

TRADE UNION OCCUPATIONAL HEALTH STRATEGY FOR THE AMERICAS



TRADE UNION CONFEDERATION
OF THE AMERICAS



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**TRADE UNION
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FOR THE AMERICAS**

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PROLOGUE - INTRODUCTION

The Trade Union Confederation of the Americas (CSA) to the consideration of its affiliated Trade Union Occupational Health Strategy for the Americas, which is the result of a collective process of construction, promoted with the technical and financial cooperation of ILO - ACTRAV through Project Social Security for Trade Unions (SSOS) of the International Training Centre in Turin funded by the Ministry of Employment and Social Security of Spain and the technical support of the Institute of Work, Environment and Health (ISTAS), they attended 29 affiliated unions to CSA, two fraternal organizations and Spanish sisters CCOO and UGT. The application of the neoliberal model and the impact of the crisis have caused a significant deterioration in socioeconomic indicators and has significantly reduced the state's role and participation of social organizations, undermining systems of social security and initiating a process of privatization in health, pensions and occupational hazards. Unfortunately, these are the same policies that are currently being implemented in Europe, causing serious social effects

on employment, social protection and social rights of the workers. In occupational health, these policies involve lower levels of protection and reduction of existing preventive policies so far.

All these elements directly impact the living and working conditions of workers. Therefore, it is especially important to prioritize trade union action on a matter as sensitive as occupational health. Given this scenario we decided to design the Trade Union Occupational Health Strategy for the Americas.

As of the TUCA Founding Congress in March 2008, we have considered occupational health as the cornerstone of sustainable development. The TUCA Action Plan establishes that: "Occupational health is built in an appropriate work environment with fair working conditions, where workers can engage in an activity with dignity and participate in the improvement of health and safety at work." Similarly, the Trade Union Continental Social Security Platform (PLACOSS) (approved by the TUCA Executive Council in April 2010) states that "occupational health is one of the social determinants of inequality in health, therefore Health and Safety at Work should receive special attention in the framework of social protection".

The Trade Union Occupational Health Strategy for the Americas is an essential tool for trade union action in defense of the health and life of workers of the region. In order to implement this Strategy, the agendas of member organizations need to incorporate this conceptual and operational content as per their national realities, for it to be useful and applicable to all countries.



Víctor Báez Mosqueira
Secretary-General



Laerte Teixeira da Costa
Secretary of Social Policy

1

ANALYSIS OF THE SITUATION

In order to develop an appropriate Trade Union Occupational Health Strategy for the Americas it is necessary be thoroughly aware of the qualitative quantitative characteristics of the socio-labor scenario of the region, as well as the trade union action in that regard.

There are valuable experiences with organizing in different countries of the continent with the creation of occupational health departments or secretariats, the adoption of plans for union work, training planning and orchestration between the different levels of trade union interventions, such as delegates in workplaces, trade unions, federations or national centers. These experiences are the basis and reference of the analysis of the occupational health scenario.

Although all international organizations state that there are no reliable data on employment, social protection and occupational health, there are certain features we can pinpoint as significant, considering that the progressive application of the neo-liberal model has caused a significant breakdown of socio-economic indicators; significantly reduced the role of the State and the participation of social organizations; and devastated social security systems, giving way to a process of privatization of health, pensions and the coverage of occupational accidents and diseases.

1.1 Social and Labor Issues

Article 22 of the 1948 Universal Declaration of Human Rights notes that the right to social security is a fundamental human right; however in Latin America most workers have little or nil effective protection levels.

The TUCA Action Plan reaffirms free and universal access to public services such as education, healthcare and water; however, most Latin American countries do not ensure these rights for the population.

It is noteworthy that the exercise of freedom of association and collective bargaining has suffered setbacks in the

region that hamper the participation of trade union organizations in social dialogue on equal standing and their direct intervention defending the interests of workers in the workplace.

Most of the countries of the region have preexisting high rates of poverty and destitution caused very unequal income distribution (the worst in the world) which, according to ECLAC (United Nations Economic Commission for Latin America and the Caribbean) and ILO, will worsen even more with the present crisis and will increase unemployment rates which are already high, among other indicators.

In order to cheapen labor costs even more, relocation processes are underway which, in turn, lead to lower levels of social protection. Outsourcing and subcontracting are also on the rise and have intensified the precariousness and the exploitation of labor, and also dilute the company's responsibility, especially in relation to occupational health.

According to ILO, labor in Latin America is subjected to increasing informality of the economy, with very high rates of precarious work, without labor rights or social protection for the majority of the population.

The agricultural sector is still far behind and its working conditions are particularly unfavorable. Together with mining and construction, agriculture is considered among the sectors with highest accident rates. In all sectors there is a low level of technological productivity coexisting with productivity clauses in wage setting, which impact negatively on the economic situation of the working class.

