

HEALTH - OCCUPATIONAL HEALTH

III. CONCLUDING OBSERVATIONS, CONTINUED

ICESCR

- France, ICESCR, E/2002/22 (2001) 121 at paras. 868 and 879.

868. The Committee notes with regret that the State party has not yet ratified ILO Conventions No. 117 (1962) concerning basic aims and standards for social policy or No. 174 (1993) concerning the prevention of major industrial accidents.
...
879. The Committee strongly recommends that the State party ratify ILO Conventions No. 117 (1962) concerning basic aims and standards for social policy and No. 174 (1993) concerning the prevention of major industrial accidents.

- Poland, ICESCR, E/2003/22 (2002) 54 at paras. 362 and 384.

362. The Committee is...concerned about the inadequacies in enforcing occupational safety laws and regulations in the State party, resulting in a relatively high number of accidents in the workplace.
...
384. The Committee reiterates its previous recommendation to the State party to intensify its efforts at ensuring that occupational safety legislation is properly implemented, especially by allocating sufficient resources to the State Labour Inspectorate and imposing effective sanctions with respect to violations of safety regulations.

- Iceland, ICESCR, E/2004/22 (2003) 39 at paras. 225 and 234.

225. The Committee notes with concern that, in spite of the measures undertaken by the State party to reduce the frequency of occupational accidents both on land and at sea, particularly accidents involving seamen employed on fishing vessels, there is still a relatively high rate of accidents.
...
234. The Committee urges the State party to enhance its efforts to reduce the frequency of occupational accidents both on land and at sea by raising awareness of the importance of preventive measures and, in particular, by providing training to seamen in matters relating to vessel stability and the use and treatment of hoisting equipment. In this regard, the Committee also recommends that the State party ratify ILO Conventions No. 174 (1993) concerning the Prevention of Major Industrial Accidents and No. 81 (1947) concerning Labour Inspection in Industry and Commerce.

HEALTH - OCCUPATIONAL HEALTH

- Guatemala, ICESCR, E/2004/22 (2003) 59 at paras. 407 and 425.

407. Notwithstanding the measures taken by the State party to decentralize and expand labour inspection services, the Committee is concerned that labour inspections are not carried out regularly, especially in rural areas.

...

425. The Committee urges the State party to verify and ensure the fulfilment of labour legislation concerning occupational health and safety conditions, including through regular inspections.
- Russian Federation, ICESCR, E/2004/22 (2003) 64 at paras. 461 and 489.

461. The Committee remains concerned about the high incidence of serious accidents in the workplace in the State party.

...

489. The Committee urges the State party to ensure that adequate funds are allocated for the prevention of accidents in the workplace and to strengthen the resources and powers of the labour inspectorate so as to ensure that sanctions are imposed on employers who fail to observe safety regulations.
- Lithuania, ICESCR, E/2005/22 (2004) 18 at paras. 80 and 102.

80. The Committee is deeply concerned about the increase in the number of occupational accidents in the State party since 2001.

...

102. The Committee urges the State party to take effective measures to prevent occupational accidents, including by strengthening the labour inspectorate in order to ensure that employers who fail to observe safety regulations are sanctioned.
- Kuwait, ICESCR, E/2005/22 (2004) 29 at paras. 189, 192, 208 and 212.

189. The Committee is deeply concerned about the unfair terms of employment and working conditions of migrant workers.

...

192. While noting that Kuwait has a sound social insurance scheme, the Committee is concerned that it does not cover work accidents and occupational diseases.

...

208. The Committee urges the State party to take effective measures to improve the terms of employment and the working conditions of migrant workers, *inter alia*, by strengthening

HEALTH - OCCUPATIONAL HEALTH

the financial and human resources of the labour inspectorate in order to ensure that employers who fail to observe the terms of employment and the safety regulations are sanctioned. The Committee recommends that the State party ratify ILO Convention Nos. 122 (1964) concerning Employment Policy and 174 (1993) concerning the Prevention of Major Industrial Accidents.

...

