



April 28th, 2011

National Day for the Prevention and Safety at Work - Portugal

International Day for Safety and Health at Work - ILO

Memorial Day for the Workers who were Victims of Work Related Accidents and Diseases - CSI-ETUC

The international trade union movement celebrates on this day, for the 16th consecutive year, the International Day for Safety and Health at Work. The event aims to honor the victims of work related accidents and occupational diseases and is associated with the World Day for Safety and Health at Work promoted worldwide by the International Labour Organization (ILO) as a way to honor the victims of work related accidents and occupational diseases.

This year the campaign focuses on the implementation of Occupational Health & Safety Advisory Services - OHSAS as "a tool for the continuous improvement in the prevention of incidents and accidents at work", based on the PDCA cycle: PLAN, DO, CHECK, ACT (Planning, executing, checking and acting).

This day was originally promoted by the Canadian Union movement in 1991 and was immediately accepted by the AFL-CIO and the ICFTU-International Confederation of Free Trade Unions, now known as CSI. In 1996 the first international celebratory event was held at the UN headquarters, where it was lit a memorial to remind all the workers who have lost their lives or contracted occupational diseases in the workplace. With this first Day of Mourning, the International Day of Mourning for Victims of Occupational Accidents and Occupational Diseases was established. The ILO recognized and participated in the commemorations in 2001 and 2002, and proceeded to their actual officialization in 2003.

Thanks to the international trade union movement, April 28th became the largest international event on safety and health at work and is now officially celebrated in many countries, through the initiative of several trade unions.

In Portugal, UGT was the main mentor so that this day would also be officially marked in Portugal. In 2001 the Portuguese Parliament, through its Resolution nº 44/2001, determined that April 28th was officially deemed as "National Day of Prevention and Safety at Work".

UGT, in line with all its ITUC (International Trade Union Confederation) partners and all those who associate themselves with the anniversary, wishes to emphasize that this day represents a unique moment of reflection on the workplace and on society in general. According to ILO data more than 2 million workers lose their lives annually, there are about 270 million work accidents per year, more than 1 million workers become disabled and nearly 160 million contract illnesses from causes directly related to the job.(1)

In Portugal, the now traditional lack of, and sometimes non-existent, statistical indicators makes it impossible to understand our reality in its real depth and extent. However the information that is emerging shows us that we continue with a high labour accident ratio. The rates of occupational accidents continue, therefore, to be very high, demonstrating, undoubtedly, that the legislation on Health and Safety at Work remains to be duly enforced.

Therefore, UGT reiterates for it is essential that the non-compliance with laws to be clear and heavily penalized by the increase of fines that will, in our opinion, play a deterrent function on the cases of non-compliance with obligations regarding the prevention of occupational hazards.

We continue, in this sense, to push so that the inspecting acts, which are of ACT's (Portuguese Authority for Working Conditions) jurisdiction, give a greater attention to the situations deemed as of "serious risk" particularly for recidivist offenders, employers in breach of their obligations. It is required a more effective Labour Inspectorate regarding its penalty duty than on its pedagogical function.

The pedagogy should lie mainly to the authorities aimed at preventing, in this case ACT. We demand, also, that the inspecting actions pay a more careful attention to the protection of maternity and paternity, in particular as regards the risks related to reprotoxics.

The assessment carried out on occupational accidents in Portugal in the last decade, before implementation of the National Strategy for Safety and Health at Work 2008 - 2012, more specifically in the period from 1998 to 2007, gives us no grounds for complacency. Indeed, there were about 2773 deaths of workers (2) in the 2,269,243 accidents at work which in turn also caused the loss of 58,230,087 working days (3).

According to ACT data, in 2010, there were 88 fatalities and 35 of those accidents have occurred in the construction industry. The fall from high structures was the leading cause of death, responsible for 32 deaths in the workplace.

UGT wishes that these numbers that, unfortunately, represent people, may be reduced as soon as possible in order to reduce mortality to "Zero". This reduction to zero fatalities resulting from working activities must be the wish of all partners involved in this crusade.

2 GEP - Study and Planning Office of the Ministry of Labour. With the exception that this figure does not include fatalities recorded in 1998 since this information is not available.

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In the case of occupational diseases there is also a lack of statistical data. Unfortunately we continue to lack reliable statistics data, since there still is an unsustainable level of under-reporting, which results, in turn, in an unacceptable infringement of the legislation regarding the mandatory reporting of occupational diseases. There continues to be therefore an unsustainable ignorance regarding the reality of our country with respect to the impact of occupational diseases.

Therefore, it's still impossible to draw a general picture of the impact of occupational diseases in Portugal, despite the fact that this matter is the subject of the **National Strategy for Safety and Health at Work: 2008-2012** (ENSST), as it is reflected in its measure 2.1 concerning the "restructuring of the statistical system of occupational accidents and diseases (....)"

Similarly to last year's situation, the available data is from 2008, which show that in 2008 the CNPRP (National Center for protection against occupational hazards) certified a total of 4841 new cases of occupational disease and that there were 132 deaths related to an occupational disease. The higher incidence of diseases were MSD's (musculoskeletal disorders) which together accounted for approximately 66.32% (2925 illnesses), followed by hearing diseases - professional deafness - which accounted for 12.97% (572 cases) of the total.

UGT has always placed high expectations on the ENSST (National Strategy for Health and Safety at Work), as it comprises measures that are conducive to the drastic reduction of accidents at work in all its measures. However the annual plans sustaining this Strategy have not satisfied in an effective manner such objective, since many of its measures remain to be implemented and will clearly transit from a yearly plan to the next one.

