

# BE United Organized Informed



Protocols and guidelines for the trade unions for the protection of workers rights, their health, occupation hazards and viral infections i.e. COVID19.

The guidelines will also provide a capacity building framework for workers and trade unions to build a better and informed workforce in Pakistan.



## 1. Background

The research took place at the Tarbela and Mohmand dam construction sites in 2021. The purpose was to learn how workers are protected from occupational and health hazards, to identify gaps in that protection, and to recommend improvements. Since the COVID-19 pandemic was ongoing, practices to protect workers from it were included in the study. The study identified numerous gaps in OSH laws, policies, regulations, guidelines and on-site practices, as well as the Government's COVID-19 Guidelines (2020).

Much of the OSH legislation (National and Provincial Labor Laws, Labor Policies etc.) does not include construction sites specifically, even though construction is a massive contributor to the economy. Even when it does address construction there are gaps in implementation. The role of Labor Inspectors is not clear, and in fact no Government Inspectors had visited these mega construction study sites.

Safety Committees do inspections periodically at the Tarbela Dam(4) site but there are no workers on those Committees. No inspection reports are made public. More OSH-focused ILO Conventions should be considered for ratification in Pakistan. These gaps in laws, Conventions and inspection mean that safety processes are often not followed and that workers in Pakistan do not have the same rights as in some other countries. Without data collection and analysis there is no way to monitor safety violations or to determine who is at fault when workers are injured or killed.

Although some of the workers at both sites are skilled tradesmen and experienced in construction, many of the workers have not been trained in worksite safety, so are at risk of injury or illness. If they are not permanent employees they may be poorly paid, even with minimum wage laws in effect. Their rights to a safe working environment can be ignored. Some workers do not attend the safety training that is held, thinking it is a waste of time. On the Mohmand dam site, sick or injured workers have to be transported to a health facility quite far away, although they have the right to on-site treatment.

Strict COVID-19 measures were taken at both dam sites. Some workers were treated unfairly, losing their jobs if they went on leave to see their families.

The report recommends that labor legislation be revised to include construction sites and workers, and that a number of Councils and Directorates written into the legal framework be established and made to function well to improve occupational safety and health. The report recommends that COVID-19 be considered an occupational disease, so that workers are better protected and can receive compensation if required.

Union leaders at Tarbela(4) play a significant role in informing workers about the need for occupational safety and about their rights to safe worksites. Trade union should replicate their role in other construction sites to organize and inform workers for their own safety and security and build a safe and productive work site. Trade unions can also play an important role to convince employers to adopt safety measures, construction safety protocols not only for workers safety but to strengthen their accident free worksite.

The document below can be used as a checklist and yard stick to ensure the safety at workplace and measure the impact.

## 2. Trade Unions in Pakistan



The right to join association is guaranteed under article 17 of the Constitution of Islamic Republic of Pakistan, which says, “Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality”. Article 17 not only guarantees freedom of association but also collective bargaining as a fundamental right.



**4.7 million people in Pakistan are employed in the construction sector, with an overwhelming majority (4.4m) being engaged in informal activities.**  
(Pakistan Labour Force Survey (LFS) 2017-18)




The labour laws in Pakistan also allows formation and joining of trade unions/associations to both the employers and the employees. There is a special law in Pakistan for trade union registration and settlement of industrial disputes i.e., Industrial Relations Act. After the 18th Constitutional amendment, labor is no longer a federal and national mandate, central government cannot intervene in provincial labor administration. The Industrial Relations Act 2012 consolidates the law relating to formation of trade unions and federations of trade unions, determining the collective bargaining agents, regulations of relations between employers and workers. It clearly states that workers have the right to form trade unions and join organizations of their own choosing without previous authorization. The Act further provides how to avoid and settle any disputes or differences.



