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III. CONCLUDING OBSERVATIONS

ICESCR

- Morocco, ICESCR, E/1995/22 (1994) 28 at para. 114.

It is of concern that labour laws and regulations are largely ignored or disregarded in the informal and traditional sectors of the economy, and that the absence or limited presence of labour inspectors in these sectors has impeded the effective implementation of regulations relating to just and favourable conditions of work, including health and safety in the workplace.

- Mauritius, ICESCR, E/1995/22 (1994) 37 at paras. 174 and 175.

Paragraph 174

Concern is expressed about the ineffective enforcement of health and safety standards, as a consequence of which fatal industrial accidents have increased in recent years. With regard to around 10,000 foreign workers, mainly in the textile and construction industries, the Government appears to show little willingness to ensure that these people are treated in accordance with article 7 of the Covenant and with the pertinent international labour standards.

Paragraph 175

It is hoped that the Government will limit compulsory labour to services whose interruption is likely to endanger the life, personal safety or health of the whole or part of the population. However, there is a tendency on the part of the Government of Mauritius to use labour legislation to block trade union recognition and dismiss workers.

- Argentina, ICESCR, E/1995/22 (1994) 47 at paras. 238 and 241.

Paragraph 238

Public campaigns to increase awareness of hygiene and safety in the workplace have not proved effective as hygiene and safety in the workplace are frequently below established standards.

Paragraph 241

The Government is urged to analyse the reasons for the lack of effectiveness of its initiatives in the area of safety and hygiene in the workplace and to make greater efforts to improve all aspects of environmental and industrial hygiene and safety.

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- Mali, ICESCR, E/1995/22 (1994) 64 at para. 346.

It is noted that, although Mali has a detailed labour code, most people gain their living in the informal sector and thus, in fact, remain unprotected by such legislation. Owing to a lack of inspectors, legal provisions on occupational safety remain insufficiently enforced.

- Suriname, ICESCR, E/1996/22 (1995) 37 at para. 165.

Legislation should be enacted to protect workers who are not covered by collective bargaining agreements, in order to ensure them a minimum wage, health and maternal benefits, safe working conditions, and other guarantees that meet international standards for conditions of work. The Government is encouraged to extend such protection also to immigrant workers.

- Colombia, ICESCR, E/1996/22 (1995) 41 at para. 190.

It is noted that the implementation and monitoring of health and safety measures in the workplace have not reached the desirable level, due, *inter alia*, to the insufficient number of labour inspectors.

- El Salvador, ICESCR, E/1997/22 (1996) 34 at paras. 162 and 177.

Paragraph 162

Concern is expressed at the adverse consequences for economic, social and cultural rights of the way in which economic adjustment, austerity and privatization programmes have been implemented, especially in the short term. It is noted that working conditions in the duty-free zones have deteriorated and that difficulties have resulted from the inadequacy of resources available to enable the factory inspectorates to enforce legislation on the minimum wage, equal remuneration for men and women, industrial safety and hygiene, and wrongful dismissal.

Paragraph 177

The State party should make the necessary efforts to implement the Salvadoran legislation on minimum wages, safe and healthy working conditions, equal pay for equal work by men and women, and arbitrary dismissal. To this end, sufficient resources must be allocated to labour inspection services to enable them to carry out the tasks entrusted to them.

See also:

- Peru, ICESCR, E/1998/22 (1997) 33 at para. 161.

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- Russian Federation, ICESCR, E/1998/22 (1997) 27 at paras. 104 and 119.

Paragraph 104

The State party has not taken adequate steps or devoted sufficient funding to find ways of addressing the following issues:

- (a) Dangerous working conditions in many enterprises, including use of dangerous and out-of-date technology, lack of protection for workers and excessively long hours of work;
- (b) The high rate of serious industrial accidents, including an excessive number resulting in death;
- (c) Refusal by some enterprises to compensate workers in cases of workplace injuries;
- (d) An inadequate system for the reporting of unsafe working conditions and accidents, including the absence of a legal framework which protects workers, whether unionized or not;
- (e) Inadequate funding for the labour inspectorate to conduct sufficient inspections to deter and sanction non-compliance by employers.

Paragraph 119

Comprehensive steps should be taken to ensure safety and health in the workplace and to this end, increased funding of the labour inspectorate should be provided. It is recommended that a framework be developed to encourage and protect workers who report inadequate conditions of work.

- Uruguay, ICESCR, E/1998/22 (1997) 67 at paras. 369 and 376.

Paragraph 369

Concern is expressed about the increase in labour-related accidents due to non-compliance with security measures, particularly in the construction sector.

Paragraph 376

The State party is urged to ensure that its existing legislation in respect of the occupational health and safety of workers is fully implemented and that the labour inspection system is strengthened.

- Saint Vincent and The Grenadines, ICESCR, E/1998/22 (1997) 72 at paras. 425 and 427.