212. The Committee encourages the State party to extend social insurance to cover work accidents and occupational diseases.

- Spain, ICESCR, E/2005/22 (2004) 34 at paras. 237 and 254.

237. The Committee is concerned about the high number of occupational accidents in the State party, and that the number of accidents has increased by more than 50 per cent between 1996 and 2002. It notes that the incidence of occupational accidents is highest among workers on temporary contracts.

...

254. The Committee urges the State party to take effective measures to prevent accidents in the workplace, including by strengthening the labour inspectorate in order to ensure that employers who fail to observe safety regulations are sanctioned.

- Ecuador, ICESCR, E/2005/22 (2004) 39 at paras. 284 and 307.

284. The Committee is concerned about the insufficient enforcement of health and safety regulations for workers in the State party, particularly in small mines and in banana plantations, and about the high number of occupational accidents. The Committee is also concerned that labour inspections are not carried out regularly, especially in rural areas.

...

307. The Committee urges the State party 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. The Committee also urges the State party to adopt measures to protect workers from the occupational hazards resulting from the use of toxic and other dangerous substances in the banana-growing and small mines sectors.

- Malta, ICESCR, E/2005/22 (2004) 45 at paras. 345 and 363.

345. The Committee notes with concern the high number of industrial accidents in the State party.

...

363. The Committee recommends that the State party strengthen measures taken to prevent

HEALTH - OCCUPATIONAL HEALTH

accidents in the workplace and to ensure that the labour inspectorate has adequate resources and powers to enforce and effectively monitor compliance with safety regulations. It also encourages the State party to ratify ILO Convention No. 174 (1993) concerning the Prevention of Major Industrial Accidents.

- Italy, ICESCR, E/2005/22 (2004) 54 at para. 448.

448. The Committee recommends that the State party expedite the ratification procedures for ILO Convention No. 174 (1993) concerning the Prevention of Major Industrial Accidents.

- China, ICESCR, E/2006/22 (2005) 25 at paras. 153 and 182.

153. The Committee is deeply concerned about the insufficient implementation of existing labour legislation in the State party that has resulted in overall poor working conditions, including excessive working hours, lack of sufficient rest breaks and hazardous working conditions. The Committee notes with concern that the problem is especially acute for migrant workers. The Committee is also alarmed by the high incidence of serious occupational accidents in the State party, particularly in the mining sector.

...

182. The Committee urges the State party to take immediate steps to ensure effective and equal application of its current labour legislation for the protection of the rights of all workers, including migrant workers, to just and favourable conditions of work as enshrined in article 7 of the Covenant. The Committee further recommends that the State party ensure the right to decent work and to provide sufficient resources to the labour inspectorate to enable regular and independent inspections of safety and health conditions in all sectors and to ensure that employers who fail to observe safety regulations are duly sanctioned. In this connection, the Committee recommends that the State party consider ratifying ILO Convention No. 81 (1947) concerning Labour Inspection in Industry and Commerce.

- Norway, ICESCR, E/2006/22 (2005) 48 at paras. 340 and 358.

340. The Committee is concerned at the high incidence of accidents in the fishing and offshore petroleum industries.

...

358. The Committee encourages the State party to strengthen its efforts to ensure safe working conditions for workers in the fishing and offshore petroleum industries.

HEALTH - OCCUPATIONAL HEALTH

CEDAW

- Russian Federation, CEDAW, A/57/38 part I (2002) 40 at paras. 385 and 386.

385. While noting the State party's policy of protecting women against unsafe working conditions, the Committee is concerned that 12 per cent of women work in conditions which do not meet health and safety standards. It is also concerned about the exclusion of women of childbearing age from a list of 456 jobs, which may result in the effective exclusion of women from certain employment sectors. The Committee notes that the list is under reconsideration and also notes that employers may employ women in the prohibited jobs if the necessary standards are in place.

386. The Committee recommends that the State party require all employers to conform to the mandated standards, which would allow both women and men to work in proper conditions of health and safety. Bearing in mind article 11.3 of the Convention, it recommends continued review of the list of prohibited jobs, in consultation with women's non-governmental organizations, with a view to reducing their number.