Women are among the most vulnerable. Historically they have suffered the most unfavorable working conditions; far from taking gender aspects into account, inequality and discrimination escalate (sectorial segregation, occupation, wage gap, etc.). Together with women, youth, migrants, ethnic groups, the disabled, among others, are the most vulnerable and most affected by this absence of basic labor rights.

Given this context in 2010 the TUCA approved the Con-

tinental Social Security Platform (PLACOSS) establishing the continental trade union view on the matter.

As regards the situation due to the international, social, economic, environmental and political crisis, its impact on the different countries of the region is heterogeneous, whereby national reflection on the implications in each case is called for, taking the asymmetries stemming from the vulnerability in trade relations and dependence on international markets, on the one hand; and flows of foreign currency and remittances, on the other, into account.

1.2 Occupational Health

Considering occupational health as essential to living conditions and decent work with equity and social justice.

The impact of new technologies, organizational changes, the escalation of requirements in the workload, working hours, pace, etc.; the reduction of labor rights; the decline in the power of trade union pressure and the greater fragmentation of workers; undermines living and working conditions, and therefore the health of workers.

The lack of decent work is most evident in the informal economy and in outsourced or subcontracted work, where often workplaces are small or undefined, working conditions are unsafe and unhealthy, productivity is low, income is low or irregular, working hours are long and there is no access to information technology and training. Although they are most at risk, and therefore in great need, most do not receive any social protection or benefits of social security, or they receive very little.

On the other hand, it is important to note that, far from an autonomous existence, a significant proportion of small and micro enterprises are part of the production chain of large corporations, often covering up employment relations and the contractor's liability for hazards.

There are very somber estimates of accident rates (tens

of thousands of fatalities) and morbidity (hundreds of thousands of deaths from occupational diseases per year) with special attention to work-related cancer. It is important to keep in mind the difficulty of making accurate assessments given the preponderance of the informal economy in the region, in addition to the absence of reliable records of work-related injuries and diseases. In most countries there are no information systems whatsoever to provide data on work-related injuries and diseases.

Society in general receives no information on work-related hazards and injuries, whereby there is little awareness and a poor culture of prevention.

In this analysis of the situation, the situation of women workers is notable because of its gravity and statistical invisibility. Although most women indicate they are subjected to tough paces, line work, repetitive tasks and situations in which they that cannot take a moment's rest, the absence of reliable data to support the existence of these problems leads to lack of application of preventative measures to remedy this situation. Psychosocial diseases and musculoskeletal disorders are common problems mentioned by the majority of women workers.

It is also important to keep in mind that most countries have not ratified or applied international standards. Furthermore, in many cases they ignore the existence of ILO Convention 155 as standard of reference. It is a fact that occupational health policies do not show up in the government work plans. Meanwhile, inspection, supervision and monitoring systems of the legislation on the prevention of occupational hazards, if any, are ineffective, resulting in widespread impunity for violation of the rules. This impunity is further aggravated by anti-union practices that prevent organizing workers and there is widespread outsourcing and subcontracting of workers and hazards with dilution of corporate liability.

At present there are few institutions researching into and disseminating scientific knowledge that validates the demands and needs of workers.

The level of protection in the event of work-related ac-

idents or disease is very low, with little visibility of the injuries and diseases caused and, given the lack of preventative culture, the population is often unaware that work-related hazards and injuries are avoidable.

The economic crisis has led to the reduction of company investments in prevention of occupational hazards and diseases; cuts in public spending on prevention; expansion of the informal economy and, with it, of the number of unprotected workers and others.

2

REQUIRED REFERENCE FRAMEWORK AND INTERNATIONAL AND REGIONAL CONTEXT REGIONALES

2.1 Required Reference Framework

2.1.1 Positions of the trade union movement of the Americas:

- Labor Platform of the Americas.
- Program of Action of the Trade Union Confederation of the Americas (TUCA), in its section on occupational health and the working environment establishes that occupational health is built in a suitable work environment with fair working conditions, where workers are able to engage in an activity with dignity and participate in the improvement of their conditions of health and safety at work.
- The Continental Social Security Platform (PLACOSS) argues that occupational health is one of the social determinants of inequality in health, therefore health and safety at work should be given special attention in the framework of social protection.
- ITUC resolution on “Extending social protection and ensuring good occupational health and safety.” ITUC Congress in June 2010.
- Declaration of the Trade Union Forum at “Freedom of Association and Collective Bargaining”. “Exiting from the Crisis: toward Socially and Environmentally Sustainable Development” October 2011.

