

Adoption of occupational health and safety as a fundamental human right and its implications for Nigerian workers

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Date of submission: 11.01.2023

Date of acceptance: 23.05.2023

Date of publication: 01.07.2023

Conflicts of interest: None

Supporting agencies: None

DOI: <https://doi.org/10.3126/ijosh.v13i3.51385>



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ABSTRACT

Introduction: This paper examines the recognition of occupational health and safety (OHS) as a fundamental human right and its implications for Nigerian workers. It highlights the need for employers and governments to prioritize workers' safety and reviews the challenges faced by Nigerian employers in providing a safe working environment.

Methods: A critical review of existing literature and secondary sources of information was conducted to explore the meaning of fundamental human rights as they pertain to OHS. The paper investigated the need for recognizing OHS as a fundamental right and the role of governments and employers in fulfilling this right.

Results: The recognition of OHS as a fundamental human right is crucial in protecting workers' lives and promoting decent work, leading to economic and social benefits. Employers, governments, and international organizations must respect, protect, and fulfill this right for all workers. The adoption of OHS as a fundamental right would encourage governments to introduce legislation promoting a culture of safety and sensitizing businesses to the need to implement policies, procedures, and processes to provide a safe working environment, including standard safety training and adequate resources.

Conclusion: Adopting OHS as a human right is beneficial for the workforce but requires investments from employers to comply. The Ministry of Labor and Employment in Nigeria should ensure that all accidents are reported and recorded to build a useful database. Improving OHS in Nigeria necessitates compliance, training, and access to resources. Accurate data is crucial to develop effective solutions for workplace accidents.

Keywords: Compliance, fundamental human right, occupational health and safety, safe working environment, workplace accidents.

Introduction

Workers have the right to do their jobs in a place that is safe, healthy, free of pollution, clean, and in balance with the environment. Many Nigerian companies do not understand how important it is to manage health and safety, so they put making money ahead of their workers' lives and see health and safety as very expensive for the company. Nigerian workers have been in all kinds of accidents

at work, from minor to fatal. Some have lost their lives, and others have lost limbs, which can leave them disabled for life without any kind of compensation. This ugly situation prevails because occupational health and safety laws are not respected, and the place of workers' health and safety has been relegated to the background in favor of profit-making.

This paper aimed to re-establish the fact that the ability to return home after the close of work unharmed, well, alive, and healthy is a fundamental human right that every worker should naturally enjoy. This paper advocates a return to the human-based approach to business, in line with the three-legged model of sustainability, which is people, planet, and profit.

The meaning of fundamental human rights

Fundamental human rights are the basic rights and freedom essential to the dignity and well-being of all human beings. They are protected by national and international laws, and cannot be taken away or denied to any individual. They are the foundation of democracy and the rule of law and play a crucial role in protecting individuals from abuse and oppression. They are also interdependent and indivisible, meaning that the protection of one right is necessary for the protection of all rights. Fundamental human rights were derived from the moral belief that human life is precious and priceless.¹ However, from the perspective of occupational health and safety, fundamental human rights refer to the individual's right to reside and work in an environment that promotes or sustains safety and health, such that the individual is free from exposure to any risk of harm.²

Twigg classified fundamental human rights into two types: civil and political rights, and economic, social, and cultural rights.³ Of the two categories, the one that applies more to health and safety is economic, social, and cultural rights, since this has a direct impact on the work environment.⁴ Until this time, there have been four fundamental human rights that workers have enjoyed: freedom of association and the right to collective bargaining; freedom from all forms of forced labor; freedom from child labor; and freedom from employment discrimination. These formed the four categories or pillars of fundamental principles and rights at work and were adopted by the General Conference of the International Labor Organization (ILO) during its 86th Session held in Geneva, Switzerland in June 1998. The right to a safe and healthy work environment was added to this list on June 10, 2022, during the 110th session of the International Labor Conference, which was held in Geneva from May 27 to June 11, 2022.⁵⁻⁷ Hence, the 2022 Declaration is

only an amendment of Paragraph 2 of the 1998 Declaration. It should be emphasized that fundamental human rights are not fundamental because the Declaration says so; they are fundamental because they are.

Overview of the five pillars of Fundamental Principles and Rights at Work

The International Labor Organization (ILO) has identified five fundamental principles and rights at work, also known as the "pillars of decent work", which are considered essential for promoting and protecting the rights and well-being of workers.⁵ These principles and rights form the basis for the ILO's efforts to promote and protect the rights and well-being of workers globally and are considered to be fundamental for achieving decent work for all. The ILO encourages governments, employers, and workers to work together to implement these principles and rights in practice, to ensure a fair and just world of work. The five pillars of decent work are discussed below.

1. Freedom of association and right to collective bargaining: Workers have the right to form and join trade unions and to negotiate and bargain collectively with employers. Workers everywhere are free to become members of trade unions and to independently elect safety and health representatives.⁸ In cases where there are no trade unions in the area of operation, senior management should put alternative measures in place to enable workers to organize exclusive meetings where issues bordering on their condition of service can be discussed. Senior management should ensure that they regularly consult with and engage approved worker representatives in collective bargaining. Senior management should also endeavor to notify the union whenever there is going to be a redundancy exercise or other significant changes in operations.

