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Council of Global Unions Statement

on

Recognition of COVID-19 as an Occupational Disease

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#iwmd20

On the occasion of International Workers Memorial Day 2020¹, the global trade union movement calls upon governments and occupational health and safety bodies around the world to recognise SARS-CoV-2 as an occupational hazard, and COVID-19 as an occupational disease.

With a third of the population around the world currently living under various forms of lockdown to slow the spread of COVID-19, millions of workers, including those in health and social care, emergency services, agriculture, food and retail, transport, education, infrastructure and construction work and other public services (see annex), continue to work hard to keep society functioning. Yet the vast majority are doing so without the comprehensive protection required when exposed to a recognised occupational disease caused by a biological agent. This poses a profound risk to workers, their families and the communities in which they live.

Workers urgently need official recognition of the SARS-CoV-2 coronavirus as an occupational hazard². Like any hazard, it is the responsibility of employers to protect their workers from it as far as practicable. That means strict hygiene measures, social distancing, sufficient personal protective equipment of the correct types (with proper programme implementation), and testing, tracing and tracking protocols for exposed workers and those they may have come into contact with, particularly when testing becomes more readily available.

Furthermore, workers need official recognition of COVID-19 as an occupational disease. Such recognition would ensure the right to worker representation and occupational safety and health (OSH) rights and the application of agreed measures to reduce risk. These rights include the right to refuse to work under unsafe working conditions. Governments must require reporting and recording of work-related cases and ensure that full medical care as well as compensation schemes are provided for victims of work-related COVID-19 and for their affected families.

The global trade union movement therefore calls upon all governments around the world to take the necessary steps to protect these workers. First, by ensuring that employers are reminded of their responsibilities to protect the health and safety of their workers from all workplace hazards, including SARS-CoV-2. Second, by ensuring that all workers are

¹ International Workers Memorial Day is also known as the International Commemoration Day for Dead and Injured Workers.

² The government of Argentina and the Italian National Institute for Insurance against Accidents at Work (INAIL) have already recognised COVID-19 as an occupational disease.



protected by amending occupational disease systems to include a 'rebuttable presumption' that where a person's job placed them at risk of exposure to SARS-CoV-2, COVID-19 should be recognised and compensated as a work-related disease.³

The inclusion of a rebuttable presumption in the case of COVID-19 infections will mean that the disease is presumed to have arisen out of a worker's exposure to SARS-CoV-2 at work, unless conclusive evidence to the contrary is provided to the relevant authorities within the legislative and regulatory framework for workers' compensation. The definition of the workplace includes travel to and from work. Such recognition as an occupational disease ensures employers are responsible and liable and that negligent employers are subject to the application of penalties⁴.

Providing this type of protection and recognition for workers will be a start towards showing them the respect that they deserve by ensuring that preventative measures are implemented to the fullest extent possible and, if they are unfortunate enough to contract COVID-19 that they have fair access to compensation. Protection of workers' health by prevention of infection should always be the first priority, but workers who do become ill should be focused on recovery, not worrying about whether they will face financial ruin for getting sick from work.

On International Commemoration Day for Dead and Injured Workers we remember the millions of workers who die each year in workplace fatalities or as a consequence of workplace exposures. This year, as the world is gripped by a deadly pandemic, we have an extra reason to do the right thing. Workers are dying to save lives. They deserve our support and they deserve our thanks. Exposure to SARS-CoV-2 must be recognised as a preventable occupational hazard, and work-related COVID-19 must be recognised and compensated as an occupational disease.

³ ILO Recommendation 194 (List of Occupational Diseases) recommends that the national list of occupational diseases (for the purposes of prevention, recording, notification and, if applicable, compensation) should include, among others, diseases caused by biological agents at work 'where a direct link is established scientifically, or determined by methods appropriate to national conditions and practice, between the exposure to these biological agents arising from work activities and the disease contracted by the worker.' COVID-19 falls within the scope of Article 1.3.9 of the Annex to the Recommendation.

⁴ This recognition would also facilitate case handling by national contact points of the OECD Guidelines for MNEs, enabling timely relief to workers calling for help.

Annex

SARS-CoV-2 exposed front-line workers, at risk of COVID-19, include, but are not limited to, workers in the following occupations:

- police, fire personnel, emergency medical technicians, or paramedics and all individuals employed and considered as first responders
- health care providers engaged in patient care
- stores that sell groceries and medicine
- food and beverage production and agriculture
- property services, cleaners and housekeepers and security
- organisations that provide charitable and social services
- petrol stations and businesses needed for transport
- financial institutions
- hardware and supplies stores
- critical trades
- mail, post, shipping, logistics, delivery, and pick-up services
- educational institutions
- journalists and news media workers
- telecommunication and internet technical operations
- laundry services
- restaurants for consumption off-premises
- supplies to work from home
- supplies for essential businesses and operations
- transport workers
- electricians and workers engaged in construction, maintenance and infrastructure projects
- home-based care and services
- residential facilities and shelters
- professional services
- day care centres for dependents of front line workers
- manufacture, distribution, and supply chain for critical products and industries such as personal protective equipment, pharmaceuticals, and materials and equipment used in essential industrial processes
- critical trade union functions
- hotels
- funeral services