

# **Workers' Rights in the Global South: Implementing Effective Occupational Health and Safety Measures for Sustainability**

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**Kariuki Muigua\***

### **Abstract**

*This paper critically discusses how workers' rights can be protected in the Global South through effective Occupational Health and Safety (OHS) measures. The paper defines OHS and examines its core elements. It argues that effective OHS measures are key in safeguarding workers' rights by ensuring safe and healthy working environments. Despite playing a key role in protecting workers, the paper notes that the Global South is yet to implement effective OHS measures. It discusses some of the key threats facing OHS in the Global South. The paper argues that failure to put in place sound OHS measures in the Global South undermines sustainability by exposing workers to the risk of death and injuries. In light of these concerns, the paper discusses how workers' rights can be protected in the Global South by implementing effective OHS measures for sustainability.*

### **1.0 Introduction**

According to the International Labour Organization (ILO), productive employment and decent work are key elements towards achieving development and poverty reduction<sup>1</sup>. It has been argued that decent work entails productive work for both men and women in conditions of freedom, equality, equity, security and human dignity<sup>2</sup>. Decent work ensures equal pay for equal work, a secure form of employment, safe working conditions, equal opportunities for all workers, social protection for workers and their families, and

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<sup>1</sup> International Labour Organization., 'Decent Work' Available at <https://www.ilo.org/topics/decent-work#:~:text=It%20involves%20opportunities%20for%20work,that%20affect%20their%20lives%20and> (Accessed on 01/11/2025)

<sup>2</sup> European Commission., 'Employment and Decent Work' Available at [https://international-partnerships.ec.europa.eu/policies/sustainable-growth-and-jobs/employment-and-decent-work\\_en](https://international-partnerships.ec.europa.eu/policies/sustainable-growth-and-jobs/employment-and-decent-work_en) (Accessed on 01/11/2025)

the freedom of workers to express their concerns and organize among others<sup>3</sup>. Increasing employment and ensuring decent work for all are essential aspects of Sustainable Development<sup>4</sup>. For instance, quality employment and decent work conditions help reduce inequalities and poverty, and empower people, especially women, young people and the most vulnerable such as people with disabilities<sup>5</sup>.

The United Nations *2030 Agenda for Sustainable Development*<sup>6</sup> acknowledges the role of decent work in the quest towards sustainability. The Agenda urges states to create conditions for sustainable, inclusive and sustained economic growth, shared prosperity and decent work for all, taking into account different levels of national development and capacities<sup>7</sup>. Sustainable Development Goal (SDG) 8 seeks to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all<sup>8</sup>. Fostering productive employment and decent work for all is therefore key towards Sustainable Development.

Upholding workers' rights is vital towards ensuring productive employment and decent work for sustainability. According to ILO, workers' rights are fundamental human rights and protections that all employees are entitled to in their workplace<sup>9</sup>. It has been pointed out that workers' rights cover a wide range of protections and entitlements afforded to all employees including the right to decent work, right to fair remuneration, freedom of association, right to equal opportunity, protection against discrimination and protection

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<sup>3</sup> Ibid

<sup>4</sup> Ibid

<sup>5</sup> Ibid

<sup>6</sup> United Nations General Assembly., 'Transforming Our World: the 2030 Agenda for Sustainable Development.' 21 October 2015, A/RES/70/1., Available at <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> (Accessed on 01/11/2025)

<sup>7</sup> Ibid

<sup>8</sup> Ibid

<sup>9</sup> International Labour Organization., 'International labour standards and human rights' Available at <https://www.ilo.org/resource/international-labour-standards-and-human-rights#:~:text=Labour%20rights%20are%20human%20rights,basis%20of%20the%202030%20Agenda.> (Accessed on 01/11/2025)

against unfair dismissal<sup>10</sup>. The ILO Conventions set out five categories of labour rights which are: freedom of association and the effective recognition of the right to collective bargaining<sup>11</sup>; the elimination of all forms of forced or compulsory labour<sup>12</sup>; the effective abolition of child labour<sup>13</sup>; the elimination of discrimination in respect of employment and occupation<sup>14</sup>; and a safe and healthy working environment<sup>15</sup>. It has been argued that upholding these rights is a necessary condition for poverty reduction, tackling inequality, work advancement, productivity, justice and sustainability<sup>16</sup>.

