



**Fourth item on the agenda:
Occupational safety and health
(second discussion)**

Report of the Committee on Safety and Health

1. The Committee on Safety and Health met for its first sitting on 31 May 2006. Initially, it consisted of 178 members (78 Government members, 38 Employer members and 62 Worker members). To achieve equality of voting strength, each Government member was allotted 589 votes, each Employer member 1,209 votes and each Worker member 741 votes. The composition of the Committee was modified eight times during the session, and the number of votes attributed to each member was adjusted accordingly.¹

¹ The modifications were as follows:

- (a) 1 June: 193 members (99 Government members with 120 votes each, 40 Employer members with 297 votes each and 54 Worker members with 220 votes each);
- (b) 2 June: 179 members (103 Government members with 38 votes each, 38 Employer members with 103 votes each and 38 Worker members with 103 votes each);
- (c) 3 June: 170 members (107 Government members with 962 votes each, 37 Employer members with 2,782 votes each and 26 Worker members with 3,959 votes each);
- (d) 5 June: 168 members (109 Government members with 814 votes each, 37 Employer members with 2,398 votes each and 22 Worker members with 4,033 votes each);
- (e) 6 June: 168 members (110 Government members with 777 votes each, 37 Employer members with 2,310 votes each and 21 Worker members with 4,070 votes each);
- (f) 7 June: 163 members (110 Government members with 63 votes each, 35 Employer members with 198 votes each and 18 Worker members with 385 votes each);
- (g) 8 June: 160 members (110 Government members with 136 votes each, 34 Employer members with 440 votes each and 16 Worker members with 935 votes each);
- (h) 12 June: 156 members (111 Government members with 44 votes each, 33 Employer members with 148 votes each and 12 Worker members with 407 votes each).

-
2. The Committee elected its Officers as follows:

Chairperson: Dr. A. Békés (Government member, Hungary)
Vice-Chairpersons: Mr. C. Lötter (Employer member, South Africa) and
Ms. P. Seminario (Worker member, United States)
Reporter: Mr. S. Kang'ethe (Government member, Kenya)

3. At its third and fourth sittings, the Committee appointed a Drafting Committee composed of the following members:

Government member: Mr. M. Levin (United States)
Employer member: Mr. N. Côté (Canada)
Worker member: Mr. J.-M. Joubier (France)

4. The Committee had before it Reports IV(2A) and IV(2B), entitled *Promotional framework for occupational safety and health*, both of which were prepared by the Office for discussion under item IV of the main agenda of the Conference: "Occupational safety and health – *Standard setting, second discussion, with a view to the adoption of a Convention and Recommendation*". Report IV(2A) was prepared by the Office after receiving responses to Report IV(1) (2006), also entitled *Promotional framework for occupational safety and health*, which was written after the first discussion of the development of a new instrument in this area at the 93rd Session of the International Labour Conference (2005). Report IV(2B) contained a proposed Convention and Recommendation on the subject.

5. The Committee held 11 sittings.

Introduction

6. The representative of the Secretary-General, Dr. Jukka Takala, welcomed the delegates, reminding them of the first discussion on a new instrument for a promotional framework for occupational safety and health that had taken place in 2005. The overall objective of the instrument was to contribute to the improvement of occupational safety and health programmes and performance, and to place the subject high on national agendas.
7. The Committee then proceeded to elect its Officers. The Chairperson thanked the Committee for his election, which he saw as a great honour for him and his country. He looked forward to working with the Vice-Chairpersons and members of the Committee in a constructive spirit of collaboration. The Vice-Chairpersons likewise pledged their commitment to a successful outcome for the Committee's discussions.

General discussion

8. The representative of the Secretary-General introduced the subject for discussion by the Committee. In 2003, the International Labour Conference had adopted a *Global Strategy on Occupational Safety and Health (OSH)* in order to tackle the enormous humanitarian and economic cost of work-related accidents and diseases globally. The promotion of a national preventative safety and health culture, and a systems approach to occupational safety and health were central to this strategy, which covered five key areas for action: (1) the promotion of occupational safety and health through awareness raising and advocacy (of which the annual World Day for Safety and Health was an example); (2) ILO instruments; (3) technical assistance and cooperation; (4) knowledge development,

management and dissemination; and (5) international collaboration. He reported that, since 2003, there had been 49 ratifications of occupational safety and health Conventions and several countries had expressed their intention to ratify the Occupational Safety and Health Convention, 1981 (No. 155), and others. There had also been significant progress in developing strategic approaches for the sound management of chemicals and the ILO *Guidelines for occupational safety and health management systems (ILO-OSH 2001)* were now available in 21 language versions.

9. The proposed instruments now being discussed were designed to place occupational safety and health high on national agendas with support at top political level, to strengthen national occupational safety and health systems and continually to promote a national preventative safety and health culture. National occupational safety and health programmes were medium-term strategic programmes for achieving these aims and would be based on national occupational safety and health profiles. The former needed to be linked with other programmes such as economic development plans.
10. The Employer Vice-Chairperson, speaking on behalf of the Employer members, congratulated both the Chairperson and the Worker Vice-Chairperson on their appointments. Recalling the global toll of work-related accidents and diseases, and the low number of ratifications of occupational safety and health Conventions, he affirmed the support of the Employer members for the new integrated approach to occupational safety and health that led to the adoption of the Global Strategy in 2003. By such means, it was hoped that occupational safety and health could be given high priority on national agendas and foster political commitments to it that would lead to more of a preventative safety and health culture, and a management systems approach to occupational safety and health.
11. In 2005, the Employer members had argued strongly for the proposed instrument to be in the form of a Declaration, but they accepted the consensus of the Committee at that time for proceeding by way of a Convention and a Recommendation. It was therefore important for the proposed Convention to avoid repeating what was already contained in existing instruments, and for it to be as easy to ratify as possible, so that national occupational safety and health policies and programmes would be adopted and national occupational safety and health systems improved. The Employer members saw such an approach as the “high road” to achieving sustainable improvements in occupational safety and health in the coming years that would guarantee safer and healthier workplaces.
12. The Worker Vice-Chairperson, speaking on behalf of the Worker members, congratulated the Chairperson and the Employer Vice-Chairperson on their appointments. She recalled the continuing high rate of occupational accidents and diseases, in particular from asbestos and mining, as well as psychosocial and other “new” hazards. There were also problems arising from the global economy, and those related to outsourcing and contracting.
13. The 2003 Global Strategy had provided a basis for a new instrument, but the Worker members considered that the currently proposed Convention focused too much on process, was not consistent with paragraph 6 of the conclusions and that more attention needed to be given to a national policy. Low ratification rates of occupational safety and health Conventions were rather due to their lack of promotion. Political commitment to greater ratification of existing Conventions was needed, therefore the new Convention should have stronger links with them, particularly with Convention No. 155 to ensure a wider impact. The current draft instruments were considered to be too general, imposed very limited obligations and provided equally limited means for measuring performance and compliance. There needed to be clearer recognition of the duty to promote occupational safety and health especially at the workplace, taking into account workers’ rights and the responsibilities of governments, employers and workers.

-
- 14.** The Government member of Cuba said that securing good standards of occupational safety and health was important for her country, and social partners were all responsible for enacting policies that would improve working conditions and quality of life for workers and their families. In Cuba, trade unions were legally entitled to have a major role in drawing up prevention programmes and policies, as well as carrying out investigations, training and research. Government bodies, such as the Ministry of Labour and Social Security, and the National Labour Inspectorate, were also active in improving occupational safety and health nationally. The new promotional framework instruments were therefore supported as welcome additions to existing occupational safety and health standards.
 - 15.** The Government member of India welcomed the proposed Office text, stating that a national preventative safety and health culture by all member States was an essential step in protecting the lives of workers. The development of a national occupational safety and health policy, system and programme were all compatible with India's proposed approach, and were thus supported. As well as other improvements, a national occupational safety and health management system standard had also been adopted that was being implemented by many institutions. The adoption of the proposed instruments would therefore help to ensure the safety and health of all workers.
 - 16.** The Government member of Switzerland said that his Government was opposed to the adoption of a new Convention supplemented by a Recommendation, as there were already many occupational safety and health Conventions and Recommendations. He considered that a new binding instrument was not envisaged in the discussions in 2003, and said that his Government would prefer to see new mechanisms that provided practical protective measures. He would therefore support a new instrument in the form of a Declaration, enhanced with practical protective measures at the national level.
 - 17.** The Government member of the Netherlands stressed that a new instrument should be flexible, and that a Recommendation would have been more appropriate than a Convention, since a Recommendation would have encouraged the social partners to promote occupational safety and health. His Government was in favour of consolidating and streamlining existing occupational safety and health Conventions, and once such a consolidated Convention was adopted, efforts should be made to promote its wide ratification. However, if a consensus in this Committee could be reached on specific issues, his Government would accept this.
 - 18.** The Government member of Namibia explained that Africa faced many challenges, including the increasing size of the informal economy. Efforts had to be made to increase protection for informal economy workers and his country was amending its legislation so as to meet this challenge. With regard to the proposed new instruments, it was very important to promote the concept of continual improvement, and his Government supported the concept of a promotional occupational safety and health framework that progressively improved national systems. He also supported the new instruments taking the form of a Convention and a Recommendation, which should be flexible so as to allow widespread adoption.
 - 19.** The Government member of New Zealand expressed his Government's strong support for the development of a promotional occupational safety and health instrument, as it provided an overarching framework for programmes of action at the international, national and enterprise levels. He also supported the form of the instruments, namely a Convention and a Recommendation. He considered that the instruments set high challenges, but believed that member States could meet these challenges if they selected the range of programmes of action best suited to them.

-
- 20.** The representative of the International Commission on Occupational Health (ICOH) introduced his organization as a 100-year-old professional NGO operating in about 100 countries worldwide. Its mission was to promote occupational safety and health research and the implementation of research results through training, education and communication, and to promote the highest ethical principles. ILO Conventions were important to ICOH members and the new instruments were welcomed, but ratification of existing Conventions needed to be further encouraged. ICOH supported the concept of national programmes as proposed, and considered that the ILO could initiate action for measuring progress and benchmarking in different countries and for branches of economic activity.
- 21.** For ICOH, occupational health services were an important part of a national occupational safety and health system and these should be reinforced, paying particular attention to the needs of small enterprises, the self-employed and informal sector workers. Such services were also needed, because resources for the occupational safety and health profession were limited and there was a global shortage of occupational safety and health specialists. New guidelines on providing basic occupational health services had been recently produced and it was hoped that these would help to expand occupational services worldwide.
- 22.** The Government member of Lebanon said that securing decent levels of occupational safety and health was an important issue, especially for governments, as they had the task of monitoring enforcement in a fast-changing world. Workers faced grave risks, and industrial accidents were a big problem in developing countries, as were occupational diseases caused by hazardous substances. He therefore welcomed the new instruments proposed by the Office and hoped for swift ratification and implementation.
- 23.** The Government member of Austria, speaking also on behalf of a number of European Union and other European countries,² reminded the Committee of the significant progress made during the first discussion of the texts in 2005. Much had been achieved and the Committee now had texts that were simple, comprehensive and outcome-focused, which balanced the need for a clear vision with specific provisions. The promotional framework should raise the profile of occupational safety and health nationally and help to develop a preventative safety and health culture, and promote a management system approach. However, a good balance between binding and non-binding elements was necessary for new provisions to be effectively applied through political systems, national administrations and the variety of cultures worldwide.
- 24.** Agreeing with the views of the previous speaker, the Government member of France added that there was also a need to consider the unacceptable costs of accidents and ill health. He supported the Employer Vice-Chairperson about the need to find an innovative approach that fostered a culture of prevention, and also agreed with the Worker Vice-Chairperson that the instrument should be based on basic principles and should demonstrate global progress. He hoped that the new instruments would be able to bridge both of these positions.
- 25.** The Government member of Sweden, speaking also on behalf of the Government members of Denmark, Estonia, Finland, Germany and Norway, informed the Committee that in the forthcoming discussions they intended to propose a resolution concerning the promotion of occupational safety and health.

² Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

-
- 26.** The Government member of the United Kingdom, speaking on behalf of the group of Industrialized Market Economies (IMEC) not part of the European Union,³ fully supported the development of the proposed framework, which they considered should complement rather than replicate existing instruments. He stressed that the new instruments should help both member States that were developing their occupational safety and health systems, as well as those with already mature systems, and by doing so raise the profile of occupational safety and health nationally. He also believed that the new instrument should be strategically-oriented, principles-based and outcome-focused, and cautioned against reopening issues already discussed and agreed at the first discussion of the instruments in 2005.
- 27.** The Government member of Malaysia said that the proposed Convention was important to his Government as a means of ensuring the safety and health of workers, and its development was fully supported. Malaysia had drafted a national occupational safety and health policy, soon to be discussed with stakeholders, a draft national programme and also a five-year strategy to improve occupational safety and health nationally, which would coincide with the 9th national Malaysian Plan.
- 28.** The Government member of Japan noted that occupational safety and health was important for all countries and considered that the draft Convention would be an effective instrument for developing a national occupational safety and health framework in each member country. Quoting the Global Strategy, he said that the instrument should be overarching with a promotional rather than a prescriptive content, so it should not provide a specific level of protection for workers. The proposed text of the Convention was already well-refined and many countries should be able to ratify it, including Japan. Japan's promotional framework had delivered good results over the last 50 years, and its 10th national occupational safety and health plan was now being implemented.
- 29.** The Government member of Mexico agreed that a promotional framework instrument for occupational safety and health was needed, but noted the need for the building of consensus. He considered that the Convention and Recommendation should not be too restrictive and should allow countries several approaches, so that each country could develop a systems approach with real purpose and viability.
- 30.** The Government member of Morocco said that her Government favoured adopting a Convention supplemented by a Recommendation, to encourage greater political commitment to occupational safety and health. Morocco had recently introduced new occupational safety and health legislation in order to promote prevention, a new occupational safety and health Council had been established, labour inspectors were being trained, occupational safety and health committees were being set up and awareness-raising activities were increasing.
- 31.** The Government member of Thailand affirmed his support for adopting a Convention supplemented by a Recommendation. The proposed Convention was a new type of instrument, which aimed to promote occupational safety and health and place it high on the national agenda, promoting also a preventative occupational safety and health culture and systems approach at a national level. It was therefore important for the Convention to be easily ratified and to avoid overlapping with existing instruments, and for it to encourage the continual improvement of national occupational safety and health systems and performance.

³ Australia, Canada, Japan, New Zealand and the United States.

-
- 32.** The Government member of Singapore, speaking also on behalf of the Asia-Pacific group,⁴ reiterated the importance of a national preventative occupational safety and health culture and a systems approach to occupational safety and health management, which were fundamental pillars of the global occupational safety and health strategy. These concepts called for the adoption of methods and tools rather than detailed prescription, and the draft instruments should be flexible and promotional in nature. The group believed that the proposed texts adequately covered the required tools and methods, and preferred to keep the texts unchanged.
- 33.** The Government member of China confirmed that his Government fully supported the need for a promotional framework and noted the current challenges that China faced with its huge working population and high rural-urban migration, which had major implications for occupational safety and health. Occupational safety and health was therefore a high priority for the Government, which was committed to improving the legislation, prevention and control of occupational diseases and workers' safety in general. The proposed instruments would help countries in carrying out such improvements, though the question of implementation still needed to be addressed, since a large number of developing countries faced major challenges over capacity building and in dealing with the needs of small and medium-sized enterprises. In this respect, the framework should also address the issue of technical assistance.
- 34.** The Government member of Canada stated that his country had developed and implemented extensive occupational safety and health systems and programmes, as legislation alone was not enough to prevent occupational accidents and diseases. Awareness-raising was also important, as well as high political commitment and the promotion and cultivation of a preventative occupational safety and health culture through the active participation of all social partners. The promotional framework instruments should therefore be overarching ones that could be widely ratified and implemented. His Government favoured keeping the current texts substantially intact, with perhaps minor clarifications, but without additional provisions or details.
- 35.** The Government member of the Bolivarian Republic of Venezuela said that her country had established a national occupational safety and health institute, whose task was to develop awareness-raising programmes as part of a national campaign to address high levels of occupational accidents and diseases. National legislation had been recently expanded to focus on prevention and safer working environments. She believed that occupational safety and health had to be promoted in partnership with employers and workers, and there was a need for authorities to draw on the knowledge and experience of employers and workers in developing occupational safety and health policies and achieving desired outcomes. She therefore fully supported efforts to promote occupational safety and health through the proposed instruments.
- 36.** The Government member of Egypt informed the Committee that Egypt's National Institute for Occupational Safety and Health had been developing policies to minimize accidents at work since its foundation in 1969. With regard to the currently proposed instruments, he considered that ratification of the proposed Convention should not be inhibited by having to ratify other instruments as well. It was therefore important for this Convention to be ratified, and then for other existing instruments to be updated if necessary.

⁴ Afghanistan, Australia, Bahrain, Bangladesh, Cambodia, China, Fiji, India, Indonesia, Islamic Republic of Iran, Iraq, Japan, Jordan, Kiribati, Republic of Korea, Kuwait, Lao People's Democratic Republic, Lebanon, Malaysia, Mongolia, Myanmar, Nepal, New Zealand, Oman, Pakistan, Papua New Guinea, Philippines, Qatar, Saudi Arabia, Solomon Islands, Sri Lanka, Syrian Arab Republic, Thailand, Democratic Republic of Timor-Leste, United Arab Emirates, Viet Nam and Yemen.

-
- 37.** The Government member of Côte d'Ivoire said that national occupational safety and health legislation in his country dated back to the 1960s, but it was hardly applied now, for many reasons. The economic environment had diversified and there was a need to form a national policy on occupational safety and health and to develop programmes in various sectors such as agriculture, small and medium-sized enterprises, and for the informal sector. However, preventative measures were of little concern to social partners; there was lack of political will to improve occupational safety and health and also lack of occupational safety and health resources such as medical inspection. He believed that other countries in the area were in a similar position. Given these circumstances, his Government would be very interested to know how the new instruments would be implemented in practice.
- 38.** The Government member of the Syrian Arab Republic said that his country had implemented a series of measures over the last five years, and that the work of this Committee would help his country and others in their efforts to improve occupational safety and health. Raising awareness of occupational safety and health and taking legislation into account was essential, and he hoped that the promotional framework would play a significant role in encouraging countries to elaborate their national occupational safety and health programmes. His country also had a good insurance and compensation system, and he believed that such matters should also be considered in developing a national occupational safety and health culture.
- 39.** The Government member of Trinidad and Tobago, speaking also on behalf of the Caribbean Community and Common Market countries (CARICOM),⁵ said that occupational safety and health was an important issue for all Caribbean countries. Many of them had updated their occupational safety and health legislation, while others were in the process of doing so. They were all interested in the proposed instruments and especially their implementation, and it was hoped that the final documents would meet the needs of their countries.
- 40.** The Government member of the United States expressed support for the proposed new instruments, while sharing the views already expressed by some other Government members that a Declaration might have been a more appropriate instrument. Nevertheless, his Government recognized the importance of the proposed occupational safety and health framework and considered that the proposed texts were true to the goal of an overarching instrument. He also concurred with Government members who had described the instruments as unique, adding that prescription should therefore be avoided, as well as links to other instruments.
- 41.** The Government member of Kenya expressed his Government's support for the proposed Convention and accompanying Recommendation, adding that the instruments would provide the elements that were missing to promote occupational safety and health effectively. The instruments would commit governments to developing national policies and national programmes and, in this respect, Kenya had developed several occupational safety and health programmes based on ILO Recommendations. They therefore wished to support fully the discussions of the Committee.
- 42.** The Worker Vice-Chairperson said that it had been helpful to hear views from a large number of Governments on the proposed instruments and the occupational safety and health challenges that they shared. She drew attention to the relationship between the proposed instruments and existing ones, adding that this was a fundamental issue for the

⁵ Bahamas, Barbados, Belize, Guyana, Jamaica and Suriname.

