

Future of Workplace Health and Safety: A Legal Perspective

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Abstract

Health and safety standards are different based on the situation at the workplace. For instance, the production process requires a set of standards that may be different from the functioning of management at the operational level. The concept of 'health and safety at the workplace' articulates a Human Rights Based Approach (HRBA) since health and safety are always linked to basic human rights specifically the right to life. On the other hand, the International Labour Organization (ILO) through its labour standards have provided a series of normative backgrounds in health and safety and more recently there are inclusions in terms of return to work in the New Normal. 'New Normal' is recognized by the international community such as World Health Organization and ILO as the changes in the conservative human activities in society, individually and collectively due to the constraints imposed by the COVID-19 pandemic. In this context, it is pertinent to seek whether the Sri Lankan legal framework sufficiently ensures a healthier and safer workplace in the New Normal for the labour force when measured against international labour standards. This research would be qualitative legal research based on primary and secondary legal sources. The black letter approach and international and comparative research methodologies were utilized to analyze the legal background in a comparative manner. When analyzing the Sri Lankan legal framework, the benchmarks of the Occupational Safety and Health Convention, 1981 (No. 155), the Occupational Health Services Convention, 1985 (No. 161) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) was evaluated against the domestic standards based on the theoretical approach of HRBA. The study suggested legal reforms to improve the employers' duty of protecting the employee and the State's obligation, to protect the employee which is the ultimate objective of Labour Law.

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