This paper critically discusses how workers' rights can be protected in the Global South through effective Occupational Health and Safety (OHS) measures. The paper defines OHS and examines its core elements. It argues that effective OHS measures are key in safeguarding workers' rights by ensuring safe and healthy working environments. Despite playing a key role in protecting workers, the paper notes that the Global South is yet to implement effective OHS measures. It discusses some of the key threats facing OHS in the Global South. The paper argues that failure to put in place sound OHS measures in the Global South undermines sustainability by exposing workers to the risk of death and injuries. In light of these concerns, the paper discusses how workers' rights can be protected in the Global South by implementing effective OHS measures for sustainability.

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<sup>10</sup> Workers' Rights., Available at <https://globalnaps.org/issue/workers-rights/> (Accessed on 01/11/2025)

<sup>11</sup> International Labour Organization., 'Fundamental Principles and Rights at Work' Available at <https://www.ilo.org/projects-and-partnerships/projects/fundamental-principles-and-rights-work> (Accessed on 01/11/2025)

<sup>12</sup> Ibid

<sup>13</sup> Ibid

<sup>14</sup> Ibid

<sup>15</sup> Ibid

<sup>16</sup> Bonny. A., 'Crises affect social justice in Africa: Social activists' Available at <https://www.aa.com.tr/en/africa/crises-affect-social-justice-in-africa-social-activists/2507047> (Accessed on 01/11/2025)

## **2.0 The Need for Effective Occupational Health and Safety in the Global South**

OHS is a concept that deals with all aspects of health and safety in workplaces<sup>17</sup>. OHS has also been defined as the science of the anticipation, recognition, evaluation and control of hazards arising in or from the workplace that could impair the health and well-being of workers, taking into account the possible impact on the surrounding communities and the general environment<sup>18</sup>. OHS can also be described as the practice that deals with the safety, welfare, health and social well-being of workers in all occupations<sup>19</sup>.

Ensuring effective OHS is key towards protecting workers' rights through safe and health work environments<sup>20</sup>. It has been argued that the goal of OHS is to prevent accidents, injuries and diseases at the workplace<sup>21</sup>. By putting in place effective OHS measures, it is possible to safeguard the rights of workers by preventing work-related injuries and diseases, as well as ensuring the protection and promotion of the health of workers<sup>22</sup>. It has been argued that sound OHS practices are necessary towards improving the working conditions and working environments for workers and ensuring that their safety and health is maintained while working and providing compensation if a work-related injury occurs<sup>23</sup>. This is achieved through the promotion and maintenance of the highest degree of physical, mental and social wellbeing in all occupations<sup>24</sup>; the prevention amongst

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<sup>17</sup> International Labour Organization., 'Occupational Safety and Health' Available at <https://www.ilo.org/bureau-employers-activities/areas-work/occupational-safety-and-health> (Accessed on 01/11/2025)

<sup>18</sup> Alli. B., 'Fundamental Principles of Occupational Health and Safety' International Labour Organization, 2<sup>nd</sup> Edition, 2018

<sup>19</sup> The Importance of Occupational Health and Safety., Available at <https://pecb.com/en/article/the-importance-of-occupational-health-and-safety> (Accessed on 01/11/2025)

<sup>20</sup> A Safe and Healthy Working Environment., Available at <https://unglobalcompact.org/take-action/safety-andhealth> (Accessed on 01/11/2025)

<sup>21</sup> International Labour Organization., 'Occupational Safety and Health' Op Cit

<sup>22</sup> United Nations Global Compact., 'A Safe and Healthy Working Environment' Available at <https://unglobalcompact.org/take-action/safety-andhealth> (Accessed on 01/11/2025)

<sup>23</sup> Ibid

<sup>24</sup> Muigua. K., 'Realising Occupational Safety and Health as a Fundamental Human Right in Kenya' Available at <https://kmco.co.ke/wp-content/uploads/2018/08/Realising-Occupational-Safety-and-Health-as-a-Fundamental-Human-Right-in-Kenya.pdf> (Accessed on 01/11/2025)

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workers of departures from health caused by their working conditions<sup>25</sup>; the protection of workers in their employment from risks resulting from factors adverse to health<sup>26</sup>; and the placing and maintenance of the worker in an occupational environment adapted to its physiological and psychological equipment<sup>27</sup>.

