

Annex II

Relevant ILO instruments - summary

Policies and Principles

General

Instruments	
Occupational Safety and Health Convention, 1981 (No. 155)	
	Occupational Safety and Health Recommendation, 1981 (No. 164)
	Occupational Safety and Health Management Systems, 2001

C.155 (OSH) lays down fundamental objectives and defines the basic principles of a coherent national policy. It covers all branches of activity and all workers in those branches and is the most comprehensive of the current standards. It is designed to be a policy instrument rather than an instrument prescribing precise legal obligations. The key provisions require member States, in consultation with the most representative organisations of employers and workers, to formulate, implement and periodically review a coherent national policy on OSH and the working environment the aim being the prevention of occupational accidents and injuries by eliminating or minimizing the causes of hazards. In general terms C.155 specifies the spheres of action that shall be taken into account in the policy. Nevertheless, C.155 also provides detailed rules on actions to be taken at the national level and at the level of the undertaking. These cover the whole range of measures regulated in the more specific OSH instruments adopted both before and after C.155. The Convention is supplemented by **R.164 (OSH)**, which provides further details and additional practical guidance on several of the provisions in C.155. Most of the current Codes of Practice provide additional guidance as to the practical application of C.155. **CoP (OSHMS)** takes a management systems approach to OSH and is designed for use at both the national and enterprise level.

Occupational Health Services

Instruments	
Occupational Health Services Convention, 1985 (No. 161)	
	Occupational Health Services Recommendation, 1985 (No. 171)
	Technical and ethical guidelines for workers' health surveillance, 1998
	Protection of workers' personal data, 1997

C.161 (Health Services) is also a policy instrument although the policy provision is not as developed as in C.155. The Convention deals comprehensively with the provision of occupational health services and commits ratifying States to progressively develop occupational health services for all workers. The Convention provides for the status, organisation and conditions of operation for health services. The functions of these services are to include surveillance of the working environment, surveillance of workers' health, information, education, training and advice and first aid, treatment and health programmes. Further guidance is given in the supplementing **R.171 (Health Services)**. Practical guidance on technical and ethical guidelines for worker's health surveillance is provided in a **Code of Practice** on that subject of **1998**. The **CoP (Workers Data)** is also relevant in this area.

Other

Instruments	
	Protection of Workers' Health Recommendation, 1953 (No. 97)
	Welfare Facilities Recommendation, 1956 (No. 102)
	Workers' Housing Recommendation, 1961 (No. 115)

R.97 (Workers' Health) which covers technical protective measures to combat hazards to workers' health, medical examinations and first aid and emergency treatment¹. **R.102 (Welfare Facilities)** provides measures for feeding facilities, rest facilities, recreation facilities and transport facilities. **R.115 (Workers' Housing)** sets out measures to ensure that adequate and decent housing accommodation and a suitable living environment are made available to all workers and their families.

Recording and Notification

Instruments	
	Protocol of 2002 to the Occupational Safety and Health Convention, 1981
	List of Occupational Diseases Recommendation, 2002 (No. 194)
	Recording and notification of occupational accidents and diseases, 1995

The provisions in C.155 (OSH) on the procedures for recording and notification of occupational accidents and diseases have recently been complemented with the adoption of the **P.155 (OSH)** as well as **R.194 (Recording and Notification)**. The protocol provides details for the establishment of a system for recording and notification as well as the requirements and procedures for recording and notification of occupational accidents and diseases, and "as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases." R.194 recommends that national lists of occupational diseases drafted for the purposes of prevention, recording, notification and compensation, should, at the least, comprise of the diseases listed in Schedule I of Convention No. 121. In addition, to the extent possible, other diseases contained in the list of occupational diseases as annexed to the Recommendation and "suspected occupational diseases" should also be included on the list. The Protocol has not yet entered into force, but both standards provide measures on these issues. In 1995 **CoP (Recording and Notification)** was adopted on this subject, which provides further practical guidance in this area.

