Government of Pakistan National Action Plan on Business and Human Rights
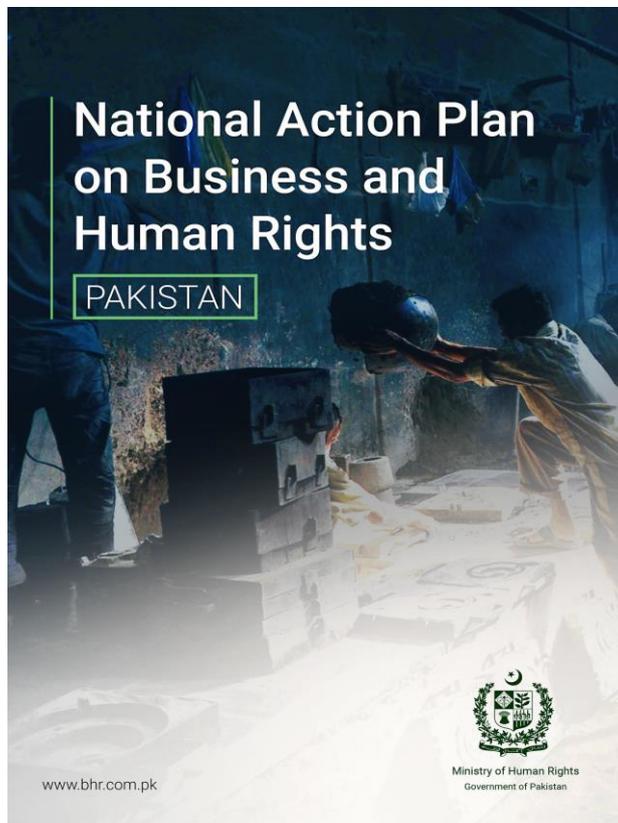
IOSH response to the open call for feedback and recommendations

National Action Plan on Business and Human Rights

PAKISTAN

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Ministry of Human Rights
Government of Pakistan

IOSH response to the Government of Pakistan Draft National Action Plan on Business and Human Rights

*Question 1 Has the National Action Plan (NAP) on Business and Human Rights identified priority areas reflecting the major areas of concern vis-a-vis human rights in the context of business activity in Pakistan?

IOSH welcomes progress on initiatives like this from the Government of Pakistan that look to revisit the legislative framework, strengthen regulatory institutions and ensure the effective implementation of the UN Guiding Principles on Business and Human Rights through the development of a National Action Plan on Business and Human Rights, where labour rights and healthy and safe working conditions need to be core elements. For that purpose, we call for this initiative to strengthen the coherence between human rights and occupational health and safety standards to reinforce the principle that all workers share the right to safe and healthful working conditions, as articulated in international human rights instruments.

*Question 2 Do you view the proposed actions under each priority area as realistic targets within the given timelines?

IOSH welcomes the comprehensive actions, the relevant entities, performance indicators and suggested targets. IOSH thinks, nonetheless, that the Plan has still room for improvement. The following comments are specific to the 3.2.8 Occupational Safety and Health NAP priority area:

- Page 42 of the document reflects that '*State and businesses are focused on reopening operations while curtailing the spread of the virus*'. This statement should highlight the need for safely reopening, guaranteeing a minimum of health and safety protections and preventive measures.

- The first proposed occupational safety and health action (page 42) entails *upgrading occupational health and safety standards in Pakistan, in accordance with changing health hazards and working conditions.* IOSH is conscious that in the current regime the articulation of health and safety regulations does not lead by itself to improving occupational health and safety. While we welcome the call for a review of health and safety regulations, these need to be properly implemented, resourced and enforced. We don't think this is something that a 2-year completion target could achieve. A good example of the need to embed a more feasible target can be seen in the relationship between the ILO (in its role of providing technical assistance) and the Government of Pakistan on the potential ratification of the Safety and Health in Mines Convention, 1995 (No.176). This is a sector with rampant workplace fatalities and work-related accidents, exposing the weakness of OSH provisions and challenges that both employers and the government go through when enforcing health and safety legislations.

- The second proposed occupational safety and health action (page 43) at the Federal and Provincial levels looks to ratify the ILO 155 Convention. This ratification needs to be based on robust foundations and supported by the ILO C187 – Promotional Framework for Occupational Safety and Health Convention, 2006. However, we believe that compliance with the law in occupational safety and health needs to be improved and resourced through capacity-building (e.g labour inspection system, trade unions, NGOs and others) to tackle historical challenges, especially in the growing informal sector.

