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FUNDAMENTAL PRINCIPLES OF ACTIVITY OF INTERNATIONAL LABOUR ORGANIZATION IN OCCUPATIONAL SAFETY AND HYGIENE

Purpose. Based on the analysis of the relevant basic international documents, to provide further substantiation for the provisions on the importance of the concept of occupational safety and health in the program and standards-related activities of the ILO.

Methodology. The ILO's participation in the development and settlement of the defined area of social and labour relations is explored using a number of methods, namely: the method of system analysis (which ensures consideration of a set of activities of this organization as a complex system defined by relative structural independence and meaningful harmonious unity of individual components) and the method of comparison (which further advances arguments for the position of achievements and voids in the study on this issue, as well as places emphasis on the most significant and promising area of activity of this organization related to occupational safety and health).

Findings. Based on the application of these methods, it is substantiated that much attention is paid to various aspects of occupational safety and health in the programmes and standards-related activities of the ILO. In this case, a harmonious interrelation between the key documents, labour standards, as well as the fundamental principles and rights at work is fundamentally essential. This interrelation is partly embodied in a special ILO document on labour protection, which, however, has no clear emphasis on the protection of working people as the fundamental basis of this organization. The grouping of conventions of this organization is carried out, which in the set of norms are aimed at regulating occupational safety and health issues. In addition to the above, emphasis is placed on the need for a comprehensive analysis of fundamental conventions and conventions, which together are aimed at direct regulation of occupational safety and health.

Originality. The provision that the concept of occupational safety and health is of paramount importance in the key documents and conventions of ILO, and that this concept is one of the systemically important factors of this organization, is presented and comprehensively substantiated. Indeed, a set of provisions based on the safety of workers is contained in both program documents (declarations, conventions) and in most conventions. At the same time our analysis shows that such provisions with certain details directly relate to all fundamental principles and rights at work (therefore, when analysing this issue attention should be paid not only to formal but also to the essential characteristics of occupational safety and health). ILO conventions, which contain norms on labour protection, are also defined and grouped (with substantiation of the provision on the degree of involvement in this area of fundamental and governance conventions, as well as conventions based on direct regulation of relevant relations).

Practical value. The results of this research can be used in the current activities of public authorities, trade unions, and other individuals involved in labour protection.

The share of international labour standards related to the need of strict compliance with occupational safety and health in improving state social policy (in Ukraine, for example, in the course of further revision of the draft Labour Code) will also be important for public authorities. The provisions of the paper may be advantageous to officials involved in the formation and implementation of state policy in the area of labour protection. Provisions on the fundamental principles of the ILO should be taken into account better when discussing the "Concept of Reforming the Labour Protection Management System in Ukraine", which, as referred to ILO Convention No. 187, has already been discussed in the professional publications. The results of the research will be useful for preparation for ratification of some conventions, a process which is increasingly joined by trade union representatives. Some voids in the use of relevant knowledge became obvious during the discussion on ratification of the above convention and ILO Convention No. 167, because the arguments of the parties concerned in general did not centre around the significance of international standards, but the occupational safety and health in the outlined areas of industrial relations. The results of the research should provide a solid foundation for overcoming formalism in the preparation and holding of the World Day for Safety and Health at Work (comprehensive view of an integrated approach of international organizations to social protection of workers cannot be formed without the most important ILO documents).

Keywords: *occupational safety and health, ILO documents, declaration, convention, ILO, international labour standards, decent work, decent work*

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Introduction. The International Labour Organization (ILO) is a specialized agency of the United Nations that has been developing universal labour norms and international labour standards (hereinafter referred to as the “ILS”) for over a century. The general activity areas of the ILO, which are defined and interpreted in the basic documents of this organization, include: the development of agreed policies and key documents aimed at solving various problems of social and labour relations; development and adoption of international labour norms and international labour standards in the form of conventions and recommendations; definition and improvement of principles and rights at work; control and audit; protection and restoration of the environment, as well as occupational safety and health (hereinafter referred to as the “OSH”).

