Committee: International Labour Organization (ILO)

Issue: Installing an international legal framework for the protection of the right to refuse unsafe work

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Position: Deputy President

PERSONAL INTRODUCTION

Dear delegates,

I am beyond pleased to welcome you all to the International Labour Organization (ILO) of the 7th ACGMUN Conference! My name is Nektaria Athanasiadou, and I am a 10th-grade student attending Pierce- The American College of Greece. I am truly honored to serve as one of the Deputy Presidents of the International Labour Organization (ILO). This will be my first time chairing and my 5th conference overall.

Firstly, I would like to congratulate all of you on your participation as delegates in the Model United Nations (MUN). MUN is a great way of becoming familiar with current issues, expanding your knowledge on international affairs, and cultivating your skills in public speaking, whilst meeting new people.

The purpose of this study guide is to introduce you to the issue of "Installing an international legal framework for the protection of the right to refuse unsafe work". Apart from studying this guide, it is highly encouraged that you further research the topic on your own and understand the stance of the country you represent. It is also advisable that you prepare some clauses to be added to the resolutions drafted during the lobbying procedure. Should you have any questions or need any kind of clarification, please do not hesitate to contact me via the following email: <u>N.Athanasiadou@acg.edu</u>.

I look forward to meeting you all in March!

Best regards,

Nektaria Athanasiadou

TOPIC INTRODUCTION

An occupational disease is caused when being exposed for an extensive amount of time to dangerous factors emanating from working conditions. An occupational accident is an unplanned occurrence caused by work activity, which results in one or more workers experiencing a personal injury, disease, or death. According to the International Labour Organization (ILO), 2.3 million deaths¹ approximately occur every year due to work-related injuries and diseases caused by unsafe work conditions.

Aiming to protect the rights of workers on health and safety, the ILO released a Convention on Occupational Health and Safety (C155) that was ratified by 80 of its member states in 1983. With the same aim, following the C155 multiple others were also signed. Even if there have been attempts to ensure that workers can refuse unsafe work and are protected from hazardous conditions, the number of fatal and non-fatal occupational accidents remains high.

It is therefore evident that it is of utmost importance to address the issue of the protection of the right of workers to refuse unsafe work. Not only being subject to hazardous work conditions causes an increased amount of deaths annually, but it also violates basic human rights: the right to life and personal security (Article 3, United Nations Universal Declaration of Human Rights- UDHR), the right not to be exposed to inhumane and degrading treatment (Article 5, UDHR) and the right to just and favorable conditions of work (Article 23, UDHR).² In addition, it is a labor policy question that has raised concerns internationally because of its devastating effects on society and economy. Even though much progress has been made in tackling this issue, especially in the more economically developed countries, there is certainly room for improvement.

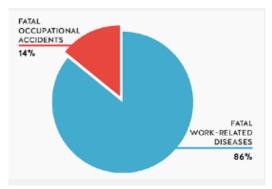


Figure 1: Fatal occupational accidents and fatal work-related diseases.

¹ "World Statistics." *International Labour Organization*, 13 July 2011, <u>www.ilo.org/moscow/areas-of-work/occupational-safety-and-health/WCMS_249278/lang--en/index.htm</u>.

² United Nations. "Universal Declaration of Human Rights." *United Nations*, <u>www.un.org/en/about-us/universal-declaration-of-human-rights</u>.

DEFINITION OF KEY TERMS

Discrimination

"Treating a person or particular group of people differently, especially in a worse way from the way in which you treat other people, because of their race, gender, sexuality, etc." ³

Forced labour

"Forced labour occurs when individuals are compelled against their will to provide work or service through the use of force, fraud, or coercion."⁴

Hazard

"A hazard is any source of potential damage, harm or adverse health effects on something or someone" $^{\rm 5}$

Occupational

"Relating to or caused by a person's work or activity."⁶

Occupational accident

"An occupational accident is an unexpected and unplanned occurrence, including acts of violence, arising out of or in connection with work, which results in one or more workers incurring a personal injury, disease or death"⁷

Occupational disease

"A disease or disorder that is caused by the work or working conditions"⁸

³ "Discrimination." *Cambridge Dictionary | English Dictionary, Translations & Thesaurus,* <u>https://dictionary.cambridge.org/dictionary/english/discrimination</u>.