**One of the most important roles that labor unions is to acts as an intermediary between employers and business owners when there is a dispute at workplace.**  
(Pakistan Labour Force Survey (LFS) 2017-18)

## 3. Approaches of Trade Unions

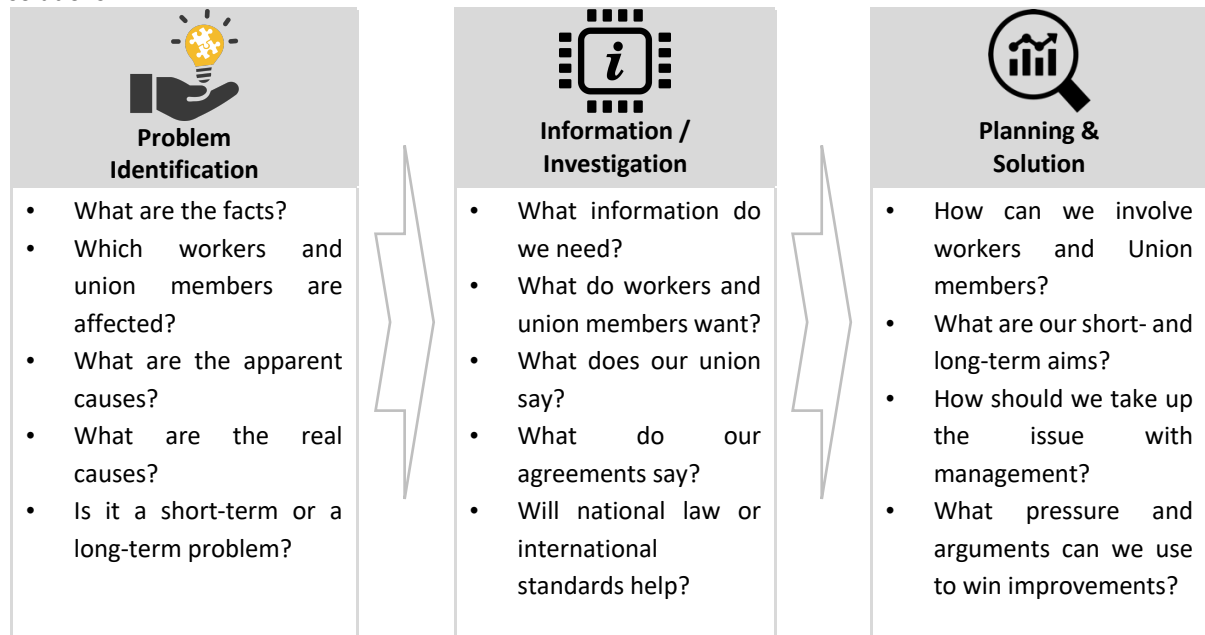
Trade unions have been advocating workers and their rights for a century in different forms. Initially unions given life by changing work styles and industrial pressures of the first industrial revolution. Today, the second industrial revolution, sparked off by computer innovation and robotics. The unions have to rethink about their roles, modus operandi and their relationship with the employers of construction sector. Trade unions may have to adopt multiple approaches, to ensure health and safety, to deal with this new industrial evolution, some approaches are given below to be adopted based on certain environment.

 <b>Environment</b>	 <b>Participation</b>	 <b>Communication</b>
<p>It is the employer’s responsibility to:</p> <ul style="list-style-type: none"> <li>• Eliminate or reduce hazards to workers, rather than expecting workers to adapt to the hazards around them.</li> <li>• Ensure that health, safety and welfare are dealt with as well as the more obvious risks to safety.</li> <li>• Consider the environmental impact of work activity, and</li> </ul>	<p>Unions must:</p> <ul style="list-style-type: none"> <li>• Involve, inform, and educate workers and union members to support the union’s mission for healthy and safe working conditions.</li> <li>• Involve number of employees in the day-to-day decision-making for ownership and information.</li> <li>• Work as a united body at all levels in the union. Health and</li> </ul>	<p>We are living in hi-tech era:</p> <ul style="list-style-type: none"> <li>• Trade unions must advance their efforts to use digital technologies in their fields of operations and advocacy.</li> <li>• The new wave of artificial intelligence proved that people are more convinced through voice or facial expression interpretation.</li> <li>• Digital communication is more efficient and</li> </ul>

the hazards created for local communities.	<p>safety is not different from any other trade union issue</p> <ul style="list-style-type: none"> <li>• Conduct dialogue with employer to eliminate or control risks. Legal standards are helpful but cannot rely on them.</li> </ul>	<p>economical for all (leaders and workers)</p> <ul style="list-style-type: none"> <li>• Using social media Apps, is the easiest way to reach out more in less time.</li> <li>• Smart communication thru social media also educate and build capacity of the workers.</li> </ul>
<b>Employers can be encouraged to conduct risk assessment of all potential hazards sites to adopt safety measurement for workers safety.</b>	<b>SAFETY FIRST training material (available with BWI) would an excellent resource to train, educate workers at various worksites in different conditions.</b>	<b>SAFETY MATTERS workers information pack (available with BWI) would be useful for quick and self-learning of workers, peers and colleagues.</b>

#### 4. Trade Union and Risk mapping

Following is a three step Risk Mapping framework for trade unions to organize their efforts for sustainable solutions.



