Introduction from the Editor-in-Chief

A safe and healthy working environment is a prerequisite for any decent job. Although the International Labour Organization (ILO) has not designated any conventions dealing with occupational health and safety as “fundamental,” it has produced more than forty technical standards and many codes of practice on the topic. Some of these standards are general, but most deal with specific sectors (such as construction, mines, or agriculture) or specific risks (such as chemicals, radiation, or noise). Because health and safety at work is a key area in which labor standards are necessary, it is a recurring category in the journal *International Labor Rights Case Law (ILaRC)*. The current issue deals with two areas in which health and safety standards are immensely important: factory building safety and mine safety. Well-known and recent related examples of things going terribly wrong are the 2013 Rana Plaza disaster in Bangladesh and the 2016 Lily Mine tragedy in South Africa.

Professor Monray Marsellus Botha of the University of Pretoria discusses the current situation in the South African mining sector. In a recent observation, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) expressed concern about the high number of fatal accidents, especially in gold and platinum mines. Botha explains that concern is justified and that the South African government has failed to implement a number of provisions of the ILO Convention concerning Safety and Health in Mines, 1995 (No. 176). Because most injuries can be attributed to “repeat accidents,” proper education and training regarding work safety should be addressed more rigorously. Botha calls for an improved system of benchmarking based on international standards. Other suggested measures include harsher penalties and possible suspension of mining licenses for repeat offenders. The way forward, in Botha’s view, lies in promoting effective risk management and more active worker participation. The South African government should address these issues and actively engage with all stakeholders to develop a more holistic approach to safety in the mining sector.

In the second commentary dealing with health and safety, Professor Ron Brown of the University of Hawaii Law School discusses a complaint brought before the Danish OECD National Contact Point (NCP) by Clean Clothes Denmark and Active Consumers regarding the activities of the PWT Group. In the complainants’ view, PWT had failed to carry out due diligence in relation to

its supplier New Wave Style, which was housed in the Rana Plaza building that collapsed in 2013. Brown explains that though PWT had not violated the OECD Guidelines for Multinational Enterprises in relation to the collapse of the building, it did fail to meet its responsibilities related to due diligence. In particular, the NCP analyzed the scope of due diligence requirements in relation to a company's supplier. It concluded that PWT had violated the Guidelines by not making use of risk and decision-making systems in connection to its inspections and visits to its supplier, and that the link between PWT and New Wave Style was clear and direct. Therefore, PWT had indeed failed to take adequate steps to ensure occupational health and safety and respect for basic human rights at its supplier.

As always, the editorial team welcomes suggestions from our readers of cases for inclusion in later issues. Please send an email to ILaRC@TheHagueInstitute.org.

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