Worker members. There were two ways in which this relationship could be viewed. The first way was to see the new instruments as providing a framework for the promotion of occupational safety and health through policies, systems and programmes on occupational safety and health, without links to existing instruments. The second way was to see the new instruments as providing a framework for bringing existing ones into effect within governments' own time frames. The Worker members believed that the second way was the most appropriate one, since if there was no relationship between the new instruments and existing ones, this would contradict the idea of an integrated approach. She asked for the views of other Committee members on this point.

43. The Employer Vice-Chairperson drew attention to the importance of the views of Governments in this discussion, since it was they who would be responsible for the ratification and implementation of the proposed instrument. The Employer members had listened to the views of several Government members who had spoken of the unique nature of the instruments and the need for flexibility, their promotional nature and the need for the instruments not to be prescriptive or to repeat existing instruments. The Employer members would take into account the advice they received from Government members of the Committee when developing their response.
44. The Worker Vice-Chairperson reiterated the importance that her group placed on resolving the fundamental issue of how the proposed instrument was viewed. She said that viewing the proposed instruments as unique and not providing any relationship to existing instruments would be harmful to workers' safety and health, since the proposed instruments did not provide sufficient guidance. She stressed that it should be viewed in the context of other existing instruments, otherwise it would provide a bad precedent for adopting an instrument that undermined other previously adopted instruments.

Examination of the proposed Convention

Title

45. No amendments were submitted and the Title was adopted.

Motion for closure

46. The Employer Vice-Chairperson recalled that there were more than 70 Governments who had spoken in support of adopting the Office text of both the Convention and Recommendation. He therefore proposed that the Committee consider adopting the text without amendment.
47. The representative of the ILO Legal Adviser explained that a motion for closure could be made in accordance with article 64 of the Standing Orders. The Employer Vice-Chairperson brought the motion, stressing that the Convention and Recommendation would thereby be adopted by majority, permitting immediate action rather than an extensive discussion.
48. The Worker Vice-Chairperson underlined the seriousness of a proposal to close discussion on an instrument vital to the protection of workers and stressed that she had not been notified about the motion. She believed it was an undemocratic action, that could have the effect of ending the dialogue between the tripartite constituents, which was the essence of the work of the ILO. The members of the Committee had come together for an orderly discussion of the proposed text, with the aim of reaching a consensus that had not yet

materialized. The Worker members saw the motion for closure as a destructive act, intended to generate an instrument that they may not be able to support, which called into question the legitimacy and integrity of the ILO's processes. The Worker Vice-Chairperson concluded by imploring the Government members to reject the motion.

- 49.** The Government member of Austria, speaking also on behalf of a number of European Union and other European countries,⁶ expressed her great surprise at the motion, for which these Governments had been unprepared and could not support. She appreciated the desire of the Employer members to avoid lengthy discussion, but reminded the Committee of the need to respect its Worker members and questioned whether ending the discussion would be the equivalent to breaking off social dialogue.
- 50.** The Employer Vice-Chairperson, stressed that the proposal was neither illegitimate nor undemocratic, having been sanctioned by the representative of the ILO Legal Adviser as in accordance with the Standing Orders. Nevertheless, he withdrew the motion.

Preamble

- 51.** The Worker members submitted an amendment to add after the second paragraph:

Recognizing the global magnitude of occupational injuries, diseases and deaths and its impact on workers, and

Stressing the urgency for action at international, national and enterprise levels to reduce this toll, and.

- 52.** The Worker Vice-Chairperson explained that the amendment would establish the context of the instrument and recalled the reference in the first paragraph of the conclusions of the Global Strategy to concerns at the workplace, national and international levels.
- 53.** The Employer Vice-Chairperson opposed the proposed amendment as repetitive of other instruments, including the Global Strategy adopted in 2003. He suggested the amendment was selective in highlighting the impact of occupational injuries, diseases and deaths on workers, since they also impacted on employers and governments, and that it would raise new questions for discussion. He added that the seventh paragraph of the Preamble already recalled the Global Strategy. With regard to the second paragraph, the Employer Vice-Chairperson opposed shifting the focus from national policies to international and enterprise initiatives, asserting that the main aim of the Convention was to prioritize occupational safety and health and foster political commitment at the national level.
- 54.** The Employer members proposed a subamendment to omit the text after “deaths,” to which the Worker members suggested a sub-subamendment to read: “Recognizing the global magnitude of occupational injuries, diseases and deaths and the need for further action to reduce them.” The text as subamended was supported by the Employer members and the Government of Bahamas, speaking also on behalf of the CARICOM group listed earlier.
- 55.** The text was adopted as subamended.

⁶ Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Turkey and the United Kingdom.

-
56. The Worker members introduced an amendment to insert after the second paragraph: “Recognizing that the globalization of the economy has significant impacts on work and workers, and”. The Worker Vice-Chairperson noted the substantial impact of economic globalization on workers’ health and safety, highlighting rural to urban migration; changes in economic activity in many developing countries; and the hazards being encountered in certain sectors, including mining and construction.
 57. The Employer members opposed the amendment on the grounds that the inclusion of a reference to globalization would raise new subjects for discussion and highlight differences of opinion both between industrialized and developing countries, and among developing countries.
 58. The Government member of Austria, speaking also on behalf of a number of European Union and other European countries,⁷ proposed a subamendment to replace “workers” with “working conditions”, which was accepted by the Worker members, supported by the Government member of Argentina, speaking also on behalf of the Government members of Brazil, Chile, Ecuador, Uruguay and the Bolivarian Republic of Venezuela.
 59. The Government member of Japan, speaking also on behalf of the Asia-Pacific group,⁸ the Government members of Indonesia and Thailand, and the Government member of New Zealand, speaking also on behalf of Australia, Canada and the United States, preferred the Office text.
 60. The Government member of Austria withdrew the subamendment due to lack of support and the Worker Vice-Chairperson withdrew the amendment.
 61. The Government member of Argentina, speaking also on behalf of the Government members of Brazil, Chile, Ecuador, Jamaica, Suriname, Trinidad and Tobago, Uruguay and the Bolivarian Republic of Venezuela, introduced an amendment to add a new paragraph between the third and fourth paragraphs, to read: “Recognizing that occupational injuries cause the incapacity and death of workers and have a negative effect on the productivity of organizations and on the economic and social development of countries.”
 62. The Worker Vice-Chairperson supported the amendment, proposing a subamendment, for consistency, to replace “the incapacity and death of workers” with “injuries, diseases and deaths”.
 63. The Employer Vice-Chairperson proposed a sub-subamendment for clarity, to read: “Recognizing that occupational injuries, diseases and deaths have a negative effect on productivity and on economic and social development.”
 64. The amendment was adopted as subamended.
 65. The Worker Vice-Chairperson introduced an amendment to add the following paragraph after paragraph four: “Mindful of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up, 1998, and”. She reminded the Committee of the

⁷ Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

⁸ China, Republic of Korea, Lebanon, Malaysia, Singapore and the Syrian Arab Republic.

unsuccessful attempt by the Worker members during the first discussion to include in the Preamble a reference to the ILO core Conventions. She also stressed that the Declaration underlay much of the work of the ILO and was referred to in the Preambles of a number of subsequent instruments.

- 66.** The Employer Vice-Chairperson opposed the amendment, suggesting that inserting a reference to the Declaration would add a new dimension to the discussion that had not been foreseen. He reminded the Committee that paragraph five of the Preamble referred to other instruments of the ILO relevant to the promotional framework for occupational safety and health. He was supported by the Government member of the United States and the Government member of Japan, speaking also on behalf of the Asia-Pacific countries listed earlier.
- 67.** The Worker Vice-Chairperson countered that a reference to the Declaration in the Preamble would not give it additional force or effect and was intended merely to establish the context of the Convention. She also observed that the ILO itself had already accorded a special status to the rights referred to in the Declaration and that those rights were fundamental to the introduction of any occupational safety and health initiatives.
- 68.** The Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed earlier, and the Government member of Argentina, also on behalf of the Government members of Brazil, Chile, Ecuador, Uruguay and the Bolivarian Republic of Venezuela, supported the amendment. The Government member of Thailand opposed it.
- 69.** The amendment was put to a vote and adopted by 5,624 votes in favour to 4,864 votes against. The quorum was 4,696.
- 70.** The Worker Vice-Chairperson introduced an amendment to insert in the fifth paragraph of the Preamble, after “(No. 164)”, the words “the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129)”. She explained that these two Conventions were important because inspection was the basis for the implementation of occupational safety and health measures and they covered all employment sectors. The Employer Vice-Chairperson opposed the amendment as the Preamble already referred to other relevant instruments and as the two Conventions were specifically mentioned in the annex to the proposed Recommendation.
- 71.** The Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed earlier, supported the amendment, as did the Government member of Uruguay, speaking also on behalf of Argentina, Chile, Ecuador and Bolivarian Republic of Venezuela, on the grounds that labour inspection was important and needed to be strengthened. However, several Government members spoke against it, because there was no need to refer to the Conventions at this point and because labour inspection had a broader scope than just occupational safety and health. After an indicative show of hands, it was clear that most Committee members opposed the amendment, and the Worker Vice-Chairperson withdrew it.
- 72.** The Worker Vice-Chairperson proposed an amendment to replace the words: “relating to ensuring that priority be given to occupational safety and health in national agendas, and” in the seventh paragraph of the Preamble with the words: “the need to give higher priority to occupational safety and health at international, national and enterprise levels and to engage social partners in its continuing improvement, and”. She explained that the wording of the amendment more accurately reflected paragraph 3 of the Global Strategy, from which this Convention was derived, and also made the Convention more specific. The Employer Vice-Chairperson pointed out that comparison should rather be made with

paragraph 6 of the Strategy, since that paragraph applied specifically to ILO instruments and the Office text accurately reflected its wording. He said that the focus of the proposed Convention should be on national agendas, as paragraph 6 of the Strategy implied, but the amendment changed this focus and therefore he opposed it.

73. The Government member of Lebanon, speaking also on behalf of the Asia-Pacific group,⁹ supported the amendment, but several other Government members opposed it, preferring the Office text. The Worker Vice-Chairperson then withdrew the amendment.
74. The Government member of Uruguay, speaking also on behalf of Argentina, Brazil, Chile, Ecuador, Jamaica, Suriname, Trinidad and Tobago and the Bolivarian Republic of Venezuela, introduced an amendment to add the words: “integrating the content of the existing instruments on occupational safety and health” after the word “culture” at the end of the eighth paragraph of the Preamble. She said that this amendment would make the text of the Convention consistent with its aim.
75. The Employer Vice-Chairperson considered it difficult to integrate the content of existing occupational safety and health instruments in this way and he feared that including the proposed new text in the Preamble would cause confusion, so he opposed the amendment. The Worker Vice-Chairperson thought it important to have a link to existing occupational safety and health instruments in this manner and she supported the amendment. Several Government members opposed it on the grounds that the addition created a difficult concept and they preferred the Office text. The Government member of Uruguay then withdrew the amendment.
76. The Preamble was adopted as amended.

Article 1

77. The Worker Vice-Chairperson submitted an amendment to replace the words “Article 4” in subparagraph (a) with the words “Part II”. She explained that Article 4 was not the only relevant provision, and in fact the whole of Part II set out the principles of national policy on occupational safety and health. It would therefore be more appropriate to refer to Part II of Convention No. 155 in Article 1 of the proposed Convention rather than just Article 4. The Employer Vice-Chairperson was concerned about incorporating the several new issues that were covered by Part II of Convention No. 155 into the new Convention, and, noting also that Convention No. 155 had only been ratified by 45 countries, opposed the amendment.
78. Several Government members also opposed the amendment, preferring the Office text, and the Government member of Germany added that the proposed Convention needed to be flexible, and that the amendment might make it harder to ratify. The Worker Vice-Chairperson accepted the point about impeding ratification and withdrew the amendment.
79. The Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed earlier, proposed an amendment to add the words: “taking also into account sectoral conditions and practice” at the end of Article 1.1(a). She explained that national policy would vary from one sector to another and from one country to another, and there should be no misunderstandings in the proposed Convention. The Worker Vice-Chairperson thought that the reference to

⁹ China, Japan, Republic of Korea, Malaysia, Singapore and the Syrian Arab Republic.

Article 4 of Convention No. 155 in the proposed Article 1.1(a) was sufficient to take this point into account, and that national policies should anyway be applied to all sectors of employment. She therefore opposed the amendment.

- 80.** The Government member of Austria then subamended the amendment so that it read: “taking also into account, as appropriate, the conditions and practice in particular branches of economic activity”, to allow for differences between countries. The Employer Vice-Chairperson preferred a broader application of national policy and could not support the subamendment, but indicated his support for the original amendment. The Worker Vice-Chairperson also opposed the subamendment and it was withdrawn. Many Government members then opposed the original amendment, stating that the reference to Article 4 of Convention No. 155 was sufficient and that they preferred the Office text. The Government member of Austria then withdrew the amendment.
- 81.** The Worker Vice-Chairperson proposed an amendment to add “the” after the word “implementing” in Article 1.1(b). She said that although this was more of an editorial amendment, it made sense to speak of “the national policy” since the term “national policy” had already been defined. The Employer Vice-Chairperson supported the amendment and, as no Government members objected to it, it was adopted.
- 82.** The Worker Vice-Chairperson introduced an amendment to add the words: “and means to assess progress” at the end of Article 1.1(c). She explained that this would enable the effective tracking of progress made on identified priorities for the national programmes on an ongoing basis. The Employer Vice-Chairperson felt that this was already covered by the proposed Article 5, and that the amendment was not needed and he opposed it. The Government member of Singapore, speaking also on behalf of the Asia-Pacific group,¹⁰ agreed with these observations and preferred the Office text, as did the Government member of Thailand.
- 83.** However, the Government member of Côte d’Ivoire considered that the definition in Article 1.1(c) needed to be harmonized with the rest of the Convention and therefore supported the amendment, as did the Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed earlier, and the Government member of the United Kingdom, speaking on behalf of the non-EU IMEC group listed earlier. The Employer Vice-Chairperson withdrew his group’s opposition to the amendment and the amendment was adopted.
- 84.** Article 1 was adopted as amended.

Article 2, paragraph 1

- 85.** The Worker members introduced an amendment to replace the words “by the development,” in the second line, with the words “to prevent occupational injuries, disease and deaths. In so doing, each Member shall develop”; and, in the third line, to delete the word “of” after the word “workers”. The amendment was intended to clarify the ultimate aim of continuous improvement of occupational safety and health. The Employer members supported the amendment.
- 86.** On the suggestion of the Government member of the United States that the second sentence was too prescriptive and repetitive of subsequent Articles, the Worker Vice-Chairperson proposed a subamendment to read:

¹⁰ Japan, Republic of Korea, Lebanon, Malaysia and the Syrian Arab Republic.

Each member which ratifies this Convention shall promote continuous improvement of occupational safety and health to prevent occupational injuries, diseases and deaths, by the development, in consultation with the most representative organizations of employers and workers, of a national policy, national systems and national programmes.

The Government member of Uganda, speaking also on behalf of the Africa group,¹¹ and the Government member of Egypt supported the amendment, and it was adopted as subamended.

87. The Worker members submitted an amendment to replace the words “towards achieving progressively” by the words “to achieve”. The Worker Vice-Chairperson, explaining that they were mindful of the Governments’ broad preference for the Office text and wishing to focus on the most substantial issues, withdrew the amendment.

Article 2, paragraph 2

88. The Government member of China, speaking also on behalf of the Government members of Lebanon, Malaysia, Singapore and the Syrian Arab Republic, proposed an amendment to insert after “through”, the words “strengthening the national system and”. It was intended to clarify that a national policy alone is insufficient to promote safety and health.
89. The Employer Vice-Chairperson suggested that the amendment assumed the existence of a national system, which is not always the case, and that its aims were addressed in Article 4, paragraph 1. In response, the Government member of China argued that the amendment clarified the significance of the relationship between national systems and programmes on occupational safety and health in realizing the Convention’s objectives. The Worker members supported the amendment and stressed that the Convention addressed policies, systems and programmes and envisioned improvements in all three.
90. The Government member of Australia, speaking also on behalf of Canada, Japan, New Zealand and the United States, agreed with the Employer members and proposed a subamendment to replace the words “strengthen the” with “a”. It was supported by both the Employer and Worker members and the amendment was adopted as subamended.
91. The Worker members proposed an amendment to insert after “through”, the words “the development, implementation, review and updating of,” which was subsequently withdrawn.
92. The Worker members proposed an amendment to replace the words “by taking into account” with “consistent with”, on the grounds that clarity about the relationship between the Convention and other occupational safety and health instruments would be the key to its success. Their Vice-Chairperson recalled that the Global Strategy had stemmed from a review of the ILO’s standards-related activities in the area of occupational safety and health, and was intended to strengthen the impact of the existing standards. She stressed that the Worker members did not wish Governments to be obliged to ratify or implement all occupational safety and health instruments, but were endeavouring to be faithful to the origins of the discussion.
93. The Employer Vice-Chairperson opposed the amendment, arguing that to specify consistency with the principles set out in the existing occupational safety and health

¹¹ Botswana, Côte d’Ivoire, Kenya, Lesotho, Morocco, Namibia, Niger, Nigeria, Senegal, South Africa, Swaziland and the United Republic of Tanzania .

instruments would undermine the flexibility of the Convention, impose too burdensome an obligation on governments and impede ratification.

- 94.** The Government member of the United Kingdom, speaking also on behalf of the Government members of Australia, Canada, Japan, New Zealand and the United States, agreed with the Employer members, and recalled that the last discussion had resulted in broad Government support for the Office text. He was strongly supported by the Government member of Austria, speaking also on behalf of a number of European Union and other European countries,¹² the Government member of Egypt, the Government member of Singapore, speaking also on behalf of the Asia-Pacific group¹³ and the Government member of Uganda, speaking also on behalf of the Africa group.¹⁴
- 95.** The Worker Vice-Chairperson withdrew the amendment, expressing disappointment with the lack of support.
- 96.** The Worker members proposed an amendment to add, at the end of paragraph 2, the words “including those listed in the annex to this Convention”. The Vice-Chairperson explained that they intended to propose a later amendment to include in the Convention the annex to the Recommendation, with the goal of identifying the key safety and health instruments. The Employer Vice-Chairperson expressed the Employer members’ opposition to the amendment, which he argued would incorporate into the Convention all of the specified instruments and thereby prevent its ratification.
- 97.** The Government member of Austria, speaking also on behalf of a number of European Union and other European countries,¹⁵ reminded the Committee that a large number of Governments had been opposed to including a list of occupational safety and health instruments during the first discussion. She opposed the amendment and was supported by the Government member of Singapore, speaking also on behalf of the Asia-Pacific group listed previously. The Government member of Uruguay, speaking also on behalf of Argentina, Chile and the Bolivarian Republic of Venezuela, supported the amendment as establishing a framework within which occupational safety and health policies should be established.
- 98.** In response to the concerns expressed about transferring the annex to the Convention, the Worker Vice-Chairperson proposed a subamendment to replace the words “including those listed in the annex to this Convention” with “such as those listed in the annex to the Recommendation that accompanies this Convention”.
- 99.** Due to the lack of support for the amendment, the Worker members chose to withdraw it.

¹² Belgium, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

¹³ Australia, China, Indonesia, Japan, Lebanon, Malaysia, Mongolia, New Zealand, Philippines, Sri Lanka, Syrian Arab Republic, Thailand and the United Arab Emirates.

