

THIRD MEETING OF THE SRM TRIPARTITE WORKING GROUP

(25-29 SEPTEMBER 2017)

Overview document: Background information applicable to all OSH preparatory documents

- This overview document provides *background information applicable to all the documents* provided to facilitate the SRM TWG's discussion of the OSH (general provisions and specific risks) instruments that it will examine at its third meeting in September 2017.
- The document sets out the main concepts necessary to understand the technical notes.

18 August 2017

1. The regulatory approach to OSH

International labour standards

The standards concerning OSH may be divided into three major subtopics: (i) general provisions; (ii) protection against specific risks (such as ionizing radiation, benzene, asbestos, occupational cancer and chemicals); and (iii) protection in specific branches of activity.

The **group of instruments concerning the subtopic of general provisions** includes three instruments that the SRM TWG will examine at its 2017 meeting: the Occupational Health Services Convention, 1985 (No. 161), the Occupational Health Services Recommendation, 1985 (No. 171) and the Prevention of Industrial Accidents Recommendation, 1929 (No. 31). An additional five up-to-date instruments concerning general provisions are not included in the SRM TWG's initial programme of work: Conventions No. 155 and Recommendation No. 164 (both adopted in 1981) and Convention No. 187 and Recommendations No. 197 (both adopted in 2006), and the 2002 Protocol to Convention No. 155.

The **group of instruments concerning the subtopic of protection against specific risks** includes 16 instruments that the SRM TWG will examine at its 2017 meeting: the Guarding of Machinery Convention, 1963 (No. 119), the Guarding of Machinery Recommendation, 1963 (No. 118), the Maximum Weight Convention, 1967 (No. 127), the Maximum Weight Recommendation, 1967 (No. 128), the White Lead (Painting) Convention, 1921 (No. 13), the Benzene Convention, 1971 (No. 136), the Benzene Recommendation, 1971 (No. 144), the Anthrax Recommendation, 1919 (No. 3), the Lead Poisoning (Women and Children) Recommendation, 1919 (No. 4), the White Phosphorus Recommendation, 1919 (No. 6), the Chemicals Convention, 1990 (No. 170), the Chemicals Recommendation, 1990 (No. 177), the Asbestos Convention, 1986 (No. 162), the Asbestos Recommendation, 1986 (No. 172), the Prevention of Major Industrial Accidents Convention, 1993 (No. 174) and the Prevention of Major Industrial Accidents Recommendation, 1993 (No. 181). The largest number of instruments within this group deal with hazardous substances, namely chemicals, physical substances and biological substances.

An additional six up-to-date instruments concerning protection against specific risks are not included in the SRM TWG's initial programme of work: Convention No. 115 and Recommendation No. 114 on radiation protection (both adopted in 1960), Convention No. 148 and Recommendation No. 156 on working environment (air pollution, noise and vibration) (both adopted in 1977), and Convention No. 139 and Recommendation No. 147 on occupational cancer (both adopted in 1974).

Five instruments concerning the subtopic of **protection in specific branches** are included in the SRM TWG's initial programme of work, but will not be examined at the 2017 meeting: Convention No. 45 on underground work (women) (adopted in 1935), Convention No. 167 and Recommendation No. 175 on safety and health in construction (both adopted in 1988) and Convention No. 176 and Recommendation No. 183 on safety and health in mines (both adopted

in 1995). Four up-to-date instruments are not included in the SRM TWG's initial programme of work: Convention No. 120 and Recommendation No. 120 on hygiene (commerce and offices) (both adopted in 1964) and Convention No. 184 and Recommendation No. 192 on safety and health in agriculture (both adopted in 2001).

Ratification of international labour standards on OSH

On average, each OSH Convention is ratified by 31 member States. None of the Conventions falling within the general provisions or specific risks sub-groups have been denounced. In common with other subject areas, older OSH instruments often have higher numbers of ratifications than newer instruments.