The urgent character of the issue regarding the ILO’s activities in the area of labour protection and full perception of ILS is above all explained by a set of several important circumstances. First, these are intense globalization processes, Ukraine’s integration into the world and European political and legal space (which makes it absolutely necessary to get acquainted with the world heritage of the settlement of any sphere of public relations, including labour relations). Secondly, these are the democratization of socio-political and socio-economic relations (which in the context of this issue, above all, indicates the general occurrence of civilized relations in the areas of labour and labour protection). Third, this is the impactful importance of the ILO’s activity in the development and improvement of ILS (it is this organization that specializes in the development and adoption of such standards). Fourth, this includes intensive implementation of international social and labour standards in national legislation and labour protection practice.

Literature review. The activities of the ILO in today’s complex conditions are increasingly becoming the subject of special professional research. In the works by M. H. André, J. Berg, C. Gallagher, P. Christopher, A. Cox, J. Murray, M. Rhisiart, E. Underhill, L. Fletcher, K. Frick, and M. A. Cherry both the nature of the development of modern international labour standards and the peculiarities of their implementation in different countries are analysed. For our subject of research, works focused on the core components of labour regulation at the international level are of particular importance.

For example, increasingly, scientists point out that amidst increasing challenges and threats, it is necessary to pay more attention to management in the area of labour protection at the international level (analysing and promoting the OHSM category, adding the word “management” to the usual abbreviation). At the same time, elaborating this idea, analysing the category of MS/OSHM (adding to the above phrase “management systems”), K. Frick emphasizes the importance of a process approach to the regulation of labour in the future [1]. M. H. André sees the main role of the ILO Centenary Declaration in providing key priorities both for the ILO as a whole and for its individual structures [2]. While M. A. Cherry draws readers’ attention to the fact that some of the pressing problems of international regulation in the world of labour have already been solved before [3].

Some activities of the ILO in the area of occupational safety and health are also considered in the works by U. Bek, S. Vavzhenchuk, O. Volokhov, S. Voloshina, Yu. Dmytrenko, V. Yeremenko, Yu. Ivchuk, Z. Kozak, Ye. Krasnova, H. Chanyshyeva, and some other Ukrainian scholars. Moreover, the focus is mostly put on the ratification of certain conventions and the implementation of the provisions of these acts in the practice of national labour protection relations.

Unsolved aspects of the problem. At the same time, the importance of the concept of OSH in the program and current standards-related activities of the ILO has remained understudied as the subject of special professional research. It is about the need for reconciliation and harmonious combination of principles and rights at work, declarations, decent work

programmes, and the most important current ILO documents with the relevant area of regulation. Purely formal mention of “consistency in the ILO’s activities” and the focus of research on the ILO-OSH 2001 by no means limit the scope of the relevance of this problem. Indeed, the already used mentions of “consistency” need more and more justification, and the above guidelines on labour protection have solely applied significance and do not cover the full range of the most important measures of the ILO in the defined area of social and labour relations.

Purpose. The task of the paper is to provide further substantiation for the importance of the concept of occupational safety and health in the program and standards-related activities of the ILO.

Methods. The ILO’s participation in the development and settlement of the defined area of social and labour relations is explored using a number of methods, namely: the method of system analysis (which ensures consideration of a set of activities of this organization as a complex system defined by relative structural independence and meaningful harmonious unity of individual components) and the method of comparison (which further advances arguments for the position of achievements and voids in the study on this issue, as well as places emphasis on the most significant and promising area of activity of this organization related to occupational safety and health).

Results. When studying the activities of the ILO as a complex system, first of all, we proceeded from the principle of relationship generally accepted in the professional environment as a methodological basis of a systems approach, as well as the unique importance of this principle in the analysis of ideal objects as a system (out of this connection, a solely formal set of components of the whole does not fall under the characteristics of the system).

At the same time we gave consideration to the methodologically important position known since the 1970s, that the system can be called only a set of such selectively involved components, in which the interaction and interrelation become mutual interaction of components to obtain a focused useful result. The formation of a reliable basis for the comprehensive protection of working people at the international level should be such a “useful result” in the activities of the ILO. Therefore, OSH should become one of the systemically important factors, which is the core of international labour standards.