¹⁴ Botswana, Cameroon, Côte d’Ivoire, Guinea, Kenya, Lesotho, Morocco, Namibia, Niger, Nigeria, Senegal, South Africa, Swaziland, United Republic of Tanzania and Togo.

¹⁵ Belgium, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

100. The Worker members introduced an amendment to add after paragraph 2:

Each Member, in consultation with the most representative organizations of employers and workers, shall take steps to examine at regular intervals what measures could be taken to promote the ratification and implementation of the Occupational Safety and Health Convention, 1981 (No. 155), the Protocol of 2002 to the Occupational Safety and Health Convention, 1981 (No. 155), the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129). Members shall take steps to consider the other occupational safety and health instruments listed in the annex to this Convention, in a similar manner.

101. The Worker members viewed this amendment as a crucial clarification of the relationship between the Convention and other ILO occupational safety and health Conventions, which would strengthen its role in promoting them. Given the lack of support for the previous amendment, they proposed a subamendment to delete “listed in the annex to this Convention”. The Employer Vice-Chairperson opposed the amendment as subamended, while it was supported by the Government member of Lebanon.

102. The Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed previously, opposed the amendment as subamended and proposed a sub-subamendment, to read:

Each Member, in consultation with the most representative organizations of employers and workers, shall from time to time consider what measures could be taken to promote the ratification of relevant ILO occupational safety and health instruments at national level.

The Worker members proposed a sub-sub-subamendment to replace “from time to time” with “periodically,” to connote regular consideration, which was accepted by the proposers of the sub-subamendment and by the Employer members.

103. The Government member of the United Kingdom, supported by the Government member of Australia and the United States, suggested that consultation at the national level was not usually intended to promote ratification, but rather to determine the measures that need to be taken to ensure that ratification is possible. He proposed another subamendment to remove “at national level” and replace “promote the ratification of” with “ratify”. The Worker members had no objection to this suggestion, but pointed out that this language was drawn from the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), which had been ratified by a substantial number of Governments. The Government members of Canada, India and Uganda, speaking also on behalf of the Africa group,¹⁶ and Uruguay, speaking also on behalf of the Government members of Argentina, Brazil, Chile, Ecuador and the Bolivarian Republic of Venezuela, supported the amendment as subamended. The Government member of Singapore expressed concern that, were the amendment to commit Governments to actively promote or ratify other ILO occupational safety and health Conventions, it could prove a barrier to ratification by developing countries.

104. The amendment, as subamended, and Article 2, as amended, were adopted.

¹⁶ Botswana, Burkina Faso, Cameroon, Côte d’Ivoire, Guinea, Kenya, Lesotho, Morocco, Namibia, Niger, Nigeria, Senegal, South Africa, Swaziland, United Republic of Tanzania and Togo.

Article 3

- 105.** The Worker Vice-Chairperson withdrew an amendment that would have inserted the words: “in consultation with the most representative organizations of employers and workers” after the word “formulating” in paragraph 1.
- 106.** The Worker Vice-Chairperson also withdrew an amendment that would have added the words “developed in accordance with the principles of Part II of the Occupational Safety and Health Convention, 1981 (No. 155)” at the end of paragraph 1.
- 107.** The Government member of Austria, speaking also on behalf of a number of European Union and other European countries,¹⁷ introduced an amendment to add the words “, taking into account, as appropriate, the conditions and practice in particular branches of economic activity.” at the end of paragraph 1. She explained that the amendment was intended to recognize that national occupational safety and health policy might differ from one branch of economic activity to another and from one country to another, and that there were also differences between the formal sector and the informal economy. The Employer Vice-Chairperson said that the amendment would also provide further flexibility in the text and he supported it.
- 108.** The Worker Vice-Chairperson considered that it would be more appropriate to recognize sector and country differences under the proposed Article 5, which dealt with national occupational safety and health programmes. The proposed Article 3 covered national occupational safety and health policy, which should be overarching, so she opposed the amendment. The Government member of Australia, speaking also on behalf of the non-EU IMEC group,¹⁸ also opposed it, since he believed that the Office text provided more flexibility than the amendment, a view shared by the Government member of Uganda, speaking also on behalf of the Africa group as previously listed. The Government members of Austria and then of Greece, both speaking also on behalf of a number of European Union and other European countries listed previously, further explained that the aim of the amendment was to achieve as wide a ratification of the Convention as possible, so it was appropriate to acknowledge different national priorities, making the instrument more flexible. However, several other Government members opposed the amendment, preferring the Office text, so the Government member of Austria withdrew it.
- 109.** The Worker Vice-Chairperson proposed an amendment to add the following words:
- including, in particular, the rights of workers:
- (a) to participate and be represented in the area of occupational safety and health at all levels;
 - (b) to have appropriate training and education in the area of occupational safety and health;
 - (c) to be informed and trained on hazards and risks at the workplace and the measures to control and prevent them;
 - (d) to remove themselves from a work situation that they have reasonable justification to believe presents an imminent and serious danger to their life or health and to be protected from undue consequences in exercising this right.

¹⁷ Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

¹⁸ Canada, Japan, New Zealand and the United States.

at the end of paragraph 2. She explained that it was important to articulate specifically what worker rights were in the context of occupational safety and health, and that these should be legally provided for.

- 110.** The Employer Vice-Chairperson considered that the amendment started to move the Convention from a preventative safety and health model to a rights-based one, and the former included worker responsibilities as well as worker rights. All of the proposed new text was already included in existing Conventions and he feared that adopting such an amendment would hinder ratification of the proposed Convention. He therefore opposed the amendment. Many Government members added that, while human rights were important to their countries, they also considered it inappropriate to list worker rights as had been proposed and they all opposed the amendment. The Worker Vice-Chairperson withdrew the amendment.
- 111.** The Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed previously, presented an amendment to add, after paragraph 2, the words:

In formulating its national policy, each Member shall, in the light of national conditions and practice and in cooperation with social partners, promote basic principles such as: assessing risk; combating risk at source; and developing a prevention culture, to include information, consultation and training.

She then proposed a subamendment, to read:

In formulating its national policy, each Member, in the light of national conditions and practice and in consultation with the most representative employers' and workers' organizations, shall promote basic principles such as: ...

- 112.** The Employer Vice-Chairperson then proposed a sub-subamendment, to replace the word “combating” with “controlling” and the words “a prevention culture” with “a preventative safety and health culture”. The Worker Vice-Chairperson then proposed a sub-sub-subamendment, to add, at the end of the amendment, the words “and duties, rights and responsibilities of employers, workers and governments”. The Employer Vice-Chairperson opposed this sub-sub-subamendment, stating that the words were not needed because they were included in the term “a preventative safety and health culture”.
- 113.** The Government member of New Zealand, speaking also on behalf of the Government members of Australia and Canada, submitted a further subamendment, to replace both references to “risk” with “risk or hazard”. The Employer Vice-Chairperson opposed this further amendment, whereas the Worker Vice-Chairperson supported it.
- 114.** The Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed previously, then proposed a further subamendment, to replace the word “controlling” with “reducing or minimizing”. The Employer Vice-Chairperson opposed this further subamendment, while the Worker Vice-Chairperson supported it.
- 115.** The Worker Vice-Chairperson then proposed a further subamendment, to add the word “national” in front of the words “preventative safety and health culture”. The proposed new text, as repeatedly subamended, would read:

In formulating its national policy, each Member, in the light of national conditions and practice and in consultation with the most representative employers and workers organizations, shall promote basic principles such as: assessing risk or hazard; reducing or minimizing risk or hazard at source; developing a national preventative safety and health culture, to include information, consultation and training.

-
- 116.** The Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed previously, then subamended the text again to replace the words “assessing risk or hazard; reducing or minimizing risk or hazard at source” with the words “assessing occupational risks and/or hazards; combating occupational risks and/or hazards”, and to replace the words “to include information, consultation and training” with “that includes information, consultation and training”. After the Office advised that the phrase “and/or” could not legally be used in ILO instruments, the Government member of Austria replaced the words “and/or” with “or” in this subamendment.
- 117.** The Government member of Uganda, speaking also on behalf of the Africa group,¹⁹ suggested that instead of “occupational risks or hazards” the text should refer to “occupational risks and hazards”. The Office informed the Committee that, in the phrase “occupational risks or hazards”, the two notions were not mutually exclusive, and they could be read in the sense of either or both of them. The suggestion to replace “occupational risks or hazards” with “occupational risks and hazards” was not pursued.
- 118.** The Worker Vice-Chairperson then proposed a further subamendment to reinstate the words “at source” after the words “combating occupational risks or hazards”. The Government member of Japan said the additional words were unnecessary and opposed this subamendment but both the Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed earlier, and the Employer Vice-Chairperson supported it.
- 119.** The Government member of New Zealand, seconded by the Government member of Canada, then proposed a further subamendment to replace “combating” with “reducing”. The Employer Vice-Chairperson opposed this further subamendment, stating that only the word “combating” was acceptable to the Employer members. The Worker Vice-Chairperson also opposed this latest subamendment and it was withdrawn.
- 120.** There were no further comments on the amendment as subamended and it was adopted.
- 121.** Article 3 was adopted, as amended.

Article 4

- 122.** The Worker Vice-Chairperson introduced an amendment to delete the words “progressively develop and” in paragraph 1, and to insert the words “and continuously improve” after the word “review” in the same paragraph. She immediately subamended the amendment so as to delete only the word “and” in the original text instead of deleting “progressively develop and”. She explained that it was important for national occupational safety and health systems to continuously improve as well as progressively develop. The Employer Vice-Chairperson thought that it would be too difficult for many governments to improve their national occupational safety and health systems continuously and he opposed both the subamendment and the original amendment.

¹⁹ Botswana, Burkina Faso, Cameroon, Côte d’Ivoire, Democratic Republic of the Congo, Guinea, Kenya, Lesotho, Morocco, Namibia, Niger, Nigeria, Senegal, South Africa, Swaziland, United Republic of Tanzania, Togo and Zambia.

123. The Government member of the United Kingdom, speaking also on behalf of a number of European Union and other European countries,²⁰ and also on behalf of the non-EU IMEC group,²¹ said that the concept of “continuously” improving a national occupational safety and health system was a difficult one, since what might be regarded as an improvement by one social partner might be seen as just the opposite by another. He therefore opposed the amendment. The Government member of Uganda, speaking also on behalf of the Africa group as previously listed, and the Government member of Switzerland also opposed the amendment, preferring the Office text. The Worker Vice-Chairperson appreciated the Government members’ comments and withdrew the amendment as subamended.

124. The Worker Vice-Chairperson submitted an amendment to insert the words “taking into account the principles set out in relevant ILO instruments” after the word “health” in paragraph 1. She wanted this paragraph to be consistent with the now-adopted Articles 1(a) and 2.2, both of which referred to the principles of ILO instruments. The Employer Vice-Chairperson pointed out that the words of the amendment were not exactly consistent with the wording of those Articles, whereupon the Worker Vice-Chairperson subamended her text to read “taking into account the principles set out in the instruments of the International Labour Organization relevant to the promotional framework for occupational safety and health”.

125. The Employer Vice-Chairperson noted furthermore that the text of the proposed Article 4.2(a) included “any other relevant instruments on occupational safety and health”, so he argued that this amendment, whether subamended or not, was unnecessary and he opposed it. The Government member of the United States also opposed it on the grounds that Article 2.2 included the words “a national system”, so the objective of the amendment had already been achieved. The Worker Vice-Chairperson agreed with these latter remarks and withdrew the amendment as subamended.

126. The Worker Vice-Chairperson proposed an amendment to add a new subparagraph:

- (e) a national tripartite advisory body, or bodies, for the regular review of national laws and regulations, policies and programmes on occupational safety and health with a view to promoting continuous improvements in occupational safety and health;

after Article 4.2(d). She explained the purpose and the content of the amendment, which were to ensure that national tripartite advisory bodies were more actively involved in reviewing national occupational safety and health issues, in particular national laws and regulations, policies and programmes on occupational safety and health. The Employer Vice-Chairperson pointed out that the amendment was very prescriptive and, if adopted, would make it harder to ratify the Convention in countries where the national tripartite body was not already involved in the review of national occupational safety and health laws, etc. He therefore opposed the amendment.

127. The Government member of Uganda, speaking also on behalf of the Africa group previously listed, supported the amendment, since they believed that national tripartite advisory bodies for occupational safety and health were important organizations and enabled ownership of occupational safety and health amongst all social partners. However, many other Government members opposed the amendment because they, too, considered

²⁰ Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

²¹ Australia, Canada, Japan, New Zealand and the United States.

that its adoption would impede ratification. The Worker Vice-Chairperson understood the reasons for the opposition to the amendment and withdrew it.

128. The Worker Vice-Chairperson submitted an amendment to add a new subparagraph:

- (e) a mechanism for the collection and analysis of data on occupational accidents and diseases, taking into account relevant ILO instruments;

after Article 4.2(d). She said that it was always appropriate for member States to have mechanisms for collecting data about occupational accidents and diseases, although there should be flexibility on how such data should be collected, and the amendment allowed for this.

129. The Employer Vice-Chairperson, recognizing the need for statistical data, could not support the amendment, since it placed more obligations on Governments, thereby making it harder to ratify the Convention. The Government member of Argentina, speaking also on behalf of the Government members of Brazil, Chile, Ecuador, Uruguay and the Bolivarian Republic of Venezuela, supported the amendment on the grounds that statistical data was essential when developing national systems. However, many other Government members opposed the amendment, preferring the Office text, and the Worker Vice-Chairperson withdrew it.

130. An amendment was submitted by Botswana, Côte d'Ivoire, Kenya, Lesotho, Namibia, South Africa, Swaziland and the United Republic of Tanzania to insert the words "and audit" after the word "inspection" in the proposed Article 4.2(c). He explained that audits differed from inspection in that they were a means to evaluate levels of risks and hazards in enterprises and to assess whether such enterprises were operating above or below agreed standards. The Government member of the United Kingdom said that in his country "audits" were covered by the general term "inspection", which was already mentioned in the proposed Article, and, moreover, audits were resource-intensive. For these reasons, he opposed the amendment. Several other Government members preferred the Office text, considering it sufficiently flexible to allow for audits, and opposed the amendment.

131. The Employer Vice-Chairperson commented that audits were covered by the *ILO Guidelines on occupational safety and health management systems (ILO-OSH 2001)*, which was specifically referred to in the proposed Recommendation, Paragraph 4. However, he, too, could not support the amendment. The Worker Vice-Chairperson also opposed the amendment and it was withdrawn.

132. The Worker Vice-Chairperson withdrew an amendment that would have deleted subparagraph (a) of Article 4.3.

133. The Worker Vice-Chairperson withdrew an amendment that would have deleted subparagraph (f) of Article 4.3.

134. The Government member of Kenya, speaking also on behalf of the Government members of Botswana, Côte D'Ivoire, Kenya, Lesotho, Namibia, South Africa, Swaziland and the United Republic of Tanzania, introduced an amendment to insert the words "and social security" after the word "insurance" in Article 4.3(g). He explained that many countries have social security schemes rather than insurance schemes, and that it was necessary to specify both schemes in this subparagraph. The Employer Vice-Chairperson supported the amendment, as did the Worker Vice-Chairperson.

135. The Government member of Singapore, speaking also on behalf of the Asia-Pacific group,²² proposed a subamendment to replace the word “and” with “or”. He explained that countries may have either insurance or social security schemes in place. The Government member of Kenya, speaking also on behalf of the proposers of the amendment, supported the subamendment, as did the Worker Vice-Chairperson and the Employer Vice-Chairperson.

136. The Government member of Canada then proposed a sub-subamendment to replace the word “accidents” with “injuries”, on the grounds that insurance and social security schemes dealt with injuries rather than accidents. Both the Employer Vice-Chairperson and Worker Vice-Chairperson supported the sub-subamendment, as did the Government members of Switzerland and the United States. The amendment was then adopted as subamended. The chair advised the Drafting Committee to look into the terminology in order to harmonize wording related to injuries/accidents.

Article 4.3(h)

137. The Government members of Botswana, Côte d’Ivoire, Kenya, Lesotho, Namibia, South Africa, Swaziland and the United Republic of Tanzania proposed an amendment to add, at the end of clause (h), the words “including the informal economy.” to recognize its significance in developing countries. It was supported by both the Employer and Worker members, the Government member of the Democratic Republic of the Congo, and the Government member of Uganda, speaking also on behalf of the other African countries on the Committee.

138. The Government member of Singapore, speaking also on behalf of the Asia-Pacific group listed earlier, opposed the amendment on the grounds that the informal economy was addressed in the Recommendation.

139. The amendment and Article 4, as amended, were adopted.

Article 5

Article 5.1

140. The Government members of Brazil, Chile, Ecuador, Uruguay and the Bolivarian Republic of Venezuela introduced an amendment to insert, after “formulate”, the word “finance,”. They were of the view, shared by the Worker members, that the amendment was of particular significance to developing countries, where, unless adequately financed, occupational safety and health programmes had limited impact. The amendment was also supported by the Government member of Lebanon. The Employer members, while of the view that a requirement to finance occupational safety and health programmes was implicit in the Office text, were prepared to support the amendment, unless the Government members felt it would prevent ratification.

²² China, Indonesia, Japan, Lebanon, Malaysia, Mongolia, Philippines, Sri Lanka, Syrian Arab Republic, Thailand and the United Arab Emirates.

-
- 141.** The Government member of Austria, speaking also on behalf of a number of European Union and other European countries,²³ preferred the Office text. The Government member of the United Kingdom, speaking also on behalf of the non-EU IMEC group listed earlier, and supported by the Government member of Trinidad and Tobago, was opposed to imposing a financing duty on member States, since occupational safety and health programmes could be financed at the regional or transnational level. He also felt that the financing of occupational safety and health programmes was implied in the Office text, as did the Government member of Uganda, speaking also on behalf of the Africa group previously listed. Due to the lack of Government support for the amendment, the Employer members opposed it and it was withdrawn by its proposers.
- 142.** An amendment was proposed by the Government members of Botswana, Guinea, Kenya, Namibia, Senegal, South Africa, Swaziland, United Republic of Tanzania and Uganda to insert “evaluate” after the word “monitor,” to clarify that the latter alone would be insufficient. The amendment was supported by the Employer and Worker members and adopted.
- 143.** The Worker members introduced an amendment to replace “and periodically review” with “periodically review and update”, which they subsequently withdrew, holding the view that it was already implied.

Article 5.2(a)

- 144.** The Employer members proposed an amendment to insert, after “minimizing,” the words “so far as is reasonably practicable,”. The Employer Vice-Chairperson referred to the reasons outlined on page 46 of Report IV(2A) for including a reference to the elimination of work-related hazards and risks, which was to ensure consistency with the principle of prevention included in other relevant Conventions, including Convention No. 155. He noted that Article 4.2 of Convention No. 155 required the causes of workplace hazards to be minimized “so far as is reasonably practicable” and therefore the amendment was intended to ensure full consistency with the Convention. The Worker members responded that Article 4 was already referred to in Article 1.1(a) of the present Convention, and therefore mentioning it in the present Article would be duplicative. They added that the reference to national law and practice permitted the notion of reasonable practicability to be recognized at national level. For these reasons, they opposed the amendment.
- 145.** The Government member of the United Kingdom, speaking also on behalf of the Government members of Australia, Canada, Japan, New Zealand and the United States, and with the support of a number of European Union and other European countries listed earlier, suggested that the amendment was necessary for the many legal systems in which a strict adherence to the duty to eliminate or minimize work-related hazards or risks would otherwise be required. He was supported by the Government member of the Democratic Republic of the Congo.
- 146.** The Government member of Uganda, speaking also on behalf of the Africa group listed previously, supported by the Government member of Trinidad and Tobago, speaking also on behalf of the CARICOM group listed earlier, opposed the amendment on the grounds that it was implied in the Office text. The Government member of Uruguay, also on behalf of Argentina, Brazil, Chile, Ecuador and the Bolivarian Republic of Venezuela felt the

²³ Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

Office text better reflected the spirit of the Convention; and the Government member of Sudan also opposed the amendment. The Government member of Singapore, speaking also on behalf of Australia, Japan, New Zealand, Philippines and Thailand, and the Government member of Switzerland supported the amendment.