2.1.2 International labor standards:

- Fundamental ILO Conventions: Convention on Freedom of Association and Protection of the Right to Organise (No. 87) 1948. Convention on the Right to Organise and Collective Bargaining (No. 98) 1949. Convention on Forced Labour (No. 29) 1930. Convention on the Abolition of Forced Labour (No. 105) 1957. (Employment and Occupation) Discrimination (No. 111) 1958. Convention on

Equal Remuneration (No. 100) 1951. Convention on the Minimum Age to Work (No. 138) 1973. Convention on the Worst Forms of Child Labour (No. 182) 1999.

- The ILO Declaration on Fundamental Principles and Rights at Work and its follow-up are a decisive contribution to achieving this objective, especially in relation to ILO Convention 87 on Freedom of Association and Protection of the Right to Organise, 1948 and Convention 98 on the Right to Organise and Collective Bargaining, 1949.
- Convention 155 concerning Occupational Health and Safety and the Working Environment is especially important in terms of worker participation.
- Convention 161 on Occupational Health Services.
- Convention 187 on the Promotional Framework for Occupational Health:
 - 1 Promoting continuous improvement of occupational health
 - 2 Taking active measures
 - 3 Consulting with the most representative organizations of employers and workers.
- Recommendation 194 on the List of Occupational Diseases and the Recording and Notification of Occupational Accidents and Diseases.
- Convention 102 on Social Security. Minimum standard.
- Convention 121 providing for the second level of protection with employment injury benefits in case of occupational accidents and diseases.
- Convention 81 on Labor Inspection and related conventions.

- Convention 189 on Domestic Workers.
- Global Occupational Health Strategy – International Labour Conference (ILC 2003).
- 2010-2016 Action Plan of the ILO Governing Body to accomplish widespread ratification of Convention 155, its 2002 protocol and Convention 187.
- ILO Declaration on Social Justice for a Fair Globalization, 2008.
- ILO Declaration on Multinational Enterprises states that governments should ensure that both multinational and national enterprises apply the appropriate standards of hygiene and safety for their workers.

2.2 International and regional context

- Hemispheric Agenda. The aim of the Occupational Health become a priority for social actors in the region and target within a period of 10 years to reduce by 20 percent the incidence of injury, accident and labor diseases, and duplicate the coverage about the protection of labor and collective sectors sparsely covered.

- Socio-Labor Declaration of MERCOSUR 1998, in section Health and Safety at Work; Subgroup's Resolutions 10 Mercosur about labor, employment and social security; Decision 584 of "Instrument ANDINO Occupational Health".

- The Ibero-American Strategy for Health and Safety at Work 2010-2013, adopted at the Lisbon Summit of Heads of State and Government, and must be developed in each country of the region through tripartite social dialogue on equal terms.

3

OVERALL OBJECTIVES OF THE TRADE UNION OCCUPATIONAL HEALTH STRATEGY

3.1 Strengthen trade union action on occupational health in an orchestrated manner.

Given the above, through their 2008 action program, the TUCA and member organizations have committed to work towards these goals in order to address, first and foremost, this situation of occupational health. In subsequent years these efforts led to concrete and coordinated actions fighting for and denouncing this scenario, as well as to the training of union cadres. Therefore, it is essential to strengthen trade union action in occupational health at the local, national and regional levels with training as fundamental tool to fortify the trade union movement as political and social actor demanding and defending workers' rights, and able to influence public policy on occupational health in the region.

This requires developing strategies for internal trade union action on their structures, statutes and action plans with occupational health as a priority. It also involves fostering and supporting the creation of Occupational Health Secretariats in national trade union centers, as well as of union technical teams specialized in occupational health, with international technical cooperation.

Strengthening trade union action requires respect for union rights. Therefore, governments must put an end to anti-union practices still in effect in countries of the region and to barriers to the exercise of the fundamental right to freedom of association, and foster collective bargaining as means to improve working conditions in companies and workplaces.

3.2 Generation of jobs with labor rights and social protection

Decent work is inextricably linked to labor rights and social protection.

Governments are key players in the generation of this kind of employment, become guarantors of such rights and play an active role materializing the changes required in order to implement policies for job generation, technological innovation for health and safety and social welfare, to make decent work a reality.

The informal economy in the region, which is very high, is affected by lack of measures to prevent work-related accidents and diseases; these workers are extremely vulnerable to injuries and diseases, with low or nil medical care and no financial protection against loss of income. It is a priority to put an end to this absence of rights, which is the antithesis of decent work, and work towards the creation and implementation of appropriate mechanisms to facilitate the work of all those involved.

Furthermore, the institutionalization of social, bipartite, tripartite dialogue, through the creation of decision-making mechanisms and procedures, is indispensable in order to advance towards a model based on economic and social development with justice that will define concrete actions to achieve the expansion of social security coverage.