⁴ "What is forced labor?" *Homeland Security*, 22 Sep. 2022, <u>www.dhs.gov/blue-campaign/forced-labor</u>.

⁵ "Hazard and risk - General." *Canadian Centre for Occupational Health and Safety*, 13 June 2023, www.ccohs.ca/oshanswers/hsprograms/hazard/hazard_risk.html.

⁶ "Occupational." *Cambridge Dictionary | English Dictionary, Translations & Thesaurus,* <u>https://dictionary.cambridge.org/dictionary/english/occupational</u>.

⁷ "Occupational safety and health statistics (OSH database)." *ILOSTAT*, <u>https://ilostat.ilo.org/resources/concepts-and-definitions/description-occupational-safety-and-health-statistics/</u>

⁸ "What is an Occupational Disease?" *AES.dk*, 14 July 2020, <u>www.aes.dk/english/industrial-injuries/what-industrial-injury/what-occupational-</u>

disease#:~:text=An%20occupational%20disease%20is%20a,well%20known%20in%20medical%20rese arch

Occupational Health and Safety

"Occupational safety and health are identified as the discipline dealing with the prevention of work-related injuries and diseases as well as the protection and promotion of the health of workers."⁹

Occupational injury

"Any personal injury, disease or death resulting from an occupational accident"¹⁰

BACKGROUND INFORMATION

The right to refuse unsafe work

The right to refuse is claimed when one or more workers do not fulfill some tasks at work fearing that they might face a hazard that will threaten their health and safety. This right can be exercised even if the workers are ordered to perform the job by a supervisor. In countries where this right is granted to employees there are systems that protect them from discrimination and systems that promote occupational health and safety. Since its foundation in 1919, the International Labour Organization has adopted international conventions on labor and employment issues, with the most important one being the Occupational Health and Safety Convention C155.

Types of occupational hazards and their effects

Chemical hazards

Various chemical substances are used for a variety of work tasks, from cleaning to scientific experiments. However, an increased number of industrial, laboratory and agricultural chemicals are recognized and characterized as hazardous. Hazardous substances may be in the form of solids, liquids or gasses and may be produced naturally or industrially, either as a single product or as a mixture. Being exposed to these chemical hazards can be harmful for one's health, since they may release vapors, fumes, dust and mists. They can enter the human body through the respiratory system, through the skin or through the digestive system.

⁹ "ILO research guides: Occupational safety and health." *Research guides (ILO Library)*, 28 Feb. 2023, <u>https://libguides.ilo.org/occupational-safety-and-health-en</u>.

¹⁰ "Occupational Safety and Health Statistics (OSH Database)." ILOSTAT,

www.ilostat.ilo.org/resources/concepts-and-definitions/description-occupational-safety-and-healthstatistics/#:~:text=An%20occupational%20injury%20is%20defined,factors%20arising%20from%20wor k%20activity

Chemical hazardous substances can be categorized in different classifications as follows:

- corrosive for example, oven cleaners and caustic soda.
- hazardous to the environment for example, pesticides and mercury
- explosive for example, fireworks.
- acute toxicity such as lead or sodium cyanide
- health hazard such as chemical irritants like adhesives
- sensitiser substances (for example, isocyanate paints) that can cause an allergic reaction or effect, usually affecting the skin or respiratory system.
- oxidizing for example, hair dyes and bleaches.
- flammable for example, liquefied petroleum gas (LPG) or methylated spirits.
- serious health hazard (which includes carcinogens, mutagens and reproductive toxins) - for example, asbestos, silica dust and diesel fumes.