2. Elimination of child labor: The UN General Assembly adopted the Convention on the Rights of the Child in 1989, which recognizes children's right to be protected from child labor and exploitation. Child labor is prohibited, and organizations should make the minimum age for applicants in outsourced positions clear to recruiting agencies.⁹

Companies should refer to a country's legal minimum working age if it is higher than their minimum age. Young workers who want to work and study can be employed with scheduled adjustments. Companies should also conduct surveys to ensure that the tasks assigned match employees' physical and mental abilities to prevent harm.

3. Elimination of all forms of forced or compulsory labor:

Forced or compulsory labor is strictly prohibited and efforts must be made to eliminate it in all forms. According to Sanofi,¹⁰ forced labor is said to occur where work or service is exerted by the government, employers, or managers in an organization who have the will and power to use threats on workers, including economic sanctions, for example, withholding salaries or restricting people's movements. Such acts of intimidation may also include sexual harassment, physical and psychological assault, and the threat to reveal the victim's illegal status to law enforcement agents.

4. Elimination of all forms of discrimination in employment or occupation:

Discrimination based on race, gender, religion, age, or other factors is prohibited in the workplace. There are two types of discrimination: direct and indirect. Direct discrimination occurs when laws, rules, or practices deny people equal opportunities based on specific grounds. Indirect discrimination is less obvious, as rules or practices may appear neutral, but some people are denied certain opportunities.¹⁰ Equality at work means everyone should have the same opportunities to improve their skills, knowledge, and competence in relevant areas. Written policies should make it clear that the company won't tolerate exclusion, preferential treatment, or distinction in decision-making based on personal traits, such as race, gender, sexual orientation, religion, age, disability, or trade union membership.

5. Promotion of a safe and healthy working environment:

Employers have a responsibility to provide a safe and healthy working environment for their employees. National governments and employers of labor must guarantee the safety and health of their employees by providing an appropriate work environment, including the provision of personal

protective equipment. The health and safety of vulnerable groups, such as young people, disabled employees, and pregnant women, should be considered in workplace design. Safety rights are a crucial part of human rights for everyone, and the ILO has developed conventions to promote these rights and protect vulnerable groups. This research will explore the intersection of safety rights with international human rights and the ILO's conventions on eliminating child labor and protecting women's rights.

The Universal Declaration of Human Rights (UDHR) recognizes the right of every person to work in safe and healthy conditions, free from discrimination and exploitation. However, women and children often face significant challenges in the workplace, including discrimination, harassment, and unequal access to safe working conditions.¹¹ Women are more likely than men to work in jobs that are physically demanding and have a higher risk of injury, and they may also face pregnancy-related health concerns.¹² Research has shown that women who work in male-dominated fields, such as construction, are at a higher risk of experiencing harassment and discrimination.¹³

Similarly, children who work also face specific risks and require special protections. Child labor is prohibited under international law, and the ILO has adopted several conventions that aim to eliminate child labor and protect the rights of children. The ILO's Minimum Age Convention sets a minimum age for employment, and the Worst Forms of Child Labor Convention prohibits the worst forms of child labor, such as slavery, forced labor, and trafficking.^{14,15} Research has shown that child labor is often associated with hazardous working conditions, low wages, and limited opportunities for education and social mobility.¹⁶

For all workers, the ILO has adopted several conventions that protect the safety and health of workers. The Occupational Safety and Health Convention aims to promote safe working conditions by setting minimum standards for workplace safety and health. The ILO also adopted the Promotional Framework for Occupational Safety and Health Convention, which provides guidelines for implementing occupational safety

and health policies and programmes.^{17,18} Research has shown that these conventions have been effective in reducing workplace injuries and fatalities in many countries.¹⁹

Emergence and evolution of the concept of fundamental human rights at work

The idea of fundamental human rights at work is not completely new. The concept of fundamental human rights at work has emerged and evolved, as a result of the efforts of governments, international organizations, and civil society to promote and protect the rights and well-being of workers. Occupational health and safety have been considered a fundamental human right since the dawn of the modern human rights era, as the concept repeatedly resonates in multiple international laws.⁷ Several international treaties, conventions, and declarations, regional directives, and national regulations have always recognized that people have certain fundamental rights within the confines of the place where they work; however, the Universal Declaration of Human Rights of 1948 provided the foundation upon which modern human rights stand today.²⁰ Article 3 of the 1948 Universal Declaration of Human Rights states that everyone has the right to "life, liberty, and the security of person".¹¹ The UDHR and the ILO Declaration share similarities in their focus on human rights and protecting workers' rights. However, the UDHR covers a broad range of rights for all individuals, while the ILO Declaration specifically targets workers and identifies five fundamental principles and rights at work. The ILO Declaration promotes decent working conditions and social justice and has been incorporated into international labor standards and national laws.^{7, 11}

Various international instruments recognize the right to a safe and healthy working environment as a fundamental human right. Article 7 of the Committee on Economic, Social, and Cultural Rights, Article 3 of the European Social Charter, and Article 31 of the Charter of Fundamental Rights of the European Union all proclaim the right to healthy and safe working conditions. The Universal Declaration of Human Rights, ILO Conventions No. 81 and No. 155, the UN Guiding Principles on Business and Human Rights, and the WHO

Constitution also recognize this right. Additionally, the African Charter on Human and Peoples' Rights and the Sustainable Development Goals acknowledge the importance of promoting safe and secure working environments for all workers.⁷