RATIFICATION: GENERAL PROVISIONS INSTRUMENTS		
Convention	Effective ratifications:	Further information
Convention No. 161	33 effective ratifications (0 denunciations)	<ul style="list-style-type: none"> • Occupational health services • Included in SRM TWG 2017 review
Convention No. 155	66 effective ratifications (0 denunciations)	<ul style="list-style-type: none"> • Occupational safety and health • Not included in SRM TWG's initial programme of work
2002 Protocol to Convention No. 155	12 effective ratifications (0 denunciations)	<ul style="list-style-type: none"> • Occupational safety and health • Not included in SRM TWG's initial programme of work
Convention No. 187	42 effective ratifications (0 denunciations)	<ul style="list-style-type: none"> • Promotional framework • Not included in SRM TWG's initial programme of work

RATIFICATION: SPECIFIC RISKS INSTRUMENTS		
Convention	Effective ratifications:	Further information
Convention No.13	63 effective ratifications (0 denunciations)	<ul style="list-style-type: none"> • White lead • Included in SRM TWG 2017 review
Convention No. 115	50 effective ratifications (0 denunciations)	<ul style="list-style-type: none"> • Radiation • Not included in SRM TWG's initial programme of work
Convention No. 119	52 effective ratifications (0 denunciations)	<ul style="list-style-type: none"> • Guarding of machinery • Included in SRM TWG 2017 review
Convention No. 127	29 effective ratifications (0 denunciations)	<ul style="list-style-type: none"> • Maximum weight • Included in SRM TWG 2017 review

Convention No.136	38 effective ratifications (0 denunciations)	<ul style="list-style-type: none"> • Benzene • Included in SRM TWG 2017 review
Convention No. 139	39 effective ratifications (0 denunciations)	<ul style="list-style-type: none"> • Occupational cancer • Not included in SRM TWG's initial programme of work
Convention No. 148	45 effective ratifications (0 denunciations)	<ul style="list-style-type: none"> • Working environment (air pollution, noise, vibration) • Not included in SRM TWG's initial programme of work
Convention No. 162	35 effective ratifications (0 denunciations)	<ul style="list-style-type: none"> • Asbestos • Included in SRM TWG 2017 review
Convention No. 170	19 effective ratifications (0 denunciations)	<ul style="list-style-type: none"> • Chemicals • Included in SRM TWG 2017 review
Convention No. 174	18 effective ratifications (0 denunciations)	<ul style="list-style-type: none"> • Prevention of major accidents • Included in SRM TWG 2017 review

RATIFICATION: SPECIFIC BRANCHES INSTRUMENTS

Convention	Effective ratifications:	Further information
Convention No.45	70 effective ratifications (28 denunciations)	<ul style="list-style-type: none"> • Underground Work (Women) • Included in SRM TWG initial programme of work but not included in the 2017 review
Convention No. 167	31 effective ratifications (0 denunciations)	<ul style="list-style-type: none"> • Construction • Included in SRM TWG's initial programme of work but not included in the 2017 review
Convention No. 176	32 effective ratifications (0 denunciations)	<ul style="list-style-type: none"> • Mines • Included in SRM TWG's initial programme of work but not included in the 2017 review
Convention No. 120	51 effective ratifications (0 denunciations)	<ul style="list-style-type: none"> • Hygiene (Commerce and Offices) • Not included in SRM TWG's initial programme of work
Convention No.184	16 effective ratifications (0 denunciations)	<ul style="list-style-type: none"> • Agriculture • Not included in SRM TWG's initial programme of work

Evolution in ILO regulatory approach

The first instruments concerning OSH were adopted in 1919, at the first session of the Conference. The approach to international regulation of OSH has evolved since then, especially with the instruments adopted from 1981. Two broad historical phases can be identified.

The earliest OSH instruments tended to regulate a single issue, in relation to which they set out concise, precise prescriptive rules (including exposure limits, etc.) and focussed on the role of governments to protect workers from risks. The single-issue approach aimed at dealing with severe OSH issues affecting a great number of workers. In the context of rapid and continuous scientific and technological progress (including the successful control of many of these previously severe OSH issues) and the numerous new hazardous substances and OSH risks, the single-issue approach has been considered outdated and ineffective in meeting new challenges, which call for new and integrated approaches.¹ While the earlier OSH instruments included gender-specific provisions, constituents now consider that protection should be gender-neutral.²

Ten of the 19 instruments that the SRM TWG will review at its 2017 meeting fall within this category: Recommendation No. 3 on anthrax, No. 4 on lead poisoning and No. 6 on white phosphorus (all adopted in 1919); Convention No. 13 on white lead (adopted in 1921); Convention No. 119 and Recommendation No. 118 on guarding of machinery (adopted in 1963); Convention No. 127 and Recommendation No. 128 on maximum weights (adopted in 1967); and Convention No. 136 and Recommendation No. 144 on benzene (adopted in 1971).

*To consider at
the
2017 meeting*

From the 1980s, the regulatory approach changed towards a focus on social dialogue between governments and employers' and workers' organizations. Importance was given to the development of a national policy through consultation and the management of risks by employers and workers at the enterprise level. Instruments have a broader and more comprehensive scope and, through the establishment of a national policy and a focus on process, allow for flexibility to adapt to scientific developments, changes in the world of work and national circumstances. The obligation of employers to manage OSH risks at the enterprise level as well as the role and rights of workers have been recognised, along with the role of governments to provide the requisite framework. The prioritization of prevention and the establishment of a system of defined rights, duties and responsibilities for the creation of a safe and healthy working environment is a central theme. These instruments also provide for responsibilities of suppliers and exporting states, particularly regarding communication requirements.

The latest OSH instruments to be adopted further emphasize the importance of developing a national preventative safety and health culture in which the right to a safe and healthy working environment is respected at all levels; governments, employers and workers actively participate in securing a safe and healthy working environment; and the highest priority is accorded to the principle of prevention. They take an integrated approach to the regulation of OSH.³ The

¹ See [GB.271/LILS/WP/PRS/2](#), paras. 27, 29 and 118 and [ILO standards-related activities in the area of OSH: An in-depth study for discussion](#), Report VI: ILC, 91st Session, 2003, Geneva, paras.165-166.

² See [GB.271/LILS/WP/PRS/2](#), paras. 17 and 116 and [ILO standards-related activities in the area of OSH: An in-depth study for discussion](#), Report VI: ILC, 91st Session, 2003, Geneva, para. 166.

³ ILO: *Occupational safety and health instruments concerning the promotional framework, construction, mines and agriculture, General Survey by the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part 1B), ILC, 106th Session, Geneva, 2017, para. 21.

Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 197) provide for a framework for OSH, including a national policy, a national system and a national programme on OSH, in consultation with the most representative organizations of employer and workers. The national system shall be developed taking into account the principles set out in relevant ILO instruments.

Six of the 19 instruments that the SRM TWG will review at its 2017 meeting fall within this category: Convention No. 161 and Recommendation No. 172 on occupational health services (adopted in 1985), Convention No. 170 and Recommendation No. 177 on chemicals (adopted in 1990) and Convention No. 174 and Recommendation No. 181 on prevention of major accidents (adopted in 1993).

*To consider at
the
2017 meeting*

Three of the 19 instruments that the SRM TWG will review at its 2017 meeting include aspects from more than one category. Recommendation No. 31 on prevention of accidents (adopted in 1929) is an early instrument with a focus on prescriptive recommendations, but with a comprehensive scope. Convention No. 162 and Recommendation No. 172 on asbestos (adopted in 1986) regulate a single issue and, although they do not require the formulation of a national policy, the Recommendation establishes the principles of national policy and action at the national level, without mentioning the term “policy” specifically. In fact, these instruments also require that laws or regulations are periodically reviewed in light of technical progress and advances in scientific knowledge.

*To consider at
the
2017 meeting*

2. Wider context⁴

According to ILO estimates, every year 2.34 million people die due to occupational fatalities, 2.02 million of which result from work-related diseases, equivalent to 5,500 deaths every day. This causes huge suffering for workers and their families and serious economic losses for economies and societies. Many of these tragedies are preventable through the implementation of sound preventive measures, information and training, adequate inspection and the commitment of governments, employers and workers to occupational safety and health. The related economic costs are colossal at the enterprise, national and global levels. It is estimated that the losses due to compensation, lost work days, interruption of production, training and retraining, medical expenses, and so on, routinely amount to roughly 4 per cent of global GDP. Despite slow but continuous improvement in many countries, occupational accidents and diseases and major accidents are still too frequent and their cost in terms of human suffering and economic burden continues to be significant.