Labour Inspection

Instruments	
	Labour Inspection Convention, 1947 (No. 81)
	Protocol of 1995 to the Labour Inspection Convention, 1947
	Labour Inspection Recommendation, 1947 (No. 81)
	Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82)

C. 81 (Labour Inspection) lays down the main rules governing the establishment, organization, means, powers and obligations, functions and competence of the labour inspectorate as an enforcement institution for the protection of workers and for promoting legislation adapted to the changing needs of the world of work. The establishment of a labour inspection system is obligatory for industrial establishments and optional for commercial establishments. Pursuant to the **P.81 (Labour Inspection)** member States should extend the application of C.81 to activities in the non-commercial services sector. C.81 is supplemented by **R.81 (Labour Inspection)**, which provides further details on the

¹ After the recent adoption of the P.155 (OSH) and R.194 (List of Diseases) the provisions in R.97 (Workers Health) on the notification of occupational diseases would appear to have been *de facto* superseded.

preventive duties of labour inspectorates and the collaboration of employers and workers in regard to health and safety and annual reporting on inspection.

BRANCHES OF ECONOMIC ACTIVITY

Commerce and Offices

Instruments	
Hygiene (Commerce and Offices) Convention, 1964 (No. 120)	
	Hygiene (Commerce and Offices) Recommendation, 1964 (No. 120)

C.120 (Commerce and Offices) has the objective of preserving the health and welfare of workers employed in commerce and offices through measures of hygiene, which respond to the requirements at the workplace. For this purpose, it sets out elementary hygiene measures to be respected including measures for cleanliness, ventilation, lighting, temperature, layout of work-stations, supply of drinking water, sanitary facilities, seating, changing facilities, protection against hazardous substances, process and techniques, noise and vibration to be reduced to a minimum, first aid posts and enforcement. Further guidance is provided in **R.120 (Commerce and Offices)** along with measures for mess rooms, rest rooms, planning and construction, measures against the spread of disease, instructions in hygiene.

Construction

Instruments	
Safety and Health in Construction Convention, 1988 (No. 167)	
	Safety and Health in Construction Recommendation, 1988 (No. 175)
	Safety and health in construction, 1992

C.167 (Construction) contains detailed protective and preventive measures concerning the safety of workplaces, scaffolds and ladders, lifting appliances, transport, earth-moving and materials-handling equipment, plant, machinery, equipment and hand tools, work at heights, excavations, shafts, earthworks, underground works and tunnels, cofferdams and caissons, work in compressed air, structural frames and formwork, work over water, demolition, lighting, electricity, explosives, health hazards, fire precautions, personal protective equipment, first aid, welfare, information and training and reporting of accidents and diseases. Another feature of the Convention is the provisions on collaboration between employers in cases where two or more undertakings are engaged in activities at the same workplace in order to comply with OSH measures. C.167 also requires member States, in adopting provisions to give effect to the Convention, to have due regard to the relevant standards adopted by recognised international organisations in the field of standardisation Further guidance on some of these issues is provided in **R.175 (Construction)**. Further guidance is also provided in **CoP (Construction)**.

Mines

Instruments	
Safety and Health in Mines Convention, 1995 (No. 176)	
	Safety and Health in Mines Recommendation, 1995 (No. 183)
Underground Work (Women) Convention, 1935 (No. 45)	
	Safety and Health in Coal Mines, 1986
	Safety and health in opencast mines, 1991

C.176 (Mines) provides that a ratifying State is to formulate, carry out and periodically review a coherent national policy on safety and health in mines. A competent authority is to be established with the role of monitoring and regulating the various aspects of OSH in mines. The prescribed preventive

and protective measures contain employer responsibilities and workers rights and duties. **R.183 (Mines)** provides further detailed provisions. **C.45 (Women in Mines)** is an older standard, which provides that “no female, whatever her age, shall be employed on underground work in any mine”, except under certain circumstances. It has retained an interim status for reasons discussed in the report. Additional guidance is provided by **CoP (Coal Mines)** and **CoP (Opencast Mines)**.