It is important to point out that the constitutions of most countries in the world already contain provisions that give credence to the idea of treating health and safety as fundamental principles and human rights. Such countries include Ethiopia, Burkina Faso, Turkey, Argentina, Portugal, Belarus, South Korea, the Benin Republic, Chile, Bulgaria, Colombia, Moldova, the Kyrgyz Republic, Nigeria, and a host of others.³ The right to a safe and healthy working environment is a fundamental human right.²¹ Many countries have adopted laws and regulations to protect workers' health and safety, and Norway is a recognized leader in this area. The country's Working Environment Act,²² guarantees the right to a safe and healthy working environment, and employers are required to take measures to prevent accidents and injuries. According to a study by the European Agency for Safety and Health at Work, Norway has one of the lowest rates of workplace accidents and fatalities in Europe.²³ Canada's labor laws also prioritize worker safety. The Canadian Labor Code outlines the responsibilities of employers to ensure the health and safety of their workers, and the Canada Occupational Health and Safety Regulations provide detailed requirements for workplace safety. According to a report by the Canadian Centre for Occupational Health and Safety, the rate of workplace fatalities in Canada has been declining over the past decade, in part due to the country's strong safety regulations.²⁴ The Work Health and Safety Act in Australia mandates employers to ensure a safe working environment and prevent accidents and injuries. Safe Work Australia reports a decline in work-related fatalities in recent years, attributed to Australia's strong safety regulations.²⁵ Japan's Industrial Safety and Health Act,²⁶ sets out the requirements for ensuring the safety and health of workers in Japan. The act requires employers to take measures to prevent accidents and injuries and to provide training and education to workers on workplace safety. According to a report by the

Japan International Labor Foundation, Japan has made significant progress in improving worker safety over the past few decades, with the rate of workplace fatalities declining steadily.²⁷ The European Union (EU) has adopted several directives and regulations aimed at protecting workers' health and safety. The EU Framework Directive on Safety and Health at Work,²⁸ sets out the general principles of workplace safety, and other directives cover specific hazards such as noise, vibration, and hazardous substances.²⁸ According to a report by the European Agency for Safety and Health at Work, the EU has made significant progress in reducing workplace accidents and fatalities in recent years.²⁹

However, the African Union does not recognize occupational health and safety as a fundamental human right but instead as a precondition for economic growth.³⁰ The Nigerian constitution recognizes the right of workers to work in an environment that will not negatively impact their health and well-being. On November 8, 2022, the Nigerian government ratified ILO Convention No. 187, which is one of the bedrocks of occupational health and safety and among the ILO's Conventions that was recently recognized as an instrument in the area of fundamental principles and rights at work. By ratifying Convention No. 187, Nigeria has pledged to remain committed to the continuous improvement of occupational health and safety in a sustainable way.³¹ The 1999 constitution of the Federal Republic of Nigeria also captures the concept of fundamental human rights in Section 17 Subsection 3 which opines that citizens of the country can seek employment anywhere in the country without any bias; working conditions should be fair with a suitable balance between work and other socio-cultural activities; health, safety, and well-being of workers should be a priority; suitable and sufficient health care services; no gender disparity; and pay should be proportional to work done.³²

Even while occupational health and safety is recognized as a human right in practically all major human rights documents, it hasn't received as much attention as other crucial human rights concerns.³³ The Global Commission for the Future of Work,

which first proposed the idea that the time had come for occupational health and safety to be adopted as a fundamental principle and human right at work, was responsible for the recent adoption of occupational safety and health as a fundamental human right.⁶ The concept of fundamental human rights at work has evolved over time as a result of the efforts of governments, international organizations, and civil society to promote and protect the rights and well-being of workers. These efforts have led to the recognition of occupational health and safety as a fundamental human right in June 2022.

[The value of human life and accident rates in developing countries](#)

The Telegraph newspaper reports that in India, the cost of human life is low, and this has compromised the safety of the Indian workforce.³⁴ He compared compensation entitlements for work-related deaths in India with that of the United Kingdom (UK) and the United States of America (USA) and found that it is between 500 000 – 1 000 000 Rupees in India, between £1 - £2 million in the UK, and \$5 - \$10 million in the USA. Using the current exchange rates, it means that compensation paid to the family of a worker that dies in a work-related accident is about 199 times more in the UK, and 823 times more in the USA, than in India. It is therefore very clear that most organizations in India would prefer to pay a few Rupees as compensation for the death of a worker in a project worth millions of dollars. Although the compensation system in Nigeria does not have fixed values for occupational fatalities, the situation is not too different from what has been described in India.

It should be the fundamental human right of every worker to be able to return home alive and healthy at the end of the workday.³⁵ For the past fifty-five years, stakeholders in occupational health and safety have been advocating for the recognition of the right of workers to a safe working environment in national and international settings.³⁶ The history of occupational disasters serves as a tragic reminder that accidents and illnesses result from unhealthy and unsafe working conditions, which have an appalling human cost associated with each event.⁶ Occupational injuries, illnesses, and deaths have a

devastating effect on families as well as their communities at large.³⁷ At the core of achieving sustainability and decent working conditions is the need to protect workers' health and safety. Morally speaking, workers are not supposed to sustain injuries, become sick, or even lose their lives due to poor working conditions.³⁸ Global statistics are persistently alarming, and the increasing accident rate, especially in developing countries, is a source of concern. Values published by the International Labor Organization on their website for the past decade suggest that worldwide, approximately 2.3 million people are killed as a result of work-related accidents or diseases, which implies that globally, over 6 300 workers die every single day at work.^{12,13} More recent data given by the United Nations Global Compact estimates that each year 2.78 million workers die from occupational accidents and work-related diseases, while an additional 374 million suffer from non-fatal occupational accidents. This implies that 7,500 people die from unsafe and unhealthy working conditions every single day, which exceeds the daily number of people that die from road accidents, war, violence, and HIV/AIDS, and two-thirds of these deaths occur in Asia and Africa.⁴¹ If the annual number of workers who die prematurely as a result of work-related illnesses is