Effects deriving from chemical hazards

Chemical hazardous substances can enter the human body through the respiratory system, through the skin or through the digestive system. Gasses, such as ammonia and chlorine that enter the body through the respiratory system can cause both acute effects on the airways and lungs and chronic effects. Substances that are absorbed by the skin can result in burnings or acute effects, such as reddening, dryness and cracking of the skin on contact. Chemicals that are ingested can have an effect on the throat or stomach lining first and then affect the liver. Other substances that enter the body through the digestive system can have more chronic consequences. If toxins, carcinogens and mutagens are accumulated the organs can be poisoned and damaged and cells may be changed.

The health risks of exposure to chemical hazardous substances depend on the amount and the type of chemical one is exposed to, as well as how long and how one is exposed to it. They are also affected by the person's age and health state.

Ergonomic hazards

Ergonomic hazards are conditions or situations that occur in the

workplace that may torture the body physically and cause injury. They are not always obvious and therefore sometimes are difficult to detect. These include the use of force, frequent carrying or lifting of heavy objects, pushing or pulling something, abrupt movements and prolonged postures, repeating activities, overhead work, contact stress and constant vibration.

Effects deriving from ergonomic hazards:

Musculoskeletal disorders (MSDs) are injuries to muscles, tendons, ligaments, joints, nerves and discs that result from our actions and/or environment that does not implement safe and healthy work practices. The symptoms of the musculoskeletal disorders are pain, weakness, stiffness, sensitivity, swelling, burning sensation, tingling, drowsiness, difficulty moving and clumsiness.

Physical hazards

Physical hazards are the most common workplace hazards. They are often associated with environmental factors, namely extreme temperatures, air quality, radiation and loud noises. Weather conditions resulting from climate change are also considered to be physical hazards.

Effects deriving from physical hazards:

Working in extremely hot temperatures can cause heat strokes and faints, while working in extremely cold temperatures can lead to hypothermia and trench foot. Hearing loud noises can result in hearing loss. Lastly, being subject to radiation can trigger radiation sickness in the short term and cancer in the long term.

Biological hazards

Biological hazards are risk factors that can cause diseases as a result of having contact with people, animals or infectious organic materials in the working environment. Animal droppings, bacteria and viruses, blood, insect bites or stings, mold or fungus can be considered biological hazards.

Although not always obvious, biological hazards are widely present in many sectors and industries. However, workers of specific sectors, namely healthcare and veterinary services, agriculture, sewage management and laboratories face a greater danger when it comes to being exposed to biological hazards.

Effects deriving from biological hazards:

Having contact with people, animals, and infectious organic materials in the working environment may cause the following health problems: poisonings and toxins, anaphylaxis, chronic diseases, cancer, psychological conditions, long term toxins and allergies.

Forced labor and discrimination

According to statistics published by the International Labour Organization, 27.6 million people were in forced labor in 2021¹¹. Even though each and every worker may be subject to forced labor, there are certain groups of people that appear to be more vulnerable. Women, children, disabled people, individuals facing financial problems and debts and immigrants belong to vulnerable populations. Apart from all these vulnerable groups, people that are not legal citizens of a country and therefore do not speak the official language of it, people lacking basic goods and social support because of economic difficulties and people with mental problems are often susceptible to forced labor. It is therefore evident that targeting specific socioeconomic groups can be labeled as discrimination.

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

Bangladesh

In Bangladesh, millions of workers face everyday unsafe working conditions and are not able to make use of their labor rights. For example, tea and shrimp farming workers, who are mostly women, are exposed to hazards that threaten their health, to gender-based violence and to harassment and work long hours, while construction workers suffer from frequent injuries and accidents. It is worth mentioning that, according to a survey published in 2022 by the ILO, 4.4% of children aged 5-17 years old are facing child labour, while more than half of them (60%) are engaged in unsafe working conditions. ¹²

A major turning point in Bangladesh's working standards was the collapse of an eight story commercial building, the Rana Plaza, which occurred on April 24, 2013 and claimed 1,134 lives. Following the destruction of the Rana Plaza, the Labour Act of 2006, that sets Occupational Safety and Health standards, and compensation for

¹¹ "Forced Labour, Modern Slavery and Human Trafficking (Forced Labour, Modern Slavery and Human Trafficking)." *International Labour Organization*, <u>www.ilo.org/global/topics/forced-labour/lang--en/index.htm</u>.