3.3 Combating inequalities in occupational health

Priority actions in social security and occupational health should focus on the disadvantaged and vulnerable sectors and groups, such as women, youth, migrants, paying special attention to outsourced workers, to maquiladoras, to domestic workers, ethnic minorities, the disabled, rural workers and workers of the informal economy where vulnerability is high, with little healthcare and no financial protection against loss of income. With special mention of the sectors with the highest accident rates (e.g.: mining, construction, health, etc.)

For generation of jobs with labor rights and social protection, States must comply strictly with ILO Conventions and with the inseparability of the four components of de-

cent work (Standards, Employment, Social Protection and Social Dialogue) as established in the ILO Declaration on Social Justice for a Fair Globalization.

In this respect it is especially important to:

- Orchestrate national labor policy with policies that have an impact on the quantity and quality of employment.
- Formulate policies to improve working conditions and education systems with emphasis on the promotion of decent work for youth, local economic development and the eradication of child labor.
- Expand the coverage of social protection to universal coverage.
- Strengthen effective social dialogue for the components of decent work in socio-labor policies to be promoted from the highest level.
- Contribute to the “formalization” of employment and to full access to labor rights for all workers.

3.4 Promote State policies on occupational health with tripartite consensus

The trade union movement believes that any policy established for occupational health, including policies arising from international commitments such as ILO Conventions, the Iberia-American Strategy for Health and Safety at Work, the Hemispheric Decent Work Agenda, among others, should aim at preventative and restorative healthcare and protection of the lives of workers (in and out of the workplace), consistent with the promotion of decent work. To achieve this objective and following provisions in Article 4 of Convention 155, each State is required to formulate and implement a State policy on occupational

health in order to improve working conditions in line with the premises of decent work. Its areas of action should be the core of a country's health policy: information, communication, oversight and monitoring. The government, representatives of employers and workers should participate in the development of these policies.

Health and safety at work should also be considered in the framework of social security, the strategic pillars of which have been established by the trade union movement of the Americas in the PLACOSS.

3.4.1 Contents of a State occupational health policy

State occupational health policies should include:

- I** Strengthening of the regulatory framework in all countries of the region, setting guidelines for its formulation where there is none or supplementing an existing one with regulatory development on certain risks wherever necessary (C.155). It is essential that representatives of workers, employers and the State participate in the formulation of this regulatory framework.
- II** Strengthening of supervision and monitoring is essential, as well as the materials, human resources and planning of specific work programs aiming at sectors with the highest rate of work-related accidents, diseases and deaths in each country (C.161) to comply with this requirement.
- III** Development and strengthening of Preventative Systems in each country. (C.187).
- IV** Ensure adequate social benefits in cases of work-related accidents and diseases.
- V** When contracting workers directly or when outsourcing activities to private enterprises, the State - as employer - must comply with its obligations relating to prevention.

- VI** Mechanisms of international technical cooperation will be articulated through the ILO and other international agencies to design and implement State occupational health policies in countries experiencing greater difficulties and technical support will be provided to trade unions through union technical institutions specialized in social security for workers.
- VII** Multinational enterprises will be required to comply with the labor laws on occupational health of each country; and States will require multinational enterprises to apply more favorable legislation, either in the country of origin of the multinational enterprise or the country where it carries out its activity. And development and compliance with social responsibility will be fostered.

The Labor Platform of the Americas states that enterprises must act with social responsibility and commitment to the comprehensive development of society, necessarily adhering to the ILO Tripartite Declaration.

The 2008 (and 2012) TUCA Programs of Action establish that the work initiated in research and monitoring of multinational enterprises will continue, and underscores the important development attained this decade by Global Unions in relation to framework agreements with certain multinational enterprises. The TUCA recommends the dissemination of their content and promotion of their use.

3.5 Strengthening tripartism and social dialogue on occupational health in society and in the company

Trade union participation

As a tool to boost tripartism on occupational health it

is necessary to establish or fortify spaces of tripartite social dialogue and collective bargaining. Freedom of association is required to achieve genuine social dialogue; the defense of this right is indispensable for workers to participate in the development of regional, national and company-wide strategies to design, manage and monitor all actions.

In order to strengthen spaces of tripartite social dialogue and collective bargaining, policies on safety and health at work must take into account the following principles:

- Consistency, with sufficient resources to achieve the pre-determined objectives;
- Consensus based on informed and propositional participation on equal standing; and
- Coordination between different areas of public administration involved in the implementation of agreements and programs derived therefrom.

The Labor Platform of the Americas seeks to create decision-making mechanisms and procedures, and tripartite socio-labor consultations orchestrated by ILO.