147. The Government member of Mexico proposed a subamendment, to replace “minimizing” with the words “minimizing as much as possible”. The Employer members preferred the wording of their amendment and the subamendment was not discussed.
148. The Worker Vice-Chairperson proposed a subamendment to replace “national law and practice” with the words “the national policy as defined in Article 1(1)”. She explained that she shared the objective of the Employers of linking to Article 4 of Convention No. 155, which made no reference to national law and practice. The Employer Vice-Chairperson opposed the subamendment, as did the Government member of the Democratic Republic of the Congo. The Worker members stressed that they had proposed the subamendment in an attempt to reach a compromise, but withdrew it due to lack of support.
149. Put to a vote, the amendment was adopted by 120,472 votes in favour, 111,518 against, and 11,396 abstentions, the quorum being 106,471.
150. The Government members of Chile, Ecuador, Uruguay and the Bolivarian Republic of Venezuela introduced an amendment to replace “in order to reduce work-related death, injuries and disease” with the words “prevent occupational death, injuries and diseases and promote safety and health in the workplace;”. They then proposed a subamendment to replace “occupational” with “work-related”. The aim of the amendment was to stress the importance of a preventative culture towards occupational safety and health, which they felt to be more in line with the spirit of the Convention.
151. The Employer members, Worker members and the Government member of Uganda, speaking also on behalf of the Africa group as previously listed, supported the amendment. The Government member of the United States opposed it, as it was repetitive of subparagraph (c) and due to his preference for “reduce”, rather than “prevent”.
152. The Worker members supported the subamendment, while the Employer members opposed it on the grounds that the term “work-related” was too broad and could encompass, for example, travel to and from work. The Government member of Uganda, on behalf of the same Africa group, and the Government member of the United States also opposed the subamendment and it was rejected.
153. The Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed previously, proposed a subamendment to replace “workplace” with “working environment”, to ensure consistent terminology. It was supported by the Worker members and opposed by the Employer members. The Government member of Egypt opposed it as too vague and the Government member of the Syrian Arab Republic, speaking also on behalf of the Government member of Lebanon, supported it.
154. The Government member of Austria withdrew the subamendment and the amendment was adopted.

Article 5.2(c)

155. The Government members of Brazil, Chile, Ecuador, Uruguay and the Bolivarian Republic of Venezuela felt that the Office text was too broadly drafted and submitted an amendment

to add, at the end of subparagraph (c), the words “at work”. It was supported by the Worker members.

- 156.** The Employer Vice-Chairperson, supported by the Government member of the United Arab Emirates, suggested that this amendment was unduly restrictive, since a preventative safety and health culture should be promoted at all levels. He was supported by the Worker members, who proposed a subamendment to insert, instead of “at work”, the words “at all levels”, which received the support of the proposers of the amendment.
- 157.** The Employer Vice-Chairperson pointed out that a reference to “all levels” was included in the definition of “a national preventative safety and health culture” in Article 1(d), and therefore opposed the subamendment. He was supported by the Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed previously, and the Government member of Uganda, speaking also on behalf of the Africa group,²⁴ and the Worker members withdrew the subamendment.
- 158.** The Employer members and the Government member of Singapore, speaking also on behalf of the Asia-Pacific group,²⁵ and the Government member of Egypt, preferred the Office text. The amendment was withdrawn.

Article 5.2(d)

- 159.** An amendment was introduced by the Government members of Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom, to insert, after “targets and”, the words “where appropriate,”. It was intended to enable member States to establish targets, even where there were no scientifically recognized indicators, such as when new hazards were being addressed.
- 160.** The Worker members appreciated the aims of the amendment, but were of the view that national occupational safety and health programmes should always be required to incorporate indicators of progress. They proposed a subamendment, to insert “appropriate” directly before “indicators of progress”. The Employer members opposed the subamendment, assuming that only appropriate indicators would be deployed. It was also opposed by the Government members of New Zealand, Trinidad and Tobago, speaking also on behalf of the CARICOM group listed previously, and Uganda, speaking also on behalf of the Africa group listed earlier, and was withdrawn by the Worker members.
- 161.** The Employer members supported the original amendment. It was opposed by the Worker members, the Government member of Uganda, speaking also on behalf of the Africa group listed earlier, the Government member of Argentina, speaking also on behalf of Brazil, Chile, Ecuador and the Bolivarian Republic of Venezuela, and the Government member of Egypt, and was withdrawn by its proposers.

²⁴ Botswana, Cameroon, Côte d’Ivoire, Democratic Republic of the Congo, Guinea, Kenya, Lesotho, Morocco, Namibia, Niger, Nigeria, Senegal, Sierra Leone, South Africa, Sudan, United Republic of Tanzania, Togo, Zambia and Zimbabwe.

²⁵ China, Indonesia, Islamic Republic of Iran, Japan, Lebanon, Malaysia, Myanmar, Philippines, Sri Lanka, Syrian Arab Republic and Thailand.

-
- 162.** The Government members of Australia, Japan, Lebanon, Malaysia, New Zealand, Philippines, Syrian Arab Republic and Thailand introduced an amendment to replace the word “targets” with “objectives”, on the grounds that national programmes should identify clear objectives.
- 163.** The Employer members opposed the amendment, arguing that the Article should refer to both objectives and targets, and was supported by the Government member of Chile, speaking also on behalf of Argentina, Brazil, Ecuador and the Bolivarian Republic of Venezuela, and the Government member of the United States, who proposed a subamendment to insert the word “objectives” after “include”. The subamendment was supported by the Employer and Worker members and the Government member of Chile, speaking on behalf of Argentina, Brazil, Ecuador, Uruguay and the Bolivarian Republic of Venezuela, the Government member of Trinidad and Tobago, speaking also on behalf of the CARICOM group listed earlier, and the Government member of the United Kingdom, and was adopted.
- 164.** The Government members of Brazil, Chile, Ecuador, Uruguay and the Bolivarian Republic of Venezuela introduced an amendment to insert, after “include”, the word “objectives,” which was withdrawn on the grounds that it was of identical effect to the previous amendment as subamended (D.37).

Article 5.2 (new subparagraph)

- 165.** The Worker members proposed an amendment to introduce, after the word “shall”, a new subparagraph, to read: “be based on principles of assessment and management of hazards and risks, in particular at the workplace level;”. They intended it to highlight that the workplace is the site at which hazards and risks emerge and must be addressed. The Employer members were prepared to support the amendment, provided it was also supported by the Government members.
- 166.** The Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed previously, appreciated the aims of the amendment but proposed a subamendment to insert after “national programme,” the words “based on principles of assessment and management of hazards and risks, in particular at the workplace level;”. The Chairperson explained that this subamendment could not be accepted, since it changed the chapeau of the paragraph which was not the subject of an amendment. The revised text was therefore in substance a new amendment.
- 167.** The Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed earlier, opposed the amendment, as did the Government member of Singapore, speaking also on behalf of the Asia-Pacific group listed earlier, and the Government member of Uganda, speaking also on behalf of the Africa group listed earlier. The Government member of Egypt endorsed it, recognizing that all workplaces do not encounter the same hazards and risks.
- 168.** Due to the lack of Government support, the Employer members withdrew their support for the amendment and it was withdrawn.
- 169.** An amendment was introduced by the Government members of Australia, China, Lebanon, Mongolia, New Zealand, Philippines, Singapore, Syrian Arab Republic, Thailand and the United Arab Emirates to insert, after subparagraph (c), a new subparagraph to read as follows: “promote occupational safety and health capacity building”. The Government member of China pointed out that occupational safety and health systems and programmes involved many technical issues, and training was required to build the capacity to implement them. Since developing countries in particular often have few occupational

safety and health professionals, enhancing their capacity in programming and implementation was vital. The Worker members supported the amendment and the Employer members were also prepared to support it, unless the Government members felt it would inhibit ratification.

- 170.** The Government member of Uganda, speaking also on behalf of the Africa group listed earlier, felt that the amendment was repetitive of Article 5.2(c) and (e) and opposed it, as did the Government members of Switzerland and the United States. It was also opposed by the Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed earlier, the Government member of Egypt and the Government member of Trinidad and Tobago, speaking also on behalf of the CARICOM group listed earlier. Due to the lack of unanimous support from the Government members, the Employer members withdrew their support for the amendment and it was withdrawn by its proposers.
- 171.** The Worker members introduced an amendment to insert, between subparagraphs (c) and (d), a new subparagraph, to read “identify priorities for action”. The Worker Vice-Chairperson argued that, given the wide range of health and safety issues that can be encountered, it was essential that priorities be established, and that the amendment would therefore strengthen the focus and effectiveness of the instrument. The Employer members supported the amendment, as did the Government member of China.
- 172.** The Government member of the United States noted that the definition of “national programme on occupational safety and health” in Article 1(c) incorporated the notion of establishing priorities. The Worker Vice-Chairperson responded that for the instrument to be most effective, the importance of setting priorities should be apparent, without the need to consult the definition. The Government member of Uganda, speaking also on behalf of the Africa group listed earlier, considered the amendment to be repetitive, as did the Government member of Egypt and the Government member of the United Kingdom, speaking on behalf of the non-EU IMEC group.²⁶ The Employer members withdrew their support for the amendment for the same reason.
- 173.** The Worker members withdrew the amendment, expressing their surprise at the opposition to it. They urged the Committee to aim to make the Convention as clear and useful as possible, even at the risk of repetition.
- 174.** The Employer members submitted an amendment to place subparagraph (c) before subparagraph (a) to emphasize the need for a national preventative safety and health culture, which they saw as a central theme of the instrument. The amendment was supported by the Worker members and the Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed earlier, and was adopted.

Article 5.3

- 175.** The Government member of Brazil, speaking also on behalf of the Government members of Argentina, Chile, Ecuador, Uruguay and the Bolivarian Republic of Venezuela, submitted an amendment to delete the words “to the extent possible” in paragraph 3. He explained that it was essential for national programmes to be endorsed by the highest national authorities, so the qualification to endorse them only to the extent possible should be removed. The Employer Vice-Chairperson reminded the Committee that the same issue

²⁶ Australia, Canada, Japan and New Zealand.

was debated at the first discussion of the instruments, and said that the wording of the Office text reflected that debate. He considered that inclusion of this phrase gave governments some flexibility, which in turn aided ratification, and he opposed the amendment. The Worker Vice-Chairperson supported the amendment but wished to hear government views. The Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed earlier, said that with different legal systems it would not be possible to ensure political commitment to occupational safety and health at the highest national authority, and she also opposed the amendment. Several other Government members agreed with these views and also opposed the amendment, and it was withdrawn.

- 176.** The Government member of Kenya, speaking also on behalf of the Africa group,²⁷ withdrew an amendment to insert the words “through tripartite consultations” after the word “endorsed” in paragraph 3.
- 177.** Article 5 was adopted as amended.
- 178.** The Worker Vice-Chairperson withdrew an amendment to add a new Article that would have required the annex to the Convention to be reviewed and updated.
- 179.** The Worker Vice-Chairperson submitted an amendment to add a new Article after the last Article of the proposed Convention, as follows: “This Convention does not revise any international labour Conventions or Recommendations.” She explained that such an Article was often included in Conventions and such an addition was needed so as to be consistent. The Employer Vice-Chairperson supported the amendment, no Government members indicated any objections to it and it was adopted.
- 180.** The Worker Vice-Chairperson withdrew an amendment to add an annex to the proposed Convention with the same content as the annex to the proposed Recommendation.
- 181.** The text of the Convention was adopted as amended.

The proposed Recommendation

- 182.** Following a request from the Worker Vice-Chairperson, the representative of the ILO Legal Adviser clarified the status of ILO Recommendations. He explained that they were instruments of the International Labour Organization and, like Conventions, they were formally adopted by the International Labour Conference but, unlike Conventions, they were not subject to ratification by member States and were not binding on them. Most Recommendations supplemented Conventions and as such they were intended to guide government action in implementing the latter. Like unratified Conventions, Recommendations entailed an obligation for Members to report on the state of law and practice in their country in regard to the matters covered by the Recommendation, when requested by the Governing Body.
- 183.** The Employer Vice-Chairperson made some general remarks about Recommendations and the proposed Recommendation in particular. Referring to the statement of the representative of the ILO Legal Adviser, he noted the important status of ILO

²⁷ Botswana, Cameroon, Côte d’Ivoire, Democratic Republic of the Congo, Guinea, Lesotho, Morocco, Namibia, Niger, Nigeria, Senegal, Sierra Leone, South Africa, Sudan, United Republic of Tanzania, Togo, Uganda, Zambia and Zimbabwe.

Recommendations and commented that they would not only assist governments in ratifying Conventions but also provide a means whereby law courts would interpret them. He therefore believed that Recommendations would have enormous persuasive influence when it came to the ratification of Conventions. In his view, Recommendations could not be a repository for amendments which had not been adopted in the texts of Conventions, and he considered that some of the amendments for the proposed Recommendation fell into this category.

- 184.** The Worker Vice-Chairperson, disagreeing with this view, said that Recommendations were used to provide more guidance to governments on the subjects at hand, and that the proposed Recommendation would provide more details on non-mandatory matters relating to the promotional framework.

Preamble

- 185.** The Preamble to the Recommendation was adopted without change.

- 186.** The Worker Vice-Chairperson introduced an amendment to add a new Paragraph before Paragraph 1, which read as follows:

1. The national policy formulated under Article 3 of the Convention should be developed in accordance with the principles in Part II of the Occupational Safety and Health Convention, 1981 (No. 155).

The subject of national policies was an important area that was not currently addressed in the proposed Recommendation, and she considered that adopting this amendment would give useful guidance and orientation to member States. The Employer Vice-Chairperson noted that a proposed link to Part II of the Occupational Safety and Health Convention had been rejected during discussion of Article 1 of the Convention, and, in the light of his general remarks about the proposed Recommendation, he opposed this amendment.

- 187.** The Government member of Austria, speaking also on behalf of a number of European Union and other European countries,²⁸ proposed a subamendment so that the text was consistent with the text of the Convention. As subamended, the proposed new Paragraph would read:

1. The national policy formulated under Article 3 of the Convention should take into account the Occupational Safety and Health Convention, 1981 (No. 155).

- 188.** The Worker Vice-Chairperson supported the subamendment. The Government member of Canada also supported it but he wished to amplify the link between the Convention and this Recommendation. He thus proposed a sub-subamendment, so that the proposed new Paragraph would read:

1. The national policy formulated under Article 3 of the Convention should take into account Part II of the Occupational Safety and Health Convention, 1981 (No. 155), including the relevant rights, duties and responsibilities of workers, employers and governments.

²⁸ Belgium, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Hungary, Iceland, Ireland, Italy, Luxembourg, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

-
- 189.** The Worker Vice-Chairperson pointed out that Part II of the Occupational Safety and Health Convention only dealt with national policy, whereas rights, duties and responsibilities were included in other parts of that Convention. She proposed a further subamendment to delete the words “Part II of”. The Employer Vice-Chairperson supported this further subamendment.
- 190.** The Government member of Canada proposed a further subamendment to reinforce the link to the Convention, so that the proposed new Paragraph read:
1. The national policy formulated under Article 3 of the Convention should take into account Part II of the Occupational Safety and Health Convention, 1981 (No. 155), as well as the relevant rights, duties and responsibilities of workers, employers and governments in that Convention.
- 191.** The amendment as further subamended was supported by the Worker Vice-Chairperson, the Employer Vice-Chairperson and several Government members, and it was adopted.
- 192.** The Worker Vice-Chairperson withdrew an amendment to add a new Paragraph about the national policy providing for the relevant rights, duties and responsibilities of workers, employers and governments, since this subject had been subsumed into the previous amendment.
- 193.** The Worker Vice-Chairperson withdrew an amendment to add a new Paragraph about including in the national policy the rights set out in Articles 13 and 19 of the Occupational Safety and Health Convention, since these matters had already been dealt with.
- 194.** The Worker Vice-Chairperson proposed an amendment to add a new title after the Preamble as follows: “1. NATIONAL POLICY”, so as to provide a caption for the newly adopted Paragraph about national policy. The Employer Vice-Chairperson supported the amendment, as did Government members and it was adopted.
- 195.** The new Title and Paragraph were adopted.

Paragraph 1

- 196.** The Worker Vice-Chairperson withdrew an amendment to replace the word “and” in the first line of Paragraph 1 by a comma and to insert the words “and continuously improving” after the word “reviewing”.
- 197.** The Worker Vice-Chairperson introduced an amendment to replace the text after the word “Members” in Paragraph 1 with the following text:
- (a) should take into account the instruments of the International Labour Organization relevant to the promotional framework for occupational safety and health listed in the annex to this Recommendation, in particular the Occupational Safety and Health Convention, 1981 (No. 155), the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129);
 - (b) may extend the consultations provided for in Article 4(1) of the Convention to other interested parties.

She noted that there was a need to provide guidance in the establishment of national systems and that these three key Conventions provided the necessary direction. She further confirmed the word “consultation” was supposed to be plural “consultations” as presented in the Office text.

198. She believed that the three Conventions mentioned in this amendment were the most relevant ones in this context and that the proposed text would give further direction and guidance to governments regarding national systems. The Employer Vice-Chairperson opposed the amendment, as did the Government member of Singapore, speaking also on behalf of the Asia-Pacific group already listed. The Government member of the United Kingdom, speaking also on behalf of the IMEC group,²⁹ also opposed the amendment. However, the Government member of Austria, speaking also on behalf of a number of European Union and other European countries,³⁰ supported the amendment, as did the Government member of Brazil, also speaking on behalf of Argentina, Chile, Ecuador, Uruguay and the Bolivarian Republic of Venezuela. The Government member of Uganda, speaking also on behalf of the Africa group already listed, and the Government members of India and Sudan all supported the amendment.

199. After an indicative show of hands, it became clear that a majority of Government members supported the amendment, the Employer Vice-Chairperson withdrew his opposition to it and it was adopted.

200. The Worker Vice-Chairperson introduced an amendment to add a new Paragraph to Paragraph 1 as follows:

2. With a view to giving effect to Article 4 of the Convention, the national system should include a national tripartite advisory body, or bodies, for the regular review of national laws and regulations, policies and programmes on occupational safety and health, with a view to promoting continuous improvement of occupational safety and health.

201. She explained that a reference to national tripartite advisory bodies and their role should be included in this part of the Recommendation, particularly given that a Recommendation was not binding. The Employer Vice-Chairperson recalled that a similar proposal had been rejected during the discussion of Article 4 of the Convention, and he considered that including such wording in the Recommendation would likewise make it harder for governments to ratify the Convention. He therefore opposed the amendment. The Government member of the United States agreed with him, as did the Government member of Singapore, speaking also on behalf of the Asia-Pacific group already listed, and the Government member of Trinidad and Tobago, speaking also on behalf of the CARICOM group already listed. The amendment was withdrawn.

202. The Worker Vice-Chairperson withdrew an amendment to add a new Paragraph after Paragraph 1 about the role of the national tripartite advisory bodies, as she recognized that there was no support in the Committee for including a reference to them in this part of the Recommendation.