At the same time it has to be considered that the content and scale of OSH have changed over time, including more and more substantial factors and involving not only workplaces but also many other aspects of social and labour relations. According to the ILO, OSH has eventually become a global problem, including in the areas of economic activity and environmental protection. According to the definition adopted by the Joint ILO/WHO Committee on Occupational Health at its first session (1950) and revised at its 12th session (1995), occupational health should be aimed at promoting and maintaining the highest degree of physical, mental and social well-being of workers in all occupations. By the way, at the initiative of the ILO/WHO, the category of OHSMS (Occupational Health and Safety Management System) is being promoted. The correlation of the English categories “safety”, “health”, “occupational safety”, “occupational health”, “occupational hygiene”, “safety and health at work”, “occupational health and safety”, and “occupational safety and health” requires further analysis and substantiation.

Taking into consideration the set of these arguments, the ILO’s activities in the area of OSH should be systematized by dividing it into five separate units, namely:

- 1) the whole set of program and standards-related activities of the ILO, which covers the described area of social and labour relations;
- 2) the ILO’s program documents defining the principles and directions of social protection of workers;

3) norms of conventions and recommendations directly related to OSH;

4) codes of practical rules and guidelines on various aspects of protection of workers in the course of production activities;

5) the ILO's analytical materials, in which reports to the World Day for Safety and Health at Work rank high.

The subject of our study covers only the ILO's declarations and conventions, which are quintessential for the regulation of OSH issues at the international level.

Apart from the Constitution, which was adopted in 1919 and amended from time to time, all five declarations belong to the key documents of this organization: dated 1944, 1977, 1998, 2008, and 2019 (Table 1).

The 1944 Declaration, the content of which was fully incorporated into the ILO Constitution, contains a solemn obligation to further the adoption by nations of the world of programmes which should be based, *inter alia*, on the need for protection for the life and health of workers in all occupations (para. 3, part 3 of the Declaration). The 1998 Declaration and the 2008 Declaration define the fundamental principles for the protection of working people at the international level in today's complex conditions, which in their concentrated form constitute a basis of the Decent Work Programme (hereinafter referred to as the "DWP"). The purpose of the Program, which was presented at the 87th session of the ILC in 1999, was to ensure decent work for men and women around the world.

The content of the 1999 DWP was obviously linked to the main provisions of the 1998 Declaration, in particular to the four principles of fundamental principles and rights at work (in this case it is acceptable to abbreviate these principles and rights as PRW, which means principles and rights at work). These are the freedom of association and collective bargaining; elimination of all forms of forced or compulsory labour; eradication of child labour; elimination of discrimination in respect of employment and occupation.

The 2008 Declaration presents as a priority the application of global and integrated approaches in line with the DWP and the four ILO objectives. It is this document which provides a clear interpretation and proper structuring of these objectives. Thus, in S. 1 "Scope and principles" four strategic objectives, which are reflected in the DWP, are set out as follows:

1) promoting employment by creating a sustainable institutional and economic environment (structured according to three components);

2) developing and enhancing measures of social protection – social security and labour protection – which are sustainable and adapted to national circumstances (also structured according to three components);

3) promoting social dialogue and tripartism as the most appropriate methods for several important objectives (four objectives in total);

4) respecting, promoting and realizing the fundamental PRW, which are of particular significance, as both rights and enabling conditions that are necessary for the full realization of all of the strategic objectives. It is also noted that freedom of

association and the effective recognition of the right to collective bargaining are particularly important to enable the attainment of the four strategic objectives, and that the violation of fundamental PRW cannot be used for protectionist trade purposes (for more information on authors' work about the importance of the ILO's Declaration and Decent Work Programme [4]).

In this case, the characterization of harmonious relations between occupational safety and health in different variations and in the DWP is also fundamentally important. For the first time, this relation was given a clear definition and substantiated in the report "ILO standards-related activities in the area of occupational safety and health...", which was presented at the 91st session of the ILO in 2003. The document repeatedly accentuates that OSH issues run through all four activities of the ILO in accordance with the four strategic objectives of the ILO, and that in the area of OSH, the emphasis is placed on finding the ways to improve this area as part of efforts to achieve the long-term goals set out in the DWP. It is significant that this area of social, labour, and industrial relations includes not only conventions directly related to OSH, but also fundamental conventions and corresponding documents relating to labour inspection [5].