¹² "Child Labour in Bangladesh (ILO in Bangladesh)." *International Labour Organization*, www.ilo.org/dhaka/Areasofwork/child-labour/lang--en/index.htm.

injury and accidents in the workplace, was amended. In addition to that, an independent complaint mechanism was established by the Accord on Fire and Building Safety (an agreement between brands, factories and trade unions), which provided workers with an effective tool to raise complaints anonymously. Finally, according to the Accord, the signatory brands are held accountable for safety in the factories where their garments are made. Nevertheless, labor rights abuses are widespread in Bangladesh and many people are still working in unsafe conditions.

Canada

Canada has an Occupational Health and Safety (OH&S) legislation aiming to protect the workers against hazards in a job. It outlines the general rights and responsibilities of the employer, the supervisor and the worker. The law makes both the employee and the employer jointly responsible for workplace health and safety. Each of the Canadian provinces and the federal government have their own OH&S legislation.

The details of the OH&S legislation vary slightly from one jurisdiction to another but the basic elements are the same. The government is responsible for enforcing occupational health and safety legislation, conducting workplace inspections, raising public awareness and promoting training, education and research. The workers have the right to refuse unsafe work, to participate in the workplace health and safety activities and to know actual and potential dangers in the workplace. The workers are responsible for working in compliance with OHS act and regulations, using personal protective equipment and clothing as directed by the employer and reporting workplace hazards and dangers. The supervisor's responsibilities are to ensure that workers use prescribed protective equipment devices, to advise workers of potential and actual hazards and to take every reasonable precaution in the circumstances for the protection of workers. The employer's responsibilities are to establish and maintain a joint health and safety committee, to take every reasonable precaution to ensure workplace is safe, to train employees about any potential hazards, to supply personal protective equipment and ensure workers know how to use the equipment safely and properly, to immediately report all critical injuries to the government department responsible for OH&S and to train all employees how to safely use, handle, store and dispose of hazardous substances and handle emergencies.

Netherlands

According to figures from the International Labour Organization (ILO), last updated in September 2022, the Netherlands is among the safest places to work. In the Netherlands, it is the employer and employees within a company who have primary responsibility for occupational health and safety policy. They are required to reach an agreement on working conditions and are supported by trade unions and the trade association for each sector in drafting appropriate occupational health and safety measures. This means that companies and employees select the measures and solutions that are relevant for their industry or sector, and set up 'good practices', which are ways in which the industry can comply with the rules in a practical manner. All rules derive from the Working Conditions Act, the Working Conditions Decree and the Working Conditions Regulations which contain the rights and obligations for employers and employees in the area of health and safety at work. The Dutch Working Conditions Act focuses on promoting good and safe working conditions and on preventing illness and incapacity for work.

Qatar

In 2019, Qatar abolished the kafala system. With the kafala system, employers are able to hire migrant workers and for that cause they are given sponsorship permits. It exists in the Gulf Cooperation Council Countries, namely Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates, even though Bahrain and Qatar have formally abolished it. However, for Qatar that seems to be untrue. During the construction of the World Cup infrastructure in 2022, 400-500 migrant workers died. In addition to that, the working conditions for workers, the majority of them being foreigners, were both unsafe and unsanitary. The workers were exposed to physical hazards, such as extremely hot temperatures and worked long hours without having rest days and being paid a minimum wage.

European Agency for Safety and Health at Work

The European Agency for Safety and Health at Work (EU-OSHA) is an information agency for occupational safety and health founded by the European Commission. It aims at strengthening the safety of European work environments by attempting to prevent occupational accidents and trying to ameliorate working conditions. Each Member State is represented in the EU-OSHA by a representative, called a focal point, who is responsible for implementing the agency's campaigns and programs in their country. The focal points reinforce the success of the agency since they collaborate to share information and knowledge on issues concerning safety and health at work.