factored into the analysis, the figures may be far greater than what is currently being estimated. The fact that over two million workers lose their lives every year as a result of unsafe conditions at the workplace is a serious cause for concern, and this will have a debilitating effect on the global workforce. Translating all this into economic terms, the European Union loses over 3.3 percent of its gross domestic product annually due to work-related accidents and illnesses.³⁸ There is overwhelming evidence from global statistics alone that there has been a failure to uphold and implement human rights at work.^{39,40} In Nigeria, the occupational accident rate and the general nonchalance of employers of labor toward workplace health and safety are becoming an emerging problems.⁴² Ezenwa,⁴³ reported that there were 3 183 reported cases of injured workers and 71 fatalities resulting in a case fatality rate of 2.2 per 100 injured workers in Nigeria between 1987 and 1996, which was higher than that of Kenya and the USA. Although there are no reliable records of accident statistics in Nigeria, the National Social Insurance Trust Fund (NSITF) reported that 3 461 occupational accidents occurred between 2014 and 2016, out of which 238 fatalities were recorded.³²

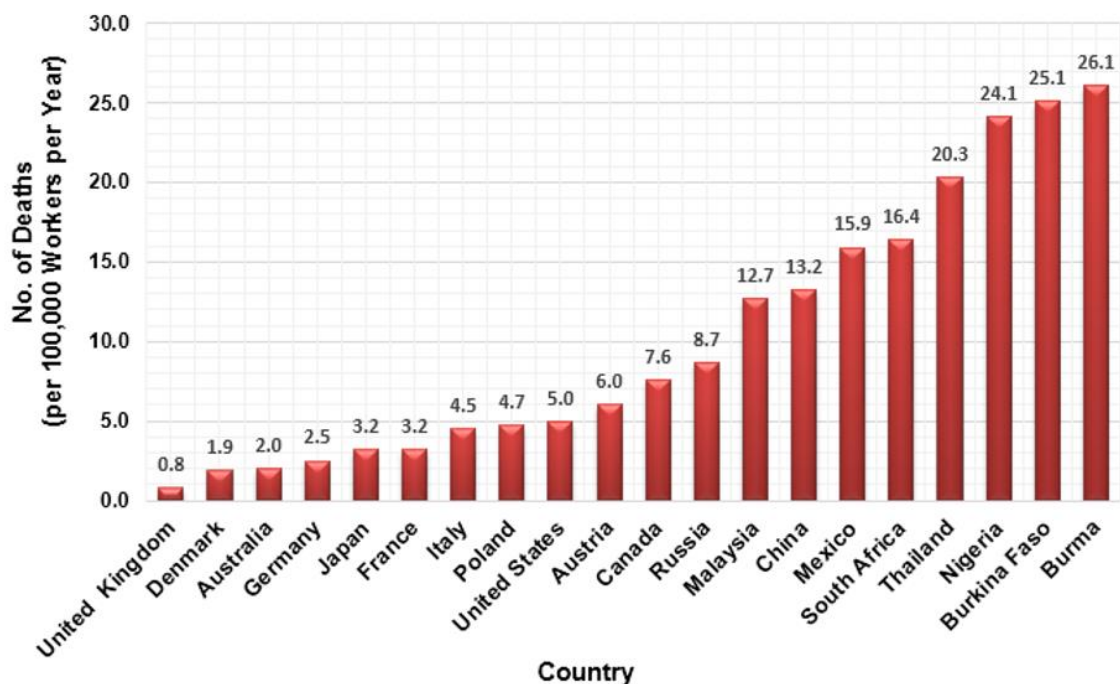


Figure 1. Occupational death rates for twenty countries in 2003 as adapted from Hämäläinen⁴⁴

Occupational accident statistics in Nigeria are difficult to obtain, as many accidents go unreported. However, it is known that the number of workplace accidents and injuries is high in Nigeria. Abubakar,⁴⁵ pointed out that occupational health and safety data in Nigeria was difficult to come by; however, extracts from the study carried out by Hämäläinen⁴⁴ showed the yearly work-related death rate of 24 fatalities per 100 000 employees in Nigeria, which is among the worst in the world, as shown in Figure 1.

It is believed that occupational accidents don't just happen; they are mostly caused by a failure on the part of management to put control measures in place to mitigate risks. Ngwama,⁴² attributes the cause of despicable working and living conditions for millions of Nigerian workers to greed and corruption on the part of the government, which frequently allows employers of labor to get away with poor health and safety standards, even when such a docile attitude may lead to the deaths of workers. The avaricious global economic competition, driven by the quest for cheap labor, has placed a demand on multinational companies to persistently seek the lowest cost of production. The combined woes of poverty, high cost of living, inflation, and a high rate of unemployment have plunged Nigerian workers into the quagmire of lack, leaving in their wake a bandwagon of helpless workers desperate for a job and who are even willing to work in the most deplorable and dangerous conditions. There are so many multinational companies that have the wherewithal to ameliorate the tragic episode of Nigerian workers by creating a conducive working environment, and this is the significance of recognizing occupational health and safety as a fundamental principle and human right at work.