In this process, the TUCA, as regional trade union organization, with the support of national member organizations, will uphold the generation of mechanisms to facilitate spaces of bipartite and tripartite dialogue to strengthen national trade union action.

3.6 Strengthen, improve and develop a preventative culture

It is indispensable to disseminate and foster the culture of prevention at all levels so as to integrate Health and Safety at Work.

The conceptualization of the preventative culture requires proper identification of different levels of responsi-

bility based on the asymmetries in power present in labor relations: the responsibility of employers regarding safe and healthy working conditions as part of the structure of production; the responsibility of governments for orchestrating strategies, systems, programs and policies in a tripartite manner and with evaluation and monitoring mechanisms; and the responsibility of trade union organizations to organize the defense of their right to health and safety at work.

Bearing in mind the above, the preventative culture can be considered “the result of the group and individual values, attitudes, skills and behavioral patterns, which determine the style, commitment and competency of the health and safety programs of the organization and society.”

This conceptualization entails a logic ensuring good channels of information, ability to understand the hazards involved, prioritization of such hazards, identification of practical ways to monitor them, with mechanisms for discussion to materialize the best outcome.

3.7 Increase regional cooperation and collaboration in occupational health

To fulfill the above objectives, it is necessary regional and international bodies and institutions must provide their know-how and experience in prevention. The TUCA emphasizes the need to strengthen subregional and regional integration, with full participation of workers, especially to respond to free trade agreements that only widen the gap between and within impoverished and rich countries.

Countries of the region must commit to provide ILO-led specialized international agencies with the data required to monitor the degree of compliance with international commitments on occupational health.

4

SPECIFIC OBJECTIVES OF THE TRADE UNION OCCUPATIONAL HEALTH STRATEGY FOR THE AMERICAS

The TUCA believes that company-wide prevention must be based on prevention at very source of exposure to the occupational hazard, with full participation and involvement of workers and their representatives in the right to supervise health issues and with training and information on the existing hazards.

For companies with more than five workers, labor law must incorporate the right of workers and trade unions to elect their occupational health and safety representatives (prevention delegates); and in companies with more than 25 workers, workers must be entitled to create joint committees on occupational health and safety.

The TUCA will defend the creation of prevention delegates to safeguard the right to health of workers in small and medium enterprises, or workers lacking their own representation.

The TUCA demands the development of legislation on the right of workers' representatives of major companies, including the subsidiary and outsourced companies, to coordinate and intervene to protect the health of all workers.

The TUCA is committed to promoting the inclusion of clauses on occupational health and safety at all levels of collective bargaining, for the overall improvement of working conditions.

The TUCA is convinced of the transformative action of specific training in health and safety at work for both unionists and workers in order to materialize the exercise of their rights in the workplace and participate at the different levels of collective bargaining and social dialogue.

The TUCA will work towards governments developing national strategies for the prevention of occupational hazards that promote justice, democracy in the workplace and the comprehensive protection of workers, through direct and delegated participation of their representatives, taking into account the following elements:

4.1 Promotion of national occupational health plans

4.1.1

Call for the application of the Ibero-American Strategy for Health and Safety at Work in all countries of the region, with full participation of national trade union centers through mechanisms of tripartite social dialogue.

4.1.2

National analyses to obtain detailed information on hazards, and on the morbidity and mortality of workers in all production sectors.

4.1.3

Promotion of the ratification of Conventions 155, 161, 187, among others.

4.2 Know more to act better

4.2.1

The analysis of the data on accident rates and the statistics in our countries show major gaps in information, research and resources, therefore the trade union movement will work towards governments reforming and improving information and registration of work-related accidents, work-related injuries and diseases, and for such information to be publicly available as it helps raise social awareness and generate action plans.

4.2.2

In addition to public and private institutions providing insurance against occupational hazards, the TUCA will seek to mobilize and make other sources of information accountable, such as the bodies responsible for sanitary and epidemiological surveillance, emergency health care services, services for death control and death records of the police, traffic officers, firefighters and other sources.

4.2.3

The trade union movement must negotiate the following demands with the authorities of the different countries:

- Construction of protocols to identify work-related accidents and diseases.
- Standardization of concepts and criteria for the characterization of work-related hazards and injuries, seeking to encompass all workers (public and private, formal and informal, rural and city sectors).
- Compatibility of the instruments to collect and distribute information between the various sources; public visibility and social access to the different information

4.2.4

The TUCA believes that surveys on occupational health and working conditions are an analytical tool and an indispensable complement to the deficient systems that record occupational injuries and diseases, and will make efforts for governments to execute them on a regular basis. Governments may include a module with questions on working conditions and occupational health in household surveys, life surveys or censuses so as to enhance the information system and knowledge on this issue

4.3 Making the invisible visible

4.3.1

The adoption of new health and work-related models and practices that generate knowledge and greater effectiveness in combating diseases and accidents is a challenge for the trade union movement. It is strategically important to raise the awareness of the population to generate greater understanding of employment as key determinant of health, whether to increase life expectancy or because it has positive and negative impact on workers' health.