- The third proposed occupational safety and health action (page 43) focuses on '*the creation of rules and guidelines mandating minimum safety and health standards at the workplace'*. IOSH believes that represents a too-generic statement that will therefore result in being difficult to be accomplished in 3 years. We would suggest a more tailored approach that focuses on key sectors of the economy – namely the garment, construction, mining, agriculture and fishing industries – that face significant challenges in terms of health and safety risks and hazards.

*Question 3 Have all relevant stakeholders been identified for each proposed action?

This framework should include a firm multi-stakeholder commitment to the right of all workers to safe and healthy working conditions as a universal human right. This needs to include those bodies working in the region on the health and safety arena, such as the Pakistan Safety Council.

The Ministry of Human Rights could also consider working on similar premises with international bodies such as the ILO and others through an International Advisory Panel (IAP) for human rights, including workplace safety and health. This Panel which harness improved governance, assurance and periodic input from regulatory experts from around the world to share strategic insights and monitor progress towards the proposed actions, completion targets and performance indicators.

In the area of Trade and Sustainable Development, Finance and Investment, the effective management of bilateral, regional and international investment and trade agreements must be geared towards the promotion of business respect for human rights. We believe this is the way to follow to engage in responsible investment, sustainable trade and inclusive business models. For the time being, stakeholder collaborations (such as that between Pakistan and the European Union, under the umbrella of the Generalized Scheme of Preferences Plus system, which conditions trade preferences to the ratification and implementation of labour and OSH human rights) have to be implemented.

A good example to benchmark and extrapolate to the Pakistan national perspective in terms of stakeholder engagement is the "Sustainability Compact" for improving labour and health and safety conditions for workers in Bangladeshi garment factories.

When it comes to business ownership, page 46 I, states that *Businesses should open themselves to certifications by the International Organisation for Standardization,*

particularly to ISO 26000. IOSH believes there's an urgent need to familiarise businesses with ISO 45001 Occupational Health and Safety Management Systems, as the world's first occupational health and safety international standard. IOSH would endorse and support policy-oriented initiatives that stimulate business working together towards comprehensive corporate reporting and disclosure in work-related human rights.

We also believe human rights performance information needs to enhance labour and health and safety indicators, to be applied across all countries irrespective of their social, political and economic development. They should be easy to access and meaningful, providing quality, comparability and reliability, leaving room for cross-country comparisons of the realisation of human rights.

On the same basis, we strongly advocate for improvements in the identification of operational shortcomings associated with labour and human rights factors in corporate supply chains.

*Question 4 Has an effective implementation, monitoring, review & update mechanism been laid out in the NAP?

We believe that the NAP somehow fails in its business monitoring and ownership scope. While global governance has improved in general principles through different frameworks (such as the Responsible Business Conduct, the connection between the UNGPs and the ILO Decent Work Agenda and its associated International Labour Standards and recent progress in sustainability development), IOSH believes that business uptake on social and governance activities is still in its infancy in the region and the importance of the occupational safety, health and wellbeing of the workforce has not yet been considered. For that reason, more needs to be done to meaningfully integrate the SDGs in business models and to link targets with core business activities and in the supply chain.

*Question 5 Have the concerns of marginalized groups/vulnerable communities been adequately addressed in the NAP?

IOSH highlights the imperative for the NAP to better address the needs of younger, older and female workers; those with disabilities; migrant workers; and those on non-standard employment contracts or in low-qualified work, who may be disproportionately employed in physically demanding or hazardous jobs, putting them at higher risk of work-related injury and illness.

This is well-supported by the SDGs. As stated in the document,t SDG 8 clearly underlines the need to protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious jobs. We also welcome progress made in ensuring responsible consumption and production patterns (SDG 12) through decent work in global value chains and on SDG 3 that looks to reduce the number of deaths and illnesses from hazardous activities (e.g. coal mining) and improve the welfare of workers.

Workers in the informal economy still lack from access to safety nets and are left behind. A socially sustainable globalisation cannot be achieved without enhancing standards and practices impacting on these individuals with regard to business and human rights. Undeclared work remains a serious concern in Pakistan, which is why formalising the informal sector and enhancing the protection of the health and welfare of workers in the informal sector are challenges which should be faced with an integrated approach to health promotion and social protection.

Also, the occupational safety and health of migrant workers needs to be given more relevance in the framework. According to the ILO, Pakistan is one of the largest labour-sending countries in the region, where more than 11 million Pakistanis have proceeded abroad for employment to over 50 countries (mostly concentrated in Saudi Arabia and the United Arab Emirates hosting). In this scenario trade and compliance with OSH standards in global supply chains is critical. This can only happen if the NAP acknowledges the need to push for binding social clauses in international trade. The NAP needs to embed stronger social responsibility criteria by exercising transparency and due diligence in supply chain management, helping tackle poor conditions, child labour and modern slavery. Linked to this is a requirement to ensure good occupational safety and health management across the supply chain, to support the prevention of these poor and unsafe practices.