203. Paragraph 1 of the Recommendation was adopted as amended.

Paragraph 2

204. The Government member of Uruguay, speaking also on behalf of Argentina, Brazil, Chile, Ecuador and the Bolivarian Republic of Venezuela, proposed an amendment to replace the

²⁹ Australia, Canada, Germany, Ireland, Japan, New Zealand, Poland, Slovakia and the United States.

³⁰ Belgium, Cyprus, Denmark, Estonia, Finland, France, Greece, Hungary, Iceland, Italy, Luxembourg, Norway, Portugal, Romania, Slovenia, Spain and Sweden.

word “reducing” in Paragraph 2 by the word “preventing”. She explained that since this was a promotional instrument, it would be more appropriate to refer to prevention of deaths, injuries and diseases, rather than their reduction. The Worker Vice-Chairperson supported the amendment, also noting that the amended text would be more consistent with the rest of the instruments. The Employer Vice-Chairperson also supported the amendment, and as no Government members expressed further concerns, it was adopted.

205. The Employer Vice-Chairperson introduced an amendment to replace the words “work-related” with the word “occupational” in Paragraph 2, to make the text more consistent with the rest of the instruments. The Worker Vice-Chairperson supported the amendment, and as no Government members expressed any concerns, it was adopted.

206. The Government members of Argentina, Ecuador and the Bolivarian Republic of Venezuela had submitted an amendment to the Office to insert the words “micro-, small- and medium-sized enterprises” after the words “high-risk sectors” in Paragraph 2. The amendment was not introduced and therefore it fell.

207. The Worker Vice-Chairperson introduced an amendment to add a new Paragraph after Paragraph 2, which would read:

Members should take measures to ensure that workplaces are suitable for both genders, and that the protection of pregnant and breastfeeding women, as well as the protection of workers’ reproductive health is assured.

208. She explained that the purpose of the amendment was to draw attention to the need for gender-related issues to be addressed by these instruments. However, she recognized that while some countries had gender-specific measures for dealing with these issues, others did not, so she proposed a subamendment that was gender-neutral. The latter would read:

Members should take measures to protect the safety and health of both genders, including the protection of workers’ reproductive health.

209. The Employer Vice-Chairperson considered that the Recommendation should not be used to introduce new provisions but only to amplify what was already covered by the Convention, and therefore he opposed the text as subamended. He thought that the subject was probably covered by existing ILO instruments. The Government member of Austria, speaking also on behalf of a number of European Union and other European countries,³¹ supported the amendment regardless of whether the subject was covered by existing ILO instruments.

210. The Government member of Uganda, speaking also on behalf of the Africa group,³² proposed a sub-subamendment, to replace the word “protect” with “assure”. The Worker Vice-Chairperson supported the text as sub-subamended, but the Employer Vice-Chairperson could not do so.

³¹ Belgium, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

³² Botswana, Burkina Faso, Cameroon, Côte d’Ivoire, Democratic Republic of the Congo, Guinea, Kenya, Lesotho, Morocco, Namibia, Niger, Nigeria, Senegal, Sierra Leone, South Africa, Sudan, United Republic of Tanzania, Togo and Zimbabwe.

-
- 211.** The Government member of the United Kingdom, seconded by several Government members, then proposed a further subamendment to replace the word “assure” with “ensure”, so as to be consistent with terminology generally used in occupational safety and health legislation. The Worker Vice-Chairperson supported the text as further subamended, while the Employer Vice-Chairperson opposed it. The Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed earlier, supported the text as further subamended, as did the Government member of Uganda, speaking also on behalf of the Africa group previously listed. However, the Government member of Malaysia, speaking also on behalf of the Asia-Pacific group,³³ opposed it, as did the Government member of the United States because of its implications for ratification of the Convention.
- 212.** The Government member of Canada then proposed a further amendment to revert back to using the word “protect” instead of “ensure” in the amended text, suggesting that the latter was too strong a word in this context. After a short consultation, those who had submitted interim subamendments agreed to revert to the use of the word “protect”, making the latest text identical to the subamendment earlier proposed by the Worker Vice-Chairperson. The Employer Vice-Chairperson accepted the text as a satisfactory compromise and supported it, as did the Worker Vice-Chairperson. The Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed earlier, and the Government member of Uganda, speaking also on behalf of the Africa group listed earlier, both supported the text as amended.
- 213.** The Government member of the United States, seconded by the Government member of Canada, then proposed a further subamendment to replace the words “both genders” with “all workers”. The Worker Vice-Chairperson opposed this further subamendment, explaining that her amendment was intended to call attention to gender-related issues for occupational safety and health in general, not only the specific one of workers’ reproductive health, and the further subamendment failed to do this. As an example of a gender-related issue for occupational safety and health not related to reproductive health, she said that personal protective equipment was often designed for male rather than for female workers and that it was often hard to find such equipment that fitted female workers correctly. The Employer Vice-Chairperson likewise could not support the further amendment, and the Government member of the United States withdrew it.
- 214.** There was broad support for the subamendment first proposed by the Worker Vice-Chairperson and reintroduced by the Government member of Canada, and it was adopted.
- 215.** Paragraph 2 of the Recommendation was thus adopted as amended.

Paragraph 3(a)

- 216.** The Worker members introduced an amendment to insert, after “with”, the words “workplace initiatives and”. Its aim was to recognize that the workplace was the most significant level at which a safety and health culture could be promoted. The Employer Vice-Chairperson agreed, but proposed a subamendment to insert the words “workplace initiatives and” after “where appropriate”, which was endorsed by the Worker members.
- 217.** The amendment was adopted as subamended.

³³ China, Indonesia, Islamic Republic of Iran, Japan, Lebanon, Myanmar, Philippines, Singapore, Syrian Arab Republic and Thailand.

Paragraph 3(c)

- 218.** The Government members of Canada, Japan, New Zealand and Switzerland introduced an amendment to replace the word “concepts” with “competencies”. The Government member of Canada explained that it was an attempt to clarify the need to ensure that students in educational and vocational training programmes acquire the necessary competencies. He proposed a subamendment to retain the word “concepts” and insert after it the words “and competencies” which was supported by the Employer and Worker members and by the Government member of Egypt, the Government member of Trinidad and Tobago, speaking also on behalf of the CARICOM group listed earlier, and the Government member of Uganda, speaking also on behalf of the Africa group listed earlier.
- 219.** The Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed earlier, proposed a sub-subamendment to insert the words “where appropriate” before “competencies”.
- 220.** The Worker members supported the sub-subamendment, as did the Employer Vice-Chairperson, who felt it would aid employers in understanding the text and enhance its flexibility. It was supported by the Government members of Canada, Egypt and Thailand, the Government member of Trinidad and Tobago, speaking also on behalf of the CARICOM group listed earlier, and the Government member of Uganda, speaking also on behalf of the Africa group listed earlier.
- 221.** The amendment was adopted, as subamended.
- 222.** The Government members of Argentina, Ecuador and the Bolivarian Republic of Venezuela proposed an amendment to add “all” before “educational and vocational training programmes;” and subsequently withdrew it.

Paragraph 3(d)

- 223.** An amendment was proposed by the Government members of Argentina, Ecuador and the Bolivarian Republic of Venezuela to insert, after the word “to”, the words “publish and”. They felt that including a reference only to facilitating the exchange of statistics and data was insufficient for them to reach the entire population.
- 224.** The Employer members opposed the amendment and the Worker members supported it. The Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed earlier, with the support of the Government member of Uganda, speaking also on behalf of the Africa group listed earlier, felt that the publishing of data was implied by the text, and opposed the amendment. The Government member of Malaysia, speaking also on behalf of the Asia-Pacific group listed earlier, also opposed the amendment, and it was withdrawn by its proposers.
- 225.** The Employer members introduced an amendment to insert, before “representatives;” the word “respective”, which was withdrawn without discussion.

Paragraph 3(e)

- 226.** The Employer members proposed an amendment to replace “organizations” with “representatives”. It was subsequently withdrawn.

227. The Employer members introduced an amendment to insert, after “minimizing”, the words “so far as is reasonably practicable,” to bring the Paragraph into line with Article 5.2(b) of the Convention. It was supported by the Worker members and adopted.

228. The Employer members proposed an amendment to replace “work-related” with “occupational”, which they withdrew.

Paragraph 3(f)

229. The Government member of Burkina Faso introduced an amendment seconded by Switzerland to replace the word “establishment” with “implementation” and to insert, before “joint”, the words “the establishment of”. The Employer and Worker members felt that the Office text encompassed both establishment and implementation, and the amendment was withdrawn.

230. The Government members of Argentina, Brazil, Chile, Ecuador, Uruguay and the Bolivarian Republic of Venezuela proposed an amendment to replace the word “safety” with the words “occupational safety and health”, which was supported by the Employer and Worker members, the Government member of Uganda, speaking also on behalf of the Africa group listed earlier, the Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed earlier, and the Government member of Trinidad and Tobago, speaking also on behalf of the CARICOM group listed earlier. The amendment was adopted.

231. The Worker members proposed an amendment to insert, after the word “representatives,” the words “including regional safety representatives,” to recognize that systems were established at regional level in a number of countries.

232. The Employer Vice-Chairperson opposed the amendment, in the view that the phrase “in accordance with national law and practice” adequately recognized regional-level systems. It was also opposed by the Government member of Uganda, speaking also on behalf of the Africa group listed earlier, and the Government member of Malaysia, speaking also on behalf of the Asia-Pacific group listed earlier. The amendment was withdrawn.

Paragraph 3(g)

233. The Government member of Burkina Faso introduced an amendment seconded by Switzerland to replace the words “constraints of” with the words “difficulties for”, suggesting that it was a broader term and more appropriate for micro-enterprises.

234. The Employer and Worker members preferred the Office text, the Worker Vice-Chairperson suggesting it was more expansive than the amendment. The Government member of Malaysia, speaking also on behalf of the Asia-Pacific group listed earlier, and the Government member of Trinidad and Tobago, speaking also on behalf of the CARICOM group listed earlier, also preferred the Office text, and the amendment was withdrawn.

235. Paragraph 3 was adopted as amended.

Paragraph 4

236. Paragraph 4 was adopted without change.

New Paragraph before Paragraph 5

237. The Worker members introduced an amendment to add a new Paragraph as follows:

The national programme should be based on principles of assessment and management of hazards and risks, in particular at the workplace level.

238. The Employer members supported the amendment, as did the Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed earlier, the Government member of China and the Government member of Uganda, speaking also on behalf of the Africa group listed earlier. The amendment was adopted.

239. The Worker members introduced an amendment to add a new second Paragraph to read:

The national programme should identify priorities for action that should be periodically reviewed and updated.

The Worker Vice-Chairperson explained that the amendment was intended to introduce into the Recommendation the notion of priority-setting reflected in Article 1.1(c) of the Convention. The amendment received the support of the Employer members and was adopted.

Paragraph 5

240. Paragraph 5 was adopted without amendment.

New Paragraph after Paragraph 5

241. An amendment was introduced by the Worker members to add a new Paragraph as follows:

With a view to giving effect to the provisions of Article 5 of the Convention, the national programme should actively promote workplace prevention measures and activities that include the participation of employers, workers and their representatives.

242. The objective of the amendment was to stress the need for promotional activities in national occupational safety and health programmes.

243. The amendment received the support of the Employer members, the Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed earlier, and the Government member of Uganda, speaking also on behalf of the Africa group listed earlier.

244. The Government member of Canada was concerned that the amendment would suggest that the participation of both employers and workers was required, and preclude activities that involved only one of them. He suggested a subamendment to insert “could” before the word “include”.

245. The Worker members felt that the subamendment would weaken the reference to participation, also noted that similar language was used throughout the instruments, and reminded the Committee that the Recommendation was non-binding. The Government members of Argentina, Chile, Ecuador and the Bolivarian Republic of Venezuela opposed the subamendment. It was withdrawn, and the amendment as originally proposed was adopted.

Paragraphs 6 and 7

246. Paragraphs 6 and 7 were adopted without change.

Paragraph 8

247. On the grounds that a national profile should provide a picture of the existing occupational safety and health situation, the Worker members introduced an amendment to add a new Paragraph, as follows:

The national profile on occupational safety and health should include information on the existing situation regarding occupational injuries, diseases and deaths and the related risks, with particular attention to high-risk sectors, industries and groups of workers; and identify priority issues and the initiatives that have been undertaken to address them.

248. The Employer Vice-Chairperson suggested that Paragraphs 8 and 9 already encompassed the matters addressed in the amendment and opposed it. He was supported by the Government member of the United States and the Government member of Uganda, speaking also on behalf of the Africa group.³⁴ The amendment was also opposed by the Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed previously, the Government member of Thailand and the Government member of Trinidad and Tobago, speaking also on behalf of the CARICOM group previously listed, and was withdrawn.

249. Paragraph 8 was adopted without change.

Paragraph 9(1)(j)

250. An amendment was proposed by the Worker members to insert, after “diseases”, the words “and the related risks”. It was intended to generate information on the risks and hazards that contribute to occupational accidents and diseases.

251. The Employer Vice-Chairperson opposed the amendment, noting that Article 4.3(f) of the Convention required a mechanism to collect data on occupational accidents and diseases, but not on the related risks. He also believed it would be difficult for governments to collect this data, as it would involve assessing the probability of harm. The Worker Vice-Chairperson responded by reminding the Committee that Recommendations were intended to provide guidance and that many countries already collect this kind of information, although the Employer Vice-Chairperson felt that these would only be the countries with the most highly developed occupational safety and health systems.

252. The Government member of Canada requested clarification of the phrase “related risks”. He suggested, for example, that collecting data on exposure was beyond the scope of most governments. The Worker Vice-Chairperson responded that the Worker members were not envisioning the collection of data on exposure levels, and proposed a subamendment to insert “and associated causes” rather than “and the related risks”.

253. The Government member of Argentina, speaking also on behalf of Brazil, Chile, Ecuador, Uruguay and the Bolivarian Republic of Venezuela, supported the subamendment, as did

³⁴ Botswana, Burkina Faso, Cameroon, Côte d’Ivoire, Democratic Republic of Congo, Gabon, Guinea, Kenya, Lesotho, Morocco, Namibia, Niger, Nigeria, Senegal, Sierra Leone, South Africa, Sudan, United Republic of Tanzania, Togo and Zimbabwe.

the Government member of Uganda, speaking also on behalf of the Africa group listed earlier.

- 254.** The Government member of the Democratic Republic of the Congo proposed a sub-subamendment, for the purposes of more elegant drafting, to insert “and their causes” rather than “and associated causes”. This wording was preferred by both the Employer and Worker members and the Government member of Austria, speaking also on behalf of a number of European Union and other European countries.³⁵ The Government member of Trinidad and Tobago, speaking also on behalf of the CARICOM group listed earlier, with the exception of Suriname, also supported the sub-subamendment.
- 255.** The Government member of New Zealand was unsure whether “analysis” connoted an analysis to determine causes or an analysis of the causes themselves, and proposed a sub-sub-subamendment to insert instead “to determine their causes”, which was supported by the Government member of Canada. The Employer and Worker members opposed the sub-sub-subamendment as too restrictive, and it was withdrawn.
- 256.** The amendment was adopted as subamended.

Paragraph 9(1) new clause

- 257.** The Worker members introduced an amendment to add a new clause, to read: “(...) occupational injury and disease statistics;”. The objective was to stress that the national profile should contain statistics, not merely the information on the mechanisms to collect and analyse them referred to in Paragraph 9(1)(j). The amendment received the support of the Employer members.
- 258.** The Government member of Singapore, speaking also on behalf of the Asia-Pacific group,³⁶ felt that some countries would encounter difficulties in gathering these kinds of statistics, and therefore that the text would be more appropriately placed in Paragraph 9(2). He was supported by the Government member of the United Kingdom, speaking on behalf of the non-EU IMEC group.³⁷ The Government member of Uganda, speaking also on behalf of the Africa group listed earlier, suggested that the concerns addressed by the amendment were already contained in the Office text, and also opposed it. The Government member of Brazil, speaking also on behalf of Argentina, Chile, Ecuador, Uruguay and the Bolivarian Republic of Venezuela, supported the amendment.
- 259.** The Worker Vice-Chairperson noted that the Committee had agreed during the discussion of Paragraph 9(1)(j) on the need to include information on mechanisms for data collection and analysis in national profiles. It did not make sense to include this information without also outlining the relevant data. She also recalled that Paragraph 9(1) called for the inclusion of the listed information only “as applicable”, and therefore that occupational injury and disease statistics would not be required where the national system did not generate this kind of data.

³⁵ Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

³⁶ China, Indonesia, Islamic Republic of Iran, Japan, Lebanon, Sri Lanka and Thailand.

³⁷ Australia, Canada, Japan, New Zealand and the United States.

-
- 260.** The Employer Vice-Chairperson, having considered the statements of the Government members of Singapore and Uganda, withdrew his support.
- 261.** The Worker Vice-Chairperson suggested that many of the Government members did not consider occupational safety and health statistics to be essential, stressing that the Worker members were not of this view, and withdrew the amendment.
- 262.** The Worker members proposed an amendment to add a new clause as follows: “(...) financial and budgetary resources with regard to occupational safety and health;”. The Worker Vice-Chairperson reflected that the aim of the instruments was to make occupational safety and health a higher priority, and suggested that one way to assess its current status was to examine the resources devoted to it.
- 263.** The Employer Vice-Chairperson noted that this issue was addressed in Paragraph 9(2) and opposed it being moved to Paragraph 9(1). The Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed earlier, argued that providing this data would involve a prohibitive degree of effort, especially where non-state funding sources were involved. The Government member of Uganda, speaking also on behalf of the Africa group previously listed, preferred the Office text, as did the Government member of Singapore, speaking also on behalf of the Asia-Pacific group listed earlier.
- 264.** The amendment was withdrawn.

Paragraph 9(2)(e)

- 265.** The Worker members introduced an amendment to insert, after “officers”, the words “and representatives”, to acknowledge the role of representatives in the occupational safety and health systems of a number of countries. The Employer Vice-Chairperson opposed the amendment, arguing that the number of representatives would be impossible to determine. He also requested clarification of the amendment, as did the Government members of Canada, Lebanon and Mexico. The Worker members explained that they were referring to workers’ representatives and suggested a subamendment to insert instead the words “and safety and health representatives”.
- 266.** The Employer Vice-Chairperson, the Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed earlier, and the Government member of Egypt agreed that this information would be difficult to provide, and opposed the amendment. The Worker Vice-Chairperson stressed that the information would be required only where it existed and that the Worker members were not proposing an amendment to require data on the number of health and safety representatives. Where this data was unavailable, a general indication of the capacity of the occupational safety and health system would be sufficient.
- 267.** The Government member of Uganda, speaking also on behalf of the Africa group listed earlier, felt that the text implied that an indication of the number of representatives would be required, and opposed the amendment. The Government member of the Democratic Republic of the Congo, speaking also on behalf of the Africa group listed previously, added that the list was not exhaustive and therefore that the concerns underlying the amendment were encompassed by the Office text.
- 268.** The Worker members withdrew the amendment.
- 269.** The Worker Vice-Chairperson withdrew an amendment to delete clause (f) in subparagraph 2.