At the same time, it should be noted that the term "decent work" still has no clear and generally accepted definition. However, most authors of professional studies tend to hold to the view that the conceptual basis of such work should be the safety and health of workers ensured.

Some authors use the categories "conceptual foundation" or even "concept", stating that the provisions of the ILO on decent work in different variations do not acquire the key document level.

We believe that the prevailing arguments are in favour of the fact that the set of relevant provisions elaborated by the ILO is appropriate to be called a program. To this effect, it is necessary to once again pay attention to the fact that international labour standards are program- and goal-oriented in nature and do not require detailed regulations. A significant proportion of such standards have a framework nature and have the features of the so-called "soft law", which is characterized by a harmonious combination of legal norms and recommendations (which can be confirmed by the phrases commonly used in ILO documents, such as: "provisions may be applied...", "member state may apply... as long as it finds it necessary", "take the necessary measures...", "take measures...", and others). And probably the most important argument in favour of the above idea should be the inseparable link of the DWP with the fundamental principles and rights at work, which are set out in the 1998 Declaration and developed in the 2008 Declaration (there can be no doubt that these declarations are key documents).

A special program document of the ILO "Global Strategy on Occupational Safety and Health", which was approved at the 91st session of the ILC in 2003, specifically emphasizes that "decent work must be safe" and this imperative of labour protection relations is comprehensively disclosed and detailed

Table 1

Declarations of the International Labour Organization

Item No.	Name of Declaration	Year of adoption	Adopted by
1	Declaration Concerning the Aims and Purposes of the International Labour Organization	1944	the 26 th session of the ILC
2	Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy	1977 (amended in 2000)	the 279 th session of the Governing Body in 2000
3	ILO Declaration on Fundamental Principles and Rights at Work	1998	the 86 th session of the ILC
4	ILO Declaration on Social Justice for a Fair Globalization	2008	the 97 th session of the ILC
5	ILO Centenary Declaration for the Future of Work	2019	the 108 th session of the ILC

in all structural parts of the ILO action plan to further occupational safety and health (“Preventive activities and awareness raising”, “ILO legal acts”, “Technical support and cooperation”, “Knowledge development and dissemination, management in education” and “International cooperation”) [6].

Diligent elaboration of the draft document, which was to be a milestone in the centuries-old history of this organization – the ILO Centenary Declaration for the Future of Work (hereinafter may referred to as the ILO Centenary Declaration) also deserves special attention. The starting point for the mutual work of all the parties concerned in this regard was the provision that the centenary of the ILO is not only an opportunity to once again pay tribute to previous achievements, but also the need to develop a set of further actions to protect working people. With this purpose in mind, the preparation of this document lasted for six years, and engaged some of the most important ILO units and participants in the tripartite dialogue, as well as experts and statesmen from around the world. The content and form of the document, which was to be a kind of milestone at the turn of the century-old history of this organization, were clarified step by step. All this once again evidences the paramount importance of this act in the protection of working people in all nations of the world.

The content of the ILO Centenary Declaration confirms the relevancy of our approach to the systematization of ILO activities in the area of occupational safety and health. According to it, all workers must be guaranteed adequate protection in accordance with the Decent Work Programme, taking into account the following factors: respect for their fundamental rights; adequate minimum wage (statutory or negotiated); maximum limits on working time; safety and health at work. Moreover, safe and healthy working conditions were recognized as fundamental to decent work (see paragraph D of S. II and paragraph B of S. III of the Declaration) [7].

However, the provision in the Centenary Declaration on the importance of OSH still needs its complete comprehension by the international community and proper regulation. First of all, it is necessary to include the concept of OSH in the area of fundamental principles and rights at work.

This issue was a matter of intense debate at the 337th session of the ILO Governing Body, which took place from 24 October to 7 November 2019. Moreover, in the course of the discussion, some opinions stated that an obvious statement of the OSH concept included in the Decent Work Programme (improved from time to time and open to all urgent changes) is absolutely sufficient. The large majority decided to submit to the 109th and 110th sessions of the INC a question on the inclusion of the concept of OSH in the fundamental principles and rights at work, making appropriate changes to the text of the 1998 Declaration. It was also planned to consider this issue in more detail at the 338–340th sessions of the Governing Body (in connection with the COVID-19 pandemic, the decision to hold regular

sessions of the Governing Body was cancelled and the 109th session of the INC was rescheduled to next year, the question of the timing of the 110th session of the INC remains open) [8].

