

INTERNATIONAL LABOR ORGANIZATION APPROACH TO HUMAN RIGHT TO A HEALTHY AND SAFETY WORKING ENVIRONMENT

Joldzic Dr Vladan¹

Abstract: We can think about risk and security engineering starting from the knowledge of various scientific disciplines, including the disciplines of legal sciences. Bearing in mind that numerous economic interventions can produce environmental dangers and/or consequences across state borders, it is understandable that states have formed various legislative - legal and sub/legal acts over the decades, including those of global importance. Many of those International Public Law (its part named Environmental Law) acts are direct and in whole, or partially, oriented toward the protection of: 1. Safety and health at work, 2. Safety in living areas, and, 3. Environmental safety in general. The first such legislative texts, of global significance, were formed by the International Labor Organization (ILO). Having the limited possibilities for presentation, allow us to explain some elements which we consider are extremely important for our common topic: Risk and safety engineering.

Key words: ILO, International environmental law, health, safety at work, standards.

1. INTRODUCTION

If we want minimal or no risk and healthy working conditions we need safety engineering; more precisely, various types of security engineering approaches that are tailored to the needs of different types of jobs. For example, but not only, in the fields of: mining, energy and industries. Some of those jobs (in mining, energy and industries) can produce risks and/or consequences across state borders, risk and consequences which are also of human and environmental importance. International Environmental Law, for this reason, through decades have formed various legislative - legal and sub/legal acts, including those of global importance, texts which are direct and in whole, or partially, oriented toward the protection of: 1. Safety and health at work, 2. Safety in living areas, and 3. Environmental safety in general. Let us explain some of the listed elements relevant to our topic, having in mind the internationally established elements of the right to a healthy and, at the same time, safe work environment.

2. HUMAN RIGHT TO A SAFE AND HEALTHY WORKING ENVIRONMENT

Some of the most important legal elements for safety and healthy work had been created, in the Year 1919, as a part of the Treaty of Versailles [1], a treaty which, at the very beginning, approached the formation of such legal constructions with the White Lead (Painting) Convention [2]. Let us explain the elements of this convention, but also a few more such legislative texts, formed at the level of International Labour Organisation.

First convention of importance for the protection from risks and for safety engineering, had been formed at the level of International Labour Organization under the name: White Lead (Painting) Convention (Year 1921). This Convention regulates the use of lead bleach, lead sulphate, as well as all products containing pigments, in the interior painting of buildings (Art. 1.), with special attention to the protection of workers, especially women (Art. 3). It is interesting to note that it also treats protection against: dust, liquid and spray that is used, or is present, ie, arises from painting, and may endanger those present in the work process, or the environment. This Convention also is a legally valid (ratified) text in the Republic of Serbia, and the matter regulated by this legislative text is supplemented by elements of the Republic of Serbia Law on Chemicals [3] and regulations on safety at work [4].

¹ Professor, Science Councilor, Institute for Criminological and sociological researches, Belgrade, Gracanicka 18, email: joldzicvladan2@gmail.com

The Convention on the Prevention and Control of Occupational Risks Caused by Carcinogenic Substances and Agents [5] is also important for our topic. This Convention obliges the Contracting Parties (under Article 1, paragraph 1) to establish and regularly update lists of substances that may be considered as carcinogenic. Also to make efforts to reduce the use of these substances and replace them with harmless ones (Art. 2, para. 1), but also to introduce and implement regular by state established health control of workers who may come into contact with such substances and implement necessary protection measures (what is regulated by the Art. 5). The provisions of the Convention have been partially developed within the national legislation, laws and sub-laws, technical norms and standards. Of such law constructions in Serbia the most important is the Law on Standardization [6]. This law, as well as the corresponding sub-laws, need to be regularly improved in accordance with modern achievements of science.

Next convention which is important for us is the Convention on Safety in the Use of Asbestos (June 1986) [7], international legal document which is formed to protect workers, but also the working and wider environment, from asbestos (Art. 1). This text established obligation for States Parties to remove asbestos-containing waste and prevent environmental pollution by asbestos (Article 7) and to provide health and environmental protection (Art.: 5, 21 and 22).

The protection of workers from occupational hazards have been established with the Convention Concerning the Protection of Workers against Occupational Hazards in the Working Environment Due to Air Pollution, Noise and Vibration [8], its Art. 2, under: a., b. and c. Air pollution as well as noise and vibration pollution limits are determined by the Article 3 of this Convention. According to Article 4 each State Party to the Convention has an obligation to establish necessary legal measures to protect against such forms of pollutions. The provisions of the Convention have so far been fully implemented in the regulations at the level of Republic of Serbia legislature, on safety at work [9] as well as in the field of noise protection [10] [11].

The Convention concerning Occupational Safety and Health and the Working Environment [12] clearly establishes the obligation for State Parties to:

1. Form inspection supervision to monitor application of established normative determinants in order to protect employees, as well as their working environments (Art. 9, paragraph 1);
2. Prescribe incriminations and sanctions for non-compliance with the Convention protective provisions (Art. 9, para. 2), as well as
3. Construct such a system of measures that will enable employees to rely properly on the law - in order to be protected at work and within the working environment (Art. 10)

By its Article 11 (under b.), this Convention introduces the principle of standardization in the protection of the working environment as well as the health of employees, by establishing the obligation for State Parties to determine the limits of pollutions and what must not be polluted at all.