Implementing effective OHS measures is thus crucial in protecting workers' rights. According to ILO, a safe and healthy working environment is a fundamental right and principle that all workers in all occupations are entitled to<sup>28</sup>. This right is set out under several legal instruments at the global and national levels. For example, at the global level, the *Universal Declaration of Human Rights*<sup>29</sup> enshrines the right of every person to work which includes the requirement for *just and favourable conditions of work*<sup>30</sup>. Further, the *International Covenant on Economic, Social and Cultural Rights*<sup>31</sup> urges all states to recognize the right of everyone to the enjoyment of just and favourable conditions of work, and in particular the right to *safe and healthy working conditions*<sup>32</sup>. In addition, the right to a safe and healthy working environment is captured under the *ILO Constitution*<sup>33</sup>, the *ILO Declaration on Fundamental Principles and Rights at Work*<sup>34</sup>, and the *Occupational Safety and Health Convention*<sup>35</sup>.

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<sup>25</sup> Ibid

<sup>26</sup> Ibid

<sup>27</sup> Ibid

<sup>28</sup> International Labour Organization., 'Safety and Health at Work' Available at <https://www.ilo.org/topics-and-sectors/safety-and-health-work> (Accessed on 01/11/2025)

<sup>29</sup> United Nations General Assembly, *Universal Declaration of Human Rights*, 217 A (III), 10 December 1948

<sup>30</sup> Ibid, article 23 (1)

<sup>31</sup> United Nations General Assembly, *International Covenant on Economic, Social and Cultural Rights*, United Nations, Treaty Series, vol. 993, p. 3, 16 December 1966,

<sup>32</sup> Ibid, article 7 (b)

<sup>33</sup> International Labour Organization (ILO), *Constitution of the International Labour Organisation (ILO)*, 1 April 1919

<sup>34</sup> International Labour Organization *Declaration on Fundamental Principles and Rights at Work*, Available at [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_467653.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_467653.pdf) (Accessed on 01/11/2025)

<sup>35</sup> *Occupational Safety and Health Convention*, 1981 (No. 155)

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At a national level, the *Constitution of Kenya*<sup>36</sup> stipulates that every worker has the right to reasonable working conditions<sup>37</sup>. In addition, the *Occupational Safety and Health Act of Kenya*<sup>38</sup> seeks to ensure the safety, health and welfare of workers and all persons lawfully present at workplaces<sup>39</sup>. The purpose of the Act is to secure the safety, health and welfare of persons at work, and to protect persons other than persons at work against risks to safety and health arising out of, or in connection with, the activities of persons at work<sup>40</sup>.

Ensuring safe and healthy work environments through effective OHS measures is therefore a key agenda both globally and at national levels. However, achieving this ideal remains a challenge all over the world especially in the Global South. For example, it has been pointed out that every year, millions of workers all over the world die from occupational accidents and work-related diseases with many more others suffering from non-fatal occupational accidents<sup>41</sup> ILO notes that workers all over the world are exposed to many risks in the workplace, ranging from biological, chemical and physical hazards, to psychosocial and ergonomic hazards<sup>42</sup>. It further points out that millions of workers lose their lives each year due to occupational accidents and diseases, with many more suffering from debilitating work-related injuries and chronic conditions<sup>43</sup>. According to estimates by ILO, nearly 3 million workers die each year as a result of work-related factors, 395 million workers globally sustain a non-fatal work injury each year, and almost 2.4 billion workers are exposed to excessive heat each year<sup>44</sup>. It is estimated that

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<sup>36</sup> Constitution of Kenya, 2010., Government Printer, Nairobi

<sup>37</sup> Ibid, article 41 (2) (b)

<sup>38</sup> Occupational Safety and Health Act., Cap 236 A., Government Printer, Nairobi

<sup>39</sup> Ibid

<sup>40</sup> Ibid, S 3 (2)

<sup>41</sup> United Nations Global Compact., 'A Safe and Healthy Working Environment' Op Cit

<sup>42</sup> International Labour Organization., 'Implementing a Safe and Healthy Working Environment: Where are we now?' Available at [https://webapps.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---safework/documents/publication/wcms\\_876334.pdf](https://webapps.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/publication/wcms_876334.pdf) (Accessed on 01/11/2025)

<sup>43</sup> Ibid

<sup>44</sup> International Labour Organization., 'Safety and Health at Work' Op Cit

workplace-related deaths exceed the average annual deaths from road accidents, war, violence, and HIV/AIDS<sup>45</sup>.