Prevalence of occupational diseases in Nigeria

Nigeria's industrial growth has not been matched by adequate occupational health and safety measures to protect workers from workplace hazards. As a result, workers in Nigeria face risks of developing occupational diseases, including respiratory diseases, skin diseases, noise-induced hearing loss, Musculoskeletal Disorders (MSDs), and infectious diseases.

A study by Akande,⁴⁶ investigated the prevalence and correlates of respiratory symptoms among welders in Lagos, Nigeria. The study found that welders were at a high risk of developing respiratory symptoms due to exposure to welding fumes and dust. The study recommended the use of personal protective equipment and good ventilation systems in welding workshops to prevent respiratory problems. Another study by Amah et al,⁴⁷ investigated the prevalence of musculoskeletal disorders (MSDs) and ergonomic risk assessment among carpenters in the Enugu metropolis, Nigeria. The study found that carpenters were at a high risk of developing MSDs due to the repetitive manual tasks involved in their work. The study recommended the use of ergonomic interventions such as job rotation and breaks to prevent MSDs in carpenters. Babatunde and Akintayo,⁴⁸ conducted a narrative review on occupational skin diseases in Nigeria. The review highlighted the various occupational skin diseases prevalent in Nigeria, including contact dermatitis and skin cancer. The review recommended the use of personal protective equipment and regular health checks for workers at risk of developing occupational skin diseases. Egbi et al,⁴⁹ investigated occupational noise-induced hearing loss (NIHL) in Nigeria. The study found that workers in industries such as mining, construction, and manufacturing were at a high risk of developing NIHL due to exposure to loud noise. The study recommended the use of hearing protection devices and regular hearing checks to prevent NIHL in workers. Ikeh et al,⁵⁰ investigated the prevalence and determinants of low back pain (LBP) among cement factory workers in southeastern Nigeria. The study found that cement factory workers were at a high risk of developing LBP due to the nature of their work. The study recommended the use of ergonomic interventions such as good postures and breaks to prevent LBP in cement factory workers.

Employers and policymakers should prioritize effective occupational health and safety measures in Nigeria to prevent occupational diseases and protect workers' health. The Federal Ministry of Health Nigeria,⁵¹ has developed a national policy to guide the implementation of such measures.

The role of government, workers, and employers of labor

Occupational Health and Safety (OHS) is a shared responsibility that involves the cooperation and collaboration of employers, workers, government, and regulators. Each of these groups plays an important role in ensuring the safety and well-being of workers in the workplace. Employers have a legal responsibility to provide a safe and healthy working environment for their employees. This includes assessing and managing risks, providing training and information, and ensuring that workers have the appropriate personal protective equipment. Workers have a right to a safe and healthy working environment and a responsibility to take care of their own health and safety and that of their co-workers. This includes following safety procedures and reporting hazards and incidents. Government plays a role in setting OHS regulations, standards and policies and enforcing them. Governments also provide oversight of OHS and have the responsibility to ensure that employers are in compliance with OHS regulations, by providing inspection and enforcement services. Regulators are responsible for enforcing OHS regulations and ensuring that employers are in compliance with OHS regulations. This includes investigating complaints, conducting inspections, and issuing fines and penalties for non-compliance. International organizations such as the International Labor Organization (ILO) and the World Health Organization (WHO) play a role in promoting OHS globally by setting international standards, providing technical assistance and raising awareness. All these groups have important roles and responsibilities in ensuring OHS. Employers have the primary responsibility to provide a safe and healthy working environment, but workers, government, regulators and international organizations all play a critical role in supporting and complementing the employer's efforts. Collaboration and cooperation among all stakeholders are key to achieving effective OHS outcomes.

With the determined collaboration of government, employers, and workers, the number of occupational accidents and ill health can be

drastically reduced as exemplified in China, where the annual workplace accidents were lowered by 27 percent and the associated fatalities dropped by 23.6 percent in 2022, and this is attributed to improved safety audits and workplace inspections.⁵²

Unsafe and unhealthy working conditions are mainly caused by a combination of underlying factors such as gaps in governance, deficiencies in legislative frameworks, inadequate resources, a lack of knowledge, adopting business practices that are not sustainable, and an absence of an accident-prevention culture at organizational and national levels. Hence, national governments and employers of labor each have their respective roles to play to ensure a safe and healthy working environment.³²

National governments are responsible for the provision of suitable and sufficient infrastructure, laws, and services that are necessary to ensure that businesses thrive. This can be achieved in partnership with employers and workers through the development of national policies and programmes, as well as management systems that foster compliance with occupational health and safety laws and policies.⁵³

It should be borne in mind that employers alone are not exclusively responsible for ensuring workers' safety and health; public authorities and workers also have a role to play. Employers have legal statutory obligations to ensure that workers understand the methods of carrying out their jobs in a safe manner, point out the inherent risks associated with tasks, inform workers of risk control techniques and personnel responsible for risk control implementation, engage and consult with workers, and establish emergency procedures in anticipation of an emergency.

Workers should exercise their stop-work authority and evacuate dangerous areas; workers should only work in places where risks have been controlled to levels that are as low as reasonably practicable; workers should draw the attention of employers to unsafe conditions by reporting them immediately; and workers should not destroy items provided for their own safety by using them for the purpose for which they were designed to be used.⁵⁴

Gross,⁵⁵ argued that, even though consultation and

engagement of workers in the decisions that affect their health and safety is one of the hallmarks of a true democracy, the United States labor policy was not largely influenced by the concept of human rights. Hilgert,³⁸ has pointed out that the recognition of health and safety as a fundamental human right can only be sustained through reviving labor rights in the workplace.