-
- 270.** The Worker Vice-Chairperson withdrew an amendment to delete clause (i) in subparagraph 2.
- 271.** The Government member of Ecuador, speaking also on behalf of Argentina, Brazil and the Bolivarian Republic of Venezuela, proposed an amendment to add a new clause after clause (j) of subparagraph 2, to read as follows: “outcomes from the functioning of joint committees on occupational safety and health at work sites”. She said that the amendment would make the text consistent with Article 4.3(f) of the Convention and that such data was needed in the national profile. The Worker Vice-Chairperson supported the amendment.
- 272.** The Employer Vice-Chairperson opposed the amendment on the grounds that national profiles would become so overloaded with data from work sites as to make the national profiles meaningless. The words “outcomes from the functioning of joint committees” also needed further clarification. The Government member of Singapore, speaking also on behalf of the Asia-Pacific group listed earlier, considered that it would not be practicable for many countries to have such reporting systems and he opposed the amendment. Several other Government members, while supporting the concept behind the amendment, questioned the feasibility of such a proposal and opposed it. The amendment was then withdrawn.
- 273.** Paragraph 9 was adopted as amended.

Paragraph 10

- 274.** The Government member of China, speaking also on behalf of the Asia-Pacific group,³⁸ introduced an amendment to add a new subparagraph which would read as follows:
- (c) facilitate international technical cooperation on occupational safety and health with a view to assisting developing countries to strengthen their technical capacity for the establishment and maintenance of a national preventative safety and health culture and for the promotion of a management systems approach to occupational safety and health.
- 275.** He said that many countries needed technical assistance in ratifying and implementing ILO standards and that it was a priority for the ILO to provide such assistance, particularly to developing countries. The Worker Vice-Chairperson pointed out that it was not only technical capacity that needed to be strengthened, and that all countries and all social partners should be able to benefit from the ILO’s technical assistance. She added that there were many instruments that needed promoting, not just those relating to the management systems approach for occupational safety and health. She therefore proposed a subamendment so that the new subparagraph would read:
- (c) facilitate international technical cooperation on occupational safety and health with a view to assisting countries, particularly developing countries, to strengthen their capacity for the establishment and maintenance of a national preventative safety and health culture and for the promotion of the ratification and implementation of instruments of the International Labour Organization relevant to the promotional framework for occupational safety and health and listed in the annex of this Recommendation.
- 276.** The Government member of the United States opposed the subamendment, saying that providing such technical assistance was part of the mandate of the ILO and did not need to be specified in a Recommendation. He added that including such a Paragraph would not be

³⁸ Indonesia, Islamic Republic of Iran, Japan, Lebanon, Singapore, Sri Lanka and Thailand.

consistent with almost all the existing Recommendations on occupational safety and health.

277. The Employer Vice-Chairperson proposed a sub-subamendment to insert the words “ a management systems approach to occupational safety and health and” after the words “for the promotion of”, saying that both a national preventative safety and health culture, and a management systems approach to occupational safety and health were key features of the promotional framework and as such both should be specifically mentioned.

278. The Government member of the United Kingdom then proposed a further subamendment to rephrase the subparagraph so that it would be more readable. He proposed that the subparagraph should read:

- (c) facilitate international technical cooperation on occupational safety and health with a view to assisting countries, particularly developing countries, for the following purposes:
 - (i) to strengthen their capacity for the establishment and maintenance of a national preventative safety and health culture;
 - (ii) for the promotion of a management systems approach to occupational safety and health; and
 - (iii) for the promotion of the ratification and implementation of instruments of the International Labour Organization relevant to the promotional framework for occupational safety and health and listed in the annex of this Recommendation.

279. Both the Employer Vice-Chairperson and the Worker Vice-Chairperson supported this further subamendment. The Government member of Egypt commented that the amendment as further subamended would help to ensure the spread of the occupational safety and health culture, and he supported it. The Government member of Uganda, speaking also on behalf of the Africa group,³⁹ also supported it. The amendment as subamended was adopted.

280. The Government member of China, also on behalf of Lebanon, Malaysia, New Zealand, Singapore, Syrian Arab Republic, Thailand and the United Arab Emirates, introduced an amendment to add, in Title IV, before paragraph 10, the words “and cooperation” after the word “information”. The reason for the amendment was to reflect the addition in this part of the Recommendation of the new subparagraph, just adopted, on technical cooperation. The Chairperson suggested a rearrangement of words in the Title so that it read “International cooperation and exchange of information”. The Government member of the United States indicated that the Paragraphs should perhaps be reordered to match the Title. The Committee agreed that this matter could be finalized by the Drafting Committee.

281. Paragraph 10 was adopted as amended.

Paragraph 11

282. Paragraph 11 was adopted without change.

³⁹ Botswana, Burkina Faso, Cameroon, Côte d'Ivoire, Democratic Republic of Congo, Gabon, Guinea, Kenya, Lesotho, Morocco, Namibia, Niger, Nigeria, Senegal, Sierra Leone, South Africa, Sudan, United Republic of Tanzania, Togo and Zimbabwe.

Amendments for the Drafting Committee

- 283.** The following amendments all related to linguistic changes to the text and it was agreed that they would be submitted to the Drafting Committee: D.51, 55, 58, 60, 79, 80, 86, 88, 89, 90, 92, 93, 94, 95, 96 and 104.
- 284.** The Recommendation was adopted as amended.

Resolutions

- 285.** The representative of the ILO Legal Adviser outlined the procedure for discussing and adopting resolutions as agreed by the Committee Officers, which was similar to that for Conventions and Recommendations. Resolutions were not binding on member States and were not subject to ratification and reporting under the Constitution, but they represented policy statements of the International Labour Organization, and defined and guided action to be taken by the Governing Body and the Office. Resolutions submitted to a technical committee frequently asked the Office to promote the instruments under discussion in the committee, but if they involved specific financial commitments, the Governing Body needed to be consulted before.
- 286.** The Government members of Denmark, Estonia, France, Germany, Norway and Sweden introduced the following resolution:

Resolution concerning the promotion of occupational safety and health

submitted by Germany, Denmark, Estonia, France, Norway and Sweden

The General Conference of the International Labour Organization,

Having adopted the Promotional Framework for Occupational Safety and Health Convention and Recommendation, 2006,

Recalling the Labour Inspection Convention, 1947 (No. 81) and the Labour Inspection (Agriculture) Convention, 1969 (No. 129),

Noting that Conventions No. 81 and No. 129 have been identified as priority ILO Conventions and that they have obtained 135 and 43 ratifications respectively,

Alarmed that estimates show more than two million workers die from work-related accidents and diseases each year and that the number of workers suffering from occupational accidents is 270 million and work-related diseases is 160 million,

Considering an effective labour inspection to be a powerful instrument in fostering a preventive approach and a safety culture to promote sustainable and lasting improvements in safety and health at work,

1. Calls upon all governments and social partners to actively commit themselves to promote a preventive safety and health culture in order to secure a safe and healthy working environment at all levels,

2. Encourages all Members of the International Labour Organization to ratify and implement the Labour Inspection Convention, 1947 (No. 81) and the Labour Inspection (Agriculture) Convention, 1969 (No. 129),

3. Invites the Governing Body of the International Labour Office to promote a campaign for the universal ratification and implementation of the Conventions Nos. 81 and 129, central to the improvement of occupational safety and health, and for relevant occupational safety and health conventions and to give due priority to this end in the allocation of resources in the budget proposal for the biennium 2008-09,

4. Further invites the Governing Body to give due priority in the allocation of the resources of the Organization's technical cooperation programme to promoting the ratification of the new Promotional Framework for Occupational Safety and Health Convention as well as

other relevant safety and health Conventions, and Conventions Nos. 81 and 129, and to assisting countries which request assistance in their implementation.

- 287.** The Government member of Sweden explained that the aim of the resolution was to highlight the ILO's occupational safety and health-related standards, in particular the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and to invite the Governing Body to authorize promotional activities on these Conventions as well as the promotional framework. Labour inspection was vital in promoting occupational safety and health, an essential element of national systems and an important tool in implementing national policy and procedures. Moreover, the most recent general survey of the ILO's Committee of Experts on the Application of Conventions and Recommendations was devoted to labour inspection; the 2006 Global Report under the Declaration addressed child labour, which labour inspection had a substantial role in preventing; and the Director-General's campaign to promote the fundamental Conventions had been a recognized success. Therefore, it was prescient to call for a campaign to promote Conventions Nos. 81 and 129, and the proposers of the resolution hoped that it would facilitate the ratification of occupational safety and health Conventions and the promotional framework, and contribute to the implementation of occupational safety and health standards at the workplace level.
- 288.** The Worker members shared the view that Conventions Nos. 81 and 129 were of significance to occupational safety and health and endorsed the central goals of the resolution. They were concerned, however, that the Office, Organization and member States should not accord the promotional framework precedence over other ILO standards. They strongly supported the call for ratification of the Labour Inspection Conventions, but were greatly concerned that the only other instrument mentioned by name in the resolution was the Promotional Framework Convention.
- 289.** The Employer Vice-Chairperson, explained that the Employer members were not supportive of any discussions on resolutions but their mandate was to concentrate on the agenda item – a Convention and Recommendation on the promotional framework on occupational safety and health. Therefore, while stressing that the Employer members supported labour inspection, they opposed the resolution as shifting the focus from the matters that had been discussed in the Committee. The central theme of the promotional framework was to create a national safety and health culture, and the resolution sought to give labour inspection priority over this overarching objective. He also noted that labour inspection had a broader mandate than occupational safety and health, and encompassed, for example, conditions of employment, wages and anti-discrimination. He reminded the Committee of the existing focus on labour inspection in the Convention and Recommendation, which, in a number of places, called for the promotion and ratification of the relevant standards, and included a specific mention of Conventions Nos. 81 and 129 in Paragraph 1 of the Recommendation and its annex. He suggested that since there had already been a general survey pursuant to Article 19 devoted to labour inspection, which had been thoroughly debated in the Committee on the Application of Standards in this Conference. Thus, there was no need for this Committee to deliberate on it as there would be a full report to this Conference on the outcome of that survey and discussion.
- 290.** The Government member of Austria, speaking also on behalf of a number of European Union and other European countries,⁴⁰ stressed that, for European countries, labour inspection was a very important and highly valued element of occupational safety and

⁴⁰ Belgium, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Luxembourg, Norway, Poland, Portugal, Romania, Slovenia, Spain, Sweden and the United Kingdom.

health systems. They supported the resolution's goal of calling on the Governing Body to consider occupational safety and health and did not believe its focus on the promotional framework would prevent the ratification or implementation of other standards. Indeed, they would suggest that the resolution could offer a first step for countries towards developing an occupational safety and health system and ratifying ILO Conventions.

- 291.** The Government member of Uganda, speaking also on behalf of the Africa group listed previously, applauded the spirit underlying the resolution, but was concerned that its focus was on Conventions Nos. 81 and 129 rather than the promotional framework, and opposed it on these grounds. He was also concerned, as were the Employer members, about paragraphs 3 and 4 of the resolution, which touched on the allocation and management of the ILO budget, suggesting that they did not respect standard ILO procedures.
- 292.** The Government member of Singapore, speaking also on behalf of China, Japan, Malaysia, New Zealand and Thailand, supported the goals of the resolution towards promoting an occupational safety and health culture and calling for the allocation of resources towards technical assistance. He objected to its call for the ratification of specific Conventions, which he felt might not be applicable to certain countries, and opposed it on these grounds. The Government members of Japan and Mexico opposed it on the same grounds.
- 293.** The Government member of Suriname, speaking also on behalf of the CARICOM group,⁴¹ supported the resolution. The Government member of Uruguay, speaking also on behalf of Argentina and the Bolivarian Republic of Venezuela, also saw the resolution as extremely important and pertinent, while agreeing with the Worker members that it should not take precedence over other occupational safety and health standards. He believed that governments should highlight the role of labour inspection in promoting occupational safety and health and lamented that the Committee had not been able to stress its role more strongly in the promotional framework. The Government member of Lebanon also supported the resolution.
- 294.** There was an indicative show of hands and the resolution was withdrawn by its proposers.
- 295.** A resolution was submitted by the Government members of China, Indonesia, Japan, Lebanon, Malaysia, New Zealand, Philippines, Syrian Arab Republic and Thailand, as follows:

Resolution concerning promotion of the ILO Global Strategy on Occupational Safety and Health adopted by the International Labour Conference in 2003

submitted by China, Indonesia, Japan, Lebanon, Malaysia, New Zealand, Philippines, Syrian Arab Republic and Thailand

The General Conference of the International Labour Organization,

Recalling that, ever since the ILO was founded in 1919, the subject of occupational safety and health has been at the heart of the ILO's work, including its standards-setting activities,

Noting that the building and maintenance of a national preventative safety and health culture and the introduction of a systems approach to occupational safety and health management are included in the fundamental pillars of the *ILO Global Strategy on Occupational Safety and Health* adopted by the International Labour Conference at its 91st Session (2003),

⁴¹ Bahamas, Barbados, Belize, Guyana, Jamaica and Trinidad and Tobago.

Emphasizing that the Promotional Framework for Occupational Safety and Health Convention, and the Promotional Framework for Occupational Safety and Health Recommendation adopted by the International Labour Conference at its 95th Session (June 2006) are effective instruments to promote the Global Strategy,

Noting that developing countries, including the ASEAN countries, have urged the International Labour Office to provide support to implement the instruments establishing the promotional framework proposed under the Global Strategy, and that such support would promote the ratification of the new Convention in each country,

Noting that, at the 295th Session (March 2006) of the Governing Body, representatives of both the Workers and Employers emphasized that the ILO, as a United Nation's specialized agency for labour issues with a tripartite decision-making system, should take the primary initiative in standard-setting in the field of occupational safety and health, including occupational safety and health management systems,

Requests the Governing Body of the International Labour Office to instruct the Director-General to:

- (a) strengthen the overall capacity of ILO's technical cooperation in the field of occupational safety and health, particularly for developing countries, in:
 - (i) supporting educational and vocational training programmes for the establishment and maintenance of a national preventative safety and health culture and the introduction and implementation of a systems approach to OSH management;
 - (ii) sharing experience and expertise through the work of the International Occupational Safety and Health Information Center (CIS);
 - (iii) developing individual national profiles, as is urged in the Recommendation, including through ILO expert consultation;
- (b) implement support particularly for developing countries in order to promote a systems approach to occupational safety and health management by:
 - (i) presenting, at 297th Session (November 2006) of the Governing Body, a proposal to hold, before the end of the 2006-07 biennium, a tripartite meeting of experts to develop complementary documents to support the implementation of the ILO *Guidelines on Occupational Safety and Health Management Systems (ILO-OSH 2001)*, taking into consideration national conditions and practices in each country.

296. The Government member of Japan explained that the aim of the resolution was to stress the centrality of occupational safety and health to the work of the ILO. He recalled that the Global Strategy emphasized the promotion of a preventative safety and health culture and a systems approach to occupational safety and health management, and that the implementation of this strategy might pose problems for developing countries. Therefore, the resolution called for technical assistance, to strengthen the occupational safety and health capacity of these countries.

297. The Employer Vice-Chairperson understood, and even supported, the concept behind the resolution but in line with the Employer members' position explained earlier, he was opposed to it, as with other resolutions. The Worker Vice-Chairperson recognized the need to support developing countries in implementing the promotional framework for occupational safety and health, but she had some concerns about this resolution. In particular she considered that paragraph (b) was too detailed and specific, and was concerned that the resolution did not focus on the ratification and implementation of existing ILO standards. She was therefore unable to support it.

298. The Government member of the United States referred to an amendment (D.91) about facilitating international technical cooperation, which had resulted in a new subparagraph being added to Paragraph 10 of the Recommendation. He thought that the present resolution, which had a similar theme to the previous one, was important and should be considered further by the Committee. However, the Government member of Uganda,

speaking also on behalf of the Africa group listed earlier, said that the present resolution did not add much to the texts of the Convention and Recommendation and was therefore unnecessary, and he did not support it. No other Government members spoke on the resolution, and the Government member of Japan withdrew it.

299. The Worker Vice-Chairperson introduced a resolution concerning asbestos, which would read as follows:

Resolution concerning asbestos

submitted by the Worker members

The General Conference of the International Labour Organization,

Considering that all forms of asbestos, including chrysotile, are classified as known human carcinogens by the International Agency for Research on Cancer and by the International Programme for Chemical Safety,

Alarmed that an estimated 100,000 workers die every year from diseases caused by exposure to asbestos,

Deeply concerned that workers continue to face serious risks from asbestos exposure, particularly in asbestos removal, demolition and waste handling activities,

Noting that it has taken three decades of efforts and the emergence of suitable alternatives for a comprehensive ban on the manufacturing and use of asbestos and asbestos-containing products to be adopted in a number of countries,

Recalling that the World Health Organization, the International Programme for Chemical Safety and the World Trade Organization all agree that there is no safe level of exposure to chrysotile asbestos, and that the appropriate prevention measure is to completely prohibit the use of chrysotile asbestos, and

Further noting, that the objective of the Promotional Framework for Occupational Safety and Health is to prevent occupational injuries, diseases and deaths.

1. Resolves that:

- (a) the prohibition and elimination of the use of all forms asbestos and asbestos-containing materials is the most effective means to protect workers from asbestos exposure and to prevent future asbestos-related diseases and deaths; and
- (b) the Asbestos Convention, 1986 (No. 162), should not be used to provide a justification for, or endorsement of, the continued use of asbestos.

2. Requests the Governing Body to direct the International Labour Office to:

- (a) continue to encourage member States to ratify and implement the provisions of the Asbestos Convention, 1986 (No. 162), and the Occupational Cancer Convention, 1974 (No. 139);
- (b) promote the elimination of the use of all forms of asbestos and asbestos containing materials in all Member countries; and
- (c) assist Member countries in drawing up national action programmes to protect workers from exposure to asbestos;
- (d) transmit this resolution to all member States.

300. The Worker Vice-Chairperson said that the ultimate objective of this resolution was to prevent deaths from asbestos-related diseases, which fitted in well with the goals of the promotional framework for occupational safety and health. The number of asbestos victims compared to the number of victims of other work-related diseases was proportionately high, and about 100,000 workers died from such diseases every year, according to ILO

estimates.⁴² Victims included not only asbestos workers but also their families, children and communities. In the United States, there were an estimated 10,000 fatalities from asbestos-related diseases annually, and US\$70 billion had already been paid in compensation. Future costs were calculated at US\$150-300 billion.

- 301.** She described the nature of asbestos-related diseases and fatalities, also pointing out that the diseases had very long latency periods. The frequent use of asbestos in buildings also gave rise to a long-lasting legacy since it meant that demolition workers and others would continue to be affected by the material for many years to come. Although the legacy from asbestos was most noticeably experienced in industrialized countries, the risks from its use were now being felt in developing countries, where future problems would arise from asbestos-related diseases. She said that asbestos workers were often inadequately protected, and that one could expect many of those working with asbestos now to exhibit symptoms of the diseases within 30 to 40 years. There was therefore a need to promote the prohibition and elimination of all forms of asbestos and asbestos-containing materials worldwide now.
- 302.** She noted that 40 countries worldwide had already banned the future use of asbestos, recognizing that such action was needed now in order to avoid more losses in 40 years' time. The European Union Senior Labour Inspectors Committee had also called for a ban on the usage of asbestos and for replacement with safer materials, and the International Social Security Association had urged all countries to ban asbestos and asbestos-related products.
- 303.** Referring to the Asbestos Convention, 1986 (No. 162), and the Occupational Cancer Convention, 1974 (No. 139), she noted that some persons viewed these Conventions as endorsing the continuing safe use of asbestos. She objected to this view and affirmed that the prohibition or partial prohibition of asbestos was mandated under Convention No. 162, while Convention No. 139 mandated member States to determine whether certain carcinogenic substances and agents should be prohibited.
- 304.** She explained that the resolution only sought to reaffirm existing ILO policy, not to develop new policy, and the Conventions just quoted provided the basis for the resolution. It was most important to clarify that Convention No. 162 should not be used to justify the continued use of asbestos, and it was important to promote ratification of both this Convention and Convention No. 139. The ILO should also promote the elimination of the use of all forms of asbestos and asbestos-containing materials in all member States, assisting them in drawing up national action programmes to protect workers from asbestos exposure, and transmitting the resolution to all member States.
- 305.** The Employer Vice-Chairperson responded that he did not wish to pronounce on the merits of a ban on the use of asbestos. He stated that such a ban raised a complex specialized debate on a number of issues such as:
- questions of a technical nature;
 - questions of a scientific/medical nature;
 - questions of a socio-economic nature;
 - questions of the jurisdiction of the ILO;

⁴² <http://www.ilo.org/public/english/bureau/inf/features/06/asbestos.htm>.