UGT considers the ENSST a key document that sets the overall framework of the national policy for the prevention of occupational hazards and the promotion of safety and health at work; however, we must emphasize that a significant number of

measures haven't been implemented yet. As last year we cannot help highlighting its importance and urgency, as follows:

- The Implementation of the national survey on working conditions, since it is undoubtedly one of the most obvious deficiencies in our country, within the scope of the objective knowledge of the conditions in which workers carry out their work;

- To ensure the effective diagnosis of occupational diseases. In fact, this is one of the issues that, after so many years of implementation of the Directive, continues to be solved. We keep waiting for solid steps to be taken to bridge this gap, which implies, from our point of view, a serious and programmed effort to raise awareness so that health professionals can establish a correlation between the diseases and the professional activity;

- To restructure the statistical system of work related accidents and occupational diseases, in order that it produces reliable, selective and accurate information, so that it can support and sustain increasingly effective policies. UGT reiterates the urgency of setting up a uniform statistical system, reliable and updated on a regular basis so that it is possible to establish an accurate picture of the situation and to ensure the production of statistical information on the sectoral and pathological incidence of occupational diseases;

- To make the transposition onto domestic law of the Conventions (No. 167, 184 and 187) and of the ILO Recommendations (No. 175, 192 and 197) as well as the agreements established under the European social dialogue, namely the one related to stress;

It is also our belief that the government should urgently take the necessary steps in order to:

- To create and implement the Prevention Observatory, as set out in the 2001 Agreement on Working Conditions, Health and Safety at Work and Fight Against

Casualties, and in accordance with the provisions of the 121/2006 ordinance, which restructures the CNHST - National Board of Health and Safety at Work;

- The regular and effective operation of the CNHST, whose purpose is to promote cooperation and to share responsibilities between the Government and the Social Partners in defining, implementing monitoring and evaluating policies concerning the prevention of occupational hazards and accidents. We emphasize that in the year 2010 the CNHST didn't promote a single meeting and this situation did not change in 2011, when no meetings were held;

- Presentation and approval of the restructuring measures of the National Health Service Plan to its specific responsibilities concerning the promotion and monitoring of workers' health. Even today, after many years past since the implementation of the Directive, there still is a complete void regarding this aspect of the adaptation plan;

Also, on this Safety and Health at Work World Day it becomes necessary to clearly reaffirm the following key principles:

- The protection of workers' safety and health is vital and an absolute priority. Every human being has the right to live, to be healthy and to their physical and psychological integrity. We do not accept the fact that lives continue to be lost on the workplace. We do not accept that the workers' health becomes nothing more than a game in the hands of negligent "pseudo-entrepreneurs". We do not accept negligence and irresponsibility on a matter that ultimately makes the difference between workers' life and death;

- The obligations regarding safety and health at work must be fully met by employers and its failure must be effectively penalized. Employers should be held civilly and criminally responsible for accidents resulting from breaches of law that they commit;

On this day, UGT also stresses a number of measures we believe to be fundamental as far as the national policy against labour fatalities is concerned, namely:

- To make the ENSST 2008 – 2012 clearer and more effective, emphasizing the need to carry out an evaluation study on its impact;

- To give practical usefulness to the activity report on health and safety at work, and to use its data as indicators to signal failures and inspecting activities with reports pointing out non compliance with obligations;

- To raise awareness to the compliance by physicians of the mandatory notification to the CNPCRP of all cases of suspected occupational disease; in this sense, it is critical to conduct a strong awareness campaign at national level within the medical class in order to establish causal connection between diseases and the workplace and / or the professional occupation of the patients;

- To Increase the human and material resources of the ACT in its preventive and inspecting functions;

- To revise the training referentials of the SST technician and SST Senior technician courses, introducing a module on workers' representatives' participation on health and safety at work;

- To improve the action on micro and small enterprises through initiatives that foster an increased number of employees or designated representatives, at sectoral or local level, as a way to ensure increased participation of workers in OSH activities;

- To strive so that self-employed workers are also comprised in the defined preventive measures, regardless of their employment status and promote increased information on their rights in OSH, thus attaining equal treatment by employers;

- The Implementation of OSH policies directed at immigrant workers, so that these workers, regardless of their legal status, should be particularly protected, whenever they are particularly subject to greater professional risks at work;

- To monitor and supervise the activities of companies providing outsourcing services, preventing the functioning of those who are operating without being properly licensed with exemplary punishment to the culprits, not forgetting the continual audits to those in operation;

- To increase the participation of SST workers' representatives, deepening their rights and enhancing their active role regarding SST conditions;

- To increase the range and the financial support for SST training actions directed to workers;

Finally, and considering that a report was produced by the International Labour Organization (ILO) for the World Day for the Safety and Health at Work 2011, entitled: "Management Systems for Safety and Health at Work: A tool for continuous improvement".

The ILO, on this report, draws attention to the need to implement effective management systems on safety and health in enterprises, in order to reduce costs associated with workplace accidents and occupational diseases and to prevent reduced quality life for of workers.

This report thus stresses that a system of safety and occupational health management promotes a healthier working environment, since it is a tool that enables organizations to identify and consistently control the risks to health and safety at work, reducing the potential occurrence of labour accidents and promoting the improvement of health and safety in compliance with legal provisions and the organization's performance as a whole.

The above mentioned report is available in the following link: <http://www.ilo.org/wcmsp5/groups/public/safework/documents/publication> we encourage everyone to consult it and to disclose it.

Today, as always, the UGT associates itself to the hundreds of trade unions confederations that, in more than 120 countries, are grieving for their workers victims of fatalities due to occupational accidents or diseases. Therefore, and for the stated reasons, the Executive Secretariat deliberated that our flag shall be placed at half mast in our national quarters.

On this same day UGT also joins the hundreds of trade union confederations that, throughout the world, stand in the fight for better working and living conditions for all workers.