This situation is particularly severe in the Global South. For example, it has been pointed out that many workers in the Global South work in the informal sector without adequate OHS measures thus being exposed to deaths, diseases and injuries<sup>46</sup>. In Africa, millions of workers are exposed to several safety and health risks including increasing occupational accidents, lack of adequate investments in OHS best practices including technology and safety gear, inadequate inspection of workplaces, inadequate investigation of accidents and diseases, low awareness on safety and health, and minimal and delay in compensation for the injured and dead<sup>47</sup>. Consequently, implementing effective OHS measures in the Global South is an urgent imperative towards protecting workers' rights for sustainability.

### **3.0 Implementing Effective Occupational Health and Safety Measures in the Global South**

Safeguarding workers' rights is an urgent imperative in the Global South. Millions of workers in the Global South continue to face the risk of work-related injuries, diseases and deaths in addition to other physical and mental risks attributed to their nature of work<sup>48</sup>. Implementing effective OHS measures in the Global South is therefore vital towards preventing work-related deaths, injuries and diseases, as well as protecting the

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<sup>45</sup> United Nations Global Compact., 'A Safe and Healthy Working Environment' Op Cit

<sup>46</sup> World Health Organization., 'WHO-ILO Joint effort on occupational health and safety in Africa' Available at <https://www.who.int/publications/m/item/who-ilo-joint-effort-on-occupational-health-and-safety-in-africa#:~:text=The%20need%20to%20strengthen%20the%20field%20of,a%20heavy%20burden%20of%20disease%20and%20disability.&text=In%20the%20majority%20of%20African%20countries%2C%20the,a%20safety%20net%20for%20poor%20households'%20income> (Accessed on 01/11/2025)

<sup>47</sup> Office of the Auditor-General of Kenya., 'Performance Audit Report on Protection of the Safety and Health of Workers at Workplaces' Available at <https://www.oagkenya.go.ke/wp-content/uploads/2023/01/Protection-and-of-the-Safety-and-Health-of-Workers-at-Workplace.pdf> (Accessed on 01/11/2025)

<sup>48</sup> International Labour Organization., 'Implementing a Safe and Healthy Working Environment: Where are we now?' Op Cit

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health of workers<sup>49</sup>. Effective OHS measures can be implemented in the Global South by improving the working conditions and working environments for workers and ensuring their safety and health is maintained while working and providing compensation if a work-related injury or death occurs<sup>50</sup>. It has been argued that OHS measures do not just apply to typically dangerous jobs, such as working at height or in industries that deal with chemicals, but to all places of employment, including offices<sup>51</sup>. It is therefore imperative to implement OHS measures across all work environments in the Global South in order to effectively protect the rights of workers.

Effective OHS standards and practices include ensuring safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances at workplaces<sup>52</sup>. It is also imperative for employers to put in place risk management and control principles and practices in order to mitigate potential deaths, injuries and diseases to workers<sup>53</sup>. By conducting regular risk assessments, it is possible to identify potential hazards in the workplace and develop adequate mitigation measures towards protecting workers<sup>54</sup>. In addition, there is need to ensure that workers involved in dangerous occupations are provided with safety equipment<sup>55</sup>. According to ILO, every employer has a duty to provide personal protective equipment (PPE) at work<sup>56</sup>. PPE are key in protecting workers against the risk of injuries, accidents or of adverse effects on

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<sup>49</sup> United Nations Global Compact., 'A Safe and Healthy Working Environment' Op Cit

<sup>50</sup> Ibid

<sup>51</sup> Ibid

<sup>52</sup> Health and Safety., Available at <https://africapay.org/kenya/labour-laws/health-and-safety-at-work#:~:text=It%20is%20obligatory%20for%20an,transport%20of%20articles%20and%20substances> (Accessed on 03/11/2025)

<sup>53</sup> International Labour Organization., 'Occupational Safety and Health' Op Cit

<sup>54</sup> Jegede. O., 'How to Stay Compliant With Health and Safety Regulations in Africa' Available at Available at [https://www.linkedin.com/pulse/how-stay-compliant-health-safety-regulations-african-jegede?utm\\_source=share&utm\\_medium=member\\_android&utm\\_campaign=share\\_via](https://www.linkedin.com/pulse/how-stay-compliant-health-safety-regulations-african-jegede?utm_source=share&utm_medium=member_android&utm_campaign=share_via) (Accessed on 03/11/2025)