- El Salvador, CEDAW, A/58/38 part I (2003) 41 at paras. 269 and 270.

269. The Committee notes with particular concern the precarious employment conditions of women working in maquila industries, where their human rights are frequently violated, especially insofar as safety and health are concerned.

270. The Committee urges the State party strictly to enforce labour legislation in maquila industries, including their supervision and monitoring, especially occupational safety and health measures...

- Kyrgyzstan, CEDAW, A/59/38 part I (2004) 28 at para. 156.

156. The Committee...recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical; to narrow and close the wage gap between women and men; and to ensure that both women and men work under proper conditions of health and safety...

- Dominican Republic, CEDAW, A/59/38 part I (2004) 141 at paras. 306 and 307.

306. ...The Committee...is concerned about the working conditions of women in the free-

HEALTH - OCCUPATIONAL HEALTH

trade zones, which violate health and industrial safety regulations.

307. The Committee recommends that steps be taken to ensure the implementation of labour legislation in free-trade zones, in accordance with article 11 of the Convention...

CRC

- Oman, CRC, CRC/C/111 (2001) 36 at paras. 199 and 200.

199. The Committee is seriously concerned at the hazardous situation of children involved in camel racing. In particular it is concerned that sometimes very young children are involved and that such involvement produces serious injuries, even fatalities. It concurs with the ILO Committee of Experts on the Application of Conventions and Recommendations which has previously indicated that the employment of children as camel jockeys constitutes dangerous work under article 3(1) of ILO Convention No. 138.

200. In accordance with article 32 of the Convention and ILO Convention No. 182, which the State party has ratified, the Committee recommends that the State party:

(a) Take immediate and effective steps to ensure the implementation of article 32 of the Convention and ILO Convention No. 182, taking into account ILO Recommendation No. 190;

(b) Undertake efforts to develop a regional initiative in this regard, including bilateral and multilateral cooperation; and

(c) Seek assistance from the ILO.

See also:

- Qatar, CRC, CRC/C/111 (2001) 59 at paras. 320 and 321.
- United Arab Emirates, CRC, CRC/C/118 (2002) 90 at paras. 406 and 407.

- Lebanon, CRC, CRC/C/114 (2002) 11 at paras. 85 and 86.

85. While noting the measures taken by the State party in this sector, including raising the minimum age for employment, the Committee is concerned that despite stricter laws on child labour, a high percentage of working children are involved in activities which represent a danger to their health and development. The Committee welcomes the collaboration with ILO/IPEC in combating and preventing child labour.

HEALTH - OCCUPATIONAL HEALTH

86. The Committee recommends that the State party:

(a) Continue and strengthen its cooperation with ILO/IPEC and carry out campaigns to inform and sensitize the general public, especially parents and children, of work hazards, as well as strengthen labour inspections and law enforcement;...

...

- Guinea-Bissau, CRC, CRC/C/118 (2002) 12 at paras. 80 and 81.

80. While noting the efforts underway to address this concern, the Committee is concerned that, as noted by the State party in its report, the economic exploitation of children is extremely serious and growing worse (paras. 250-253) and that, in particular (para. 142), the numbers of children working in the non-formal sector are increasing and that children are often compelled to perform the same work as adults, in highly difficult and dangerous conditions.

81. The Committee recommends that the State party make every effort to:

(a) Combat the economic exploitation of children through labour, with particular regard to the informal work sector;

(b) Ensure respect for the minimum age of employment, in accordance with international standards;

(c) Ensure that working children above the age of 14 benefit from adequate and full protection, including with regard to conditions of work and pay;

...

(e) Ratify and implement ILO Conventions 138 concerning the Minimum Age for Admission to Employment and 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

- Sudan, CRC, CRC/C/121 (2002) 53 at paras. 282 and 283.

282. The Committee is concerned that:

...

(c) Some child labourers are the victims of economic exploitation and work in very poor conditions, including without insurance or social security benefits, with very low wages, for long hours and in dangerous and/or abusive conditions.

