

Building Safety

The construction industry has a notorious reputation as dirty, difficult and dangerous - the 3Ds. According to ILO, it accounts for around 7 per cent of the world's employment but 30-40 per cent of the world's fatal injuries (2). 100,000 workers are killed on construction sites every year - one person killed every five minutes because of bad, and illegal, working conditions. Falls from heights due to inadequate scaffolding and lack of basic edge protection, being buried in unshored excavations or being crushed by vehicles and plant are the most common causes of fatal injuries. All are entirely predictable and all are entirely preventable.

ILO estimates a further 100,000 of those who have worked in construction die annually from diseases caused by past exposure to asbestos. In some countries, deaths from asbestos related diseases have now outstripped the number of deaths from occupational accidents - in the UK mesothelioma deaths alone are now almost 10 times as high as employee fatalities each year, with construction workers in the highest risk category(3) - or deaths in road traffic accidents.

Despite this, asbestos is still commonly used in construction materials, and the market in developing countries is growing every year. The lesson of the asbestos epidemic in the developed world is that a prohibition of the use of asbestos containing materials in construction today would save hundreds of thousands of lives in developing nations(4). Asbestos is not the only cancer threat. Many of the most commonly encountered occupational carcinogens(5) - solar radiation, crystalline silica, radon, wood dust, diesel exhaust, mineral fibers - are everyday exposures on construction sites.

Chronic ill-health is widespread. Silicosis from exposure to cement and stone dust, and exposure to a wide range of hazardous substances kill many thousands more workers. Respiratory diseases, skin problems, deafness and long term pain from heavy physical work, punishing workloads and long hours are almost universal health complaints.

BWI investigations worldwide - in addition to a global health and safety officer, BWI has regional safety officers for Africa, Latin America and Asia, and hundreds of safety officers in national affiliated trade unions - discovered repeatedly that because the work has low social status, its problems have low visibility and their resolution a low priority. Conditions are not recognized, if recognized are not diagnosed, if diagnosed are not attributed to work, and whether recognized or not are rarely compensated or effectively treated.

Worldwide, the cost of occupational accidents and ill health across all sectors is estimated by the ILO at 4 per cent of the GDP, making workplace prevention a development issue. Yet it is very common to find that even large construction projects have no safety policy or prevention program, no safety officer, no project specific health and safety plan, no information or training on prevention, no collective measures to prevent accidents or ill health, and not even the most basic personal protective equipment.

Basic amenities on site are typically not provided, such as clean drinking water, latrines, or facilities for washing, cooking or eating or for first aid. Proper accommodation is a basic

problem and workers who migrate to the urban centers in search of day labor have no alternative but to live rough on the roadside or on the site. Malnutrition and diseases such as malaria, dengue, cholera and tuberculosis are widespread among construction workers and their families. This vulnerability is most extreme when whole families migrate from rural areas in search of work.

The union effect

Concern about workplace health and safety is one of the principle reasons workers are attracted to unions, join unions and remain in unions (6). And there is clear evidence of a "union effect" on health and safety, with union organization capable of delivering workplace improvements through consultative procedures, information dissemination and training, the introduction of prohibitions on hazardous substances and processes and through the use of collective strength to resist dangerous conditions (7).

In many countries there is a legal requirement for those workplaces with more than 50 workers to establish a joint Health and Safety Committee, which has regulations covering its composition, authority and functions regarding record keeping and prevention of injuries and ill health.

The challenge is how to extend coverage to vulnerable groups of workers falling outside the scope of traditional protective measures. Construction has huge potential for poverty reduction, and the implementation of internationally recognized labor standards is of central importance in strategies to improve living and working conditions. The objective should be to make practical improvements in living and working conditions, and to address immediate needs pertaining to shelter, food and water, childcare and education, health and, above all, employment and decent work.

To obtain fairer, safer work, BWI uses strategies from the local, to the regional to the global, employing techniques from technical advice, to contract negotiations to high profile campaigns and collective, industrial, action.

Trade union safety reps

Trade union safety reps are aware of the risks in the workplace, and can work closely with workers and management to promote a working environment where hazards are identified, removed or properly controlled before problems occur.

The legal or agreed functions of these trade union safety reps typically include:

- *Participation in the joint Health and Safety Committee and cooperation with the employer to promote the health and safety policy*
- *Inspections, surveys, documentation, reports and recommendations*
- *Promotion of safe systems of work*
- *Investigation of accidents and ill health*
- *Information, training and communication with workers on health hazards and the risks of accidents, and the prevention measures to be taken, including basic induction training for new workers on site.*

- *Representation of workers' interests, including upholding the right to refuse dangerous work without victimization.*

The construction contract

In a highly competitive market, the successful tender will frequently be the one that pays the lowest wages, does not provide safety equipment or have insurance coverage for accidents, and which has the largest proportion of informal workers, for whom no tax or social security is paid, and who are not covered in practice by any legal or social protection. This lowest price culture in competitive bidding is incompatible with health and safety.