Paragraph 425

With respect to article 7 of the Covenant, concern is expressed that legislation in respect of occupational safety and health is significantly outdated. Due to financial constraints, labour

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inspections are not efficiently and regularly conducted and employers do not always report accidents and occupational diseases to Labour Department officers, as they are required.

Paragraph 427

It is noted that there is an absence of provision for registration of self-employed persons under the National Insurance Scheme (NIS), and that, although the NIS provides for benefits to be paid in case of sickness, invalidity, retirement and death, no provision is made for compensation in case of workplace accidents.

- Poland, ICESCR, E/1999/22 (1998) 32 at paras. 156 and 162.

Paragraph 156

The inadequate enforcement of occupational safety laws in Poland resulting in a relatively high number of accidents in the workplace, both in the private and the public sectors, is of concern.

Paragraph 162

Appropriate measures should be taken, especially by increasing the number of State labour inspectors and strengthening their powers, in order to ensure that occupational safety legislation is properly implemented.

- Argentina, ICESCR, E/2000/22 (1999) 49 at para. 285.

The Government is urged to improve the effectiveness of its measures in the area of safety and hygiene in the workplace, particularly in the construction sector, to increase its efforts to improve all aspects of environmental and industrial hygiene and safety, as well as to ensure that the control and inspection of industrial hygiene and safety are carried out by public authorities.

- Italy, ICESCR, E/2001/22 (2000) 34 at paras. 117, 118, 130 and 131.

Paragraph 117

The State party's attention is drawn to the concern expressed by the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization (ILO) regarding the transfer to local health units of the functions of the labour inspectorate with regard to prevention and occupational safety and health. Such transfer may create a problem of coordination.

Paragraph 118

Alarm is expressed about the high rate of accidents in the workplace. The attention of the State party is drawn to the concern expressed by the ILO Committee of Experts which has repeatedly drawn the

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Government's attention to the need to adopt legal regulations and policies on the prevention of accidents in the workplace, and in particular in the ports.

Paragraph 130

The State party is called upon to implement the recommendations made by the ILO Committee of Experts concerning the decentralization of labour inspection.

Paragraph 131

The State party is called upon to take effective measures to ensure that workers enjoy safe working conditions. In particular, it is recommended that the State party adopt measures, including legislation, on the prevention of accidents, particularly in the ports, and ratify the ILO Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152). It is also recommended that the State party ratify the Prevention of Major Industrial Accidents Convention, 1993 (No. 174) and the Part-time Work Convention, 1994 (No. 175).

- Egypt, ICESCR, E/2001/22 (2000) 38 at para. 163.

Concern is expressed over reports that claim that children between 8 and 15 years of age work in cotton gins in the Nile Delta under unfavourable conditions without lunch or rest breaks, and have no protection under Egyptian law particularly with regard to work-related injuries and diseases.

- Venezuela, ICESCR, E/2002/22 (2001) 29 at para. 96.

The State party is urged to implement the 1986 Health and Safety Act, which determines safe and healthy conditions of work.

- Honduras, ICESCR, E/2002/22 (2001) 33 at paras. 131, 143, 145, 152 and 153.

Paragraph 131

Particular concern is expressed about the extremely negative effects of the use of pollutants and toxic substances in specific agricultural and industrial sectors, such as banana growing and gold-mining, on the environment, thereby putting at risk the health and lives of workers and those living in the vicinity of the affected areas. In this regard, the Committee is also concerned that Environmental Impact Studies are conducted by or on behalf of those sectors without effective review by independent bodies.

Paragraph 143

It is strongly recommended that the State party implement existing legislative and administrative

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measures to avoid violations of environmental and labour laws by transnational companies.

Paragraph 145

The State party is strongly urged to adopt and implement legislative and other measures to protect workers from the occupational health hazards resulting from the use of toxic substances; such as pesticides and cyanide - in the banana growing and the gold-mining industries.

Paragraph 152

Given that mining concessions may have a significant impact on the enjoyment of article 12 and other provisions of the Covenant, the Committee recommends that applications for mining concessions be advertised in all the localities where, if granted, they will take place, and that opposition to such applications be allowed within three months (not 15 days) of their publication in the relevant locality, in accordance with principles of procedural fairness.

Paragraph 153

The State party is urged to adopt immediate measures to counter the negative environmental and health impacts of the use of pollutants and toxic substances in specific agricultural and industrial sectors, such as banana growing and gold mining. In this regard, it is recommended that the State party establish a mechanism by which it can review effectively the Environmental Impact Studies conducted by or on behalf of these sectors.

- Republic of Korea, ICESCR, E/2002/22 (2001) 45 at para. 228.

Alarm is expressed at the rising incidence of industrial accidents in recent years, which appears to be the result of a relaxation of the standards governing industrial safety and of the insufficient number of on-site inspectors.

- Senegal, ICESCR, E/2002/22 (2001) 61 at paras. 346 and 369.