The main current documents of this organization, which in their entirety of norms are aimed at a specific international settlement of social, labour and labour protection relations, are conventions and recommendations. ILO documents have repeatedly noted the fact that the norms are the main means of achieving the goals. 190 conventions and 206 recommendations have been adopted at the moment. It should be noted that only ILO conventions contain norms that upon being duly ratified become part of national social and labour and labour protection legislation.

There are fundamental and governance ILO conventions among those conventions that are relevant and still in effect today.

The ILO’s fundamental conventions are those that, according to the provisions of the 1998 Declaration, must be fully implemented regardless of their ratification, and in the entirety of legal norms reflect the fundamental principles and rights in the area of labour. Our table provides a list of these conventions, as well as their compliance with one of the PRW (Table 2).

The ILO governance conventions are those that are recognized as particularly important for labour protection relations. Our table shows that the ILO pays special attention to the harmonious coordination of issues of elaboration and regulation of employment, as well as prevention of violations or abuses in the defined area of social and labour relations (Table 3). The priority of such conventions is, among other things, intended to further the efforts of Member States to accelerate their ratification and full implementation.

We believe that the Labour Inspection Convention, 1947 (No. 81) stands out among these conventions, which contains general provisions on the regulation of the system of labour inspections and which directly clarifies the place of the relevant central executive bodies in the control and supervisory activities and scope of duties of health and safety engineers [9].

The ILO conventions, which even in their names contain the phrases “occupational safety and health”, or separately “safety” and “health” are directly related to the regulation of labour relations (Table 4).

Some other conventions may be added rightly to this list, which in the entirety of norms are aimed at regulating certain aspects of OSH. These are, above all, conventions No. 89 (Night Work (Women) Convention), No. 115 (Radiation Protection Convention), No. 119 (Guarding of Machinery Convention), No. 139 (Occupational Cancer Convention), No. 148 (Working Environment (Air Pollution, Noise and Vibration) Convention), No. 162 (Asbestos Convention), No. 170 (Chemicals Convention), and No. 174 (Prevention of Major Industrial Accidents Convention).

The importance of the standards-related assuring of the OSH in the ILO’s activities is obvious due to the fact that

Table 2

The Fundamental ILO Conventions in the Implementation of Principles and Rights at Work

Number of convention	Year of adoption	Name of convention	PRW
29	1930	Forced Labour Convention	Prohibition of forced labour
87	1948	Freedom of Association and Protection of the Right to Organise Convention	Rights at work
98	1949	Right to Organise and Collective Bargaining Convention	Rights at work
100	1951	Equal Remuneration Convention	Prohibition of discrimination at work
105	1957	Abolition of Forced Labour Convention	Prohibition of forced labour
111	1958	Discrimination (Employment and Occupation) Convention	Prohibition of discrimination at work
138	1973	Minimum Age Convention	Prohibition of the worst forms of child labour
182	1999	Worst Forms of Child Labour Convention	Prohibition of the worst forms of child labour

Content and Scope of the ILO Governance Conventions

Number of convention	Year of adoption	Name of convention	Scope
81	1947	Labour Inspection Convention	Maintenances of a system of labour inspection in industrial workplaces
122	1966	Employment Policy Convention	Active policy designed to promote full, productive and freely chosen employment as a main goal of the member of Organization
129	1969	Labour Inspection (Agriculture) Convention	Ensuring labour inspection in agriculture
144	1976	Tripartite Consultation (International Labour Standards) Convention	Establishment of tripartite machinery to promote the implementation of international labour standards

Table 4

The ILO Occupational Safety and Health Conventions (Principal)