*Question 6 Please identify what you feel may be the major obstacles to implementation of the NAP, with reference to specific page numbers, under Federal and Provincial proposed actions. Please recommend how you believe these obstacles may be mitigated.

The incidence of occupational diseases and injuries remains very high. As Pakistan lacks reliable information and data on fatal accidents and injuries suffered by workers, there's an urgent need for the NAP to address this issue. The fact that there is no national system for recording occupational injuries and work-related casualties makes an imperative case for improving the infrastructure of regional and national reporting structures and practices.

There has been a progressive implementation of international labour standards contained in the fundamental Conventions of the ILO, as well as other international labour standards in areas such as occupational safety and health, together with the International Bill of Human Rights, the UN 2030 Agenda for Sustainable Development and with different guidelines and declarations on responsible business conduct from the UN, the ILO and the OECD. Despite this, we believe that Pakistan still fails in fostering business respect for human rights. We believe that one of the key contributing causes for this situation is based around weak labour and social protection legislation, insufficient law enforcement and lack of public administration capacity, as well as the bad practices associated with irresponsible business conduct and short-term business models.

Page 47 iv. declares that *Key performance indicators corresponding to the achievement of human rights goals should be developed to provide a standard of improvement within the business.* While we are mindful that the development of human

rights performance reporting indicators is aligned with the current surge of interest in social issues and comprehensive corporate reporting, there's a need to specifically include occupational safety and health performance reporting. A combination of better-quality, more accessible OSH performance reporting and improved evaluation of OSH interventions within companies, can help ensure the adequate allocation of resources for OSH capacity-building and delivery, supporting safer, healthier and more sustainable workplaces.

IOSH welcomes the opportunity to comment on his National Action Plan on Business and Human Rights. We welcome the focus on human rights, due diligence, responsible business conduct and sustainable corporate governance. IOSH would be very pleased to provide further input on working conditions and occupational safety and health aspects that could fill potential gaps within the vision and roadmap to scale up the implementation of human rights in the state of Pakistan in the course of the next five years.

Annex. Follow-up response. *Could you kindly elaborate upon how the SDGs can be meaningfully integrated into business models. Second, the recommendation on improving reporting of accidents and injuries is a useful one; could you kindly point us to any successful examples of such models/established mechanisms?*

Fully appreciating that this NAP is still being finalised and edited, we offer the following comments and suggestions for consideration, as appropriate, with the aim of supporting progressively higher standards of occupational safety and health and improvement in reporting levels of work-related accidents and injuries.

• A vital element for successful data reporting and collection is the involvement of all stakeholders and forming a legal obligation to report in a comprehensive, systematic and quality-assured way.

• Special attention needs to be paid to the sectors that seem to concentrate more fatal work accidents (industrial, construction, manufacturing, garment, mining and agricultural activities).

• Occupational accident analysis should offer the basic knowledge for safety and health strategies, campaigns and national action plans; it should be used for targeted assignment of capacity-building and resources.

• Non- or under-reporting of work-related accidents and injuries should be formally sanctioned.

• Really severe incidents such as fatal accidents, accidents affecting a high number of workers and/or the public require immediate action to be taken possibly by different national, regional and local enforcing and supervising bodies.

• Support for OSH, occupational health and related professionals in emerging and developing economies that have yet to build sufficient OSH competence and capacity.

• It is recommended that the NAP support initiatives such as the ILO Better Work Programme (BWP) or the Vision Zero Fund initiative (VZF) to prevent work-related deaths and injuries and help improve Pakistan's compliance on this subject.

• It is recommended that the NAP supports improved levels of transparency geared towards the publication of at least annually, national and regional reports on the status of safety and health at work and statistics on occupational accidents and diseases.

• The NAP could consider applying the principles of international standards, such as on occupational health and safety management systems (ISO 45001), on procurement and supply chains (ISO 20400) and on improved performance reporting (GRI 403).

On the subject of the Sustainable Development Goals (SDGs), we stress that the focus needs to be on the relevant SDG targets relating to health and safety in the workplace (SDGs 3, 8, 12, 16). Successfully engaging companies operating in the region in achieving the SDG targets requires a public legislative and policy framework conducive to the sustainable development of enterprises. For that purpose, it is recommended that the NAP acts as an enabling policy framework in order to promote private sector development as a means to promote more and better jobs. This can be done by incentivising the private sector to adopt sustainable responsible practices. Another route that has been less explored is through foreign direct investment (FDI) and trade and investment agreements. To support socially responsible trade and sustainability, general elements of trade agreements should include a minimum level of occupational safety and health regulation, upward harmonisation of regulatory standards and practice, and effective enforcement of regulations and implementation of international standards.

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