Paragraph 346

It is of concern that, while half of Senegalese workers are employed in the informal sector, most of them still lack access to basic social services, including social security and health insurance, and work long hours in unsafe conditions.

Paragraph 369

All workers, including domestic workers, should have access to basic social services and should be paid decent wages. Labour regulations governing their hours of work and safe conditions of work should be scrupulously observed.

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- Ukraine, ICESCR, E/2002/22 (2001) 78 at paras. 496 and 507.

Paragraph 496

The high number of accidents owing to inadequate health and safety standards in the workplace and obsolete industrial equipment, particularly in the mining sector, as well as the insufficient efforts of the State party to enforce the existing standards are noted with concern.

Paragraph 507

Adequate resources should be allocated for workplace accident prevention programmes, and the resources and powers of the labour inspectorate should continue to be strengthened. It is recommended that the State party consider ratifying the ILO Convention No. 81 (1947) concerning labour inspection in industry and commerce.

CEDAW

- Slovenia, CEDAW, A/52/38/Rev.1 part I (1997) 15 at para. 106.

Occupational health standards for women might result in discrimination against women in employment.

- Georgia, CEDAW, A/54/38/Rev.1 part II (1999) 53 at para. 110.

Existing occupational health standards should be amended so that all such standards that directly or indirectly discriminate against women are repealed.

- Belarus, CEDAW, A/55/38 part I (2000) 34 at para. 374.

The Government should review its occupational health and safety legislation and standards, with a view to reducing protective standards, which often have a discriminatory effect on women in general and pregnant women in particular.

- Republic of Moldova, CEDAW, A/55/38 part II (2000) 56 at paras. 109 and 110.

Paragraph 109

Women's occupational health, in particular in the tobacco-growing industry, is a matter of concern.

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Paragraph 110

The Government is encouraged to take measures aimed at reducing occupational health risks to women workers.

CRC

- Lao People's Democratic Republic, CRC, CRC/C/69 (1997) 8 at para. 77.

Further efforts should be made to prevent and combat economic exploitation of the child or the performing of any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. Particular attention should be paid to children working in the informal sector and with their families.

- Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at paras. 322 and 323.

Paragraph 322

Concern is expressed about children working in the informal sector, especially children from rural backgrounds who may be at special risk, many of whom are working in hazardous conditions. In particular, children involved in tobacco and cotton harvesting often receive no training on safety precautions when working with toxic pesticides and herbicides. There is also concern about child labour in mines in the south.

Paragraph 323

The enforcement of the minimum age for admission to employment should be ensured. Employers should be required to have and produce on demand proof of age of all children working on their premises. A national mechanism to monitor the implementation of standards at State and local levels should be established, and empowered to receive and deal with complaints of violations. The State party should undertake a national survey on the nature and extent of child labour. Campaigns to inform and sensitize the general public, especially parents and children, of work hazards should be carried out.

- Marshall Islands, CRC, CRC/C/100 (2000) 89 at para. 538

In light of existing international norms and standards, it is recommended that the State party develop legislation on child labour including a prohibition, as well as a definition of hazardous and harmful work and/or of the activities considered to be hazardous, harmful to the child's health or development or to interfere with the child's education; an indication of the minimum age for admission to employment; and appropriate regulation of the working hours and conditions of employment of

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children.

- Egypt, CRC, CRC/C/103 (2001) 36 at paras. 244 and 245.

Paragraph 244

Regulations governing working hours and exposure to hazardous conditions for children are not respected nor effectively enforced. In particular, there is no effective inspection and supervision in the private sector, family enterprises, agricultural activities and domestic labour, precisely where child labour in Egypt is concentrated, in many cases involving hazardous conditions. Eighty per cent of child labour is reportedly concentrated in the agricultural sector. Many of these children work long hours in dusty environments, without masks or respirators, receiving little or no training on safety precautions for work with toxic pesticides and herbicides. Moreover, seasonal work in agriculture is reportedly performed by children under 12 in State-run cooperatives (i.e. cotton pest management) despite this being contrary to the law.

Paragraph 245

The State party should establish an effective mechanism to collect disaggregated data on child labour, including violations, to serve as a basis for designing measures and evaluating progress in this area. The minimum age for admission to employment should be enforced. Employers should be required to have, and produce on demand, proof of age of all children working on their premises. The labour inspectorate should be strengthened to ensure effective monitoring and implementation of child labour standards in the private sector, family enterprises, agricultural activities and domestic labour, and it should be empowered to receive and address complaints of violations. The State party should continue its efforts to carry out campaigns to inform and sensitize the general public, especially parents and children, of work hazards and to involve and train employers, workers, members of civic organizations, government officials such as labour inspectors and law enforcement officials, and other relevant professionals. Cooperation with relevant United Nations agencies, such as ILO and UNICEF, and NGOs should be continued.