The Occupational Health and Safety Administration

After the Occupational Safety and Health Act of 1970 was signed by the U.S. President Richard Nixon and was entered into force, the U.S. Congress created a federal agency, the Occupational Safety and Health Administration (OSHA). This agency aims at ensuring safe and sanitary work conditions, protecting workers from all types of hazards and preventing occupational accidents. In order to achieve these goals, the OSHA provides education and training to employers concerning occupational health and safety. It has also established a supervision mechanism that monitors the compliance of the law by the employers. The OSHA has the right to fine employers who do not comply with it. Lastly, it has set health and safety standards for multiple job sectors, such as healthcare services and construction work.

Date	Description of event
October 1919	The International Labour Organization
	(ILO) was founded
July 1, 1932	The ILO Convention no 029 was entered
	into force
1946	The International Labour Organization
	(ILO) became a specialized agency of the
	United Nations
December 10, 1948	The United Nations Declaration of
	Human Rights was adopted by the UN
	General Assembly
December 29, 1970	The Occupational Health and Safety Act
	of 1970 was signed by the U.S. President
	Richard Nixon
April 28, 1971	The Occupational Health and Safety
	Administration was founded following
	the success of the Occupational Health
	and Safety Act
August 11, 1983	The ILO Convention no 155 was entered
	into force
June 19, 1989	The 1989 European Framework Directive
	on Safety and Health at Work was
	entered into force

TIMELINE OF EVENTS

April 24, 2013	The Rana Plaza building in Bangladesh
	collapsed
January 1, 2016	United Nations Sustainable
	Development Goals for 2030
September 26, 2019	The Human Rights Council's Resolution
	42/21 on the protection of the rights of
	workers exposed to hazardous
	substances and wastes was passed

RELEVANT UN RESOLUTIONS, TREATIES AND EVENTS

ILO Convention C155- Occupational Health and Safety Convention, August 11, 1983

According to article 13 of the ILO Convention C155, workers have the right to remove themselves from tasks that they believe are dangerous for their health and for their life if they have reasonable justification to do so. In that case, they should be protected from undue consequences. It is important to note that this Convention has a legal effect only if a Member State has ratified it. In total, 80 Member states have ratified it.

ILO Convention C029- Forced Labour Convention (May 1, 1932) and Protocol to the Forced Labour Convention, June 2014

The ILO Convention C029 provides a definition of the term "forced labour" and suggestions to limit it. According to the protocol to the Forced Labour Convention, Member States should act in order to try to prevent forced labour, protect victims of it and guarantee that they have access to justice. In total, it has been ratified by 181 Member states.

UN Sustainable Development Goal 8 (SDG)

Targets 8.7 and 8.8 refer respectively to "take immediate and effective measures to eradicate forced labor" and to ""protect labor rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment".



Figure 2¹³: the 8th SDG

The Human Rights Council's Resolution 42/21 on the protection of the rights of workers exposed to hazardous substances and wastes, September 26, 2019 (A/RES/HRC/42/21)

This resolution addresses the issue of the protection of the rights of workers exposed to hazardous substances and wastes and the issue of occupational health and safety. As stated in clause 4, "(...), the right of everyone to the enjoyment of just and favourable conditions of work (...), continues to remain insufficiently implemented and realized, particularly with regard to unsafe occupational exposure to hazardous substances."

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Occupational Health and Safety Act of 1970 (Occupational Safety and Health Administration, USA)

The Occupational Health and Safety Act was signed by the U.S. President Richard Nixon and entered into force on December 29, 1970. It aimed at ensuring health and safety at work environments and protecting workers from all types of hazards, be they physical, chemical, biological or ergonomic. According to 2018 statistics, occupational accidents and injuries have been significantly reduced, especially in high-hazard sectors, since the Act was effective (from 14.000 in 1970 to 5250 in 2018). ¹⁴ It is worth mentioning that the success of the Occupational Health and Safety Act was followed by the foundation of the National Institute for Occupational Safety and Health (NIOSH) and the Occupational Safety and Health Administration (OSHA).