The implications for Nigerian workers

The ILO's acceptability and influence have been reinforced by the organization's recognition of health and safety as a fundamental human right, which has also popularized the ILO's institutional uniqueness as a tripartite organization and given its goals and mandate new life.⁶ No matter whether they have ratified the pertinent Conventions or not, Member States of the ILO have made a commitment or covenant to respect and promote the fundamental right to a safe and healthy working environment. This is the implication of the official recognition of a healthy and safe working environment as a fundamental human right.⁴¹ Hence, all stakeholders need to step up their work, renew their efforts to create a safe and healthy working environment and rise to the occasion to realize this objective. The recognition of occupational health and safety as a fundamental principle and human right will help to consolidate the global agenda, which stipulates that workers' rights should not only be respected but this idea should be promoted by employers of labor and should be complied with by the Nigerian government, irrespective of the fact that Nigeria, being a member of the ILO, has or has not ratified the ILO Conventions.⁶ This pronouncement is a fulfillment of the mandate of the ILO, which is to advance social and economic justice by setting international labor standards, benchmarks, and international best practices whose objectives are geared towards the protection of workers against workplace accidents and ill-health. In line with the vision for a better future of work, this solid confirmation of a safe and healthy working environment as a fundamental human right is a landmark victory for millions of workers all over the world, especially in Nigeria.

Adopting Occupational Health and Safety (OHS) as

a fundamental human right would have a significant impact on the workforce. This adoption would prioritize the safety and well-being of workers in the workplace, requiring employers to provide safe and healthy working conditions. Workers would have the right to participate in identifying and assessing hazards, refuse dangerous work, access information and training, and be protected from retaliation for reporting OHS concerns. This would enhance job security and protect workers from abuse and exploitation while strengthening the legal framework for OHS.

Conclusions and Recommendations

Recognizing OHS as a fundamental human right is vital for protecting workers' lives, promoting decent work, and achieving economic and social benefits. Employers, governments, and international organizations must respect, protect, and fulfill this right for all workers. Workers' health and safety should be treated as a sacred human right, and employers should prioritize their workers' lives above economic gains. The paper reviewed the implications of recognizing occupational health and safety as a fundamental human right at work. It supports the action by the ILO, stating that it will encourage national governments to introduce legislation that promotes a culture of safety and sensitizes businesses to the need for safe practices. The declaration did not create a new principle but reaffirmed the fundamental nature of an existing one: that every worker deserves to work under suitable and equitable conditions, which is now considered a fundamental human right. While risks and hazards are peculiar to specific industries and companies around the world, businesses need to pay more attention to workplaces in countries such as Nigeria with limited resources, weak legal structures, and inadequate enforcement and support functions. Employers in Nigeria face significant challenges in providing a safe working environment for their workers, but these challenges can be overcome by implementing policies, procedures, and processes and having a competent team. Providing standard safety training and adequate resources is necessary. Employers should also monitor the labor practices of their clients and

business partners to ensure compliance with human rights provisions. This will go a long way toward reducing the rate of occupational accidents in Nigeria. Employers have the primary responsibility to provide a safe and healthy working environment, but governments, regulators, and international organizations all play a critical role in supporting and complementing employers' efforts. The adoption of OHS as a fundamental human right would have significant positive implications for the workforce, but it would also require employers to make additional investments to ensure compliance with the new regulations. The lack of reliable data on occupational accidents and injuries in Nigeria

makes it difficult to develop effective policies and programmes to address the problem. The Ministry of Labor and Employment, in coalition with the NSIFT, should ensure that all occupational accidents are reported, recorded, and published annually to build a useful database. The high number of workplace accidents in Nigeria is a serious concern, and more needs to be done to improve OHS in the country, including increasing compliance with OHS regulations, providing OHS training and education, and increasing access to OHS resources. Accurate data is needed to fully understand the extent of the problem and to develop effective solutions.

References

1. Barrett J, Thomson L. Returning dignity to labor: Workplace safety as a human right. *New Zealand Journal of Employment Relations*. 2012;37:82-9. Available from: <https://search.informit.org/doi/10.3316/informit.555009924101755>
2. Tshoose C. Placing the right to occupational health and safety within a human rights framework: trends and challenges for South Africa. *Comparative and International Law Journal of Southern Africa*. 2014;47:276-96. Available from: <https://hdl.handle.net/10520/EJC160901>
3. Twigg J. The Right to Safety: some conceptual and practical issues. Benfield Hazard Research Centre. 2003. Available from: <https://ucl.ac.uk/hazard-centre/sites/hazard-centre/files/wp9.pdf>
4. Jain A, Leka S, Zwetsloot GI. The fundamental human right to health, safety and well-being. In: *Managing Health, Safety and Well-Being*. Springer. 2018;139-73. Available from: <https://doi.org/10.1007/978-94-024-1261-1>
5. Santos R. Safety and health added to International Labor Organization's fundamental principles and rights at work. *Occupational Health*. 2022. Available from: <https://healthpolicy-watch.news/international-labor-organization/>
6. Politakis G. The recognition of occupational safety and health as a fundamental principle and right at work. *International & Comparative Law Quarterly*. 2023;72:213-32. Available from: <https://doi.org/10.1017/S0020589322000446>
7. Zanobetti A. Recognition of a safe and healthy working environment as a fundamental principle at work. *International Labor Rights Case Law*. 2022;8:292-96. Available from: <https://doi.org/10.1163/24056901-08030018>
8. Bell J. Occupational safety and health 'a fundamental right' – union. *The Royal Gazette Bermuda*. 2021. Available from: <https://www.royalgazette.com/labor/news/article/20211009/occupational-safety-and-health-a-fundamental-right-union/>
9. United Nations. *Convention on the Rights of the Child*. United Nations; 1989. Available from: <https://www.unicef.org/child-rights-convention/convention-text-childrens-version>
10. Sanofi SA. *Human rights in our activities*. 2012. Available from: https://www.sanofi.com/assets/dotcom/content-app/documents/Human_right_activities_EN.pdf
11. United Nations. *Universal Declaration of Human Rights*. 1948. Available from: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
12. International Labor Organization. *Safety and Health at Work*. n.d. Available from: https://www.ilo.org/moscow/areas-of-work/occupational-safety-and-health/WCMS_249278/lang-en/index.htm#:~:text=The%20ILO%20estimates%20th