Using 05 step RISK ASSESSMENT APPROACH (Annex 01) would be useful for hazards identification and planning for safe environment.

#### 5. Trade Union as Safety Representatives



Trained trade union safety representatives make a positive contribution to the prevention of injuries and ill-health. Trade union safety representatives are aware of the risks in the workplace, and can work closely with workers and management to assist with promoting a working environment where hazards are identified, removed or properly controlled before problems occur.

An active safety committee is a great spur to safety. Its primary purpose is to enable management and workers to work together to monitor the site safety plan so as to prevent accidents and improve working conditions on site. The safety committee carrying out a site inspection together raises the level of safety consciousness at the site. An active safety committee member can:

- Conduct meetings to discuss the safety and health programs on site to make recommendation to the management.

- Review and discuss safety personnel and accident and illness reports in order to make recommendations for prevention.
- Evaluate and examine improvements made on the basis of recommendations and suggestions made by workers and safety representatives.
- Take part in planning, educational and training programs and information sessions for workers and contractors.
- Organize and conduct safety training programs, including induction training for all new workers on the site.
- Investigate and review of the circumstances and causes of accidents and occupations diseases for the prevention and control measures.
- Act as a consultant and technical adviser to the safety committee
- Participation in pre-site planning.



There was no position for Safety Manger at site, when we start working at Tarbela (T4) site. Recognizing the need, we talk to WAPDA and main contractor and appointe a Safety Manager at Site (from our own payroll) to look after the occupational safety and health issues of workers, participate in safety meetings, inspect and investigate the worksites, environmental issues and inform the contact for improvement. We found this a very productive input at site.  
(Mr. Ishtiaq Virk, ACE-Employees Union, Lahore)

### 6. Rights of Trade Unions as Safety Committee Members

According to ILO, the Trade Unions and their members have the following rights as member safety committees:

- Represent in health and safety committees
- Protect from workers from victimisation or discrimination
- Paid time off to be allowed to carry out the functions of safety representative
- Paid time off to be trained in order to function as a safety representative
- Right to receive adequate information from the employer
- Right to inspect the workplace
- Right to investigate complaints from workers on health and safety matters
- Right to make representations to the employer on these matters and to negotiate
- Right to be consulted over health and safety arrangements
- Right to be consulted about the use of technical advisers by the employer and to call in technical advisers
- Right to accompany health and safety authority inspectors when they inspect the workplace and to make complaints to them when necessary.
- Participate and equally represent in the joint Health and Safety Committee forums

### 7. Trade Unions and Occupation Safety & Health (OSH)



Trade unions are the best way to improve health and safety standards at workplace. Unions can raise awareness, put pressure on employers and arrange campaigns for negotiations and improvements. There are laws in Pakistan to prevent workers from injuries and ill-health, but unfortunate either there are not enough inspectors or they do not have enough resources to effectively investigate and inspect every construction site.






No matter how strict the law is, or how many inspectors there are, workers and Unions have the direct interest for their safety and health. It is their lives, limbs and health that are at stake. It is the prime responsibility of the Trade Unions and their member to ensure that employer keep their commitment and responsibilities with respect to health and safety. The unions members and representatives should:

- Talk to workers to take up their complaints with management and employers

- Involving, informing, and consulting workers and union members on their priorities, and agreeing strategies for tackling risks
- Systematically inspect the workplace on a regular basis
- Investigate accidents, ill-health and near misses and consul with management
- Monitor the employer’s performance on health and safety
- Make representations, and negotiating with the employer to ensure the safety and health of workers
- Talk to Government health and safety inspectors for the compliance of law at workplace
- Participating in joint management - union safety committees at workplace

## 8. Monitoring and Assessment

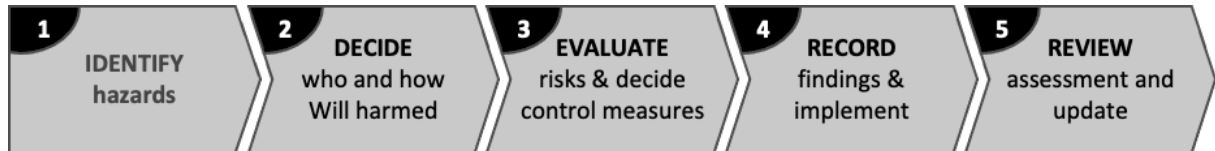
Trade unions and their members can inspect the following hazards on regular basis for the information of employers and safety of workers.