Number of convention	Year of adoption	Name of convention	Status of convention	Ratified by Ukraine
62	1937	Safety Provisions (Building) Convention	Revised	Not ratified
120	1964	Hygiene (Commerce and Offices) Convention	In effect	1968
152	1979	Occupational Safety and Health (Dock Work) Convention	In effect	Not ratified
155	1981	Occupational Safety and Health Convention	In effect	2011
161	1985	Occupational Health Services Convention	In effect	2010
167	1988	Safety and Health in Construction Convention	In effect	Not ratified
176	1995	Safety and Health in Mines Convention	In effect	2011
184	2001	Safety and Health in Agriculture Convention	In effect	2009
187	2006	Promotional Framework for Occupational Safety and Health Convention	In effect	Not ratified

among all five protocols, which partially revised or improved certain conventions, three of them were devoted to occupational safety (including the 2002 Protocol to the Occupational Safety and Health Convention).

Considering the large number of conventions relating to certain aspects of OSH, it is advisable to systematize and divide them as follows:

1. Fundamental or primary conventions.
2. The ILO governance conventions.
3. Conventions based on the direct regulation of OSH.

A. Conventions about the organization of OSH measures at work.

B. Conventions about specific risk factors.

C. Conventions about specific areas or industries.

It should be also noted that in its different variations, OSH provides a substantial ground for the connection and harmonious combination of all these conventions. Thus, the analytical material of the ILO presents some aspects of this connection as follows: the 1981 Convention No. 155 provides the fundamental principles and methodology needed to improve the management methods of OS. The 2002 Protocol complements it with regard to the requirements for the collection of relevant information to assess the progress. The 2006 Convention No. 187 provides the requirements for a safe and healthy working environment. It gives concrete expression to the cyclical nature of the national political process and how public policy contributes to the formation and maintenance of a culture of labour protection by means of national programs [10].

The problem of ratification of conventions also deserves special attention. Table 3 shows that lively ratification of conventions in Ukraine occurred during 2009–2011. In our opinion, this was a consequence and result of the discussions that were triggered by the public discussion of the draft Labour Code.

From time to time, the question arises about ratification of those conventions that have not yet been the centre of the fo-

cused attention of legislators. In Ukraine, first of all, this refers to Conventions No. 167 and No. 187. Representatives of governments, trade unions and employers took active part in this work. For example, the participants of the round tables devoted to the outlined problems almost unanimously spoke in favour of the ratification of these conventions. The main argument was the degree of occupational injuries and occupational diseases, which was a cause for concern for good reason. At the same time, the arguments against the immediate ratification of these conventions should be considered as well. For example, only 16 countries have ratified Convention No. 167 to date, and in this case it should be not only about formal ratification, but also about the general approval of international labour standards and the ability of public authorities to implement its provisions.

Conclusions. Thus, an important place in the activities of the ILO is devoted to various aspects of occupational safety and health. This aspect is obvious in the basic documents of this organization, including declarations and many conventions. Moreover, it is occupational safety and health which is a systemically important factor that forms the conceptual basis of such documents and publications. At the same time, much attention is paid to the issues of prevention and culture of labour protection. Among the current documents of this organization, which one way or another are intended for regulation of the issues of OSH, there are fundamental and governance conventions, as well as those conventions that clearly distinguish a certain aspect of the protection of people at work.

At the same time, the documents and analytical materials of this organization contain some differences, which are primarily explained by their status and scope. For instance, the ILO Declarations contain the fundamental principles and directions of development of international protection of people at work, while the special programs comprehensively disclose and detail the action plan to promote occupational safety and health. The labour protection aspect is absolutely obvious in the conventions and recommendations, which in the entirety

of norms are intended for direct regulation of social and labour relations (at the same time special attention should be given to the grouping of conventions, as well as the ratification of conventions on occupational safety and health, which requires systematic and hard work of public authorities, specialists and representatives of workers' organizations).

The most promising areas for further research should include, above all, a more detailed comparison of international and national labour norms, as well as a close analysis of certain aspects of OSH in the basic documents of this organization.

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Фундаментальні засади діяльності МОП у сфері безпеки та гігієни праці

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Мета. На основі аналізу базових міжнародних документів відповідного спрямування додатково обґрунтувати положення щодо значущості концепту безпеки й гігієни праці у програмній і нормотворчій діяльності МОП.