Union negotiated contracts can readdress the balance, placing formal responsibility on the contractor to ensure employment and safety measures meet required standards. It is important to develop a process around the contract, which involves awareness raising for the client, contractor and employer, as well as for the workforce, and which puts in place agreed mechanisms for monitoring compliance.

Selection criteria for tenders should include previous performance on occupational health and safety (OHS) and the current approach. This should include not just the number of accidents, but: the volume and type of past output; OHS policy, budget, resources; the system and structure for managing health and safety; reporting system including near misses and statistics on accident performance; worker training, participation and consultation.

All bids should present a detailed health and safety plan before work starts. Project specific health and safety proposals should be required for addressing points in the tender. This should include a requirement to create and maintain a Health and Safety File, which includes the health and safety policy, risk assessments and performance data.

There is a need for capacity building not only in the area of national procurement policies and procedures, but also in the construction industry more broadly, since the capacity to implement legislative requirements and good contract compliance is often very weak among clients, employers, contractors and engineers. Training will be required for site supervision staff to ensure that labor laws are observed. This requires broad capacity building, in the construction sector generally. Legislation exists, but it needs to be promoted and applied in practice. There is a need to convince all those involved of the benefits of compliance. This means stakeholder workshops, training and the availability of tools for implementation, such as good contract documents, checklists, indicators and guidance documents.

The capacity building program should target:

- Departments of Labor, including the Health and Safety Authority and the Department of Social Security, as well as other relevant government ministries departments and agencies, such as Public Works, Roads, Water
- Contractors' associations in the public and the private sector, including associations of small contractors and community contractors
- Construction and Building Materials Trade Unions
- Professional institutions, universities and training colleges. It is important to broaden the capacity of the consulting and supervising engineers to monitor compliance with labor standards.

Through stakeholder workshops and the assessment of the legislative and policy framework, relevant agreements as well as current site practice, it can be determined what risks are most important and which labor standards need to be prioritized. It is crucial to determine and agree upon relevant labor standards, procedures for enforcement and mechanisms for collaboration at an early stage of the project.

Once this has been agreed, specific clauses relating to labor standards and conditions of work can be included in the contract language. Because contract clauses frequently express only an intention to do something, more details and specifications must be provided in other documents that form part of the contract such as the Bill of Quantities. This can make safety and other employment provisions legally enforceable through the contract. Detailed specifications are needed to accurately cost and implement standards and verify compliance.

The costs of implementing labor standards can include: protective measures such as the provision of collective and individual protection from accidents and ill health; protective clothing; provision of basic services such as water supply and sanitation; social security and insurance costs; capacity building and training; consultation, facilitation and promotion costs; equal opportunity costs and transactional costs, including dialogue and verification or monitoring.

The increased costs associated with improved health and safety provisions and social security contributions for all workers can be financed through higher bids from the contractors. Similarly, indirect cost associated with meetings, training and record keeping can be incorporated as prime, base budget, costs. By including these costs in the overall budget for the project and making them part of the project specifications, they are taken out of competition.

It is important to have a robust monitoring system, with clear roles and responsibilities. Workers need to be informed about the rights and benefits to which they are entitled. A clause in the formal contract should require the contractor to display notices informing workers of the rights and conditions of work stipulated in the contract. Site meetings should include review on-the-ground compliance.

International Labour Standards

The real life problems faced by workers in the construction industry are comprehensively addressed by the International Labor Standards of the ILO (9). Implementation of these International Labor Standards is a key step towards fulfilling development objectives. Decent Work, that is to say fair wages, good working conditions, and equitable opportunity for waged employment are basic elements of any credible poverty reduction strategy.

The International Labor Conference of 1998 unanimously adopted the ILO Declaration of Fundamental Principles and Rights at Work. This Declaration makes observance of certain fundamental labor rights an obligation for all 175 Member States of the ILO. These rights, known as the Core Labor Standards and defined in eight ILO Conventions, cover four areas. These are freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labor, the abolition of child labor and the

elimination of discrimination in respect of employment and occupation. The Declaration commits the Member States to respect and promote these principles and rights, whether or not they have ratified the relevant Conventions.

The Declaration makes it clear that these rights apply to all people in all States - regardless of the level of economic development. It particularly mentions groups with special needs, including the unemployed and migrant workers. It recognizes that economic growth alone is not enough to ensure equity, social progress and to eradicate poverty. The eight core ILO Conventions define basic workers' rights and are considered to be a mutually supportive package. The Conventions stipulating the freedom of association and the right to collective bargaining are recognized to be important tools for the effective implementation of other human rights and labor standards.