- [at%20some%202.3%20million%20women,correspond%20to%20over%206000%20deaths%20every%20sing le%20day.](#)
13. Park J, Choi S, Sung Y, Chung J, Choi S. Workplace violence against female health managers in the male-dominated construction industry. *Ann Work Expo Health*. 2022;66:1224-30. Available from: <https://doi.org/10.1093/annweh/wxac025>
 14. International Labor Organization. Minimum Age Convention No. 138. 1973. Available from: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEX_PUB:12100:0::NO::P12100_INSTRUMENT_ID:312235
 15. International Labor Organization. Worst Forms of Child Labor Convention No. 182. 1999. Available from: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEX_PUB:12100:0::NO::P12100_INSTRUMENT_ID:312327
 16. Ihejieto C. Child labor, child education and poverty: a study of children on the street in Nigeria. Doctoral thesis, University of Sunderland. 2020. Available from: <http://sure.sunderland.ac.uk/id/eprint/12066/>
 17. International Labor Organization. Occupational Safety and Health Convention No. 155. 1981. Available from: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEX_PUB:12100:0::NO::P12100_INSTRUMENT_ID:312298
 18. International Labor Organization. Promotional Framework for Occupational Safety and Health Convention No. 187. 2006. Available from: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEX_PUB:12100:0::NO::P12100_INSTRUMENT_ID:311300
 19. Rantanen J, Muchiri F, Lehtinen S. Decent work, ILO's response to the globalization of working life: Basic concepts and global implementation with special reference to occupational health. *Int. J. Environ. Res. Public Health*. 2020;17:3351. Available from: <https://doi.org/10.3390/ijerph17103351>
 20. Equality and Human Rights Commission. A guide to business and human rights. 2014. Available from: https://www.equalityhumanrights.com/sites/default/files/a_guide_to_business_and_human_rights_1_1.pdf
 21. Stevens G, Roseman MJ, Miller AM, Hyder AA. Peoples' right to safety. *Health and Human Rights*. 2003;6:161-67. Available from: <https://cdn1.sph.harvard.edu/wp-content/uploads/sites/2469/2014/04/10-Mohan.pdf>
 22. Working Environment Act (Arbeidsmiljøloven) (Norway). Lovdata. 2015. Available from: <https://lovdata.no/dokument/NL/lov/2005-06-17-62>
 23. European Agency for Safety and Health at Work. Country statistical profile - Norway. 2019. Available from <https://osha.europa.eu/en/tools-and-resources/country-statistical-profile-norway-2019-0>
 24. Canadian Centre for Occupational Health and Safety. Workplace fatalities in Canada: A ten-year review. 2020. Available from: <https://www.ccohs.ca/products/publications/workplace-fatalities-canada-ten-year-review/>
 25. Safe Work Australia. Work-related fatalities, injuries and diseases in Australia. 2020. Available from: <https://www.safeworkaustralia.gov.au/statistics-and-research/statistics/fatalities/fatality-statistics>
 26. Industrial Safety and Health Act (Kōgyō Anzen Hōgo) (Japan). The Japanese Law Translation Database System. 1972. Available from: http://www.japaneselawtranslation.go.jp/law/detail_main?re=01&ia=03&vm=02&id=1891
 27. Japan International Labor Foundation. Occupational safety and health in Japan. 2019. Available from: https://jil.go.jp/english/reports/documents/jilreport_n_o20.pdf
 28. EU Framework Directive on Safety and Health at Work (Directive 89/391/EEC) (Eur. Parl. and Council). Official Journal of the European Communities. 1989. Available from: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A31989L0391>.
 29. European Agency for Safety and Health at Work. Country statistical profile - European Union. 2019. Available from: <https://osha.europa.eu/en/tools-and-resources/country-statistical-profile-european-union-2019-0>
 30. Stevens G. Advancing safety as a fundamental human right. *Health and Human Rights*. 2003;6:168-70. Available from: <https://doi.org/10.2307/4065436>
 31. International Labor Organization (ILO). Nigeria ratifies ILO conventions on occupational safety and health and on violence and harassment in the world of work. 2022. Available from: https://ilo.org/africa/whats-new/WCMS_860705/lang-en/index.htm
 32. International Labor Organization (ILO). Nigeria