Методика. З'ясування питання щодо участі МОП в опрацюванні та врегулюванні окресленої сфери соціально-трудова відносин проводиться на основі низки методів, а саме: методу системного аналізу (що дозволяє розглядати сукупність напрямів діяльності цієї організації як складної системи, яка позначається відносною структурною самостійністю та змістовною гармонійною єдністю окремих компонентів) та методу порівняння (у результаті чого додатково аргументується положення щодо досягнень і прогалин у дослідженні даного питання, а також виділяються найбільш значущі й перспективні напрями діяльності цієї організації у сфері безпеки й гігієни праці).

Результати. На основі застосування зазначених методів обґрунтовано положення про те, що у програмах і нормотворчій діяльності МОП значна увага відводиться різнобічним аспектам безпеки й гігієни праці. У даному разі принципово важливою є наявність гармонійного взаємозв'язку між документами програмного значення, працезохоронними нормами, а також основними принципами та правами у світі праці. Такий взаємозв'язок частково втілюється й у спеціальному документі МОП з охорони праці, якому, проте, недостає чіткого наголосу на захистові людей праці як фундаментальної основи діяльності цієї організації. Проведено групування конвенцій цієї організації, що в сукупності норм спрямовані на регулювання питань безпеки й гігієни праці. При цьому наголошено на необхідності сукупного аналізу фундаментальних конвенцій і конвенцій, що в сукупності норм спрямовані на безпосереднє регулювання сфери безпеки й гігієни праці.

Наукова новизна. Наведено та всебічно обґрунтовано положення про те, що концепту безпеки й гігієни праці відводиться важливе місце в документах програмного значення й конвенціях МОП, і що цей концепт є одним із системоутворюючих факторів цієї організації. Дійсно, сукупність положень з основою в забезпеченні безпеки працівників містяться як у програмних документах (декларації, конвенції), так і в більшості конвенцій. При цьому, згідно з нашим аналізом, такі положення з певними нюансами прямо стосуються всіх основних принципів і прав у світі праці (відтак при аналізі даного питання слід першочергово звертати увагу не лише на формальні, але й на сутнісні характеристики безпеки і гігієни праці). Також виокремлені та згруповані конвенції МОП, що містять норми з охорони праці (з обґрунтуванням положення щодо міри причетності до цієї сфери фундаментальних і пріоритетних конвенцій, а також конвенцій з основою в безпосередньому регулюванні відповідних відносин).

Практична значимість. Представлені результати можуть бути використані в поточній роботі органів державної влади, представників професійних спілок та інших осіб, які причетні до охорони праці. Для представників органів державної влади важливою має стати та частка міжнародних трудових стандартів, що стосується необхідності неухильного дотримання безпеки й гігієни праці при вдосконаленні державної соціальної політики (в Україні, наприклад, у процесі подальшого доопрацювання проекту Трудового кодексу). Наведені в роботі положення мають зацікавити й посадовців, що причетні до формування та реалізації державної політики у сфері охорони праці. Положення про фундаментальні засади діяльності МОП мають більшою мірою враховуватися при обговоренні «Концепції реформування системи управління охороною праці в Україні», про що з посиланням на Конвенцію МОП № 187 вже йшлося на сто-

рінках фахової літератури. Результати дослідження стануть у нагоді й у процесі підготовки до ратифікації деяких конвенцій, до якого все частіше долучаються й представники профспілок. Деякі прогалини у використанні відповідних знань зримо виявилися під час обговорення питання щодо ратифікації згаданої вище конвенції та Конвенції МОП № 167, адже аргументи зацікавлених сторін загалом стосувалися не значущості міжнародних стандартів, а стану безпеки й гігієни праці в окреслених сферах виробничих відносин. Результати дослідження мають стати й надійним фундаментом для подолання формалізму у процесі підготовки та проведення Всесвітнього дня охорони праці (поза найбільш важливими документами МОП не може формуватися повноцінна уява про комплексний підхід міжнародних організацій до питання соціального захисту працівників).

Ключові слова: безпека й гігієна праці, документи МОП, декларація, конвенція, МОП, міжнародні трудові стандарти, гідна праця

Фундаментальные основы деятельности МОТ в сфере безопасности и гигиены труда

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Цель. На основе анализа базовых международных документов соответствующего направления дополнительно обосновать положение о значимости концепта безопасности и гигиены труда в программной и нормотворческой деятельности МОТ.