The fundamental principles and rights provide benchmarks for responsible business conduct, and are incorporated into the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy. The OECD Guidelines for Multinational Enterprises emphasize the principles and rights found in the ILO Declaration and the UN Global Compact promotes them as universal values to be achieved in business dealings around the world. A growing number of private sector codes of conduct and similar initiatives also refer to the fundamental principles and rights at work.

Yet there is strong resistance to a worker voice on safety and other employment issues. The 2006 annual survey of trade union rights violations published by the International Confederation of Free Trade Unions detailed abuses worldwide(8). It reported 115 trade unionists were killed in the course of one year and almost 10,000 were dismissed for carrying out legitimate trade union activities.

Other International Labor Standards

General health and safety and industry specific International Labor Standards are also relevant. In the absence of suitable laws or enforcement measures, these standards, together with the core labor standards, are frequently used by BWI and its affiliates as a minimum rights baseline in contract, industry and government level health and safety negotiations.

Most important of these are ILO Convention 167 Safety and Health in Construction (1988) and Convention 94, the Labor Clauses (Public Procurement) Convention. These Conventions, with their accompanying Recommendations, and Codes of Practice, set out basic principles that need to be observed to ensure health and safety of construction workers and to protect those working on public contracts.

The principle relevant safety conventions, guides and codes are:

- C155 - Occupational Health and Safety 1981;
- C167 - Safety and Health in Construction 1988;
- C121 - Employment Injury Benefits Convention, 1964 (amended in 1980);
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- List of Occupational Diseases Recommendation 2002 (R194);
- C161 - Occupational Health Services;
- C162 - Work with Asbestos;

- Guidelines on Occupational Safety and Health Management Systems (ILO OSH 2001);
- Prevention of HIV AIDS (ILO Code of Practice on HIV AIDS and the World of Work 2001).

Convention 155 can be considered as the framework for occupational health and safety law at national and at enterprise level. It contains fundamental principles on safety policies, work organization and prevention of injuries and ill health. It also has a Protocol (2002), which outlines requirements for the Recording and Notification of occupational accidents and diseases.

Convention 121, the Employment Injury Benefits Convention, 1964 (amended in 1980) and the List of Occupational Diseases Recommendation 2003 (R194) deal with the recognition and compensation of occupational accidents and diseases.

The main provisions of Convention 167, Safety and Health in Construction, are:

- There should be cooperation between employers and worker to promote safety and health at construction sites
- The most representative organizations of employers and workers shall be consulted on the measures to be taken and have a duty to comply
- The principal contractor is responsible for coordinating the prescribed safety and health measures and for ensuring compliance with such measures
- Personal protective equipment and clothing shall be provided by the employer without cost to the workers,
- Employers must also provide first aid, drinking water and separate sanitary and washing facilities
- Workers must be informed of potential safety and health hazards to which they may be exposed and must be trained in their prevention and control
- Workers have the right to remove themselves from imminent danger and the duty to so inform the supervisor.

The Convention also provides technical specifications for the prevention of accidents and work related ill health, and is accompanied by a Recommendation and a Code of Practice, both of which provide comprehensive guidance on the principal hazards of the industry and the measures which should be taken to minimize them.

There is one key International Labor Standard which is almost never respected. That is the right to refuse dangerous work without victimization, which is contained in Conventions 155 and 167.

Because of the very informal employment and labor practices in construction, unorganized workers regularly face a choice between doing a dirty and dangerous job or having no job at all. The right to refuse, a basic human right, is a test of democracy and dignity in the workplace. Respecting this right would reduce the number of fatal accidents and major injuries at work substantially.

Sustainable development in construction includes a clear and strong component on prevention of risks to the safety and health of the workforce. The recent ILO Guidelines on Safety and Health Management Systems (10), as well as the Global Reporting Initiative (11) and an ever-growing number of voluntary Corporate Social Responsibility systems are integrating management of

occupational health into businesses management systems in all sectors.

Health and safety at work is very clearly a development issue, and there should be close cooperation between governments, employers and workers on prevention.

Standard response

International Labor Standards improve project management and contract compliance.

- *Labor standards should be included in the Standard Bidding Documents (SBD), Works Contracts, Standard Contract Documents and Technical Specifications Documents prepared nationally in procurement law.*
- *Procuring entities must ensure that Labor Clauses on fair wages, health and safety and social security are incorporated into works contracts and enforced by contract managers. The draft standard tender documents should contain these provisions.*
- *There should be a clause on desirability of using labor intensive contracts wherever technically feasible and cost effective.*
- *Costs of Labor Standards should be taken out of competition and addressed as prime costs in the contract and priced in the Bill of Quantities.*
- *Develop procurement manuals based on national procurement laws and SBDs and contract documents should be available for use by ministries, departments and agencies. Guidelines and good, modernized SBDs are essential tools to apply the law and for good contract compliance and project management.*
- *A capacity building program should be introduced to address immediate needs, and to develop a long term capacity building program.*

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