

WHO, ESI, ILO ACT

ILO

- The ILO Constitution sets forth the principle that workers should be protected from sickness, disease and injury arising from their employment
- An estimated 2.3 million people die every year from work-related accidents and diseases.
- More than 160 million people suffer from occupational and work-related diseases, and there are 313 million non-fatal accidents per year.
- The suffering caused by such accidents and illnesses to workers and their families is incalculable.
- In economic terms, the ILO has estimated that more than 4% of the world's annual GDP is lost as a consequence of occupational accidents and diseases
- Yet many of these tragedies are preventable through the implementation of sound prevention, reporting and inspection practices
- ILO standards on occupational safety and health provide essential tools for governments, employers, and workers to establish such practices and to provide for maximum safety at work.

ILO

- The International Labour Organization (ILO) is devoted to promoting social justice and internationally recognized human and labour rights, pursuing its founding mission that social justice is essential to universal and lasting peace.

Only tripartite U.N. agency, the ILO brings together governments, employers and workers representatives of 187 member States, to set labour standards, develop policies and devise programmes promoting decent work for all women and men

Fundamental principles of occupational safety and health

- Occupational Safety and Health Convention, 1981 (No. 155) and its Protocol of 2002
The convention provides for the adoption of a coherent national occupational safety and health policy, as well as action to be taken by governments and within enterprises to promote occupational safety and health and to improve working conditions
- Occupational Health Services Convention, 1985
This convention provides for the establishment of enterprise-level occupational health services which are entrusted with essentially preventive functions and which are responsible for advising the employer, the workers and their representatives in the enterprise on maintaining a safe and healthy working environment

- Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

This Convention aims at promoting a preventative safety and health culture and progressively achieving a safe and healthy working environment. It requires ratifying States to develop, in consultation with the most representative organizations of employers and workers, a national policy, national system, and national programme on occupational safety and health.

Health and safety in particular branches of economic activity

- Hygiene (Commerce and Offices) Convention, 1964
- Occupational Safety and Health (Dock Work) Convention, 1979
- Safety and Health in Construction Convention, 1988
- Safety and Health in Mines Convention, 1995
- Safety and Health in Agriculture Convention, 2001

OSHA

- The law requires that employers provide their employees with working conditions that are free of known dangers. The Act created the Occupational Safety and Health Administration (**OSHA**), which sets and enforces protective workplace safety and health **standards**

1002 : Definitions:

For purposes of this Standards and except as otherwise indicated, the following shall mean:

- (1) *“Employer”* includes any person acting directly or indirectly in the interest of an employer, in relation to an employee, and shall include government-owned or controlled corporations and institutions, as well as non-profit private institutions or organizations.
- (2) *“Employee”* shall mean any person hired, permitted or suffered to work by an employer.
- (3) *“Industrial Enterprise”* shall mean any workplace, permanent or temporary, including any building or collection of buildings, shed, structure, yard or any other place, where permanently or temporarily one or more persons are employed in any manufacturing of goods or products processing and any other activity similar and incidental thereto.
- (4) *“Agricultural Enterprise”* shall include forestry and logging operations, farming in all its branches, and among other things, includes cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural and horticultural commodities, the raising of livestock and poultry, and any practice performed by a farmer on a farm as an incident to or in conjunction with such farming operations, but does not include the manufacturing or processing of sugar, coconut, abaca , tobacco, pineapple or other farm products.
- (5) *“Dry Dock”* shall include premises where work is performed on shore or on board ships in which ships or vessels are constructed, repaired, refitted, finished or broken up and housed.
- (6) *“Health”* shall connote a sound state of the body and mind of the worker, which enables him to perform his job normally, in a state of well-being.
- (7) *“Safe or Safety”* shall refer to the physical or environmental conditions of work or employment, which substantially comply with the provisions of this Standards.
- (8) *“Work Accident”* shall mean an unplanned or unexpected occurrence that may or may not result in personal injury, property damage, work stoppage or interference or any combination thereof, which arises out of and in the course of employment.
- (9) *“Work Injury”* shall mean any injury or occupational illness suffered by a person, which arises out of or in the course of his employment.

PERSONAL PROTECTIVE EQUIPMENT AND DEVICES

- 1081.02 : All personal protective equipment shall be of the approved design and construction appropriate for the exposure and the work to be performed.
- 1081.03 : The employer shall be responsible for the adequacy and proper maintenance of personal protective equipment used in his workplace.
- 1081.04 : No person shall be subjected or exposed to a hazardous environmental condition without protection

Eye and Face Protection:

- Eyes and face protective equipment shall be required where there is reasonable probability of exposure to such hazards.
- In such cases, the employer shall furnish a type of protective equipment suitable for the work to be performed and the employees shall use such equipment.
- Eye protection shall be provided where the processes or operations present hazards of flying objects, liquids, injurious radiation, glare or a combination of these hazards

Eye and face protective equipment shall conform with the following minimum requirements:

- (1) provide adequate protection against the particular hazard for which they are designed or intended
- (2) be reasonably comfortable to use
- (3) fit comfortably and shall not excessively interfere with the movements of the user
- (4) be durable, easily cleaned and capable of being disinfected
- (5) be kept clean and in good condition
- (6) be of the approved type

Whenever eye protection is needed, persons whose visions require the use of corrective lenses shall wear goggles or spectacles of any of the following types:

- (1) spectacles which provide optical correction
- (2) goggles that can be worn over corrective spectacles without disturbing the adjustment of the spectacles
- (3) goggles that incorporate corrective lenses mounted behind the protective lenses
- Limitations and precautions indicated by the manufacturer shall be transmitted to the user and care shall be taken to ensure that such limitations and precautions are strictly followed and observed
- For purposes of design, construction, testing, use of eye and face protection, the American National Standards for Occupational Eye and Face Protection Equipment (ANSI z87.1-1968) is adopted

THE EMPLOYEES' STATE INSURANCE ACT, 1948

- An Act to provide for certain benefits to employees in case of sickness, maternity and ' employment injury ' and to make provision for certain other matters in relation thereto
- Definitions. – In this Act, unless there is anything repugnant in the subject or context

Medical Benefit Council

- The Central Government shall constitute a Medical Benefit Council consisting
- (a) the Director General, Health Services, ex officio, as Chairman
- (b) a Deputy Director General, Health Services, to be by the Central Government
- (c) the medical commissioner of the Corporation, ex officio; (d) one member each representing each of the this Act
- (e) three members representing employers to be [appointed] by the Central Government in consultation with such organizations of employers as may be recognized for the purpose by the Central Government
- (f) three members representing employees to be [appointed] by the Central Government in consultation with such organisations of employees as may be recognised for the purpose by the Central Government

Resignation of membership

- A member of the Corporation, the Standing Committee or the Medical Benefit Council may resign his office by notice in writing to the Central Government and his seat shall fall vacant on the acceptance of the resignation by that government

Fees and allowances

- Members of the Corporation, the Standing Committee and the Medical Benefit Council shall receive such fees and allowances as may from time to time be prescribed by the Central Government.

Duties of Medical Benefit Council

- The Medical Benefit Council shall- (a) advise [the Corporation and the Standing Committee] on matters relating to the administration of medical benefit, the certification for purposes of the grant of benefits and other connected matters
- (b) have such powers and duties of investigation as may be prescribed in relation to complaints against medical practitioners in connection with medical treatment and attendance; and
- (c) perform such other duties in connection with medical treatment and attendance as may be specified in the regulations.