Agriculture

Instruments	
	Safety and Health in Agriculture Convention, 2001 (No. 184)
	Safety and Health in Agriculture Recommendation, 2001 (No. 192)
Labour Inspection	(Agriculture) Convention, 1969 (No. 129)
	Labour Inspection (Agriculture) Recommendation, 1969 (No. 133)

C.184 (Agriculture) provides that a ratifying State is to formulate, carry out and periodically review a coherent national policy on OSH in agriculture. Subsistence farming, industrial processes that use agricultural products as raw material and the related services as well as the industrial exploitation of forests are excluded from the scope of the Convention. The prescribed preventive and protective measures contain employer responsibilities and workers rights and duties as well as specific measures for machinery and ergonomics, handling and transport of material, sound management of chemicals, animal handling, protection against biological risks and agricultural installations. There are also provisions concerning young workers and hazardous work, temporary and seasonal workers, women workers, welfare and accommodation facilities, working time arrangements and coverage against occupational injuries and diseases. In addition to elaborating on some of these points, **R.192 (Agriculture)** contains measures for OSH surveillance, risk assessment, and self-employed farmers. It also provides that measures prescribed to give effect to the provisions of C.184 concerning the sound management of chemicals in agriculture should be taken in “the light of the principles of the [C.170 (Chemicals)] and other relevant international technical standards”. **C.129** supplemented by **R.133 (Inspection – Agriculture)** provides for the establishment of labour inspection for the agricultural industry and sets out rules for the organization and functioning of the system. C.184 (Agriculture) includes a general provision for members to ensure that an adequate and appropriate labour inspection system is in place and adds that certain inspection functions may be delegated to the regional or local level, appropriate government services, public institutions, or private institutions under government control.

Other

Instrument	
	Safety and health in forestry work, 1998
	Safety and health in the non-ferrous metals industries, 2001

The **CoP (Forestry)** and **CoP (Iron and Steel)** are the only instruments in these two branches.

WORKPLACE HAZARDS

Chemicals

Instruments	
General	
	Chemicals Convention, 1990 (No. 170)
	Chemicals Recommendation, 1990 (No. 177)
	Safety in the use of chemicals at work, 1993

Instruments	
Individual chemicals	
White Lead (Painting) Convention, 1921 (No. 13)	
Benzene Convention, 1971 (No. 136)	
	Benzene Recommendation, 1971 (No. 144)
	White Phosphorus Recommendation, 1919 (No. 6)
	Lead Poisoning (Women and Children) Recommendation, 1919 (No. 4)
Asbestos Convention, 1986 (No. 162)	
	Asbestos Recommendation, 1986 (No. 172)
	Safety in the Use of Asbestos, 1984
	Use of synthetic vitreous fiber insulation wools (glass wool, rock wool, slag wool), 2000
Major Accidents	
Prevention of Major Industrial Accidents Convention, 1993 (No. 174)	
	Prevention of Major Industrial Accidents Recommendation, 1993 (No. 181)
	Prevention of Industrial Accidents Recommendation, 1929 (No. 31)
	Prevention of major industrial accidents, 1991

General standards: C.170 and R.177 (Chemicals) focus on the requirements for the classification and labelling of chemicals as well as regulating the production, handling, storage and transport of chemicals, the disposal and treatment of chemical wastes, the release of chemicals and the maintenance, repair and cleaning of equipment and containers for chemicals. Products that do not expose workers to hazardous chemicals under “normal or reasonably foreseeable conditions of use” as well as “organisms” are excluded from coverage. Most biological hazards are thus excluded. A coherent policy on chemical safety is to be formulated, implemented and periodically reviewed by the member State in consultation with Employers’ and Workers’ organisations. Measures provided for in C.170 include; the establishment of classification systems, labelling and marking of hazardous chemicals, chemical safety data sheets as well as responsibilities of suppliers, employers (including measures concerning identification, transfer of chemicals, exposure, operational control, disposal, the supply of information to and training of workers, and cooperation), workers and exporting States along with rights of workers and their representatives. The **CoP (Chemicals)** provides additional guidance.