-
- questions about the effect of this resolution on the Asbestos Convention, 1986 (No. 162).

Furthermore, resolutions can only be discussed if they related to an item included in the agenda for discussion of the International Labour Conference. Quoting from the Constitution and the Standing Orders, he stated that it was clear that both envisaged technical preparation, consultation and a mandating process before the meeting of the International Labour Conference. He argued that unless the subject matter could be brought into the ambit of this clear underlying intention, it did not related to the item included in the agenda. In this instance, the resolution on asbestos clearly did not form part of the preparation, reports and technical input on a promotional framework Convention and Recommendation on occupational safety and health and that the Committee could not discuss the matter.

- 306.** The ILO Legal Adviser was asked to comment on the legality of discussing the proposed resolution in this Committee. In the Conference, resolutions could be submitted in advance of the session under article 15 of the Standing Orders; these provisions were, however, not applicable in this case because no such resolutions had been received by the Office within the prescribed deadline, the committees set up by the Conference did not include a Resolutions Committee, and referral to the Selection Committee had been determined as not practicable in light of time constraints. At an early stage in the plenary sittings, the Conference had decided that the provisions of certain paragraphs of the Standing Orders would not apply in this session of the Conference (article 15, paragraphs 4-10 and article 17, paragraph 3). This left it up to the present Committee to examine the draft resolution.
- 307.** The Government member of Canada considered that the resolution should not be discussed by the Committee, since there were complex issues involved that required expert opinion. He felt that the technical credibility of the ILO should not be undermined and urged other Government members also to oppose discussion of the resolution. The Government member of Switzerland agreed with the views of the Government member of Canada and also opposed discussion of the resolution.
- 308.** While sharing the views of the Worker members, the Government member of the United Arab Emirates, speaking also on behalf of the Government member of Bahrain, felt that it was not the right forum to discuss asbestos and did not want to further discuss the resolution.
- 309.** The Government member of the United Kingdom, speaking also on behalf of a number of European Union and other European countries,⁴³ was firmly in favour of continuing discussion of the resolution. While he understood the position of the Employer members, there were strong reasons for a ban on asbestos, which was also in line with current EU policy and directives.
- 310.** The Government member of the United States also appreciated the seriousness of asbestos risks, adding that one of the first standards developed by the United States Government dealt with the issue. However, he considered that adopting a resolution that dealt with only one hazard would detract attention from the Convention.

⁴³ Austria, Belgium, Czech Republic, Cyprus, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

-
- 311.** The Government member of Uganda, speaking also on behalf of the Africa group listed earlier, also appreciated the risks from asbestos, but said that in Africa there were higher priorities for health, such as HIV/AIDS and malaria. He therefore opposed discussion of the resolution.
- 312.** The Government member of France said that the representative of the French Ministry of Labour, in his address to the plenary session of this International Labour Conference, called for a total ban on asbestos and also for the revision of the Asbestos Convention, 1986 (No. 162), in the light of new scientific data. He supported further discussion of the resolution.
- 313.** The Government member of New Zealand shared the views of the Worker Vice-Chairperson and the Government member of the United Kingdom, adding that his country faced the same challenges. Nevertheless, he felt that this was not the right forum to have a technical discussion on asbestos and thus did not support discussion of the resolution as presented.
- 314.** The Government member of the Syrian Arab Republic considered that asbestos presented serious occupational safety and health risks and he was therefore in favour of discussing the resolution.
- 315.** The Government member of Lebanon stated that dealing with asbestos was essential to the promotion of occupational safety and health, and noted that families of workers as well as workers themselves were at risk from asbestos-related diseases. Lebanon had prohibited the use of asbestos in certain industries several years ago. He supported discussing the resolution.
- 316.** The Government member of Suriname, speaking also on behalf of the CARICOM group previously listed, acknowledged the dangers from asbestos, but said that they needed advice from specialists in this area. Therefore he could not support the proposal to discuss the resolution.
- 317.** The Government member of China agreed with several other Government members that asbestos was one of the most dangerous substances and that there was a need for effective measures. However, he considered that this Committee lacked expertise on this subject, and moreover that the specific issue of asbestos was not relevant to the promotional framework. He therefore believed that it was inappropriate to discuss the resolution in this Committee, but he proposed that another meeting be convened for a broader discussion with experts available.
- 318.** The Government member of Australia informed the Committee that his country had a comprehensive ban on the import, export and use of asbestos, but he did not support the proposal to discuss the resolution since he had not come to the meeting prepared for such a discussion.
- 319.** The Government member of Argentina said that he likewise had not come to the meeting prepared to discuss the resolution, but he considered that there were obvious links between asbestos and carcinogens, and the promotional framework for occupational safety and health, and he was therefore in favour of discussing the resolution.
- 320.** The Government member of Uruguay supported discussion of the resolution. She also informed the Committee that Uruguay had prohibited the use of any kind of asbestos since 2000, except where authorized by a specific committee.

-
- 321.** The Government member of Ecuador, speaking also on behalf of the Government member of the Bolivarian Republic of Venezuela, agreed with the remarks of the Government member of Argentina, and supported the continuation of the discussion.
- 322.** The Government member of Egypt informed the Committee about the prohibition of the use and storage of asbestos in Egypt, although Convention No. 162 had not yet been ratified for economic reasons. He supported discussion of the resolution.
- 323.** The Government member of Mexico appreciated the risks from asbestos but was concerned about the timing of the discussion. He considered the topic was too complex to be dealt with exhaustively by this Committee and did not support the proposal to discuss the resolution.
- 324.** The Government member of Gabon reiterated the importance of asbestos but like others he was not prepared for a technical discussion, which he considered required a meeting of experts. He could only agree to continuing the discussion if the focus was not technical.
- 325.** The Worker Vice-Chairperson noted that several Government members considered that a discussion of the resolution would require technical expertise. She reminded the Committee that the resolution only sought to reaffirm existing ILO policy, not to develop new policy. The existing Conventions, already quoted, provided the basis for the resolution.
- 326.** The Employer Vice-Chairperson reminded the Committee that there were two issues: the first was the willingness of the Committee to discuss the resolution and the second related to a legal question, i.e. whether the resolution could be discussed at all. The Government member of the Russian Federation also requested greater clarity on the rules of procedure for the adoption of a resolution.
- 327.** The ILO Legal Adviser reiterated that the Standing Orders allowed for the discussion of a resolution directly in a committee where the resolution related to a matter included in the item placed on the agenda of the Conference that had been referred to that committee. Where it did not, the resolution could be referred back to the Selection Committee or to the plenary of the Conference. After recalling the agenda item that had been fixed by the Governing Body in this instance, she pointed to several elements in the draft resolution that could be seen as relating to the item on the agenda being discussed by this Committee. When compared with the item on the agenda as determined by the Governing Body, (“Occupational safety and health” with a view to the adoption of a Convention and a Recommendation), the draft resolution included text that referred to national programmes on occupational safety and health (referred to in the draft Convention and Recommendation), and to two ILO instruments (Conventions No. 139 on occupational cancer and No. 162 on asbestos) that were included in the annex to the draft Recommendation, which listed ILO instruments relevant to the promotional framework for occupational safety and health. She also recalled that one of the purposes of the draft Convention was to prevent occupational diseases and deaths, to which mention was also made in the proposed resolution on asbestos. These elements suggested that the resolution was relevant to the agenda item that had been referred to this Committee to consider. Therefore, this Committee was competent to discuss the draft resolution on asbestos. In reply to a question about the legal effect of the non-participation by the members of one group in the discussion on the draft resolution, the Legal Adviser explained that, while highly unusual, it was possible for a Committee to reach a decision without the normal tripartite participation as long as a quorum was still attained within the Committee.

328. The Committee voted by show of hands on whether the resolution should be discussed in this Committee. The vote was carried by 21,488 in favour, 17,952 votes against and 408 abstentions. The quorum was 17,952.

329. The Employer Vice-Chairperson referred to the arguments which he had raised earlier regarding the legal competence of this Committee to discuss the resolution. As the resolution, in the opinion of the Employers, did not relate to an item on the agenda, the Employer members would not participate in the discussion.

Title

330. The Title of the resolution was adopted without amendment.

Preambular paragraphs

Paragraph 1

331. The first paragraph was also adopted without amendment.

Paragraph 2

332. The Office commented that some changes would be needed to make the text more precise. Footnotes would be added by the Drafting Committee if necessary. With this proviso, the paragraph was adopted.

Paragraph 3

333. The Government member of the United States asked if the figure of 100,000 deaths a year could be justified. The Worker Vice-Chairperson said that it could be and that she would ensure that all necessary references would be provided for inclusion in the text.^{44, 45}

Paragraph 4

334. The Worker Vice-Chairperson withdrew an amendment which would have deleted the remainder of the paragraph after the word “exposure”.

335. The Government member of Austria, on behalf of Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and the United Kingdom, introduced an amendment to insert the words “, building maintenance” after the word “demolition”. She then subamended the text so that it read “, building maintenance and ship-breaking”. She explained that asbestos exposure was most prevalent in these two occupations, and she therefore proposed that they should be mentioned in the

⁴⁴ <http://www.ilo.org/public/english/bureau/inf/features/06/asbestos.htm>.

⁴⁵ International Programme on Chemical Safety, IPCS, International Chemical Safety Code on “Chrysotile”, No. 0014 at <http://www.ilo.org/public/english/protection/safework/cis/products/icsc/index.htm>.

resolution. The Worker Vice-Chairperson supported the subamendment and there was general support for the text as subamended by the Committee. The amendment as subamended was adopted.

Paragraph 5

336. Paragraph 5 was adopted without amendment.

Paragraph 6

337. The Worker Vice-Chairperson introduced an amendment to insert the words “, the International Social Security Association, the Senior Labour Inspectors Committee of the European Union” after the word “Safety”. The Office said that it was important to exercise caution when referring to the official policy of other international organizations, a comment that applied to the paragraph as a whole. After some further discussion, the Worker Vice-Chairperson proposed changing her amendment so as to delete the whole of paragraph 6. This proposal was accepted by the Committee and all of paragraph 6 was deleted.

338. An amendment had been submitted to the Office by a group of European Union and other European countries to replace the word “chrysotile” in paragraph 6 with the words “any form of”. Since the paragraph had been deleted, this amendment was not discussed.

Paragraph 7

339. Paragraph 7 was adopted without change.

Operative paragraphs

Paragraph 1(a)

340. The Government members of Australia and the United States introduced an amendment to delete the words “prohibition and”. They appreciated that many countries prohibited asbestos, but suggested that the resolution should recognize those that have not. The Worker Vice-Chairperson agreed that a reference to prohibition would raise concerns, particularly in African countries, and supported the amendment in the interests of reaching the broadest possible consensus. She proposed a subamendment as follows:

Resolves:

- (a) to promote the elimination of the further use of all forms of asbestos, including chrysotile, and asbestos-containing materials as the most effective means to protect workers from asbestos-related diseases and deaths; and

341. The Worker Vice-Chairperson noted that this amendment was also intended to explicitly refer to promotion, in line with the promotional framework, and in particular to recognize its significance in African countries.

342. The ILO Legal Adviser noted that under the ILO Constitution, the Conference has specified roles; it does not engage in promotional activities itself.

343. The Worker members proposed a sub-subamendment to read:

Resolves that:

- (a) the elimination of the future use of all forms of asbestos, including chrysotile, and asbestos-containing materials should be promoted, since it is the most effective means to protect workers from asbestos exposure and to prevent future asbestos-related diseases and deaths; and

344. The Government member of Uganda, speaking also on behalf of the Africa group listed earlier, suggested a further subamendment, to read:

Resolves that:

- (a) the promotion of the progressive elimination of the present and future use of asbestos is the most effective means to protect workers from asbestos exposure and to prevent future asbestos-related diseases and deaths; and

345. He then proposed a further subamendment to delete “the promotion of”. The Worker members supported both subamendments, stressing that although elimination could be progressive, it should take place immediately in countries in which this is possible.

346. In response to a request for clarification from the Government member of the United Kingdom, the Worker Vice-Chairperson stressed that she was not proposing the progressive removal of asbestos that was already in place, and proposed a further subamendment to delete “present and”, which was endorsed by the Government member of Uganda on behalf of the Africa group listed earlier.

347. The Government member of Cyprus suggested that the immediate elimination of asbestos was the most effective way to protect workers, and proposed a further subamendment to delete “progressive”. The Worker members endorsed the subamendment, as did the Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed earlier, and the Government member of the Syrian Arab Republic. The amendment was adopted as subamended.

348. An amendment was submitted by the Government members of Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, Norway, Portugal, Slovakia, Slovenia, Spain, Sweden and the United Kingdom to replace the word “is”, directly after “materials”, with the words “and the identification and proper management of asbestos currently in use are”. The Government member of the United Kingdom explained that the amendment was intended to recognize the risk of asbestos-related diseases and deaths in building maintenance work. Many countries had eliminated asbestos in manufacturing and other industries, but asbestos in place in buildings remained a primary source of disease and deaths, particularly among young workers.

349. The Worker members considered the amendment to be significant, and proposed a subamendment to replace “use” with “place”. This received the support of the proposers of the amendment, and it was adopted as subamended.

350. Paragraph 1 was adopted as amended.

Paragraph 2(a)

351. The Government members of Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, Norway, Portugal, Slovakia, Slovenia, Spain, Sweden and the United Kingdom introduced an amendment to replace paragraph 2(a) with the following:

(...) begin the process of the revision of the Asbestos Convention, 1986 (No. 162), taking into account current scientific knowledge;

(...) continue to encourage member States to ratify and implement the provisions of the Occupational Cancer Convention, 1974 (No. 139);

352. The proposers of the amendment considered Convention No. 162 extremely valuable but urgently in need of updating. The Worker members disagreed, arguing that Convention No. 162 was reasonably up to date and useful in many countries. The Worker Vice-Chairperson stressed that it was not the intent of the resolution to suggest this Convention be revised. The Secretariat informed the Committee that the Committee on Legal Issues and International Labour Standards had included Convention No. 162 in the list of Conventions considered to be up to date.

353. The amendment was withdrawn.

Paragraph 2(b)

354. The Government members of Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, Norway, Portugal, Slovakia, Slovenia, Spain, Sweden and the United Kingdom introduced an amendment to replace, after the word “of”, the words “the use” by the words “further use”, which was subamended to “future use” for purposes of consistency. The Worker members supported the amendment as subamended.

355. The Government member of the United States proposed a sub-subamendment, for consistency with paragraph 1(a), to delete “asbestos-containing materials”. The Worker Vice-Chairperson preferred the original text as recognizing that these materials constituted a major form of asbestos. She explained that she would have preferred that they be explicitly referred to in paragraph 1(a) and had been willing to compromise in the interests of reaching agreement, but wished them to be retained in paragraph 2(a). The proposers of the amendment also opposed the subamendment and it was withdrawn.

356. The Government member of Uganda, speaking also on behalf of the Africa group listed earlier, supported the amendment.

357. The amendment was adopted as subamended.

358. The Government members of Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, Norway, Portugal, Slovakia, Slovenia, Spain, Sweden and the United Kingdom introduced an amendment to add a new clause, to read “promote the identification and proper management of all forms of asbestos currently in use;”. The amendment was intended to be in line with paragraph 1(a), and the proposers tabled a subamendment to replace “in use” with “in place”, for the purposes of consistency. The Worker members supported the subamendment and the amendment was adopted as subamended.

Paragraph 2(c)

- 359.** The Government members of Australia and the United States proposed an amendment to replace the words “Assist member States in drawing up national action programmes” with “Encourage member States to include measures in their national occupational safety and health programmes.” They felt that the text as currently drafted suggested that a separate programme be developed to address asbestos, and that it would be preferable to integrate such initiatives into the national occupational safety and health programme.
- 360.** The Worker members, while supportive of the amendment, felt that it did not fully capture the need to assist member States, and proposed a subamendment to insert, after “encourage” the words “and assist”; and also to replace “national occupational safety and health programmes” with “national programmes on occupational safety and health”, for consistency. The subamendment was supported by the Government member of Australia and the Government member of Austria, speaking also on behalf of a number of European Union and other European countries listed earlier.
- 361.** The amendment was adopted as subamended.
- 362.** Paragraph 2 was adopted as amended.

Adoption of the resolution

- 363.** The Worker members declared that the resolution would make significant steps towards combating asbestos and expressed their gratitude to those Government members who had supported it. The Employer members, for the reasons they had outlined earlier, stressed that they had not participated in the discussion and would not participate in a vote. The Government member of the Russian Federation reasserted his view that it was unclear whether the resolution was proposing a revision of Convention No. 162, and questioned whether the Committee had the authority to do so. He also noted that he had not had sufficient time to study the resolution in detail.
- 364.** The Chairperson requested a vote with the aim of ensuring that the decision of the Committee would be as clear as possible. The Employer members reiterated that they did not wish to participate in the vote. The resolution was adopted by 19,601 votes in favour and 544 against, with 3,237 abstentions. The total votes for and against was 20,145 and the quorum was 17,952.
- 365.** The Government member of Canada reiterated that the discussion on asbestos should not have been addressed by the Committee and stressed that he did not participate in the discussion, opposed the adoption of the resolution and had abstained from the vote. He reiterated his Government’s view that while chrysotile can be hazardous if not regulated or used properly, the associated risks could be managed when it was used under controlled conditions.

Adoption of the report

- 366.** At its 11th sitting, the Committee adopted its report, subject to several minor changes requested by the Employer members, the Worker members and two Government members. The Committee also adopted the texts of the Proposed Convention on the promotional framework for occupational safety and health and its associated Recommendation, subject to a few linguistic changes to the Spanish versions of the texts. The proposed resolution concerning asbestos was also adopted.

Concluding remarks

- 367.** The Director-General of the ILO, Mr. Juan Somavia, Secretary-General of the Conference, congratulated the Committee on its work and thanked the secretariat and support staff for their contribution. He emphasized that occupational safety and health had always been a core element of the ILO's work and that the huge costs of work-related accidents and diseases, notably the toll of 2.2 million worker deaths each year, were unacceptable. He believed that there needed to be greater global consciousness of occupational safety and health and he hoped that the proposed new instruments would help to develop this. A change in global consciousness was achievable and he cited child labour as an example, adding that occupational safety and health could follow, especially given the consensus on the subject between social partners.
- 368.** He referred also to the importance of technical cooperation in this area and the need to find ways to assist countries to promote occupational safety and health. Technical cooperation was the subject discussed in another committee at the International Labour Conference, and he affirmed that the ILO would be willing to assist in this area.
- 369.** He acknowledged that discussion on subjects such as asbestos was often difficult and that the Office needed more work in this area. The resolution on asbestos annexed to the report was a first step in this direction. He added that it was important for the ILO to take the lead in this important global work-related issue.
- 370.** The Employer Vice-Chairperson thanked the Director-General for his remarks, as well as all those involved in the development of these important instruments. He believed that the proposed Convention was eminently ratifiable and hoped that more than 100 countries would ratify it over the next five years. The Worker Vice-Chairperson also thanked those involved. She believed that the proposed Convention and Recommendation would make a real difference to reducing work-related accidents and diseases.
- 371.** Many Government members also thanked all those involved for all their efforts in helping to make the Committee's work successful. Several Government members praised the spirit of social dialogue fostered by the ILO and urged that technical assistance should be made available, especially for developing countries, for the implementation of the Convention. One Government member also noted the need to promote sound labour inspection systems and called for action on asbestos to limit its usage and the protection of workers, and for the ILO to commence revision of the Asbestos Convention, 1986 (No. 162). They also reaffirmed the need for high-level political commitment for occupational safety and health.
- 372.** Many Committee members personally thanked the representative of the Secretary-General, Dr. Jukka Takala, as this was his last appearance at an International Labour Conference in his current capacity, and they wished him well for his future posting.
- 373.** The representative of the Secretary-General thanked the Chairperson, the Employer and Worker Vice-Chairpersons and all Committee members for all their efforts. He believed that the discussions marked a new beginning, when occupational safety and health could be promoted through national programmes. He called on all members to work towards ensuring that occupational safety and health was given a high profile in their ministries. He also said that the Office had plans for a ratification campaign for this and other key Conventions on occupational safety and health, such as Conventions Nos. 81 and 155 and those listed in the annex to the Recommendation for which it would need funds.