- country profile on occupational safety and health. 2016. Available from: https://ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---ilo-abuja/documents/publication/wcms_552748.pdf
33. Oldfield Y. Safe and healthy work: A human right. *New Zealand Journal of Employment Relations*. 2014;39:73-105. Available from: <https://search.informit.org/doi/10.3316/informit.872815455816808>
34. The Telegraph online. Worker safety of no value. 2018. Available from: <https://www.telegraphindia.com/west-bengal/worker-safety-of-no-value/cid/1216584>
35. Brown GD. The global threats to workers' health and safety on the job. *Social Justice*. 2002;29:12-25. Available from: <http://www.jstor.org/stable/29768133>
36. Nickel JW. (1993). The human right to a safe environment: philosophical perspectives on its scope and justification. *Yale Journal of International Law*. 1993;18:281-95. Available from: https://openyls.law.yale.edu/bitstream/handle/20.50013051/6299/13_18YaleJIntlL281_1993_pdf?sequence=2
37. Garcia RJ. The human right to workplace safety in a pandemic. *Washington University Journal of Law & Policy*. 2021;64:113-49. Available from: https://openscholarship.wustl.edu/law_journal_law_policy/vol64/iss1/10
38. Jiménez IW. Occupational safety and health – a fundamental right. *Social Europe*. 2022. Available from: <https://www.socialeurope.eu/occupational-safety-and-health-a-fundamental-right>
39. Hilgert J. The future of workplace health and safety as a fundamental human right. *Comparative Labor Law and Policy Journal*. 2012;34:715-36. Available from: <https://www.corteidh.or.cr/tablas/r31681.pdf>
40. International Labor Organization (ILO). The enormous burden of poor working conditions. 2022. Available from: https://ilo.org/moscow/areas-of-work/occupational-safety-and-health/WCMS_249278/lang-en/index.htm
41. United Nations (UN). A safe and healthy working environment. *United Nations Global Compact*. 2022. Available from: <https://www.unglobalcompact.org/take-action/safety-andhealth>
42. Ngwama JC. Framework for occupational health and safety in Nigeria: the implication for the trade union movement. *Journal of Economics and Sustainable Development*. 2016;7:98-109. Available from: <https://core.ac.uk/download/pdf/234647532.pdf>
43. Ezenwa AO. A study of fatal injuries in Nigerian factories. *Occupational medicine*. 2001;51:485-9. Available from: <https://doi.org/10.1093/occmed/51.8.485>
44. Hämäläinen P, Saarela KL, Takala J. Global trend according to estimated number of occupational accidents and fatal work-related diseases at region and country level. *Journal of Safety Research*. 2009;40:125-39. Available from: <https://doi.org/10.1016/j.jsr.2008.12.010>
45. Abubakar U. An overview of the occupational safety and health systems of Nigeria, UK, USA, Australia and China: Nigeria Being the Reference Case Study. *American Journal of Educational Research*. 2015;3:1350-8. Available from: <https://doi.org/10.12691/education-3-11-3>
46. Akande TM. Prevalence and correlates of respiratory symptoms among welders in Lagos, Nigeria. *Journal of Community Health*. 2016;41:853-8. Available from: <https://doi.org/10.1007/s10900-015-0158-7>
47. Amah NU, Nwankwoala RN, Nduka SO, Onwujekwe DI. Prevalence of musculoskeletal disorders and ergonomic risk assessment among carpenters in Enugu metropolis, Nigeria. *Occupational Diseases and Environmental Medicine*. 2019;7:67-74. Available from: <https://doi.org/10.11648/j.odem.20190303.11>
48. Babatunde SK, Akintayo AA. Occupational skin diseases in Nigeria: A narrative review. *Indian Journal of Occupational and Environmental Medicine*. 2018;22:61-6. Available from: https://doi.org/10.4103/ij OEM.IJOEM_176_17
49. Egbi OG, Eke NJ, Sanni TB. Occupational noise-induced hearing loss in Nigeria: A neglected threat to public health. *Journal of Public Health and Epidemiology*. 2016;8:180-86. Available from: <https://doi.org/10.5897/JPHE2016.0863>
50. Ikeh AT, Okafor PC, Nduka SO, Umeokonkwo CD. Prevalence and determinants of low back pain among cement factory workers in south eastern Nigeria. *Journal of Community Health*. 2020;45:94-100. Available from: <https://doi.org/10.1007/s10900-019->

- [00719-2](#)
51. Federal Ministry of Health Nigeria. National policy on occupational safety and health in Nigeria. 2016. Available from: <https://www.osha.gov/sites/default/files/National-Policy-on-Occupational-Safety-and-Health-in-Nigeria.pdf>
52. Xinhua. China sees improving workplace safety performance in 2022. China daily. 2022. Available from: <https://www.chinadaily.com.cn/a/202301/06/WS63b7951ca31057c47eba81bc.html>
53. International Labor Organization (ILO). Health and life at work; a basic human right. World day for safety and health at work. International Labor Office Geneva. 2009. Available from: https://www.ilo.org/legacy/english/protection/safework/worldday/products09/booklet_09-en.pdf
54. Jonathan GK, Mbogo RW. Maintaining health and safety at workplace: Employee and employer's role in ensuring a safe working environment. Journal of Education and Practice. 2016;7:1-7. Available at: <https://files.eric.ed.gov/fulltext/EJ1118861.pdf>
55. Gross JA. Worker rights as human rights: Wagner Act values and moral choices. U. Pa. Journal of Labor and Employment Law. 2001;4:479-92. Available from: <https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1117&context=jbl>