply to the whole project and everyone and everything within it, regardless of employment contracts or ownership.

Continual improvement

Good management is a relentless process. Setting objectives and making and implanting plans is not a ‘one-off’ activity at the start of a project, but an on-going, every day task.

All actions require to be followed up and actions taken if required.

All actions should have a ‘feedback loop’, which informs the manager whether the action intended is proceeding or whether further action is required in order to achieve the required outcome.

The OS&H statistics of the worldwide construction industry are so poor that only by adopting an attitude of striving for continual improvement can real progress be made.



Hazards and their prevention

Hazard: The inherent potential to cause injury or damage to people's health. It is an inherent feature of a project.

Risk: A combination of the likelihood of an occurrence of a hazardous event and the severity of injury or damage to the health of people caused by this event

Hazards and their prevention

In terms of the general duties of all concerned in a construction project:

- Clients, designers and planners, contractors and sub-contractors all have a duty to eliminate hazards as far as possible - for example by changing an aspect of a design
- Workers have a duty to contribute their own expertise and point of view
- Workers have the right to avoid exposing themselves to risks

Everyone has a general duty to improve OS&H
We can do better than this!