<sup>55</sup> Health and Safety., Op Cit

<sup>56</sup> International Labour Organization., 'Personal Protective Equipment' Available at [https://www.ilo.org/topics-and-sectors/occupational-safety-and-health-guide-labour-inspectors-and-other/personal-protective-equipment#:~:text=Personal%20protective%20equipment%20\(PPE\)%20is%20equipment%20that,Monitoring%20and%20reviewing%20that%20PPE%20is%20used](https://www.ilo.org/topics-and-sectors/occupational-safety-and-health-guide-labour-inspectors-and-other/personal-protective-equipment#:~:text=Personal%20protective%20equipment%20(PPE)%20is%20equipment%20that,Monitoring%20and%20reviewing%20that%20PPE%20is%20used) (Accessed on 03/11/2025)

health<sup>57</sup>. They include items such as safety helmets, gloves, eye protection, high-visibility clothing, safety footwear, safety harnesses and respiratory protective equipment<sup>58</sup>.

Effective OHS measures also include provision of information, instruction, training and supervision of workers<sup>59</sup>. Through this, workers can be well-equipped to anticipate and manage risks at the workplace towards safeguarding their health and well-being. Further, involving workers in OHS strategies is key in ensuring that such practices are well designed to fit the needs and interests of workers<sup>60</sup>.

Technology also has a crucial role to play in ensuring effective OHS measures in the Global South. It has been correctly noted that technology offers solutions and innovative tools that improve safety, efficiency, and regulatory compliance in working environments towards safeguarding the health and well-being of workers<sup>61</sup>. Technology not only enhances the effectiveness of safety measures at workplaces but it also makes it easier to identify and mitigate potential hazards in working environments<sup>62</sup>. Technological advancements have led to the development of tools including robots which are working in hazardous workplaces, doing the heavy lifting that may be dangerous to the health and safety of human beings, managing toxic materials and working in extreme temperatures<sup>63</sup>. Further, digital tools such as drones and robots are being utilised to perform tasks that are dangerous for humans including inspecting high-rise buildings and structures, exploring confined spaces, and handling hazardous substances<sup>64</sup>. In

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<sup>57</sup> Ibid

<sup>58</sup> Ibid

<sup>59</sup> Ibid

<sup>60</sup> International Labour Organization., 'Occupational Safety and Health' Op Cit

<sup>61</sup> Technological Solutions for OHS: Transforming Workplace Safety., Available at <https://www.sabentis.com/en/blog/technologicalsolutions-ohs/> (Accessed on 03/11/2025)

<sup>62</sup> Surendran. A., 'The Role of Technology in Enhancing Occupational Safety' Available at <https://www.linkedin.com/pulse/technologies-enhancing-occupational-health-safety-anoop-ipbbc/> (Accessed on 03/11/2025)

<sup>63</sup> International Labour Organization., 'Revolutionizing Health and Safety: The Role of AI and Digitalization at Work' Available at [https://www.ilo.org/sites/default/files/2025-04/ILO\\_Safeday25\\_Report\\_EN\\_r8%2B%281%29.pdf](https://www.ilo.org/sites/default/files/2025-04/ILO_Safeday25_Report_EN_r8%2B%281%29.pdf) (Accessed on 03/11/2025)

<sup>64</sup> Surendran. A., 'The Role of Technology in Enhancing Occupational Safety' Op Cit

addition, mobile applications are allowing employees to quickly and efficiently report incidents at workplaces and access information concerning their health and safety<sup>65</sup>. Technological tools such as automation and smart monitoring systems in workplaces can also reduce exposure to hazardous substances, prevent workplace injuries and improve overall working conditions<sup>66</sup>. Adopting technology is therefore important towards ensuring effective OHS measures in the Global South.

#### **4.0 Conclusion**

Implementing effective OHS measures in the Global South is key in fostering sustainability. Sound OHS practices protect the health and well-being of workers, improve productivity and profitability at the workplace, and foster sound business reputation<sup>67</sup>. It is therefore imperative to implement effective OHS measures in the Global South including through providing workers with PPE, training and supervision of workers, conducting regular risk assessments and adopting technology<sup>68</sup>. Ensuring sound OHS practices in the Global South is a noble ideal that should be implemented for sustainability.

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<sup>65</sup> Technological Solutions for OHS: Transforming Workplace Safety., Op Cit

<sup>66</sup> International Labour Organization., 'Revolutionizing Health and Safety: The Role of AI and Digitalization at Work' Op Cit

<sup>67</sup> International Labour Organization., 'Occupational Safety and Health' Op Cit

<sup>68</sup> Ibid

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