Thus, among others, employment should be considered in the diagnostic hypotheses at all level of health care services, whether basic, primary or specialized.

Another strategic aspect is to ensure that notifications of accidents and diseases, that are the responsibility of companies, are delivered, given that the main difficulties to find out why workers get sick and die is due to failure to comply with this rule.

4.3.2

It is important to consider the adoption of new models and practices also at the union level because, above and beyond public accountability, the visibility and knowledge on the situation of the health and safety at work is closely related to the capacity of trade unions to intervene, denounce, mobilize, negotiate, etc.

There is no prevention, no knowledge on the reality of labor without the participation of workers from their workplaces. A strategic objective of the debate is to give occupational health the same standing as economic issues on the trade union agenda.

4.3.3

The invisibility of occupational diseases is even greater than that of work-related accidents; additional efforts are required to obtain data so as to be able to reduce their rate. Traditionally there is considerable underreporting of occupational diseases, especially occupational cancers, mental illnesses and others.

The trade union movement will promote: i) the standardization of the lists of occupational diseases as open list based on ILO Recommendation 194; and ii) the improvement of objective reporting and rating systems, agreed on with social partners, so as to avoid administrative delays and judicial processes.

4.3.4

To protect the entire working population, the TUCA considers that it is fundamental to demand the expansion of

the minimum healthcare and cash benefits provided to self-employed workers, assisting them as per their contributory capacity.

4.3.5

Coordination between the Ministries of Labour, Health, Social Security and health and labor agencies is required as per the following guidelines:

- Design of training programs aimed at staff of primary and specialized healthcare of the entire network of services, as well as of labor inspectors, so that they are able to detect occupational diseases and injuries.
- Develop an information-sharing protocol to improve the recording and social and health protection systems.
- Supervise the health of workers of the informal economy for early detection and treatment of occupational injuries and disorders.
- In each country design and conduct screening programs for the most prevalent occupational diseases.

4.4. Strong and efficient national public institutions to inspect and monitor compliance with preventative obligations

4.4.1 More and better labor inspection

Inspection and monitoring of the application of regulations are extremely important functions to protect workers' health.

For labor inspection to be performed accordingly, human and material resources need to be strengthened with an appropriate ratio of 1 inspector for every 10,000 workers in the public and private sectors. These inspectors need

to be distributed and able to cover the entire country, and be trained on the guidelines of ILO Conventions 155 and 187. It is important to bear in mind that the struggle to increase the number of inspectors must be part of the strategies to strengthen the role of the State as regulator of labor, and to sustain the inspection and monitoring functions under their responsibility. Guarantees for the independence of the inspection and monitoring need to be established.

The trade union movement demands the establishment of special monitoring plans for the companies that, according to trade union organizations, have the highest levels of occupational accidents and diseases.

The results of the inspection and monitoring of the situation of health in the workplace are of public interest, therefore they must be published on mass media for society in general and workers, and trade unions in particular, to be able to access such results.

We will promote legislation limiting the capacity of public administration to contract companies not compliant with occupational health rules and regulations or companies penalized by the labor authority.

Workers' representatives should be entitled to notification of the presence of the labor inspector, so that they may accompany the inspector during the assessment and be informed of the outcome.

4.4.2 Strengthen technical occupational health bodies

The creation and development of national public technical occupational health bodies is essential to foster and promote occupational health in our countries.

These technical bodies study, analyze and investigate the situation of occupational health, providing rigorous and independent technical advice to governments, social mediators and professionals in prevention, as well as collaborating with public inspection agencies.

Trade union organizations will participate in the definition of the priorities for these bodies and the follow-up required.

4.5 Promote strategies for health and safety at work in outsourcing and subcontracting scenarios

The trade union movement opposes any form of outsourcing or subcontracting because it increases the deregulation of protective legislation and is used to undermine labor rights, irrespective of occupational health. However, the existence of such scenarios cannot be ignored and steps are required to avoid the vulnerability of these workers.

Outsourcing or any other form of decentralization of production complicates the management of the prevention of occupational hazards, and often the responsibility of the employer is diluted, whereby we need specific measures to facilitate said management and generate regulations for employer accountability. Along these lines, the trade union movement will seek governments to prohibit more than two levels of subcontracting.