The Convention Concerning Protection Against Hazards of Poisoning Arising from Benzene (Benzene Convention) [13] regulates the protection of the work environment (Art. 6, par. 1) and the environment in general (Art. 7), whereby the economic entity is obliged to use this substance in a closed system (Art. 7, para. 1) and to provide a system for removal of its vapors (Art. 7, para. 2), which, by protecting the working environment (the narrower part of life), protects the workers themselves. We must emphasize that this Convention, by its Article 2, paragraph 1, has established an obligation to the State Parties to replace benzene wherever possible with less hazardous substances. At the same time this Convention prescribes (with

Art. 5) the obligation for State Parties to implement adequate technical measures in order to protect workers from benzene poisoning, while the environment in general is protected through the obligation that packaging of benzene products must be adequate and possess clear indication that in the packaging is benzene or products with benzene (Art. 12).

In strong connection with the Benzene Convention is an act named Recommendation No 144 concerning Protection against Hazards of Poisoning Arising from Benzene, 1971 [Benzene Recommendation, 1971 (No. 144)] [14]. We must emphasize that this document presents recommendations, not legal obligations, formed for the sake of people's health, recommendations related to the:

1. choice of work processes,
2. applied technologies, as well as
3. standardization of benzene treatments.

The Recommendation also establishes:

1. a recommendation/recommendations oriented toward restrictions on the use of benzene (Part II: Restriction of the use of Benzene) and
2. calling for the use of chemicals that can replace benzene wherever possible (Art. 3),

whereby prescribes (with the Art. 4, par. 1) that the national legislations have to prohibit:

1. The use of benzene in certain production processes, but also
2. The use of various products that would contain it, for example: paints, adhesives, inks, as well as various solutions.

For the same reason the Benzene Recommendation also possesses:

Part III - Technical Measures for the Prevention of Hazards; Occupational Hygiene, which regulates technical measures for risk prevention, as well as occupational hygiene (see Article 6, paragraph 2, Article 7, paragraph 2, Article 8, paragraph 1), and Part V – Containers, which is also important, especially its Article 21, paragraph 1, which obliges the packaging in which benzene is packed to bear a clear label "benzene", as well as in what percentage it is in the packaged material (Article 21, paragraph 1) and where internationally accepted symbols must be used (Article 21, paragraph 3). Furthermore, according to Article 22, „benzene and products containing benzene should not be brought into any place of employment except in containers which are of suitable material, adequate strength, and so designed and constructed as to prevent any leakage, or inadvertent escape of vapours“, thus providing protection to the work environment, employees, but also to the narrower and wider living environment.

The elements of this Recommendation are indeed incorporated into a number of elements of the legislation of the Republic of Serbia, for example those that regulate the protection of employees' health, hazardous substances and their storage, packaging of hazardous substances and the like.

In order to meet requirements and prescribed obligations of all previously analyzed international legal constructions, it is necessary to apply the knowledge of the professions, which also means their adequate standards, that regulate what can be used and what cannot be used, or done, then how to do something, in what way, as well as what we must not do. We are thus committed to a safe and healthy approach to business.

3. CONCLUSION

As can be seen from our work and the analyzed International Environmental Law legislative texts, their listed elements, law approach to safety and health at work started nearly one century ago and is in a constant process of development. Having the limited space for possible presentation, we point out in the paper only a small number of these legal works, but works of global importance that have been incorporated into our legislation by ratification and whose elements are then further elaborated at the level of our laws and bylaws. At this point, within the concluding considerations, we point out that all these legislative texts oblige us to view them as constantly evolving structures of legislation, structures directly dependent on the constant development of many scientific fields, not only legal sciences. Progress that allows us to develop the necessary standards in accordance with natural, technical, medical and environmental sciences. Only that way will we contribute to the development of occupational safety, and also to the health protection, as well as the protection of environmental mediums and the overall environment.

4. REFERENCES

- [1] Treaty of Versailles (Year 1919): The Labour Provisions of the Peace Treaties, Part XIII of the Peace Treaty - LABOUR. Articles: 387-426.
- [2] International Labour Office (ILO) White Lead (Painting) Convention, Geneva Session, Date of adoption: 19:11:1921, izvor: International Labour Organisation Library - ILOLEX
- [3] Law on Chemicals, (Official Gazette of the Republic of Serbia, No.: 36/09, 88/10, 92/11, 93/12 and 25/2015).
- [4] Joldzic Vladan (Year 2002): Environmental Law – General Part and Separate Part, pp. 298-305.
- [5] Convention on the Prevention and Control of Occupational Risks Caused by Carcinogenic Substances and Agents (adopted in 1974 in Geneva, entered into force on 10 June 1976).
- [6] Law on Standardization, Official Gazette of the Republic of Serbia, No. 36/2009 and 46/2015).
- [7] Law on Ratification of the Convention on the Safety of Asbestos, Official Gazette of the SFRY - International Agreements, No. 4/1989
- [8] Convention Concerning the Protection of Workers against Occupational Hazards in the Working Environment Due to Air Pollution, Noise and Vibration, The 63rd General Conference of the International Labor Organization, Geneva, 20. 06. 1977.
- [9] Law on occupational safety and health, Official Gazette of Republic of Serbia, No. 101/2005, 91/2015 and 113/2017.
- [10] Law on environmental noise protection, Official Gazette of Republic of Serbia, No. 36/2009 and 88/2010.
- [11] Rulebook on permissible noise level in the environment, Official Gazette of Republic of Serbia, No.: 54/1992 and 72/2010.
- [12] Convention concerning Occupational Safety and Health and the Working Environment, Geneva, 1981, 67th Session of the International Labor Organization.
- [13] The Convention Concerning Protection Against Hazards of Poisoning Arising from Benzene, International Labour Office, Geneva Session, Year 1971.
- [14] Recommendation concerning the Protection of Hazards of Poisoning Arising from Benzene, hereinafter: R144 Benzene Recommendation, 56 Conference of the International Labor Organization, Geneva, 23 June 1971.