Методика. Выяснение вопроса об участии МОТ в разработке и урегулировании определенной выше сферы социально-трудовых отношений производится на основе ряда методов, а именно: метода системного анализа (что позволяет рассматривать совокупность направленной деятельности этой организации как сложной системы, которая обозначается относительной структурной самостоятельностью и содержательным гармоничным единством отдельных компонентов) и метода сравнения (в результате чего дополнительно аргументируются положения о достижениях и пробелах в исследовании данного вопроса, а также выделяются наиболее значимые и перспективные направления деятельности этой организации в сфере безопасности и гигиены труда).

Результаты. На основании использования указанных методов обосновано положение о том, что в программах и нормотворческой деятельности МОТ значительное внимание отводится разносторонним аспектам безопасности и гигиены труда. В данном случае принципиально важным является наличие гармоничной взаимосвязи между документами программного значения, нормами охраны труда, а также основными принципами и правами в сфере труда. Такая взаимосвязь частично воплощается и в специальном документе МОТ по охране труда, которому, однако, недостает четкого акцента на защите людей труда как фундаментальной основы деятельности этой организации. Проведена группировка конвенций, которые в совокупности норм направлены на урегулирование вопросов безопасности и гигиены труда. При этом

упор сделан на необходимости совокупного анализа фундаментальных конвенций и конвенций, которые в совокупности норм направлены на непосредственное регулирование сферы безопасности и гигиены труда.

Научная новизна. Приведено и всесторонне обосновано положение о том, что концепту безопасности и гигиены труда отводится важное место в документах программного значения и конвенциях МОТ, и этот концепт является одним из системообразующих факторов этой организации. Действительно, совокупность положений с основанием в обеспечении безопасности работников содержится как в программных документах (декларации, конвенции), так и в большинстве конвенций. При этом, согласно нашему анализу, такие положения с определенными нюансами прямо касаются всех основополагающих принципов и прав в сфере труда (следовательно, при анализе данного вопроса следует в первую очередь обращать внимание не только на формальные, но и на существенные характеристики безопасности и гигиены труда). Также выделены и сгруппированы конвенции МОТ, которые содержат нормы по охране труда (с обоснованием положения о степени причастности к этой сфере фундаментальных и приоритетных конвенций, а также конвенций с основанием в непосредственном регулировании соответствующих отношений).

Практическая значимость. Представленные результаты могут быть использованы в текущей работе органов государственной власти, представителей профессиональных союзов и других лиц, причастных к охране труда. Для представителей органов государственной власти важной должна стать та часть международных трудовых стандартов, которая касается необходимости неукоснительного соблюдения безопасности и гигиены труда при совершенствовании государственной социальной политики (в Украине, например, в процессе дальнейшей доработки проекта Трудового кодекса). Приведенные в работе положения должны заинтересовать и должностных лиц, причастных к формированию и реализации государственной политики в сфере охраны труда. Положения про фундаментальные принципы деятельности МОТ должны в большей степени учитываться при обсуждении «Концепции реформирования системы управления охраной труда в Украине», о чем со ссылкой на Конвенцию МОТ № 187 уже говорилось на страницах профессиональной литературы. Результаты исследования станут полезными и в процессе подготовки к ратификации некоторых конвенций, к которому все чаще присоединяются и представители профсоюзов. Некоторые пробелы в использовании соответствующих знаний зримо проявились во время обсуждения вопроса о ратификации упомянутой выше конвенции и Конвенции МОТ № 167, ведь аргументы заинтересованных сторон в целом касались не значимости международных стандартов, а состояния безопасности и гигиены труда в определенных сферах производственных отношений. Результаты исследования должны стать и надежным фундаментом для преодоления формализма в процессе подготовки и проведения Всемирного дня охраны труда (вне наиболее важных документов МОТ не может формироваться полноценное представление о комплексном подходе международных организаций к вопросу социальной защиты работников).

Ключевые слова: безопасность и гигиена труда, документы МОТ, декларации, конвенции МОТ, международные трудовые стандарты, достойный труд

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