¹³ Our World in Data Team. "Promote Sustained, Inclusive and Sustainable Economic Growth, Full and Productive Employment and Decent Work for All." *Our World in Data*, 18 July 2023, www.ourworldindata.org/sdgs/economic-growth.

¹⁴ "The Occupational Safety and Health Act at 50—A Labor Perspective." *PubMed Central (PMC)*, www.ncbi.nlm.nih.gov/pmc/articles/PMC7144450/.

The European Union's Occupational Health and Safety Framework for 2021-2027

The Occupational Health and Safety (OSH) Framework adopted by the European Union for 2021-2027. It contains the key objectives and measures that need to be taken in order to ensure health and safety in the European work environments. It is important to note that it focuses on contemporary data, such as the ongoing changes of work environments and the transition to a digital and green work market. This framework is based on the 1989 European Framework Directive on Safety and Health at Work, which sets out common principles and minimum standards across the EU. It specifically concentrates on risk-prevention and defines employers' obligations which apply across all industries and professions and to both public and private sectors.

Since the adoption of the 1989 European Framework Directive on Safety and Health at Work, deaths at European work environments have declined by 70%.¹⁵ However, even though there has been progress made, fatal accidents still occur in the European Union. This is why it is imperative to improve work standards and promote health and safety at work.

China's National Occupational Disease Prevention and Control Plan for 2021-2025

Even though there has been progress made in the field of occupational health and safety in China, the prevention and control of occupational diseases is still a challenge for the country's government. That, combined with a large number of employed citizens in China, according to statistics of 2021, highlights the importance and the need for a relevant framework. That is why the government has released the National Occupational Disease Prevention and Control Plan for the years 2021-2025.

POSSIBLE SOLUTIONS

Establishing a supervision and complaint mechanism

A supervision mechanism would be used to show to what extent countries comply with the international legislation concerning occupational health and safety. It could consist of independent labour inspectors and the labour ministers of Memberstates. The labour inspectors would be responsible for conducting annual inspections, studying cases of countries and multinational companies and receiving complaints from employees, while the labour ministers would examine the complaints about

¹⁵ "EU STRATEGIC FRAMEWORK ON HEALTH AND SAFETY AT WORK 2021—2027." *International Labour Organization*, <u>www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-budapest/documents/genericdocument/wcms</u> 811860.pdf.

enterprises in their country in accordance with the national legislation of their country. The labor inspectors could also examine annual evaluation reports made by local authorities of each country.

Establishing international cooperation

All UN Member states should cooperate and share their knowledge and expertise on the issue. More specifically, they should share guidelines, frameworks or legislations that they have established in order to improve working conditions and ensure health and safety at working environments. It is important that More Economically Developed Countries (MEDCs) guide Less Economically Developed Countries (LEDCs) and share technology, resources, and expertise.

Identifying work hazards

In order to install an international legal framework regarding the protection of the right of workers to refuse unsafe work, it is necessary to identify work hazards. Work hazards have already been identified and analyzed by scientists . Global standards for refusing unsafe work are vital in the pursuit of a protective work environment. However, governments should further research all work-related elements that make a work activity dangerous and could lead to an occupational accident, according to their own socioeconomic or environmental factors.

Investing in safety measures

Governments, enterprises, and employers should invest in necessary equipment and technology so that they enhance the safety of some work tasks. They should provide employees with protective equipment, such as uniforms, masks, or gloves. They should also modernize infrastructure to avoid accidents occurring from the oldness and the extensive use of it, so that danger is minimized. They should set standards of maintenance of the infrastructure that they use so that they ensure the proper functionality of it and prevent accidents. Finally, investing in safety measures also includes providing safety training to employees concerning the use of machines and implementing safety protocols.

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