Individual substances: Two autonomous Recommendations, identified as in need of revision, focus on individual substances. **R.4 (Lead Poisoning)** focuses on lead poisoning, which is contained in the list of occupational diseases. **R.6 (White Phosphorous)** contains an invitation to member States to adhere to the Convention of Bern on white phosphorous (1906). **C.13 (White Lead)**, also identified as in need of revision, aims at preventing lead poisoning among working painters. It prohibits the use of white lead, sulphate of lead, and all products containing these pigments, in the internal painting of buildings with certain exceptions. The employment of young persons less than 18 years of age and of all women in painting work of an industrial character involving the use of these products is prohibited. Permitted uses are regulated in accordance with various hygiene measures provided for in the Convention. **C.136 and R.144 (Benzene)** aim at protection against hazards (mainly carcinogens) arising from exposure to benzene. It applies to all activities involving the exposure of workers to benzene and to products where the benzene content exceeds 1% by volume. This fixed limit greatly exceeds the current prescribed limit for exposure to benzene and is one of the main reasons for the decision to revise this Convention. It provides, inter alia, that pregnant women, nursing mothers and young persons under 18 years of age shall not be employed in work processes involving exposure to benzene or products containing benzene. **R.144** provides further guidance to the Convention. In the context of the examination by the LILS Working Party on Policy regarding the Revision of Standards, **C.162 and R. 172 (Asbestos)** were considered up-to-date as they were adopted after 1985. They provide that national laws or regulations are to establish measures for the prevention, control and protection of workers exposed to asbestos, the enforcement of these measures being carried out through an adequate inspection system with appropriate penalties for violations and provides for rights and responsibilities for employers, workers and their representatives. C.162 and R.172 also provide for detailed measures for the recording, monitoring and exposure of workers to asbestos and the length of

time records are to be kept, as well as the notification of occupational diseases. The **CoP (Asbestos)** was adopted prior to C.162 and R.172 and is explicitly referred to in these instruments as relevant in providing additional guidance. In addition, C162 and R172 (Asbestos) call for measures to be taken to protect the general environment and the population in the vicinity of the enterprise. The **CoP (Synthetic Vitreous Fibre)** is a recently adopted code of practice and is the only instrument in this area.

Major accidents: C.174 and R.181 (Major Accidents) provide that a national policy on protection of workers, the public and the environment against major industrial accidents is to be formulated, implemented and periodically reviewed. The aim is the prevention of major industrial accidents involving hazardous substances as well as the mitigation of the consequences of such accidents where they do occur. The standards apply to major hazard installations excluding nuclear and military installations, and transport outside of an installation other than by pipeline. C.174 sets out the systematic identification of major hazard installations and their control, responsibilities of the employers, competent authorities and the rights and responsibilities of workers. It also contains responsibilities for an exporting State, similar to the provision found in C.170 (Chemicals). R.181 contains recommendations for the international transfer of information to be organised by the ILO and the rapid compensation of victims of accidents. It also provides that ratifying States should take the **CoP (Major Accidents)** into account in the formulation of the national policy, and that multinationals should provide equal measures in all of its establishments. The autonomous **R. 31 (Major Accidents)** has, in part, been superseded by C.174 and R.181, but it has retained an interim status as it contains provisions on medical surveillance, examinations, first aid and medical care, which are not regulated in either C.174 or R.181.

Biological Hazards

Instruments	
	Anthrax Prevention Recommendation, 1919 (No. 3)
	HIV/AIDS and the world of work, 2001

R.3 (Anthrax), identified as in need of revision, contains only one provision, which invites member States to make arrangements for the disinfections of wool infected with anthrax spores. It is specifically aimed at the protection of women and young persons less than 18 years of age. The recently adopted **CoP (HIV/AIDS)** is the only other instrument to address partial exposure to biological agents.

Physical Hazards

Instruments	
	Radiation Protection Convention, 1960 (No. 115)
	Radiation Protection Recommendation, 1960 (No. 114)
	Radiation Protection of Workers (Ionizing Radiations), 1987
	Occupational Cancer Convention, 1974 (No. 139)
	Occupational Cancer Recommendation, 1974 (No. 147)
	Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)
	Working Environment (Air Pollution, Noise and Vibration) Recommendation, 1977 (No. 156)
	Occupational exposure to airborne substances, 1980
	Ambient factors in the workplace, 2001

C.115 and R. 114 (Radiation) contain provisions that set out basic requirements with a view to the protection of workers against risks associated with exposure to ionising radiations. They regulate employers' and workers' responsibilities. C.115 provides for a unique system for the regular updating of exposure limits. Art. 6.2 of C.115 requires ratifying States to keep maximum permissible doses of

ionizing radiations under constant review *in the light of current knowledge*, and to this effect, para. 4 of R.114 provides that the levels for such doses should be fixed with due regard to the relevant values recommended from time to time by the International Commission on Radiological Protection (ICRP). The Committee of Experts on the Application of Conventions and Recommendations (CEACR) habitually transmits the most recent limits published by the ICRP to the member States through its reports. The standards, adopted in 1960, were complemented by the **CoP (Radiation)**.