374. The ILO Executive-Director of Social Protection, Mr. Assane Diop, also thanked the Committee for the excellent work done, and paid personal tribute to Dr. Takala for all his work for the ILO over the course of his career. Mr. Diop mentioned especially the scientific and technical contribution that Dr. Takala had made to the occupational safety and health profession and his great ability to work as a competent and reliable “team player” at an international level.

375. The Chairperson concluded the proceedings by thanking the interpreters, the Committee members and the secretariat. It had been a great pleasure to chair the meeting. He then declared the meeting closed.

Geneva, 12 June 2006.

(Signed) A. Békés,
Chairperson.

S. Kang’ethe,
Reporter.

A. Proposed Convention on the promotional framework for occupational safety and health

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Ninety-fifth Session on 31 May 2006,

Recognizing the global magnitude of occupational injuries, diseases and deaths, and the need for further action to reduce them, and

Recalling that the protection of workers against sickness, disease and injury arising out of employment is among the objectives of the International Labour Organization as set out in its Constitution, and

Recognizing that occupational injuries, diseases and deaths have a negative effect on productivity and on economic and social development, and

Noting paragraph III(g) of the Declaration of Philadelphia, which provides that the International Labour Organization has the solemn obligation to further among the nations of the world programmes which will achieve adequate protection for the life and health of workers in all occupations, and

Mindful of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up, 1998, and

Noting the Occupational Safety and Health Convention, 1981 (No. 155), the Occupational Safety and Health Recommendation, 1981 (No. 164), and other instruments of the International Labour Organization relevant to the promotional framework for occupational safety and health, and

Recalling that the promotion of occupational safety and health is part of the International Labour Organization's agenda of decent work for all, and

Recalling the Conclusions concerning ILO standards-related activities in the area of occupational safety and health – a global strategy, adopted by the International Labour Conference at its 91st Session (2003), in particular relating to ensuring that priority be given to occupational safety and health in national agendas, and

Stressing the importance of the continuous promotion of a national preventative safety and health culture, and

Having decided upon the adoption of certain proposals with regard to occupational safety and health, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this ... day of June two thousand and six the following Convention, which may be cited as the Promotional Framework for Occupational Safety and Health Convention, 2006.

I. DEFINITIONS

Article 1

For the purpose of this Convention:

- (a) the term “national policy” refers to the national policy on occupational safety and health and the working environment developed in accordance with the principles of Article 4 of the Occupational Safety and Health Convention, 1981 (No. 155);
- (b) the term “national system for occupational safety and health” or “national system” refers to the infrastructure which provides the main framework for implementing the national policy and national programmes on occupational safety and health;
- (c) the term “national programme on occupational safety and health” or “national programme” refers to any national programme that includes objectives to be achieved in a predetermined time frame, priorities and means of action formulated to improve occupational safety and health, and means to assess progress;
- (d) the term “a national preventative safety and health culture” refers to a culture in which the right to a safe and healthy working environment is respected at all levels, where government, employers and workers actively participate in securing a safe and healthy working environment through a system of defined rights, responsibilities and duties, and where the principle of prevention is accorded the highest priority.

II. OBJECTIVE

Article 2

1. Each Member which ratifies this Convention shall promote continuous improvement of occupational safety and health to prevent occupational injuries, diseases and deaths, by the development, in consultation with the most representative organizations of employers and workers, of a national policy, national system and national programme.

2. Each Member shall take active steps towards achieving progressively a safe and healthy working environment through a national system and national programmes on occupational safety and health by taking into account the principles set out in instruments of the International Labour Organization (ILO) relevant to the promotional framework for occupational safety and health.

3. Each Member, in consultation with the most representative organizations of employers and workers, shall periodically consider what measures could be taken to ratify relevant occupational safety and health Conventions of the ILO.

III. NATIONAL POLICY

Article 3

1. Each Member shall promote a safe and healthy working environment by formulating a national policy.

2. Each Member shall promote and advance, at all relevant levels, the right of workers to a safe and healthy working environment.

3. In formulating its national policy, each Member, in light of national conditions and practice and in consultation with the most representative organizations of employers and workers, shall promote basic principles such as assessing occupational risks or hazards; combating occupational risks or hazards at source; and developing a national preventative safety and health culture that includes information, consultation and training.

IV. NATIONAL SYSTEM

Article 4

1. Each Member shall establish, maintain, progressively develop and periodically review a national system for occupational safety and health, in consultation with the most representative organizations of employers and workers.

2. The national system for occupational safety and health shall include among others:

- (a) laws and regulations, collective agreements where appropriate, and any other relevant instruments on occupational safety and health;
- (b) an authority or body, or authorities or bodies, responsible for occupational safety and health, designated in accordance with national law and practice;
- (c) mechanisms for ensuring compliance with national laws and regulations, including systems of inspection; and
- (d) arrangements to promote, at the level of the undertaking, cooperation between management, workers and their representatives as an essential element of workplace-related prevention measures.

3. The national system for occupational safety and health shall include, where appropriate:

- (a) a national tripartite advisory body, or bodies, addressing occupational safety and health issues;
- (b) information and advisory services on occupational safety and health;
- (c) the provision of occupational safety and health training;
- (d) occupational health services in accordance with national law and practice;
- (e) research on occupational safety and health;
- (f) a mechanism for the collection and analysis of data on occupational injuries and diseases, taking into account relevant ILO instruments;
- (g) provisions for collaboration with relevant insurance or social security schemes covering occupational injuries and diseases; and
- (h) support mechanisms for a progressive improvement of occupational safety and health conditions in micro-enterprises, in small and medium-sized enterprises and in the informal economy.

V. NATIONAL PROGRAMME

Article 5

1. Each Member shall formulate, implement, monitor, evaluate and periodically review a national programme on occupational safety and health in consultation with the most representative organizations of employers and workers.

2. The national programme shall:

- (a) promote the development of a national preventative safety and health culture;
- (b) contribute to the protection of workers by eliminating or minimizing, so far as is reasonably practicable, work-related hazards and risks, in accordance with national law and practice, in order to prevent occupational injuries, diseases and deaths and promote safety and health in the workplace;
- (c) be formulated and reviewed on the basis of analysis of the national situation regarding occupational safety and health, including analysis of the national system for occupational safety and health;
- (d) include objectives, targets and indicators of progress; and
- (e) be supported, where possible, by other complementary national programmes and plans which will assist in achieving progressively a safe and healthy working environment.

3. The national programme shall be widely publicized and, to the extent possible, endorsed and launched by the highest national authorities.

Article 6

This Convention does not revise any international labour Conventions or Recommendations.

B. Proposed Recommendation on the promotional framework for occupational safety and health

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Ninety-fifth Session on 31 May 2006,

Having decided upon the adoption of certain proposals with regard to occupational safety and health, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Promotional Framework for Occupational Safety and Health Convention, 2006 (hereinafter referred to as “the Convention”);

adopts this ... day of June two thousand and six the following Recommendation, which may be cited as the Promotional Framework for Occupational Safety and Health Recommendation, 2006.

I. NATIONAL POLICY

1. The national policy formulated under Article 3 of the Convention should take into account Part II of the Occupational Safety and Health Convention, 1981 (No. 155), as well as the relevant rights, duties and responsibilities of workers, employers and governments in that Convention.

II. NATIONAL SYSTEM

2. In establishing, maintaining, progressively developing and periodically reviewing the national system for occupational safety and health defined in Article 1(b) of the Convention, Members:

- (a) should take into account the instruments of the International Labour Organization (ILO) relevant to the promotional framework for occupational safety and health listed in the annex to this Recommendation, in particular the Occupational Safety and Health Convention, 1981 (No. 155), the Labour Inspection Convention, 1947 (No. 81) and the Labour Inspection (Agriculture) Convention, 1969 (No. 129); and
- (b) may extend the consultations provided for in Article 4(1) of the Convention to other interested parties.

3. With a view to preventing occupational injuries, diseases and deaths, the national system should provide appropriate measures for the protection of all workers, in particular, workers in high-risk sectors, and vulnerable workers such as those in the informal economy and migrant and young workers.

4. Members should take measures to protect the safety and health of workers of both genders, including the protection of their reproductive health.

5. In promoting a national preventative safety and health culture as defined in Article 1(d) of the Convention, Members should seek:

-
- (a) to raise workplace and public awareness on occupational safety and health through national campaigns linked with, where appropriate, workplace and international initiatives;
 - (b) to promote mechanisms for delivery of occupational safety and health education and training, in particular for management, supervisors, workers and their representatives and government officials responsible for safety and health;
 - (c) to introduce occupational safety and health concepts and, where appropriate, competencies in educational and vocational training programmes;
 - (d) to facilitate the exchange of occupational safety and health statistics and data among relevant authorities, employers, workers and their representatives;
 - (e) to provide information and advice to employers and workers and their respective organizations and to promote or facilitate cooperation among them with a view to eliminating or minimizing, so far as is reasonably practicable, work-related hazards and risks;
 - (f) to promote, at the level of the workplace, the establishment of safety and health policies and joint safety and health committees and the designation of workers' occupational safety and health representatives, in accordance with national law and practice; and
 - (g) to address the constraints of micro-enterprises and small and medium-sized enterprises and contractors in the implementation of occupational safety and health policies and regulations, in accordance with national law and practice.

6. Members should promote a management systems approach to occupational safety and health, such as the approach set out in the *Guidelines on occupational safety and health management systems (ILO-OSH 2001)*.

III. NATIONAL PROGRAMME

7. The national programme on occupational safety and health as defined in Article 1(c) of the Convention should be based on principles of assessment and management of hazards and risks, in particular at the workplace level.

8. The national programme should identify priorities for action, which should be periodically reviewed and updated.

9. In formulating and reviewing the national programme, Members may extend the consultations provided for in Article 5(1) of the Convention to other interested parties.

10. With a view to giving effect to the provisions of Article 5 of the Convention, the national programme should actively promote workplace prevention measures and activities that include the participation of employers, workers and their representatives.

11. The national programme on occupational safety and health should be coordinated, where appropriate, with other national programmes and plans, such as those relating to public health and economic development.

12. In formulating and reviewing the national programme, Members should take into account the instruments of the ILO relevant to the promotional framework for occupational safety and health, listed in the annex to this Recommendation, without prejudice to their obligations under Conventions that they have ratified.

IV. NATIONAL PROFILE

13. Members should prepare and regularly update a national profile which summarizes the existing situation on occupational safety and health and the progress made towards achieving a safe and healthy working environment. The profile should be used as a basis for formulating and reviewing the national programme.

14. (1) The national profile on occupational safety and health should include information on the following elements, as applicable:

- (a) laws and regulations, collective agreements where appropriate, and any other relevant instruments on occupational safety and health;
- (b) the authority or body, or the authorities or bodies, responsible for occupational safety and health, designated in accordance with national law and practice;
- (c) the mechanisms for ensuring compliance with national laws and regulations, including the systems of inspection;
- (d) the arrangements to promote, at the level of the undertaking, cooperation between management, workers and their representatives as an essential element of workplace-related prevention measures;
- (e) the national tripartite advisory body, or bodies, addressing occupational safety and health issues;
- (f) the information and advisory services on occupational safety and health;
- (g) the provision of occupational safety and health training;
- (h) the occupational health services in accordance with national law and practice;
- (i) research on occupational safety and health;
- (j) the mechanism for the collection and analysis of data on occupational injuries and diseases and their causes, taking into account relevant ILO instruments;
- (k) the provisions for collaboration with relevant insurance or social security schemes covering occupational injuries and diseases; and
- (l) the support mechanisms for a progressive improvement of occupational safety and health conditions in micro-enterprises, in small and medium-sized enterprises and in the informal economy.

(2) In addition, the national profile on occupational safety and health should include information on the following elements, where appropriate:

- (a) coordination and collaboration mechanisms at national and enterprise levels, including national programme review mechanisms;
- (b) technical standards, codes of practice and guidelines on occupational safety and health;
- (c) educational and awareness-raising arrangements, including promotional initiatives;

-
- (d) specialized technical, medical and scientific institutions with linkages to various aspects of occupational safety and health, including research institutes and laboratories concerned with occupational safety and health;
 - (e) personnel engaged in the area of occupational safety and health, such as inspectors, safety and health officers, and occupational physicians and hygienists;
 - (f) occupational injury and disease statistics;
 - (g) occupational safety and health policies and programmes of organizations of employers and workers;
 - (h) regular or ongoing activities related to occupational safety and health, including international collaboration;
 - (i) financial and budgetary resources with regard to occupational safety and health; and
 - (j) data addressing demography, literacy, economy and employment, as available, as well as any other relevant information.

V. INTERNATIONAL COOPERATION AND EXCHANGE OF INFORMATION

15. The International Labour Organization should:

- (a) facilitate international technical cooperation on occupational safety and health with a view to assisting countries, particularly developing countries, for the following purposes:
 - (i) to strengthen their capacity for the establishment and maintenance of a national preventative safety and health culture;
 - (ii) to promote a management systems approach to occupational safety and health; and
 - (iii) to promote the ratification, in the case of Conventions, and implementation of instruments of the ILO relevant to the promotional framework for occupational safety and health, listed in the annex to this Recommendation;
- (b) facilitate the exchange of information on national policies within the meaning of Article 1(a) of the Convention, on national systems and programmes on occupational safety and health, including on good practices and innovative approaches, and on the identification of new and emerging hazards and risks in the workplace; and
- (c) provide information on progress made towards achieving a safe and healthy working environment.

VI. UPDATING OF THE ANNEX

16. The annex to this Recommendation should be reviewed and updated by the Governing Body of the International Labour Office. Any revised annex so established shall be adopted by the Governing Body and shall replace the preceding annex after having been communicated to the Members of the International Labour Organization.

ANNEX

INSTRUMENTS OF THE INTERNATIONAL LABOUR ORGANIZATION RELEVANT TO THE PROMOTIONAL FRAMEWORK FOR OCCUPATIONAL SAFETY AND HEALTH

I. Conventions

- Labour Inspection Convention, 1947 (No. 81)
- Radiation Protection Convention, 1960 (No. 115)
- Hygiene (Commerce and Offices) Convention, 1964 (No. 120)
- Employment Injury Benefits Convention, 1964 (No. 121)
- Labour Inspection (Agriculture) Convention, 1969 (No. 129)
- Occupational Cancer Convention, 1974 (No. 139)
- Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)
- Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)
- Occupational Safety and Health Convention, 1981 (No. 155)
- Occupational Health Services Convention, 1985 (No. 161)
- Asbestos Convention, 1986 (No. 162)
- Safety and Health in Construction Convention, 1988 (No. 167)
- Chemicals Convention, 1990 (No. 170)
- Prevention of Major Industrial Accidents Convention, 1993 (No. 174)
- Safety and Health in Mines Convention, 1995 (No. 176)
- Protocol of 1995 to the Labour Inspection Convention, 1947 (No. 81)
- Safety and Health in Agriculture Convention, 2001 (No. 184)
- Protocol of 2002 to the Occupational Safety and Health Convention, 1981 (No. 155)

II. Recommendations

- Labour Inspection Recommendation, 1947 (No. 81)
- Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82)
- Protection of Workers' Health Recommendation, 1953 (No. 97)
- Welfare Facilities Recommendation, 1956 (No. 102)
- Radiation Protection Recommendation, 1960 (No. 114)
- Workers' Housing Recommendation, 1961 (No. 115)
- Hygiene (Commerce and Offices) Recommendation, 1964 (No. 120)
- Employment Injury Benefits Recommendation, 1964 (No. 121)
- Labour Inspection (Agriculture) Recommendation, 1969 (No. 133)
- Occupational Cancer Recommendation, 1974 (No. 147)
- Working Environment (Air Pollution, Noise and Vibration) Recommendation, 1977 (No. 156)
- Occupational Safety and Health (Dock Work) Recommendation, 1979 (No. 160)
- Occupational Safety and Health Recommendation, 1981 (No. 164)
- Occupational Health Services Recommendation, 1985 (No. 171)

Asbestos Recommendation, 1986 (No. 172)
Safety and Health in Construction Recommendation, 1988 (No. 175)
Chemicals Recommendation, 1990 (No. 177)
Prevention of Major Industrial Accidents Recommendation, 1993 (No. 181)
Safety and Health in Mines Recommendation, 1995 (No. 183)
Safety and Health in Agriculture Recommendation, 2001 (No. 192)
List of Occupational Diseases Recommendation, 2002 (No. 194)

Annex

Resolution concerning asbestos

The General Conference of the International Labour Organization,

Considering that all forms of asbestos, including chrysotile, are classified as known human carcinogens by the International Agency for Research on Cancer, a classification restated by the International Programme on Chemical Safety (a joint Programme of the International Labour Organization, the World Health Organization and the United Nations Environment Programme),

Alarmed that an estimated 100,000 workers die every year from diseases caused by exposure to asbestos,

Deeply concerned that workers continue to face serious risks from asbestos exposure, particularly in asbestos removal, demolition, building maintenance, ship-breaking and waste handling activities,

Noting that it has taken three decades of efforts and the emergence of suitable alternatives for a comprehensive ban on the manufacturing and use of asbestos and asbestos-containing products to be adopted in a number of countries,

Further noting that the objective of the Promotional Framework for Occupational Safety and Health Convention 2006 is to prevent occupational injuries, diseases and deaths.

1. Resolves that:

- (a) the elimination of the future use of asbestos and the identification and proper management of asbestos currently in place are the most effective means to protect workers from asbestos exposure and to prevent future asbestos-related diseases and deaths; and
- (b) the Asbestos Convention, 1986 (No. 162), should not be used to provide a justification for, or endorsement of, the continued use of asbestos.

2. Requests the Governing Body to direct the International Labour Office to:

- (a) continue to encourage member States to ratify and give effect to the provisions of the Asbestos Convention, 1986 (No. 162), and the Occupational Cancer Convention, 1974 (No. 139);
- (b) promote the elimination of future use of all forms of asbestos and asbestos containing materials in all member States;
- (c) promote the identification and proper management of all forms of asbestos currently in place;
- (d) encourage and assist member States to include measures in their national programmes on occupational safety and health to protect workers from exposure to asbestos; and
- (e) transmit this resolution to all member States.

CONTENTS

	<i>Page</i>
<i>Fourth item on the agenda: Occupational safety and health (second discussion)</i>	
Report of the Committee on Safety and Health	1
A. Proposed Convention on the promotional framework for occupational safety and health	59
B. Proposed Recommendation on the promotional framework for occupational safety and health	63
Resolution concerning asbestos	69