283. The Committee recommends that the State party:

HEALTH - OCCUPATIONAL HEALTH

...

(b) Make every effort to ensure that children do not work under conditions which are harmful to them and receive appropriate wages and other work-related benefits;

...

- Ukraine, CRC, CRC/C/121 (2002) 70 at paras. 357 and 358.

357. The Committee, while noting the creation of the Ministry of Labour and Social Policy in 1996, which is responsible for monitoring compliance with the labour legislation, particularly in respect of children, remains concerned that there is inadequate enforcement of the Ukrainian Labour Code, in particular with regard to hazardous and forced labour, and that a large number of children are reported to be working, particularly in the informal sector.

358. The Committee recommends that the State party:

...

(b) Continue efforts to protect all children from economic exploitation and from performing 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 or social development.

- India, CRC, CRC/C/137 (2004) 75 at paras. 450 and 451.

450. The Committee notes the tenth Plan for the National Child Labour Project but is extremely concerned at the large numbers of children involved in economic exploitation, many of whom are working in hazardous conditions, including as bonded labourers, especially in the informal sector, in household enterprises, as domestic servants and in agriculture...

451. The Committee recommends that the State party:

...

(e) Strengthen its efforts to raise awareness of the public at large, especially parents and children, of work hazards and to involve and train employers, workers and civic organizations, government officials, such as labour inspectors and law enforcement officials, and other relevant professionals...

...

- Belize, CRC, CRC/C/146 (2005) 59 at paras. 357 and 358.

357. The Committee welcomes the ILO-funded pilot project to address child labour problems, but remains concerned at the high rate of working children in Belize and the

HEALTH - OCCUPATIONAL HEALTH

negative consequences resulting from the exploitation of child labour, such as school dropouts and the negative effects on health caused by harmful and hazardous work...

358. In the light of ILO Conventions No. 138 concerning Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and the relevant provisions of the Convention on the Rights of the Child, the Committee recommends that the State party ensure the full implementation of the child labour provisions, including the provision of non-formal education and training, in order to ensure the development of children to their full potential; take all necessary measures to prevent child labour, including in rural areas, *inter alia*, by extending the ILO-funded project to those parts of the country, as well as to urban areas; and improve the monitoring of child labour in the country. The Committee encourages the State party to strengthen its cooperation with ILO and its International Programme on the Elimination of Child Labour (IPEC) in this respect.

- Mongolia, CRC, CRC/C/150 (2005) 113 at paras. 574-576.

574. Notwithstanding the positive steps taken by the State party, the Committee is concerned at the high rate of working children in Mongolia and the various kinds of negative consequences resulting from the exploitation of child labour, including the school dropouts and negative impacts on health caused by the harmful and hazardous work. The high number of child domestic and rural workers and children working in very harmful conditions in gold and coal mines give cause for serious concerns.

575. Furthermore, the Committee is concerned at the hazardous situation of children increasingly involved and exploited in traditional horse racing, which has undergone considerable changes from traditional sports to profitable businesses with child-abusive and exploitative features. In particular, it is concerned, that children, sometimes as young as 8 years old, are involved and that such involvement can generate serious injuries, even fatalities.

576. The Committee recommends that the State party take immediate and effective measures:

(a) To ensure the full implementation of child labour provisions, including the prohibition against employing children in harmful or hazardous work, and the effective prevention of child labour, including child domestic labour and child rural labour, by implementing article 32 of the Convention on the Rights of the Child and ILO Conventions Nos. 138 (1973) and 182 (1999), which the State party has ratified, and by taking into account ILO recommendations Nos. 146 and 190;

...

HEALTH - OCCUPATIONAL HEALTH

- (e) To address the issue of child jockeys in traditional horse racing by undertaking a comprehensive study to assess the nature and extent of exploitation of children in the horse-racing business and by explicitly prohibiting the employment of children under the age of 16 as jockeys in these races in line with the minimum age for work set in the labour law;
- (f) To continue to seek assistance from ILO/IPEC.