Trade unions will promote the necessary legislative reforms to regulate subcontracting and outsourcing so as to prevent and combat job precariousness, ensure equal rights and the right to health and safety at work

Another necessary legal measure will be to establish legal mechanisms for joint and several liability of the main employer and the subcontracting chain, for compliance with preventative occupational health standards and insurance against occupational accidents and diseases for all workers regardless of the type of contract.

It is especially important to establish mechanisms for worker representation in health and safety so that workers participate actively in the management of prevention throughout the subcontracting chain, as per Convention 155, allowing the union representatives of the lead company to supervise compliance of the Convention throughout the chain.

4.6 Take protection of occupational health and safety to all workplaces

The TUCA recognizes that small and medium enterprises generate most jobs, and therefore considers that governments must foster technical assistance to manage prevention in these companies.

The TUCA will promote the development of specific national policies to combat social inequalities in terms of health of the most vulnerable groups according to their employment, such as micro-enterprise workers, unskilled manual workers and workers in the informal economy.

We will equally demand campaigns providing information and raising awareness on occupational hazards targeting workers of the informal economy and self-employed workers.

4.7 Improve training of those involved in occupational health la salud laboral

Training is essential to bring prevention to all workplaces and to promote a culture of prevention in society as a whole.

The TUCA will promote the development of regional, subregional and national training programs targeting: workers, their representatives, middle cadres, managers of small and micro enterprises. Awareness raising and training on occupational health and safety should be incorporated into all levels of education.

The TUCA will promote the design of specific training programs for unionists including, among other topics, the analysis of changes and technologies in the world of labor and their impact on workers' health. The design of these programs will be based on national and international experiences to share this information with everyone.

National trade unions should design, implement and evaluate training programs that are specifically for unionists.

5

**TUCA ACTION &
MONITORING OF THE
REGIONAL
OCCUPATIONAL HEALTH
STRATEGY**

Occupational health and safety must be one of the main objectives of the trade union movement. To achieve these goals we shall focus our work on the following:

- The TUCA will promote specific campaigns and policies to combat social inequalities in the health of the most vulnerable groups, such as micro-enterprise workers, unskilled manual workers, women, youth and the disabled, ethnic minorities and outsourced workers.
- At the country level we must demand the application of the Ibero-American Strategy for Health and Safety at Work across the region, with the full participation of national trade union centers through mechanisms of tripartite social dialogue.
- National trade union centers will promote the development of national analyses providing greater knowledge on hazards and data on the morbidity and mortality of workers from all productive sectors.
- The ratification of ILO Conventions 155 and 187 in all Latin American and Caribbean countries that have not ratified them is our priority; for this purpose, national, sub-regional and continental actions will be generated with the political support of the TUCA and pressure will be placed on them through the commissions of the ILO International Labor Conference.
- An action plan will be drawn up at regional, national and subnational levels as to achieve the objectives established in the strategy. All of these plans (regional, national and subregional) shall take into account the degree of prevention practiced in the different national realities, graduating their progression towards predetermined targets; and the most appropriate indicators for monitoring and evaluation will be established on a tripartite basis.

- The regional action plan must be drawn with the participation of the TUCA. The national and subregional action plans shall be designed in the respective tripartite social dialogue committees.
- The Latin American trade union movement, as instructed by ILO, and through the TUCA, will request the International Labour Office for the technical cooperation deemed advisable for this process.
- It is necessary to promote occupational health policies at the State level, as indicated in ILO Conventions 155 and 187, for which the trade union movement in each country pledges to make proposals to strengthen the decent work agenda.
- A national profile needs to be built with tripartite collaboration and work on this national profile also needs to be tripartite. The TUCA will develop guidelines for building these national profiles based on public policy. Trade unions also need to identify the main hazards and the accident and morbidity profile among their grassroots.
- As provided for in Convention 187, it will also be necessary to build a system and a program to evaluate this scenario also with the participation of the government, employers and workers.
- It is indispensable to strengthen tripartism and social dialogue, for which the unity of the trade union movement is vital. We must demand the inclusion of all representative trade unions in the tripartite committees and, in this way, avoid the exclusion that is now occurring in the negotiating bodies of some countries, and not allow the government to decide who will represent us.
- It is crucial to incorporate collective bargaining as a tool to defend the right to health and safety at work.

- The trade union movement, aware of the importance of collective bargaining to improve working conditions, must make an all-out effort to overcome the obstacles to collective bargaining, such as the difficulty to find representatives of employers to negotiate with, etc.
- In order to strengthen and improve the preventative culture, it needs to be built into all public policies: employment, economic, health and social security, education, industry, environment, etc. The following measures are required for the development and expansion of the preventative culture:
- Occupational health needs to be incorporated into the different educational programs.
- Information campaigns targeting companies, workers and society as a whole will be carried out according to predetermined criteria for prioritization and efficiency purposes:

At least two campaigns per year on the same day as the World Day of Remembrance for Victims of Occupational Accidents to raise public awareness on occupational accidents and diseases with foreseeable and avoidable causes and are not a fatality associated with the job.