 <b>Environmental</b>	 <b>Physical Hazards</b>
<p>Communication with workers is the key to finding out the information we need and to negotiating improvements. It is important that we involve workers at all stages of the inspection and make sure we have their support for:</p> <ul style="list-style-type: none"> <li>• Finding out their problems and complaints before we inspect</li> <li>• Talking to them during the inspection</li> <li>• Reporting back to them after the inspection</li> </ul>	<ul style="list-style-type: none"> <li>• Falls from heights, scaffolds, roofs, ladders, trips and slips</li> <li>• Excavation hazards and confined spaces</li> <li>• Machinery, entrapment, cuts</li> <li>• Transport (forklifts, hoists, cranes)</li> <li>• Electricity (temporary installations, tools and plant, systems for identifying underground cables)</li> <li>• Noise and vibration</li> <li>• Manual handling and lifting, repetitive work, forced postures</li> </ul>
 <b>Chemical Hazards</b>	 <b>Biological Hazards</b>
<ul style="list-style-type: none"> <li>• Solvents (paints, laquers, varnishes, strippers, glues)</li> <li>• Pesticides (e.g. timber treatments)</li> <li>• Dust (wood, cement, MMF, silica, gypsum)</li> <li>• Cement burns</li> <li>• Asbestos dust</li> </ul>	<p>Contaminated water supply</p> <ul style="list-style-type: none"> <li>• COVID19</li> <li>• Malaria</li> <li>• Dengue fever</li> <li>• Weil’s disease (rats)</li> <li>• Infectious diseases, such as hepatitis or tuberculosis</li> </ul>
 <b>Workplace inspections – psycho-social hazards</b>	
<p>Poor work organisation, instruction and supervision</p> <ul style="list-style-type: none"> <li>• Work overload: long hours, shift work, fast pace, lack of breaks, productivity pressure, being pushed to take shortcuts, low pay</li> <li>• Insecure contractual conditions</li> <li>• Lack of information and training needed to carry out work and to prevent hazards</li> <li>• Lack of welfare facilities (toilets, washing and changing facilities, facilities for eating and taking breaks)</li> <li>• Stress, due to being exposed to risks</li> <li>• Bullying</li> <li>• Lack of participation and consultation</li> </ul>	



## 05 Steps Risk Assessment

There are no fixed rules on how a risk assessment should be carried out, but there are a few general principles that should be followed. Five steps to risk assessment can be followed to ensure that your risk assessment is carried out correctly, these five steps are:



Steps	Assessment Level	Detail	Examples
1	 <b>IDENTIFY</b> hazards	In order to identify hazards you need to understand the difference between a 'hazard' and 'risk'. A hazard is 'something with the potential to cause harm' and a risk is 'the likelihood of that potential harm being realised'.	Hazards can be identified by using a number of different techniques such as walking round the workplace, or asking workers .
2	 <b>DECIDE</b> who might be harmed and how	Once the hazards are identified, knowing the level of harm and who could be harm would be necessary.	Workers working in the warehouse, working in the sun, working with fire, working on height, etc. may have different level of hazards.
3	 <b>EVALUATE</b> the risks and decide on control measures	After identifying hazards, knowing who might be harm and how it will harm them, ensuring their protection would be extremely important.	The hazards can either be removed completely or the risk is controlled and prevented from injury or incident.
4	 <b>RECORD</b> your findings	Writing the findings is a legal mandate. Recording of findings also shows that hazards are identified, harm is assessed, reasons are listed and plan is prepared to eliminate the hazard.	List the complete sequence of each hazard from identification to elimination plan.
5	 <b>REVIEW</b> your assessment and update as and when necessary	Some workplaces remain same in terms of risk assessment, due the nature and turnover of staff. Risk assessment of these sites should be reviewed periodically.	The excavation site, tunnels, scaffolding, etc. are the most common places where unskilled and untrained workers are posted for work.