C.139 and R.147 (Cancer) focus purely on carcinogenic substances and agents. No scope of application to branches of activity or categories of workers is specified, which implies that it applies to all workplaces. The Convention obliges ratifying States to periodically determine on the one hand, the carcinogenic substances and agents to which occupational exposure must be prohibited or regulated (or in other words made subject to authorisation and control) and in the other hand, the carcinogenic substances and agents to which other protective provisions of the Convention are to apply. The determination of carcinogenic substances and agents must be undertaken after taking into consideration Codes of Practice or guides published by the ILO in the light of current scientific knowledge (e.g. ILO: *Occupational Cancer, Prevention and Control*, 2nd rev. edition, Occupational Safety and Health Series, No. 39 (ILO, Geneva, 1989)). The number of workers exposed to carcinogenic substances is to be kept to a minimum, measures are to be taken to limit the workers' exposure to carcinogenic substances and appropriate systems of records and inspection are to be established. Workers are to be informed of the dangers and are to undergo medical examinations during and after employment in order to supervise their state of health in relation to possible exposure. Supervision of workers health and measures for information and education are further clarified in R.147.

C.148 and R.156 (Air Pollution, Noise and Vibration) are broad instruments which provide for the prevention, control and protection of workers against hazards due to air pollution, noise and vibration. Member States who ratifies the Convention may accept the obligations of the Convention separately in respect of air pollution, noise and vibration. Preventive and protective measures include the establishment of criteria for the determination of hazards and exposure limits by the competent authority. As far as possible, technical and organisational measures are to be used to keep the workplace free from hazards and if these fail, personal protective equipment is to be provided. The Convention also provides that employers' and workers' representatives are to have the opportunity to accompany inspectors supervising the application of OSH measures. R.156 details the measures to be taken as well as the supervision of workers' health and training, information and research. Provisions on a system for the recording of medical information are found only in the R.156. Additional guidance has been developed in the **CoP (Airborne Substances)**, and the recently adopted **CoP (Ambient Factors)**.

Mechanical Hazards

Instruments	
Guarding of Machinery Convention, 1963 (No. 119)	
	Guarding of Machinery Recommendation, 1963 (No. 118)
	Safety, Health, and Working Conditions in the Transfer of Technology to Developing Countries, 1988

C.119 and R.118 (Machinery) regulate the sale, hire and use of inadequately guarded machinery. It aims at the prevention of hazards arising out of moving parts and applies to all power-driven machines. It prescribes that the sale or hire of these machines shall be prohibited if specified dangerous parts of them are without appropriate guards. In the actual use of machinery, the prohibition extends to include the machine's "point of operation". Employers have the responsibility to inform workers about the danger arising in the use of machinery. The obligation to ensure protection, regarding the sale and hire of machinery, rests on the vendor or person letting out on hire, or their agents. No worker shall be required to use any machinery without the guards provided being in

position or where such guards have been made inoperative. The **CoP (Transfer of Technology)** also provides additional guidance.

Ergonomic Hazards

Instruments	
Maximum Weight Convention, 1967 (No. 127)	
	Maximum Weight Recommendation, 1967 (No. 128)

C.127 and R.128 (Maximum weight) address the question of the manual lifting, lowering and moving of heavy material and work items. The Convention aims at protecting workers against hazards arising out of carrying heavy loads. Ratifying States shall take appropriate steps to this effect, particularly as regards training of workers assigned to manual transport of loads and the use of suitable technical devices R.128 specifies the maximum weight limit for men and provides that limits for women and young workers shall be substantially less than that permitted for adult male workers. **CoP (Transfer of Technology)** is also relevant in this area.

Psycho-social Hazards

Instrument	
	Management of alcohol and drug related issues in the workplace, 1996

The only relevant instrument is **CoP (Alcohol and Drugs)**.