- Sectorial campaigns in the sectors with the highest accident rates, such as agriculture, mining, construction and others, will be organized.
- Prioritized campaigns in the most vulnerable groups of workers will be promoted

A 2012 regional campaign carried out by the TUCA to make the invisible visible, i.e. to give more social visibility to occupational accidents and diseases, emphasizing deaths and serious accidents. The campaign will act on three spheres:

- demand government bodies to implement effective information systems, as well as create spaces within trade unions to denounce accidents and diseases.
- raise awareness of workers and society as a whole on the severity of occupational hazards and the importance of preventative policies.
- demand State authorities for companies to comply with the obligation to notify accidents;
- demand that State authorities give widespread dissemination to data on occupational accidents and diseases.
- It is necessary to increase regional cooperation and collaboration in occupational health.
- TUCA must disseminate Decent Work, as well as foster the signing of international framework agreements on occupational safety and health, particularly with regard to outsourcing and subcontracting.
- The Andean Labor Institute, the Trade Union Institute of Health and Safety for Central America and the Caribbean, and the Trade Union Confederation of the Americas will promote research programs in occupational health, giving priority to the most vulnerable sectors and groups, and allocating the necessary funding for the development of these programs in the region.
- The creation of other research bodies in health and safety, such as Labor Observatories, will also be encouraged
 - Expand social protection and reparation systems for occupational diseases and injuries of independent workers;
 - Demand information and awareness raising campaigns against occupational hazards, targeting workers in the

informal economy and self-employed workers.

- The TUCA will promote the development of national training plans targeting employers, workers, middle cadres and workers' representatives. Likewise, awareness raising and training on occupational health and safety should be incorporated into all levels of education.
- The TUCA will promote the design of specific training programs for unionists including, among other topics, the analysis of changes and technologies in the world of labor and their impact on the health of workers. The design of these programs will utilize national and international experiences to share these facts with everyone.
- Ratification of ILO Conventions 155 and 187 in all Latin American and Caribbean countries that have not ratified them is a priority. The design, updating or reform of the national regulatory frameworks must be carried out with the participation of trade union organizations.
- The responsibility of employers (including the State as an employer) in terms of occupational health must be clearly defined in each country's laws, as well as the regulation of the rights to participate and represent workers. It is also necessary to regulate the figure, functions, rights and guarantees of workers' representatives in occupational health and safety, and of the health and safety committees, for companies with more than 10 workers the former, and for companies with more than 50 workers the latter.

TUCA and Occupational Health

The Trade Union Confederation of the Americas will foster and support the creation of Occupational Health Secre-

tariats in its member national trade union centers and, with international technical cooperation, the creation of trade union technical teams specialized in occupational health.

In addition, with the necessary support, it will promote the dissemination of the most relevant technical aspects among its union leaders and foster annual regional meetings on the Trade Union Regional Occupational Health Strategy.

With the necessary support, the TUCA will promote campaigns to disseminate the regional strategy and the national and subregional strategies adopted, fostering the sharing of experiences and good practices using the Confederation's channels.

The TUCA will develop a system to record occupational accidents.

Remove barriers to unionization

The TUCA is committed to supporting and regionally orchestrating the struggles and efforts of its affiliates to organize trade unions, negotiate their working conditions and defend workers' rights. This will involve strengthening the actions of the region together with the International Trade Union Confederation (ITUC) in all ILO bodies. Item 35 indicates that the ITUC is committed to fight without hesitation for the right to freedom of association and collective bargaining even in the public sector, as indispensable elements of real democracy and the observance of basic labor rights.

Corollary

The trade union movement must firmly assert and exercise its leadership in occupational health, strengthening its capacity for propositional trade union action (with the necessary support and alliances), determining the priorities on which to focus the debate and building practical positions that contribute to the definition of

national occupational health strategies, identification of priorities for action on groups, sectors and hazards, and to the redefinition and strengthening of effective mechanisms for participation and social dialogue on occupational health on equal standing.

Work on training for the inclusion of clauses on occupational health and safety at the time of collective bargaining.



TRADE UNION OCCUPATIONAL HEALTH STRATEGY FOR THE AMERICAS

The Trade Union Occupational Health Strategy for the Americas is an essential tool for trade union action in defense of the health and life of workers of the region. In order to implement this Strategy, the agendas of member organizations need to incorporate this conceptual and operational content as per their national realities for it to be useful and applicable to all countries.

Support:

