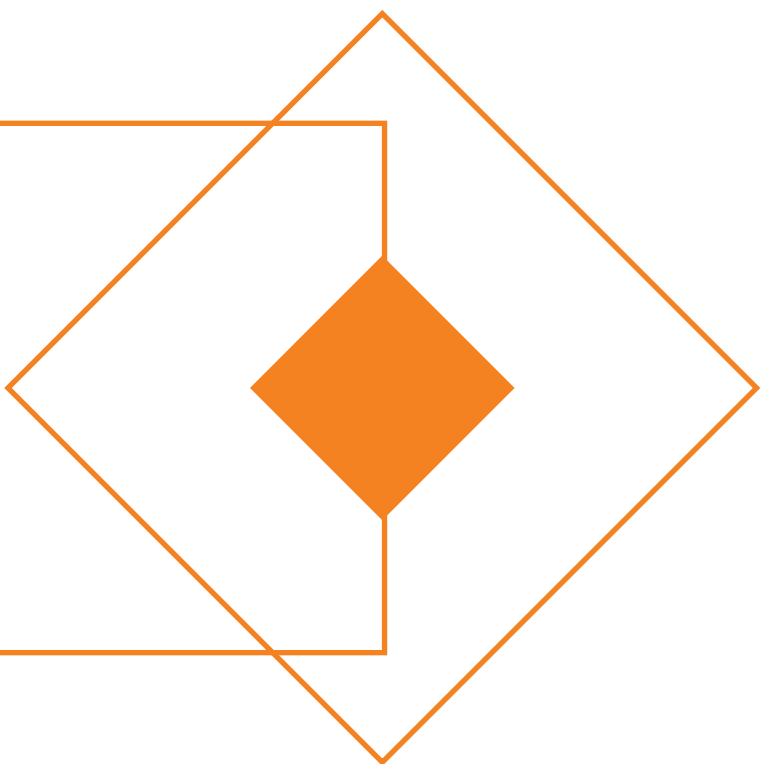




Comparative Analyses of National OSH Councils in IPA Countries





Comparative Analyses of National OSH Councils in IPA Countries

October, 2020



Supported by: The European Commission

Project title: “Enhancing Labor Conditions and Occupational Safety and Health as Support to the Western Balkan Countries towards Accessing the European Union”

Project country: MKD

Analyses timeframe: 17.08.2020. – 31.10.2020.

Type of task: Comparative Analyses of National OSH Councils in IPA Countries

Location (country, region, etc.) of the evaluation object: IPA Countries

Autor: Zlatko Popovic

Consultant: Milan Petkovski

Organization commissioning the evaluation: Macedonian Occupational and Safety Association (MOSHA)

Name of SOS staff contact point for the evaluation: Slavica Jankova

CONTENT

1. INTRODUCTION.....	5
2. METHODOLOGY OF WORK.....	6
3. THE STRUCTURE OF THE COMPARATIVE ANALYSIS REPORT.....	7
4. NATIONAL OSH COUNCILS' ROLES.....	7
5. COMPARATIVE ANALYSIS ACTIVITY PLAN	8
6. FUNCTIONING OF THE COUNCILS IN MACEDONIA, SERBIA AND KOSOVO (NON-EXISTENCE OF OSH COUNCILS IN ALBANIA AND MONTENEGRO).....	13
MKD.....	13
XKX*	22
SRB.....	29
ALB.....	35
MNE.....	36
7. COMPARATIVE ANALYSIS (FUNCTIONALITY AND NONFUNCTIONAL ACTIVITIES RELATED TO THE COUNCILS, GOOD PRACTICES, POSITIVE EXAMPLES, LCD (LOWEST COMMON DENOMINATOR))	37
8. GOOD EXAMPLES OF OSH COUNCILS, MOST FUNCTIONAL PRACTICES.....	43
9. MINIMUM ACTIVITIES OF THE COUNCILS RELATED TO THEIR FUNCTIONING WITH DRAFTED TEMPLATES OF GUIDELINES/FORMS/OPERATION DOCUMENTS AND DOCUMENTS CONCERNING THE FUNCTIONING OF THE OSH COUNCILS	46
10. RECOMMENDATION.....	47

1. INTRODUCTION

The subject of this comparative analysis was carried out at the request of the Macedonian Occupational Safety and Health Association - MOSHA, as a Coordinator of the project *“Enhancing Labor Conditions and Occupational Safety and Health as Support to the Western Balkan Countries towards Accessing the European Union”*, supported by the European Commission. The **main objective** of the comparative analysis is to compare the context and functioning of national councils in Macedonia, Serbia and Kosovo (except Albania and Montenegro where national councils have not been established yet). Proposed activity aims at providing a comparative analysis based on the separated individual analysis of national council's functioning in mentioned countries. To serve as an initial document in determining the necessary steps for improving the efficiency of the national councils through the principle of exchange of experiences and good practices, raising the influence of the national councils in the field of safety and health at work and promoting the cooperation with the civil sector. Additionally, this document provides brief analyzes of the status and functions of national councils (or similar bodies) in the field of occupational safety and health in EU countries. For countries such Albania and Montenegro where national OSH councils have not been yet established, this comparative analysis will serve as a basis for analyzing the modalities and forms of action in other countries as potential concepts for their application in eventual establishment the respective national OSH councils.

The realization of the comparative analysis is envisaged through the following three components:

1. Legal basis and model of establishing national OSH councils;
2. National OSH councils' forms of action and roles;
3. Internal capacities and organization of the functioning of the councils;
4. The degree of cooperation with other institutions and especially with the Civil Society sector.

This comparative analysis should achieve the following objectives:

1. To give an overview of the models of establishing the National OSH Councils,
2. To present the current situation and status of National OSH Councils' functioning,
3. To show the best practices, advantages, disadvantages and obstacles in fulfilling the role of National OSH Councils,
4. To give a guiding directions on possible approaches in promotion of cooperation with other institutions and especially with civil society organizations.

2. METHODOLOGY OF WORK

The project “*Enhancing Labor Conditions and Occupational Safety and Health as Support to the Western Balkan Countries towards Accessing the European Union*”, under contract no. IPA/2019/413-810, signed with the European Commission (EC) strive to contribute the process of strengthening civil society organizations to increase their active participation in policy development and policy implementation processes related to Occupational Safety and Health at work in the countries of Western Balkans.

According to the Terms of Reference, the proposed methodology for this service contract in general involves two approaches: Individualizing comparison differences of a small number of cases (national OSH councils¹) in order to understand the individualities and the specifics of each council in view of their legal set-up, structure and operations and levels of mission achievements. As for Albania and Montenegro where national OSH councils have not been established this comparative analysis examines the legal basis, the progress of the process of establishing national councils, reasons for stagnation and problems in the implementation of these processes. This is the basis for the further used approach of this analysis and that is variation-finding comparison in the all analysis components of the national OSH councils. This analysis uses two qualitative methods to gather information for analysis. These are questionnaires for representatives of the national OSH councils and analysis of policy documents and internal councils' procedures.

The comparative analysis will contain the following components:

- Gathering of data/information (analysis of policy documents, internal procedures, activities reports etc.);
- Defining the subjects of the analysis;
- Summary of the analysis of the situation and the functioning of the national OSH councils in SRB, MKD and XKX;
- Analysis of the situation related to similar bodies in ALB and MNE;
- Comparative analysis in relation to defined subjects;
- Conclusions;
- Recommendations for improving the work of the national OSH councils

¹ Exception of this is the cases of Albania and Montenegro.

3. THE STRUCTURE OF THE COMPARATIVE ANALYSIS REPORT

The structure of the Draft Policy Document is to comprise of the following:

1. Introduction
2. Methodology of work
3. Functioning of the Councils in Macedonia, Serbia and Kosovo (non-existence of OSH Councils in Albania and Montenegro)
4. Comparative analysis (functionality and nonfunctional activities related to the Councils, good practices, positive examples, LCD (lowest common denominator))
5. Good examples of OSH Councils, most functional practices
6. Minimum activities of the Councils related to their functioning with drafted templates of guidelines/forms/operation documents and documents concerning the functioning of the OSH Councils
7. Recommendation

4. NATIONAL OSH COUNCILS' ROLES

Existing of the national OSH councils bodies is crucial for the field of labor rights and safe working environment. Lack of capacity impedes the effective development of the role and performance of these expert bodies in this area.

In general, the tasks of these Councils include giving initiatives for:

- New regulations in the field of OSH,
- Development of a national program for promoting effective actions and practices in the field of OSH,
- Preventive policy in all questions related to OSH,

Among other things, the important role of these Councils is:

- Monitors, analyzes and evaluates the system and policy of OSH and informs the Government about its findings and analysis and proposes the necessary changes,
- Contribution follow up to the productive social dialogue in this field,
- Giving proposals for action and improving of the institutional and organizational capacities in the field of OSH

The enhancement of the role and the impact of the OSH bodies and their work is firmly connected with the initiatives and measures that should be undertaken in order to

achieve advanced effectiveness and mission fulfillment. The organizational self-reflection on core functioning aspects and analysis of the entire context where they operate allow these bodies to identify, share and prioritize steps for further action towards effective mission and social impact in the field of OSH. The organizational capacity assessment is a participatory process that internally ensures ownership and focus on all aspects related to the organization's performance. This type of analysis presents a basis for comparative examination of National OSH Councils. The National OSH Councils are expert bodies which, by their structure, provide participatory approach in involving of all relevant stakeholders in this field that have a both interest and a formal role in the design, implementation and evaluation of OSH policies. The usefulness of these Councils' active functioning is in their direct correlation with the capacities they have at the institutional and organizational level, as well as with regard to their impact in the area of OSH.

5. COMPARATIVE ANALYSIS ACTIVITY PLAN

The tasks begin with Activity 1, data and information gathering as a preparatory phase for the upcoming analysis. The predicted approach is a process of two steps in gathering all necessary information. First one predicts individual examination of the organizational aspects of national councils (the conducted Organizational Capacity Assessment). Second one deals with reviewing all related policy and other types of documents. This analysis provides information on the characteristics of this bodies and their work. The first stage is participatory process of joint determination of organization's strengths and weaknesses in various areas of their operations and structure. On the other hand the organization also examines the potential and existing opportunities and threats in the environment. Further, the analysis process anticipates promoting critical thinking and self-learning which leads to establishing the ground for shared vision and mission fulfillment.

In this activity it should be conducted capacity analysis of OSH Councils using an analysis tool designed to assess the capacity of organizations and institutions. The analysis is based on the idea that it is possible to obtain a comprehensive picture of an organization's capacity and development profile by making systematic reviews and analysis of four basic aspects:

- The organization's management and structures,
- Ways of accomplishing the organization's mission and basic tasks,
- The organization's capacity to create and maintain relations with its target groups and other actors in this sphere.
- Analysis of institutional capacities of National Councils in the five countries, as well as their internal advocacy and lobbying capacities and
- Lobbying capacities of CSOs and members of the OSH Councils

The Activity 2 consists of starting the process of individual analysis of the national OSH councils (North Macedonia, Kosovo, Montenegro, Albania and Serbia). The individual analysis of the results of the conducted individual assessment of the organizational capacities of the national councilors aims to select and analyze the specifics of each of the national councils in response to the tasks of the comparative analysis.

Activity 1.3 deals with the start of the comparative analysis on the defined key issues related to the functioning of the national OSH councils.

Activity 1.4 refers to the preparation of the first draft of the comparative analysis to be submitted to MOSHA

Activity 1.5 will provide an overview of the situation with the functioning of national councils or similar bodies in EU countries. This additional information on the functioning of these bodies will enable the countries of the IPA region to compare the functioning of these bodies and their role in the field of OSH. The comparative analysis from the EU countries shall serve as the initial document for further developments and action in terms of improvement of the work of OSH national councils.

Activity 1.6 is the last stage of this task. The final product of this process is a comparative analysis of the situation related to the operation of the national OSH.

Along with these analysis reports, it will be prepared and delivered a Final Report on the work performed. The Report will be submitted in accordance with the conditions stipulated in the Terms of Reference for the service contract. This analysis document shall also help as basis for undertaking further activities in Albania and Montenegro concerning the establishment of the OSH Councils in these countries

Major issues and data collection sources

The key questions posed while conducting this analysis are directly related to two aspects of the functioning of National OSH Councils. These are internal aspects of the organization and its relations with the external environment, i.e. the influence of OSH Councils' mission on the whole sphere, including all stakeholders in it. The analysis has the task of capturing the full picture of these advisory and expert bodies, meaning to determine the current situation from the aspect of organizational and institutional capacities and to present a starting point in the direction of improving their functioning. Do the Councils as separate bodies have an organizational structure and/or forms of internal organization that takes care of the technical aspects of their functioning? This is a task in the analysis that aims to answer the question of whether the conditions required for the work of Councils enable the realization of their competencies and activities in an efficient and organized manner. An essential question concerns the ways and forms that the Councils use to exercise their competencies, i.e. the scope of some current and potential opportunities that this body has available as forms that can raise and expand the level of its influence as an expert advisory body. The results or products of Councils' work are a key factor to promoting an inclusive approach to resolving issues in a given area. Therefore, this analysis deals with the identification

of various forms arising as a direct outcome of the operation of OSH Councils. Within this analysis, the question about the main formal institutions, organizations and networks at the national and lower level, the breadth of the scope required for the implementation of strategies in this area is determined, i.e. the establishment of continuous active communication and cooperation with other stakeholders as an integral part of the mission of OSH Councils.

Based on the form and placement of OSH Councils, this organizational analysis encompasses the views and opinions provided by the members of these Councils themselves. Their individual view ultimately gives the cumulative breakdown of the situation in these tips. The methodologically of this analysis also relies on information and data coming from sources such as implementing partner organizations within this project, available documentation and information in the media and the public.

Limitations (time, resources, information)

All tasks of this analysis were deployed for their execution in the period August-October 2020. This period of implementation of tasks follows the logic of the methodology offered, review of available documentation, preparation of tools for collecting information, their implementation and analysis, and reporting on the conducted analysis with included recommendations regarding the improvement of national OSH Councils' work. The course of activities certainly includes both predictable and unpredictable risks in terms of collecting the necessary information, as well as observing the deadlines in line with the methodology offered. The biggest challenge was the gathering of information by filling out the questionnaires. Namely, due to the situation with the Covid19 pandemic, restrictive measures have been introduced in all countries in the region planned to be covered by this analysis. These measures prevented travel and live meetings with representatives of project partner organizations and members of National Councils of OSH in SRB, MKD and XKX. Another restriction related to the collection of information required for the analysis was the very fact that in the three countries covered by this analysis, parliamentary election processes were either under preparation or underway. The latter also contributed to the fact that some OSH Councils, such as those from SRB, questioned the ability and legitimacy of members to participate in the analysis of national OSH recommendations, as well as the possibility of members to express their views was not coming from an official state institution, which from the other side reflects the inclusiveness of the assessed body. All of these challenges have led to different levels of responsiveness by the Councils. The communication mainly took place via email, consultations and providing technical assistance by the Consultant.

Schedule

Below (Table 1) is a schedule of activities within this analysis of organizational and institutional capacities of national OSH Councils in 3 countries of the region covered by this project.

#	Activity	Parties involved	Timeframe	Output
1.1	Collecting and reviewing various documents	MOSHA, Partner Organizations, National Councils	August	Getting a clear idea of National Councils' functioning, internal capacities, activities carried out and involvement with other stakeholders
1.2	Conducting the process of individual organizational analysis	National Council of Macedonia National Council of XKX National Council of SRB National Council of ALB National Council of MNE	September	Analysis of organizational capacities of the National OSH Councils in all 5 countries conducted
1.3	Process of comparative analysis of National OSH Councils	National Council of Macedonia National Council of XKX National Council of SRB National Council of ALB National Council of MNE	1 st week of October	Analysis of organizational capacities of the National OSH Councils in all 5 countries conducted
1.4	Preparing a Draft Comparative analysis report	The Consultant	2 nd week of October	Draft Report prepared and submitted to MOSHA

1.5	Preparing comparative analysis and the best practices shall be drafted together with the countries from the region (Slovenia, Croatia, and the other European countries)	The Consultant	3 rd and 4 th week of October	Comparative analysis and the best practices shall be drafted together with the countries from the region (Slovenia, Croatia, and the other European countries)
1.6	Preparing the Final document <i>Comparative Analysis of the functioning of National OSH Councils in IPA Region</i>	The Consultant	4 th week of October	Final Report prepared and submitted to MOSHA

Table 1  - Schedule of activities

6. FUNCTIONING OF THE COUNCILS IN MACEDONIA, SERBIA AND KOSOVO (NON-EXISTENCE OF OSH COUNCILS IN ALBANIA AND MONTENEGRO)

MKD

Project Partner: Macedonian Occupational Safety and Health Association (MOSHA)

The system for occupational safety and health in the MKD is solely based on its solid self-regulation (laws and regulations), interdisciplinary principle of continuous harmonization with European systems for occupational safety and health, promotion and institutionalization of social dialogue and development of prevention culture in this area. According to the EU Progress Report for 2019, steps have been taken in terms of improvement and responsiveness and cooperation between employers and staff dealing with health and safety at work. Still, the main remaining challenges include: capacities of competent institutions responsible for observing the implementation of legislation, insufficient national strategy implementation and lack of meaningful social dialogue use in the direction of creating an efficient system for safety and health at work. Based on the Law on Occupational Safety and Health, in November 2009, the Government of the MKD established the OSH Council as an expert **advisory body**. The Council is not a formal legal body; it is only part of the OSH Law. There are no financing methods and it is not financed; everything is done on a **voluntary basis** by the Members of the Council.

The Council reviews and **gives opinions and recommendations** on:

- The Council Program;
- The situation in the field of occupational safety and health, including a strategy for coherent policies on preventing and reducing workplace injuries, occupational diseases and other work-related accidents;
- Expert grounds for drafting laws and other regulations pertaining to occupational safety and health; and
- International organizations' documents regarding occupational safety and health.

The organization of Council's work is stipulated by the **Rules of Procedure**, where among other things, the rights and duties of the Council President and Members are described. The Council adopts opinions, proposals and recommendations by a simple majority of the total number of Council Members present at the session. Most often, the OSH Council communicates its work with the Government, but also with the general public through press releases and other forms of information. The composition of the Council is shown in the figure below.

National OSH Council Composition

Number of members	Representatives of institutions
4	Organizations of Employers
4	Trade Unions
3	Government of MKD
1	Faculty in the field of OSH
1	Faculty in the field of occupational medicine
1	Association of OSH Professionals
1	Association of experts in the field of occupational medicine
TOTAL	
15	7

Organizational and Institutional Assessment

➤ How does the Council realize its competencies?

According to the answers to the questionnaire in previous realized assessment regarding the way the OSH Council for Safety and Health at Work implements its competencies, the following two stand out:

- At the initiative of the Council itself
- Acting in response to the current situation in the field of occupational safety and health

The full presentation on the basis of this question is given below (Chart 1).

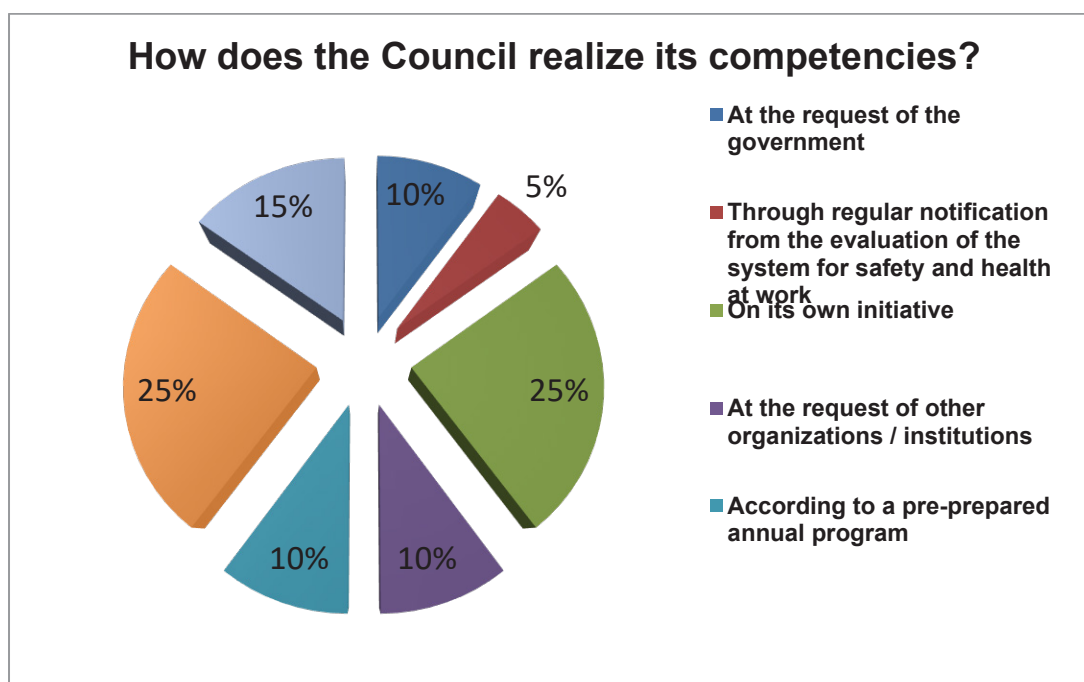


Chart 1 - How does the Council realize its competencies?

Respondents also point out that the Council is working in accordance with the OSH Strategy, with a clearly defined vision, goals and mission, with a strategic approach to the realization of national priorities, as well as an Action Plan for Work. In addition, the Council undertakes activities on its own initiative in response to the current situation in the area of OSH. Regarding the ways of implementing its competencies and as a result of assessing the situation in the area of OSH, according to the respondents, the Council should have the opportunity to propose changes to the legislation and adequate measures for their effective implementation, as well as make proposals for models of OSH education from the earliest age and sanctions for any violators of the regulations and standards governing this area.

- **Does the Council have any form of organizational structure, i.e. does the Council have technical, organizational and administrative support to facilitate its functioning (Secretariat or similar)?**

Regarding the organization and administration of the work of the Council, this analyses shows the following: The Council does not have a technical secretariat as such, but has technical, organizational and administrative support from the MLSP and according to the Rules of Procedure, the Council elects a Secretary of the Council (elected from among the three Members of the Council appointed by the Government), who in consultation with Council President, participates in the preparation, communication and organization of Council sessions.

- **What forms of documents does the Council produce as a result of exercising its powers and activities?**

Documents produced by the Council, in accordance with its competencies, are primarily of an advisory nature and in the form of certain opinions, recommendations, initiatives, etc.

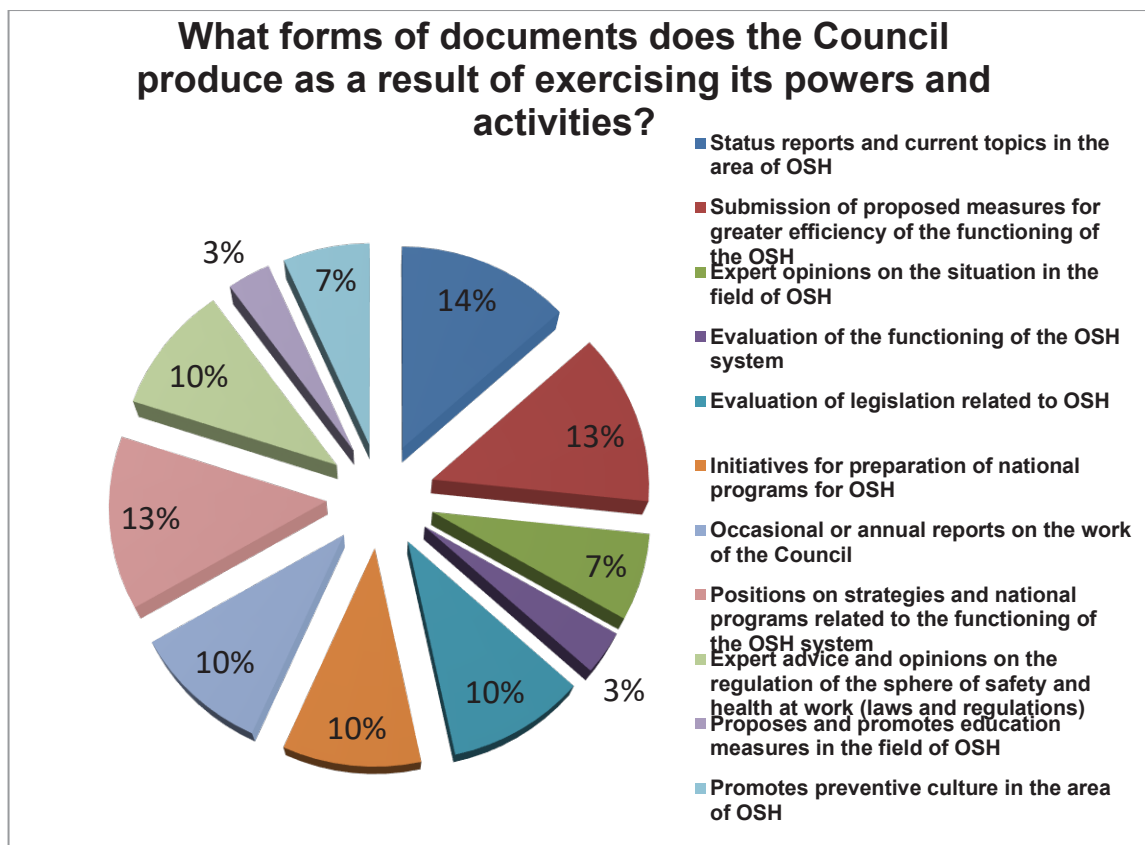


Chart 2 - What forms of documents does the Council produce as a result of exercising its powers and activities?

➤ **Which of the following organizational aspects do you think the Council should have in the future to make its functioning more efficient?**

The respondents noted that better cooperation is needed with the Government of MKD and its line ministries, especially in the area of legislation and various decisions and regulations in the field of OSH.

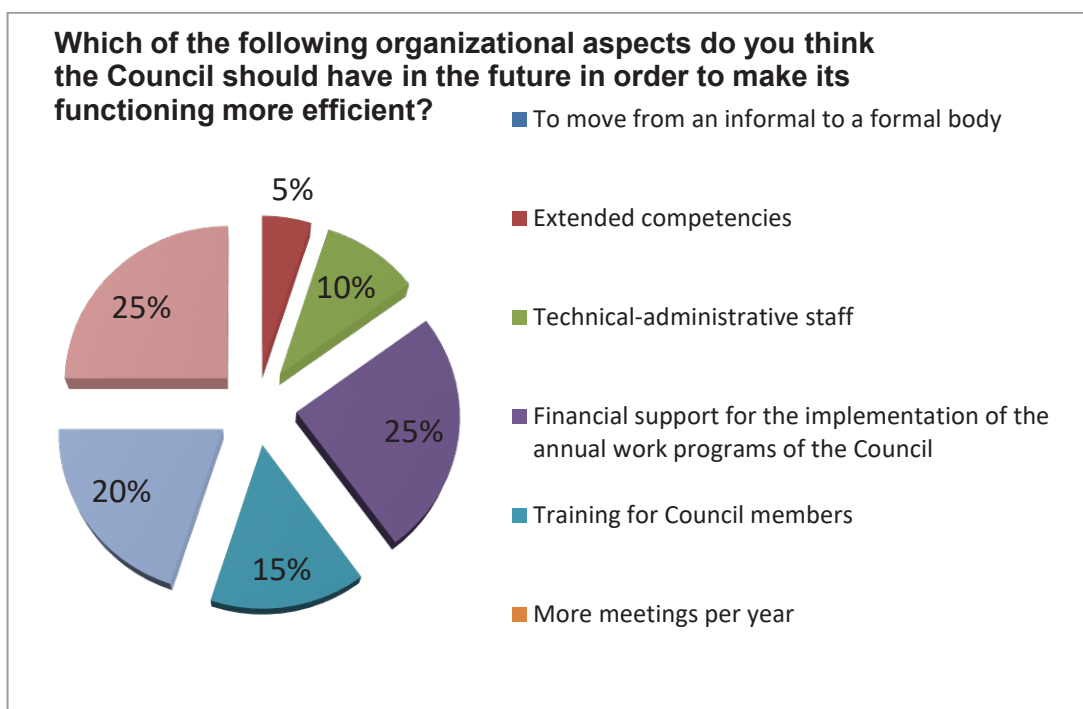


Chart 3 - Which of the following organizational aspects do you think the Council should have in the future in order to make its functioning more efficient?

- List some of the main organizational and institutional strengths and weaknesses of the Council.

Strengths	Weaknesses
<ul style="list-style-type: none"> Independent body as an advisory entity to the Government Discusses important issues in the field of OSH - cooperates with all those who work in the field of OSH and provides data and information important for OSH The work of the Council includes representatives and institutions that deal with issues of importance for ensuring greater safety and health at work A strong point is that the Council is attended by representatives (i.e. members) of several relevant entities operating in the field of OSH (rather than only government officials and social partners) 	<ul style="list-style-type: none"> Not having the right to decide Adequate visibility of the Council is not provided Individual members do not always represent the interests of the party from which such personal views come Insufficient commitment to OSH issues by the Unions There are entities in the area of OSH that still consider themselves insufficiently and inadequately represented in the Council's operation and their views do not receive adequate attention and articulation. Perhaps it is necessary to consider whether and in what way certain changes/improvements

<ul style="list-style-type: none"> • Transparency, commitment of all Council Members, each in their own domains; mutual support and understanding; work in line with the Rules of Procedure 	<p>could be made in the manner of electing Council Members in order to eventually overcome this situation and achieves an adequate level of “general satisfaction” with the representation and inclusion of all entities.</p> <ul style="list-style-type: none"> • Additionally, it has not been determined where the meetings of the Council shall be held and this is somehow left to the “good will” of its Members. Lately, meetings have been held on the premises of the Ministry of Labor and Social Policy, and so far, it has been working well. But it might be a good idea to consider whether this should be defined in some way to avoid possible future misunderstandings. • Lack of financial support for the work of the Council, informal documentation, difficulties in providing space for meetings
---	--

➤ **List some lessons learned from the Council’s work so far as a basis for improving its functioning.**

- To have more frequent meetings and to put more pressure on the representatives of the Government in passing a new Law on Safety and Health at Work and other acts related to the topic of OSH. At this time, these appointments should be made through the ZOOM platform.
- Reviewing important issues in the field of OSH based on common proposals
- The Council should even more actively initiate certain activities and take initiatives on various issues in the field of OSH in order to be able to see and feel the benefits of its existence even more.
- Perhaps, the most appropriate communication channel for the Council should be identified and its discussions/decisions/recommendations, etc. should be conveyed to the public. Also, enabling Council’s appropriate Internet representation should be considered through making a website or incorporating Council-related content within some existing websites (on social media, perhaps?).

- To consider whether it would be sensible and justified to determine some kind of obligation (recommendation from the Government or the like) regarding all issues relevant to OSH, i.e. to impose an obligation to put those items on the Council's Agenda and seek the opinion of the Council.
- In the current period, several Members of the Council have raised the issue of providing financial compensation for Council Members' work (following the example of some similar commissions and bodies), and thus, the opinion is that greater commitment would be achieved and encouraged on the part of Council Members in their work, thereby achieving greater efficiency.
- In addition, it would probably be good for the Council to have a certain budget (financial resources) annually, which would be used for the implementation of certain activities during the year. In this way, it would be easier to plan what would be done and to prepare Council's Annual Work Plan, which would be adequately financially supported.
- It is necessary that the delegation of Council Members be from among persons who work and know the OSH systems, and not randomly delegated persons, on various grounds. In addition, for successful work, common goals should always be seen in the interest of all Council stakeholders.

➤ **What are the main formal policies, strategies, laws and other regulations that affect the operation of the National OSH Council? To what extent would they affect the work of the Council?**

- There are no formal policies or laws that affect the work of the OSH Council.
- The Council's role in creating the norms and legal acts in the field of OSH should be clarified
- OSH Strategy
- Law on Occupational Safety and Health
- The Law on Occupational Safety and Health is the basic law that determines the existence, composition and competencies of the Council.
- In addition, the role and action of the Council could be further encouraged through appropriate strategic and action plans related to the OSH area, in which additional activities can be provided to improve the work of the Council or more frequent meeting dynamics and/or conclusions/decisions/documents arising from its work.
- Law on Occupational Safety and Health, Law on Health Care, Law on Health Insurance, Law on Pension and Disability Insurance, Law on Labor Relations, Law on Labor Inspection, OSH Strategy, bylaws in the field of OSH, ratified conventions, policies, programs and campaigns of the European Agency for Safety and Health at Work, WHO policies, the European Commission Report on the MKD

➤ **Indicate which are the main formal institutions, organizations and networks at the national and lower levels that should be involved in the implementation of OSH strategies? Are there any mechanisms for establishing cooperation between the National OSH Council and these stakeholders?**

- In addition to Government representatives in the Council, there are representatives of workers and employers, which is quite enough for it to function or make appropriate decisions. However, the representativeness of the same remains a big problem for the Council to get the factual and real situation on the ground. Perhaps other professional organizations whose only domain of work is OSH should be included.
 - All stakeholders are sufficiently represented, and cooperation is established through the work of the Council or individual meetings of stakeholders.
 - The main actors are also those who are already involved in the work of the Council; they are also the main entities that participate in the implementation of activities in this area. An institution(s) that should be included may be the Ministry of Health and/or the Institute of Public Health, considering their role in the OSH parts related to medicine.
 - Government of the MKD, line ministries such as MLSP and MH, SLI, scientific and higher education institutions, FTUM, OERNM, associations for protection at work, associations of occupational medicine doctors, associations of engineers in various activities, Chambers of Commerce
- **Has the Council developed a strategy for communicating with the general public and relevant institutions?**

- The Rules of Procedure of the Council define the manner of communication with the public.
- What are the strengths and weaknesses of cooperation between the OSH Council and other relevant partners, such as the private and civil society sectors?

Strengths	Weaknesses
<ul style="list-style-type: none"> • The OSH Council has the right to communicate with all relevant institutions and submit its proposals. • Representation of the private and civil sector • The presence of representatives of relevant entities in the field of OSH; the required conditions are met for them to further inform and communicate to all entities (institutions/associations, etc.) that represent them on what is discussed at Council's meetings and the specific conclusions, recommendations, opinions expressed by the Council, etc. • Although according to the Rules of Procedure, there is a possibility for other persons to be invited to a session of the Council, it may still be possible to consider how and in what way (by what criteria) they and other relevant entities (according to the topic to be discussed) could be involved in the work of the Council (as needed) • Transparency and openness for cooperation, willingness to support and implement projects in the field of OSH, commitment of all Members to contribute to the field 	<ul style="list-style-type: none"> • Perhaps Council's actions, through its own proposals, are not always accepted by the Government • Not always harmonized views between civil society and Council's uncoordinated action • Lately, the Council has been facing a situation in which certain entities (primarily some civil associations of professionals in the field of occupational safety existing in the country) deem that they are not adequately represented in the work of the Council, and even that they are not sufficiently informed about Council's work and topics of discussion (their opinion). Of course, it is organizationally impossible for all associations (or other entities, e.g. all existing social partners, etc.) to be involved in the work of the Council, and therefore, it may be good to consider developing a particular "strategy" and ways of acting to overcome such misunderstandings and criticisms. • Weak initiative from the private and civil society for cooperation

XKX*

Project Partner: Kosovar Occupational Safety and Health Association (KOSHA)

The field of OSH as part of the social sphere is soundly regulated in terms of ensuring the exercise of rights to safe working conditions through the legal framework. However there is a need to create effective and long-term policies that the state pursues based on dynamic and institutionalized social dialogue. In this process, all stakeholders are concerned with the interests advocated to be integrated into long-term functional strategies for achieving strategic goals and priorities in this area. The context in which the XKX OSH System operates characterizes the need for a larger legal framework scope that would cover as many specific areas as regulated by the EU directives;

** This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence*

XKX still faces with an increased number of accidents per year, especially in the construction sector; hence, the need to both increases the efficiency of the Inspectorate and strengthens the social dialogue that ensures the implementation of social partners' agreement.

Pursuant to the Law on Safety and Health at Work and No. 4/161 of 2013, the Government of the Republic of XKX on May 5, 2016 and based on the proposal of the Minister of Labor and Social Protection, established the National Council for Safety and Health at Work, whose main role is as follows:

- **Propose**, recommend and prepare policies to improve the level of OSH
- Continuously **monitor** the status of OSH of employees
- **Inform** the public of the views and opinions on certain OSH issues

The Council's activities were planned in accordance with the National Action Plan regarding the activities of the National OSH Council for 2018-2019. According to the Rulebook on determining the rules, procedure for work and financing of the National Council for OSH, **Council Members are entitled to material compensation for any participation in the meetings of the Council.** The amount of such material compensation shall be determined according to the Decision of the Minister of Labor and Social Protection. If the Council considers that there are important decisions and conclusions to be made by the Council, it shall first inform the Council Members and then the relevant ministries thereof, through its prepared materials (proposals, recommendations and reports, etc.). Council Members, in agreement and coordination with Council President, shall have the right to inform the general public of the views and opinions on certain issues related to the Agenda of the Council meeting. The Council shall regularly inform the public through press releases, media information and other forms of information. According to Article 4, paragraph 2 of the Law on Safety and Health at Work, the composition of the Council is as shown in the figure below.

National OSH Council Composition

Number of members	Representatives of institutions
3	Government of XKS
2	Trade Unions
2	Organization of Employers
2	OSH experts
1	Expert in the field of occupational medicine
1	Ad hoc expert
TOTAL	
11	6

This assessment of organizational and institutional capacities of the National OSH Council in XKX was taking place under the conditions resulting from the current political situation in the country. During 2017, there were only two constitutive meetings according to the records. With the change of the Council President, from February 2018 until the end of the year, numerous meetings were held, not only on the premises of state institutions, but also in public and private facilities such as occupational medicine health institutions, private companies and the like.

This lasted for almost a year, until the change of the President, who was Deputy Minister in another position, and from such other position, did not have any points of contact with the Council, so the Council became inactive as a result, and no other President was appointed. Here, the activities stopped, while in the meantime the Prime Minister resigned, the whole government became technical, and then elections followed. After 5-6 months of the elections a new government was formed, which lasted for only 3-4 months, and then a new government was established, which has been in power for almost a month now.

In the meantime, many members have retired, one member has died, the others are holding other functions, so currently only two members can be considered as formally legal members; however, their term under the law is three years, and so far almost 4 years have passed. From the interview with the representatives of the Ministry, information was given that they were working on a new nomination of other members, which should soon be submitted to the government for appointment during government session.

➤ **How does the Council realize its competencies?**

The competencies of National OSH Councils derive directly from the legislation that establishes them. These competencies are exercised in the following ways according to the respondents (Figure 3).

How does the Council realize its competencies?

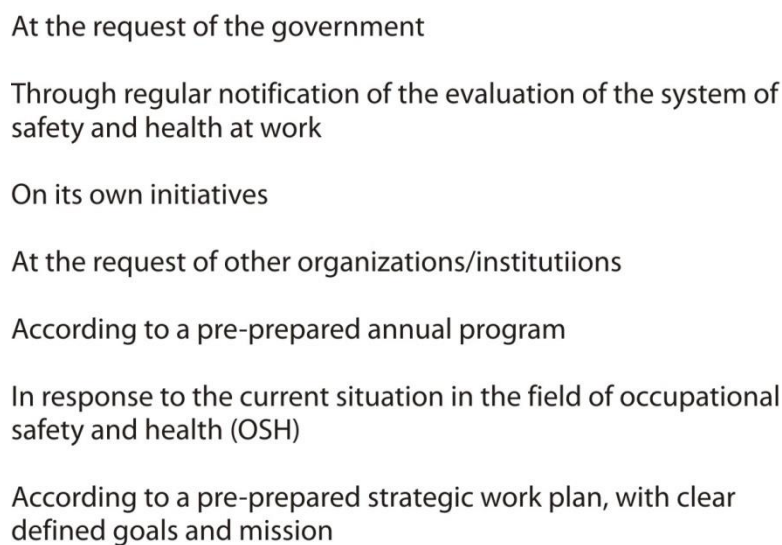


Figure 3 - How does the Council realize its competencies?

The analysis shows that the OSH Council works mostly on its own initiative and a previously determined strategy and annual work plan. This way of exercising its competencies characterizes this body as proactive in its treatment of safety and health issues at work. On the other hand, this Council functions on the basis of any reaction to a given situation and the general situation in this area, which shows that it actively monitors the overall situation in the field of working conditions. The principle of work is based on a strategy and provides this body with longevity in terms of defining its goals, determining the direction in which it is moving towards the set vision and mission, as well as readiness to adapt and revise strategies as a result of changes in this sphere and beyond, in society.

- **Does the Council have any form of organizational structure, i.e. does the Council have technical, organizational and administrative support to facilitate its functioning (Secretariat or similar)?**


There is no special administrative structure related to the organization of the OSH Council's work, however, there is one person appointed within the Ministry, who among other activities, performs the tasks related to organizing meetings, taking the minutes and other technical issues thereto. The need for technical and administrative support is directly proportional to the scope of work of the OSH Council. This organizational assessment aspect should be seriously considered since it means additional financial implications for the operation of the National Council as a body established by the government.

➤ **What forms of documents does the Council produce as a result of exercising its powers and activities?**

Having in mind the previously mentioned Council's competencies and roles defined, the Council follows the principle of reviewing the situation in this area, analyzing and giving an opinion on the same and submitting proposals for measures to improve the efficiency of the OSH system. In this way, stakeholders involved in Council's work give their contribution to the objective perception of the real situation in this area, comprehensive identification of the effects of the given situation, and harmonization of the measures proposed. Additionally, and according to the answers to the questionnaire, the XKX OSH Council is practicing the preparation of occasional reports on Council's work, usually on an annual basis (Figure 4).

What forms of documents does the Council produce as a result of exercising its powers and activities?

- Status Reports and current topics in the area of OSH
- Submission of proposed measures for greater efficiency of the functioning of the OSH
- Expert opinions on the situation in the field of OSH
- Evaluation of the functioning of the OSH system
- Evaluation of legislation related to OSH
- Initiatives for preparation of national programs for OSH
- Occasional or annual reports on the work of the Council
- Positions on strategies and national programs related to the functioning of the OSH system
- Expert advice and opinions on the regulation of the sphere of safety and health at work (laws and regulations)
- Proposes and promotes education measures in the field of OSH
- Promotes preventive culture in the area of OSH

Figure 4  - What forms of documents does the Council produce as a result of exercising its powers and activities?

➤ **Which of the following organizational aspects do you think the Council should have in the future in order to make its functioning more efficient?**

Asked about which of the organizational aspects Council Members think the Council should have in the future in order to make its functioning more efficient, the answers focused on the matters related to increasing the competencies of the Council, acquiring a formal structure in terms of its organizational system, and financial support for the realization of previously adopted annual plans and programs. The answers also anticipate the need for Council Members' training, greater public visibility, developed co-operation with other institutions and stakeholders, and increased membership diversification (Figure 5). This observation concludes that the Council can improve its role and efficiency by strengthening the formality of its structure, providing resources and greater visibility in the environment.

Which of the following organizational aspects do you think the Council should have in the future to make its functioning more efficient?

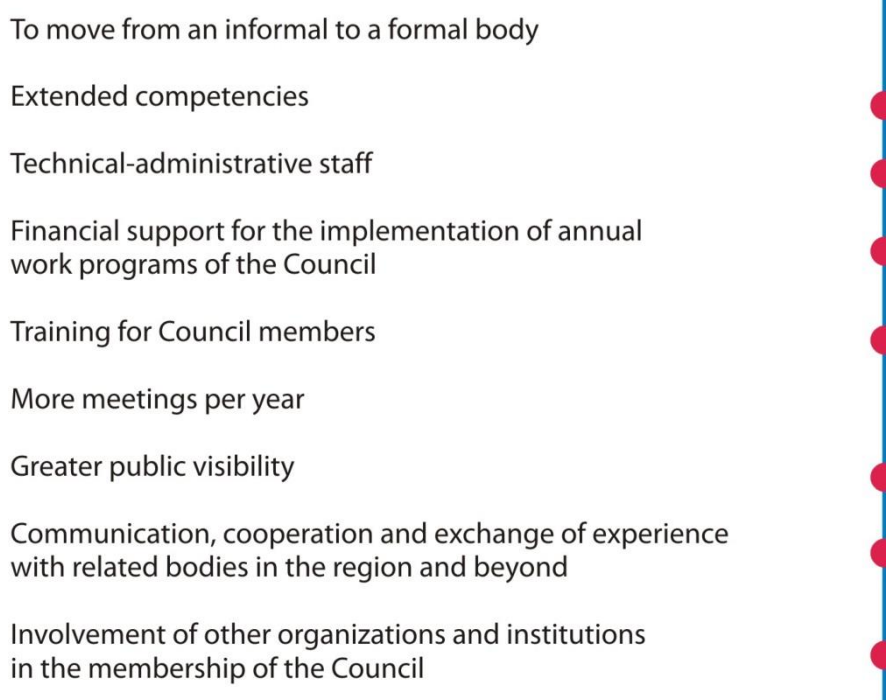


Figure 5 - Which of the following organizational aspects do you think the Council should have in the future in order to make its functioning more efficient?

- List some of the main organizational and institutional strengths and weaknesses of the Council.

Strengths	Weaknesses
<ul style="list-style-type: none"> • The commitment of council members to contribute to building the capacity of OSH, both institutionally and legislatively, • Holding a large number of sessions - meetings, for a short period of time (about 10 meetings a year) • Preparation of recommendations, reports, work plan, strategic documents and forecasting, etc., • Visiting numerous public institutions related to OSH as well as numerous mainland, where certain meetings of the Council were held 	<ul style="list-style-type: none"> • The non-commitment of the first set of the council, i.e. the first President of the Council in the first year of functioning of the Council (only two meetings in one year were held) • In those meetings, apart from the establishment, i.e. the constitution of the Council, no other activities were considered, • A very short period of time for the functioning of the second set of the council, i.e. the other president of the Council (due to early elections, and after two months the dissolution of the new government and the formation of another new government. • Meanwhile, four members have retired, while one died. In other words, unfortunately, the Council for objective reasons (the second set) failed to show its will and commitment to the promotion of OSH.

- List some lessons learned from the Council's work so far as a basis for improving its functioning.

- The Council should fight to play its role in creating OSH policies; it should have greater representation in public events and debates, active participation in all social dialogue activities, and it should strengthen its professional capacity, both in terms of its members and entities where they are nominated from.

- What are the main formal policies, strategies, laws and other regulations that affect the operation of the National OSH Council? To what extent would they affect the work of the Council?

- 2018-2022 Employment and Social Protection Sector Strategy,
- XKX Government Program,
- Law No. 04 / L-161 on Occupational Safety and Health,
- Labor Law No. 03 / L-212,

- Law on Health No. 04 / L-125,
- LAW NO. 05 / L-062 ON Occupational Safety in Mining, and
- Twenty-two (22) bylaws arising from the Law on Occupational Safety and Health.

➤ **Indicate which are the main formal institutions, organizations and networks at the national and lower levels that should be involved in the implementation of OSH strategies? Are there any mechanisms for establishing cooperation between the National OSH Council and these stakeholders?**

- Social dialogue partners (employers' and workers' organizations);
- The Government of the XKS, the Ministry of Labor and Social Protection, the Ministry of Health, the Labor Inspectorate, etc.;
- There is no mechanism for cooperation between the National OSH Council and other formal institutions and organizations.

➤ **Has the Council developed a strategy for communicating with the public and relevant institutions?**

- There is a work plan, but there is no special strategy for communicating with the public and relevant institutions.

➤ **What are the strengths and weaknesses of the cooperation between the OSH Council and other relevant partners, such as the private and civil society sectors?**

Strengths	Weaknesses
<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • Lack of established strategic policies and documents, lack of interest in the role and importance of OSH among relevant actors

SRB

Project Partner: EKO Centre Serbia

In 2014, SRB started its negotiations for accession to the European Union. During this period, according to the reports of the European Commission on Serbia's progress, the status of a moderately prepared country in the field of social policy and employment was achieved. In the area of working conditions, SRB has made slight progress in harmonizing its national legislation with the *acquis*. The OSH Strategy in the SRB for the period from 2018 to 2022 and the Action Plan for its implementation are also in their active period. In addition, a number of specific pieces of secondary legislation have been adopted. Most of the fatal injuries are found in the construction sector amounting to one third of all fatal injuries. Social dialogue is still assessed as underdeveloped in terms of involving social partners in the development of social policies, legal framework improvement and social partners' capacity raising.

The Council for OSH of the SRB was established in 2005 in order to consider initiatives for preventive policies in the field of occupational safety and health at all levels. The Council's for OSH tasks are:

- **To initiate** legislation enactment in the area of occupational safety and health;
- To initiate the creation of a National Program for OSH Development;
- **To contribute to social dialogue** by balancing participants' different points of view in this area;
- To initiate preventive policies regarding all occupational safety and health issues.

The Council for OSH is a tripartite body where representatives of the Ministry authorized for OSH tasks and social partners participate together with other Ministries' representatives, university institutions and Civil Society organizations. The Council for OSH makes decisions by a simple majority on all issues related to OSH, which includes, inter alia, consideration of draft regulations in the field of safety and health and planning documents, as well as annual reports by the Directorate for OSH and the Labor Inspectorate. The President and Members of the Council are appointed by a special decision of the Government of the SRB. The work of the Council is managed by a representative of the Ministry of Labor, Employment, Veterans and Social Affairs, and representatives of other Ministries, social partners and citizens' associations participate in its work. Sessions of the Council for OSH are convened by the President of the Council, who is elected from among the state secretaries of the Ministry of Labor, Employment, Veterans' Affairs and Social Affairs. Administrative and technical assistance to the President of the Council is provided by the Directorate for OSH. As a rule, the sessions of the Council are held twice a year, and at the proposal of its Members, they can be more frequent for the purpose of discussing current or urgent issues in OSH (e.g. consideration of the safety and health at work situation and making suggestions for improvement thereof).

The Decision on the Establishment of the Council for OSH, as well as other regulations of SRB does not determine any funds for financing the work of the Council for OSH, i.e. the members of this Council do not receive compensation for their work responsibilities in accordance with the established financial plans. The competencies of the Council for OSH are prescribed by the Decision on the Establishment of the Council for OSH.

In addition, in order to exchange knowledge and experience in this field, the Council for OSH of SRB initiates holding joint sessions with other countries. In 2019, a joint session of the Council for OSH of SRB and Hungary was held in Belgrade, at which the systems of OSH were presented, as well as the system of inspections in the field of OSH. It was concluded at the session that a Memorandum of Understanding in the field of OSH would be signed in the coming period between the Ministry of Labor, Employment, Veterans and Social Affairs of SRB and the Ministry of Finance of the Republic of Hungary.

Organizations and institutions from SRB may submit OSH - related proposals to the Council for OSH, which shall be considered by this Council in its sessions. These sessions may be attended by interested parties, and upon request, information on the work of the Council may be submitted to other institutions and organizations.

The Council for OSH informs the public about the results of its work through the website of the Ministry of Labor, Employment, Veterans' Affairs and Social Affairs. The composition of the Council is as shown in the Figure below.


National OSH Council Composition

Number of members	Representatives of institutions
10	Government of SRB
2	Trade Unions
1	Organization of Employers
1	Faculty in the field of OSH
2	Faculty in the field of occupational medicine
1	Associations of OSH experts
2	Other faculties
1	Chamber of Economy
4	Civil Society Organizations
TOTAL	
24	9

➤ How does the Council realize its competencies?

In accordance with its legal competencies, the Council for OSH initiates, creates and contributes to various forms of action in this area increasing their level of effectiveness. The Council's approach, based on the answers to the questionnaire for assessing Council's organizational and institutional capacity, is basically to operationalize its competencies at the request of the Government or in response to a given situation in this area (Figure 8).

How does the Council realize its competencies?



- At the request of the government
- Through regular notification of the evaluation of the system of safety and health at work
- On Councils' initiatives
- At the request of other organizations/institutions
- According to a pre-prepared annual program
- In response to the current situation in the field of occupational safety and health (OSH)
- According to a pre-prepared strategic work plan, with clearly defined goals and mission

Figure 8 - How does the council realize its competencies?

➤ Does the Council have any form of organizational structure, i.e. does the Council have technical, organizational and administrative support to facilitate its functioning (Secretariat or similar)?

The Council for OSH does not need a technical secretariat in order to organize and support its work.

➤ What forms of documents does the Council produce as a result of exercising its powers and activities?

Below are the forms of specific products from the work of the Council. The indicated output products from Council's functioning show that this advisory body has a wide range of activities in the field of OSH and that its participatory approach guarantees balanced solutions in this area.

What forms of documents does the Council produce as a result of exercising its powers and activities?

- Status Reports and current topics in the area of OSH
- Submission of proposed measures for greater efficiency of the functioning of the OSH
- Expert opinions on the situation in the field of OSH
- Evaluation of the functioning of the OSH system
- Evaluation of legislation related to OSH
- Initiatives for preparation of national programs for OSH
- Occasional or annual reports on the work of the Council
- Attitudes towards strategies and national programs related to the functioning of the OSH system
- Expert advice and opinions on the regulation of the sphere of safety and health at work (laws and regulations)
- Proposes and promotes education measures in the field of OSH
- Promotes preventive culture in the area of OSH

Figure 9 - What forms of documents does the Council produce as a result of exercising its powers and activities?

➤ Which of the following organizational aspects do you think the Council should have in the future to make its functioning more efficient?

Several aspects leading to the need expressed for the expansion of both organizational and institutional forms of organizing the work of the Council itself, as well as the expansion and deepening of the competencies and role of this body in the field of OSH. These aspects are shown below (Figure 10).

Which of the following organizational aspects do you think the Council should have in the future in order to make its functioning more efficient?

- To move from an informal to a formal body
- Extended competencies
- Technical-administrative staff
- Financial support for the implementation of the annual work programs of the Council
- Training for Council members
- More meetings per year
- Greater public visibility
- Communication, cooperation and exchange of experience with related bodies in the region and beyond
- Involvement of other organizations and institutions in the membership of the Council



Figure 10 - Which of the following organizational aspects do you think the Council should have in the future in order to make its functioning more efficient?

- **List some of the main organizational and institutional strengths and weaknesses of the Council.**

This question has not been answered.

- **List some lessons learned from the Council's work so far as a basis for improving its functioning.**

This question has not been answered.

- **What are the main formal policies, strategies, laws and other regulations that affect the operation of the National OSH Council? To what extent would they affect the work of the Council?**

This question has not been answered.

- **Indicate which are the main formal institutions, organizations and networks at the national and lower levels that should be involved in the implementation of OSH strategies? Are there any mechanisms for establishing cooperation between the National OSH Council and these stakeholders?**

- All key institutions are involved, more activity is needed.

- **Has the Council developed a strategy for communicating with the general public and relevant institutions?**

No. According to the answer in the questionnaire, such strategy does not exist.

- **What are the strengths and weaknesses of the cooperation between the OSH Council and other relevant partners, such as the private and civil society sectors?**

This question has not been answered.

ALB

Project Partner: Albanian Occupational Safety and Health Centre (AOSHC)

The occupational, safety and health policy document and its action plan were adopted for the period of 2016-2020. Nineteen directives on OSH were transposed, but their implementation faces some constraints in terms of labor inspectorate capacity and performance. Although the legal framework Law no. 10.237 dated 18.02.2010 “ON OCCUPATIONAL SAFETY AND HEALTH” envisaged establishing of Inter-Ministerial Occupational Safety and Health Council, still this body has not been established. According to this law the Inter-Ministerial Council for Occupational Safety and Health is an advisory body, established by request of the Prime Minister and on the suggestion of the Minister responsible for occupational safety and health. The procedural rules of the functioning of the inter-ministerial council for issues of safety and health at work are approved by the Prime Minister. The competences of the inter-ministerial council on occupational safety and health issues are the following:

- To advise the Council of Ministers on determining the direction of state policies on occupational safety and health issues. For issues of special importance, the national inter-ministerial council for occupational safety and health issues may hold joint meetings with the National Labor Council;
- To propose to the Council of Ministers the main programs for the issues of safety and health at work;
- To assess the concrete situation of occupational safety and health and to submit proposals and recommendations for the improvement of the situation to the ministry responsible for occupational safety and health issues and other responsible state authorities, according to the provisions of this law;
- To approve the annual report on occupational safety and health issues, submitted by the minister responsible for these issues.

Despite these legal bases for the establishment of such a body, it is still not possible to notice any initial activities in the direction of its establishment and operation. The negligence and insufficient capacities of the institutions related to this area do not allow the implementation of the legal solutions that refer to the organization of this sphere in ALB.

MNE

Project Partner: Safety at Work Association of Montenegro (SWAM)

In June 2018 the amendments to the Law on Safety and Health at work were adopted along with relevant secondary legislation. Limited changes were noted in terms of the capacities of the authorities to inspect and monitor the Law's implementation. As part of the amendments to the Law the obligation for employers to nominate a coordinator(s) to manage occupational safety and health issues in project preparation and project execution phase on construction sites was introduced. The National Institute for Occupational Health is still not performing its required role to ensure the health and safety of employees. An occupational safety and health fund was meant to have been set up under the 2010-14 strategy on the improvement of health of employees and safety at work (now replaced by the 2016-2020 strategy) and its action plan but this has not yet been established.

MNE doesn't have any legal framework for establishing National Occupational Safety and Health Council. It should be noted that within the Social Council there is a section for OSH but it doesn't work in the last few years. The establishment of such a national body is still at the level of initial ideas coming from the relevant ministries, but those initial initiatives are not further developed. One of the reasons is the current restrictive policy of the MNE regarding the establishment of new state bodies.

7. COMPARATIVE ANALYSIS (FUNCTIONALITY AND NONFUNCTIONAL ACTIVITIES RELATED TO THE COUNCILS, GOOD PRACTICES, POSITIVE EXAMPLES, LCD (LOWEST COMMON DENOMINATOR))

Competencies, size and form of action, as well as the knowledge collected in this type of bodies are relative assumptions that should be taken into account when implementing ideas for participatory and inclusive bodies that should contribute to the improved and efficient functioning of a given area. What are the advantages and effects of establishing this type of advisory body, in this case in the social sphere dealing with the rights to safe working conditions? This is a question that precedes the questions about the forms of functioning of these institutions for the purpose of ensuring and improving their capacities. Knowing the answer to this question, one can set the basic pillars and approaches to strengthening the organizational and institutional aspects in the direction of achieving the defined competencies, but also to expand them with new ones.

All this in order to enrich the impact of the OSH Council in the monitoring and implementation of occupational safety and health regulations, as well as practicing the participatory approach and partnerships in creating and implementing practices, measures and legal frameworks in the field of occupational safety and health. Assessment of the organizational and institutional capacities of National OSH Councils, i.e. bodies that have defined competencies and composition based on law, should incorporate an understanding of the differences and similarities of this type of bodies with other types of organizations. Occupational Safety and Health Councils are in essence bodies that deal with strategic priorities in a given field, and the root cause for their formation lies in the need to unite the different profiles and knowledge required to organize a given sphere. The main comparative value of using a Safety and Health at Work Council as a structure with certain competencies lies in the fact that this form of addressing a question relies on the principle of involvement of multiple parties with different levels and scope of knowledge and experience. In other words, this type of body unites the following components and factors that lead to objective thinking and harmonized decisions: Continuous communication between stakeholders, different expertise experiences in this area and creating an impact on the system of safety and health at work in the direction of effective and efficient application of legislation and implementation of practices and preventive measures in this area.

The continuous improvement of these bodies' capacities is directly related to the improvement of the quality and outcome of their work. The internal organizational functional capacities and the institutional capacities that legitimize the work of these bodies in the wider external environment are aimed at holders of assigned competencies to be able to achieve their goals in conditions of organizational and technical support, as well as strengthened capacities. This assessment of National

OSH Councils' capacity allows for the results of such assessment to be taken as a baseline study for developing a plan on the promotion and upgrading of the models of functioning Councils. Hence, these recommendations are aimed to suggest future steps that would increase the efficiency of Councils and give examples and suggestions for creating models of Councils in countries where they are not part of the system regulating this social sphere. These recommendations are presented cumulatively, drawn from the analysis of individual council assessment, and they can be implemented by all similar bodies.

Competencies of National OSH Councils

Below is a Figure of the most common ways of implementing the competencies of the National OSH Councils in XKX, MKD and SRB.

How does the Council realize its competencies?

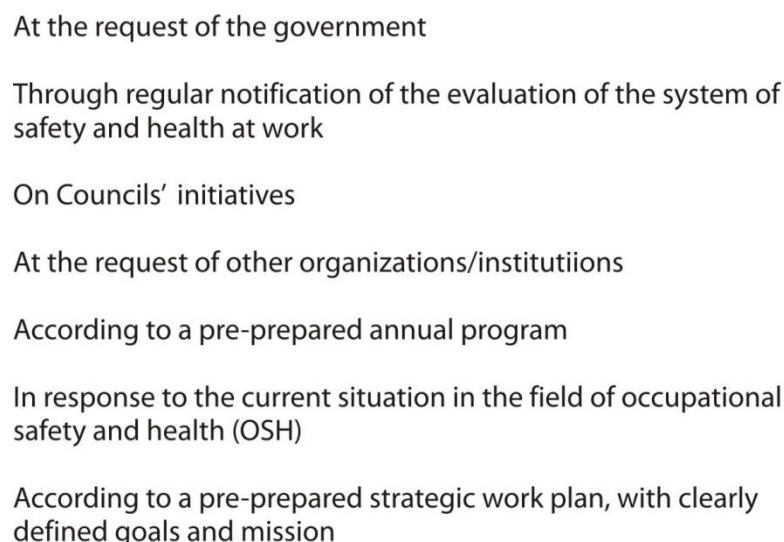


Figure 11  - How does the council realize its competencies?

Note: For MKD, the data shown have been reported by the largest number of respondents.

The characteristics of the National Councils of XKX, MKD and SRB are the following:

- They are formed by the Government based on the Law on Occupational Safety and Health, or as in the case of SRB, this Council was established by a Decision of the Government based on the Law regulating the work of the government.
- Pursuant to the OSH Law and Government's Decision, the composition and structure of representation in National OSH Councils are determined, as well as the appointment of the President of the Council.
- Competencies and main objectives of the Councils themselves are determined according to the OSH Law and Government's Decision.

- The mandate, work reporting, work rules and procedures, as well as organizational aspects, i.e. professional and administrative and technical topics are either individually or partially covered by Decisions on the establishment of these bodies.

As advisory bodies, OSH Councils are mostly preoccupied with giving opinions and recommendations on OSH status, suggestions for potential solutions etc. Therefore, as key approaches to the implementation of their competencies, they perform regular monitoring and inform the governmental bodies and the public about their initiatives. The special role that these Councils play is to contribute to the development of social dialogue between stakeholders. This concept of regulating the functioning of these so-called forums for practicing coordinated stakeholder efforts in regulating the area of OSH could be complemented by the introduction of processes for the preparation of strategic and annual plans, a strategy for communicating with the public, a needs assessment and development of training plans for Council Members in the field of safety and health at work. These practices unequivocally lead to strengthening the internal capacities of the OSH Council in terms of its long-term goal planning. The planning process enables both focusing on priorities in the area of OSH and adapting to changes and responding in a timely manner within its competences. In addition to this, it should be noted that these practices also lead to the harmonization of Council's mission or competence with other national strategies and programs in this area, as a contribution to complementarity in the actions of all entities. This harmonization is certainly a step forward in the realization of an institutionalized and transparent social dialogue.

Organizational Setting and Structure of National OSH Councils

According to the legal regulations from which the establishment of National OSH Councils originates directly, the membership structure and appointments of presiding and deputy functions are stipulated by the national governments. When it comes to the administrative and technical aspects regarding the functioning of these bodies, most often they are provided by the line ministries under whose jurisdiction the operation of OSH Councils falls. In the case of XKX and MKD, as shown by the answers to the questionnaire for assessment of the organizational and institutional capacities of OSH Councils, these Councils have adopted Rules of Procedure that regulate the rules and procedures of their operation. Despite the administrative and technical support provided to OSH Councils by the relevant ministries, it is advisable for the Council to have greater control over this aspect of functioning. The advantages of such administrative and organizational and technical support contribute to improving the efficiency of the Councils themselves. Namely, the planning, coordination, more organized management of communication with the general public will be improved and certainly, the organization of OSH Council's meetings.

Forms of Documents Produced by the Council as a Result of Exercising its Powers and Activities

The evaluation of the OSH system functions and the legislation governing this area in relation to the competencies of OSH Councils as advisory bodies could be carried out on a regular basis and with a methodology for which the Members of the Council should be trained. This type of output effects from Councils' work allows the Government and the public to be informed about the situation in the area of OSH through taking initiatives to change and improve the legal framework and measures that strengthen the effect of the OSH system on meeting the obligations of all parties involved. Additionally, the structure of OSH Councils' composition, i.e. the involvement of all relevant factors enables this body to make a quality contribution to proposing measures for education in the field of OSH, as well as in advocating for it.

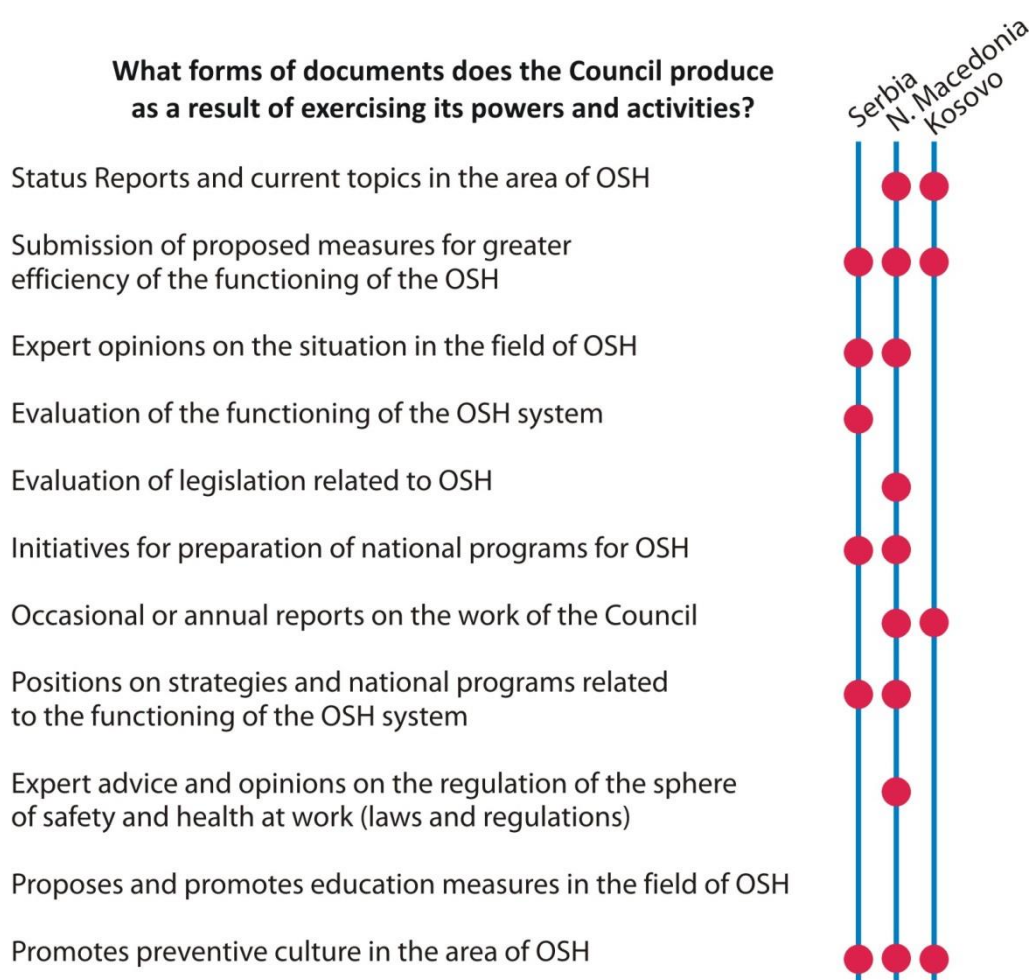


Figure 12 - What forms of documents does the Council produce as a result of exercising its powers and activities?

Note: For MKD, the data shown have been reported by the largest number of respondents.

Making OSH Councils' Functioning More Efficient

Regarding the direction in which the organizational aspect of the OSH Council can be developed, the respondents single out the aspects shown in Figure 3. In terms of the model according to which they would function better and the possible directions of development of their role, the National Councils for Occupational Safety and Health single out the following potential steps towards achieving an optimal combination of competencies and form:

- National OSH Councils are bodies in which the concentration of knowledge, expertise and involvement in the OSH system allows for the extension of competencies to other areas of the OSH system. These new competencies should arise from the joint analysis of government institutions and member organizations of the OSH Councils.
- Technical and administrative staff under the direct management of the structures of the Council itself can influence the quality of activities performance and improve the performance of the bodies themselves.
- Managing one's own budget, which is adopted according to Annual Work Plans in accordance with an enacted strategy, is an important step towards improving the Councils' functioning, i.e. increased efficiency in terms of achieving the goals set. The realization of financial means shall be certainly under the direct control of state institutions.

Which of the following organizational aspects do you think the Council should have in the future to make its functioning more efficient?

To move from an informal to a formal body

Extended competencies

Technical-administrative staff

Financial support for the implementation of the annual work programs of the Council

Training for Council members

More meetings per year

Greater public visibility

Communication, cooperation and exchange of experience with related bodies in the region and beyond

Involvement of other organizations and institutions in the membership of the Council

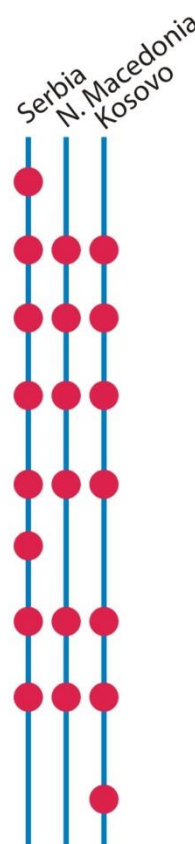


Figure 13 - Which of the following organizational aspects do you think the Council should have in the future in order to make its functioning more efficient?

- The frequency and number of Council meetings should reflect the situation in this area and be in accordance with the guidelines provided in strategic and annual plans.
- Given the topics covered in the field of OSH, National Councils, together with the entities that established them, i.e. the national governments, in the interest of strengthening these bodies, should take into account the possibilities of extending their competencies in order to enable their greater responsibility and authority, such as extended competence to make decisions in the field of occupational safety and health.
- One of the basic tasks of National OSH Councils is to ensure transparency and visibility to the public. Therefore, they should have internal documents in the form of strategies or action plans that will bring the work of the Councils closer to the stakeholders in this system, and to the general public.
- To strengthen the expertise in Councils' work, a possibility should be considered for the Council President to have the right to expand the composition of the Council for given sessions in specific OSH areas. In this way, the perception among Council's member institutions regarding their crucial participation in the dialogue will be improved, as well as the use of narrower knowledge areas for the purpose of strengthening the overall OSH system.
- Increased cooperation of National OSH Councils with other organizations, especially with NGOs that implement various projects related to this area, would increase the impact of these bodies' work and provide an opportunity to strengthen their capacity, especially in the field of project management, creating skills for advocacy and lobbying and certainly, greater public visibility.
- The defined competencies and the very reason for the establishment of these National OSH Councils and the composition of all relevant stakeholders in this area provide a solid basis for developing advocacy and lobbying plans, especially in the area of legislation development and promotion. Therefore, these Councils should develop the following capacities in that direction: Capacity building for planning and evaluation; research and reporting; coordination with other actors in this field; development of individual capacities of Council Members and monitoring of the social situation from political, economic and other aspects regarding the readiness and efficiency of policy implementation implementing in the field of safety and health at work.

Cross-Cutting Issues

Countries in the region that are part of the implementation of this project under which this assessment is being implemented, and which have not yet established National Occupational Safety and Health Councils (Albania and Montenegro), should aim for a model that reflects national specificities by using a comparative analysis of models applied in the region (due to the similarity of the systems), as well as the adoption of good practices from EU member states. In any case, this process of establishing councils should be inclusive at the stage of model selection, definition of competencies and organizational set-up.

8. GOOD EXAMPLES OF OSH COUNCILS, MOST FUNCTIONAL PRACTICES

Models and Experiences from EU Member States

CRO

The work of the National Council is regulated by the Law on Occupational Safety.

The Government of the Republic of Croatia systematically monitors the situation in the field of occupational safety in the Republic of Croatia and in consultation with employers 'and workers' representatives determines, proposes, implements and systematically reviews occupational safety policy and proposes amendments to legislation to improve occupational safety and health and because of that established Occupational safety and health at work Council

The members of the National Council shall be appointed by the Government as its advisory body for occupational safety, and shall consist of two representatives proposed by the Minister responsible for labor (hereinafter: the Minister), one representative nominated by the Minister responsible for health two representatives of employers and workers proposed by representative associations of employers and workers of higher level according to a special regulation.

National OSH Council Composition

Number of members	Representatives of institutions
3	Government of CRO (3 - Ministry of Labor and 1 - Ministry of Health)
2	Trade Unions
2	Organization of Employers
TOTAL	
7	4

The National Council for Occupational Safety:

- 1) Monitors, analyzes and evaluates the system and policy of occupational safety and reports to the Government on its findings and assessments and proposes necessary changes
- 2) monitors the effects of application of this Act, its implementing regulations, special laws and other regulations in the Republic of Croatia protect the safety and health of workers and, if necessary, propose to the Government their changes, as well as their harmonization with international regulations
- 3) give opinions on draft statements on regulatory impact assessment and draft proposals for regulations in the field of occupational safety
- 4) propose measures for the improvement of the occupational safety system in the Republic of Croatia

SLO

Article 62 The Occupational Safety and Health Act, ZVZD-1 (Official Gazette of the Republic of Slovenia, No. 43/2011) stipulates the following:

(1) The Minister responsible for labor shall appoint an expert advisory body, the Council for Safety and Health at Work (hereinafter: the Council), which shall consist in particular of experts in occupational safety, occupational medicine and social security and experts from employers' organizations and trade unions. Council members from employers' organizations and trade unions are appointed by the Minister on the proposal of the Economic and Social Council.

(2) The Council shall consider and adopt positions and recommendations on the state, strategy and implementation of the uniform policy and priorities for safety and health at work.

The Occupational Safety and Health Council is therefore an advisory body to the Minister responsible for labor. The members of the council act as experts - with those experts proposed by the Economic and Social Council also acting as experts, i.e. represent the interests of trade unions or employers' associations.

The Council adopts non-binding positions and recommendations.

In short, all draft rules, laws, analyzes, strategies and action plans in the field of safety and health at work are first submitted to the Council for Safety and Health at Work and only then to the Economic and Social Council.

The council meets very differently; in the beginning it held meetings once a year, but lately it has met 2 to 3 times a year. Any member of the council may propose a meeting. Correspondence sessions are permitted only exceptionally.

The members were appointed in 2013. The council has 15 members, with the ministry represented by the minister and the director general of the Directorate for Labor Relations and Labor Rights (i.e. members by function).

National OSH Council Composition

Number of members	Representatives of institutions
2	Government of SLO
2	Trade Unions
2	Organization of Employers
4	Experts in the field of OSH
3	Experts in the field of occupational medicine
2	Experts in the field of social security
TOTAL	
15	6

Groups take turns in leadership. The presidency of the council alternates between government representatives, representatives of the occupational safety profession, representatives of the occupational health profession, trade union representatives and representatives of employers' associations.

In the Austrian model of social dialogue in the field of OSH, the advisory body has one of the key roles in creating the legal framework as well as in informing the relevant ministry about the work of the prevention centers run by insurance companies. This tripartite body is convoked by the Central Labor Inspectorate. This example shows that this type of body could also be used to monitor the work of relevant institutions and organizations.

National Councils could make a special contribution to working-out the regulation as in the Belgian case. Namely, the Belgium's social consultative body on an inter-professional level is the High Council for Prevention and Protection at Work. Social partners are represented equally in this Council. The Council advises the Minister of Work in the policy-forming process.

In the case of Bulgaria, the National Council is also consulted on the adoption of national programs and strategies in the field of working conditions. It is also interesting to note that the Chairman of this Council is the MLSP Minister, while employers' and employees' organizations each provide a Vice-Chairman on a rotational basis.

The Croatian model of social dialogue, mainly due to the common experiences of the past, largely overlaps with the basic model of the National OSH Council of the three countries subject to organizational assessment. Similar models are practiced by countries such as Cyprus, the Czech Republic, Greece, Germany, Ireland, Italy, Latvia, Spain, Portugal, Slovenia, Slovakia, Denmark, Romania, Sweden, Luxemburg and Finland. Common to all these experiences is that these bodies are under the direct jurisdiction of the MLSP; their main task is to perform an advisory role in the field of legal framework, its implementation and giving opinions on the situation in the field of OSH. A similar practice can be seen in the case of France. The National Council in this country is supplemented by small reform changes through the establishment of additional bodies for social dialogue at the national and regional level within the same body. The Hungarian model, in addition to the already common competencies, is also characterized by the fact that in addition to the wide range of competencies, it also has a significant role in informing the public about the OSH situation.

9. MINIMUM ACTIVITIES OF THE COUNCILS RELATED TO THEIR FUNCTIONING WITH DRAFTED TEMPLATES OF GUIDELINES/FORMS/OPERATION DOCUMENTS AND DOCUMENTS CONCERNING THE FUNCTIONING OF THE OSH COUNCILS

Legal basis for establishment of National OSH Councils in EU are 74/325/EEC: Council Decision of 27 June 1974 on the setting up of an Advisory Committee on Safety, Hygiene and Health Protection at Work and Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work

National OSH Councils are special bodies established by governments in the field of OSH related to the national legislation or government decision.

In general, the tasks of these Councils include giving initiatives for:

- New regulations in the field of OSH,
- Development of a national program for promoting effective actions and practices in the field of OSH,
- Strategy and preventive policy in all questions related to OSH,

Among other things, the important role of these Councils is:

- Monitors, analyzes and evaluates the system and policy of OSH and informs the Government about its findings and analysis and proposes the necessary changes,
- Contribution follow up to the productive social dialogue in this field,
- Giving proposals for action and improving of the institutional and organizational capacities in the field of OSH

They are most often the result of meeting the need for a wider range of experiences and knowledge in a given area in order to ensure the effectiveness and complementarity of systems that either directly or indirectly affect the general situation in the area of OSH.

Members of National OSH Councils are representatives of:

- Government institutions (ministries and labor inspectorates),
- Employer's organizations,
- Trade unions
- Faculties and research institutions,
- Occupational medicine institutions
- Experts in the field of OSH

10. RECOMMENDATION

Regarding to the more effective functioning of the National OSH Councils, some of recommendations are:

- Legal framework for establishing of National OSH Councils, the recommendation is that they have to be special bodies established by the government, related to the national legislation or government decision.
- Members of the councils have to be representatives of: Government institutions (ministries and labor inspectorates), Employer's organizations, Trade unions, Faculties and research institutions, Occupational medicine institutions, Experts in the field of OSH, Experts in the field of occupational medicine, representatives of CSO's and others (e.g. independent experts)
- The government decision have to precise: what kind of documents council adopts (strategies, plans and programs for developing in the filed of OSH, opinions about draft of legislation etc.), way of financing, who has to provide premises and compensation for work as a member of council, number of administrative staffs, minimum number of meetings per year...
- In addition, it would be good for the Council to have a certain budget (financial resources) annually, which would be used for the implementation of certain activities during the year. In this way, it would be easier to plan what would be done and to prepare Council's Annual Work Plan, which would be adequately financially supported.
- To consider whether it would be sensible and justified to determine some kind of obligation (recommendation from the Government or the like) regarding all issues relevant to OSH, i.e. to impose an obligation to put those items on the Council's Agenda and seek the opinion of the Council
- The commitment of council members to contribute to building the capacity of OSH, both institutionally and legislatively
- Reviewing important issues in the field of OSH based on common proposals
- The Council should even more actively initiate certain activities and take initiatives on various issues in the field of OSH in order to be able to see and feel the benefits of its existence even more...
- The most appropriate communication channel for the Council should be identified and its discussions/decisions/recommendations, etc. should be conveyed to the public. Also, enabling Council's appropriate Internet representation should be considered through making a website or incorporating Council-related content within some existing websites (e.g. on social media).
- It is necessary that the delegation of Council Members be from among persons who work and know the OSH systems, and not randomly delegated persons, on various grounds. In addition, for successful work, common goals should always be seen in the interest of all Council stakeholders.