⁴ See further International Labour Conference 98th Session, 2009 Report III (Part 1B) *General Survey concerning the Occupational Safety and Health Convention, 1981 (No. 155), the Occupational Safety and Health Recommendation, 1981 (No. 164), and the Protocol of 2002 to the Occupational Safety and Health Convention, 1981*.

Since the turn of the twentieth century when the first legal relationships between exposure to hazards and the world of work were being established, OSH has grown into a multifaceted discipline. The definition and scope of OSH has evolved over the years and, through a gradual and continuous process, the areas of concern for OSH have expanded from the workplace, via branches of economic activity and national concerns, finally to attain the global arena and include environmental concerns. According to the comprehensive definition adopted by the Joint ILO/WHO Committee on Occupational Health at its First Session (1950), occupational health should “aim at the promotion and maintenance of the highest degree of physical, mental and social well-being of workers in all occupations; the prevention amongst workers of departures from health caused by their working conditions; the protection of workers in their employment from risks resulting from factors adverse to health; the placing and maintenance of workers in an occupational environment adapted to their physiological and psychological capabilities; and, to summarize, the adaptation of work to the workers and of each worker to his or her job”. Occupational safety and health was identified in 1997 by a tripartite committee convened by the Governing Body of the ILO as “the discipline dealing with the prevention of work-related injuries and diseases as well as the protection and promotion of the health of workers. It aims at the improvement of working conditions and environment.”⁵

How has the ILO dealt with the challenges set in the area of OSH? First and foremost the ILO acts through standards. At the First Session of the International Labour Conference in 1919, the ILO adopted the White Phosphorous Recommendation 1919 (No. 6). This is one of the earliest international instruments on occupational safety and health and it was aimed at banning the use of white phosphorous. Since the mid-nineteenth century white phosphorous was widely used in the match-making industry, however it caused matchmakers – mostly children – to contract the dreaded, disfiguring “phossy jaw”. What compounded the tragedies caused by this occupational hazard was that they were avoidable. Another non-hazardous form of phosphorus, red phosphorus, worked just as well for making matches. However, the abundance of cheap labour and the absence of industrial health regulations made a shift in production patterns slow. It took legal compulsion, along with international action, to eventually eliminate the problem. This example illustrates the issues that are still today at the heart of ILO work and of the decent work paradigm in terms of worker protection, economic constraints and the role of regulatory mechanisms in maintaining compliance with ethical principles, rights and obligations.

The standards and other instruments that have developed since the establishment of the ILO illustrate the historical evolution of how to address existing and emerging workplace issues. They are the product of distinct historical and legislative eras and are also a reflection of different stages of scientific, technological and industrial evolution. In order to assess their current impact, coherence and relevance, it seems appropriate to situate these instruments in their historical context.

In the early years, the ILO focused on increasing safety in factories and providing protection against industrial hazards caused by individual, particularly hazardous, substances such as

⁵ See ILO: “Technical and ethical guidelines for workers' health surveillance”, Geneva, 1997 p. 22.

white lead, anthrax and white phosphorous. The focus on the specific regulation of these substances was continued until 1971 when the Benzene Convention, 1971 (No. 136), was adopted. In 1986, the Asbestos Convention, 1986 (No. 162), was adopted, which is the most recent example of this approach. These standards essentially consist of a straightforward set of rules to be observed.

In parallel, during the 1930s broader sectoral perspectives were introduced through the adoption of standards on hygiene in offices and safety in construction. Standards addressing common concerns in specific branches of economic activities have continued to be developed since then with a focus on the most hazardous industries and sectors such as construction (the Safety and Health in Construction Convention, 1988 (No. 167)), mines (Safety and Health in Mines Convention, 1995 (No. 176)), and most recently agriculture (Safety and Health in Agriculture Convention, 2001 (No. 184)).

It was in the area of OSH that the need for model regulations, the precursor to codes of practice, emerged and where they have been most extensively used. A model code was adopted in 1937 as an annex to the Safety Provisions (Building) Recommendation, 1937 (No. 53), which accompanied the Safety Provisions (Building) Convention, 1937 (No. 62).⁶ Member States were invited to “give the fullest effect possible and desirable under national conditions to the provisions of, or provisions equivalent to the provisions of, the annexed Model Code.” Subsequently, due to pressing needs in the industry in the reconstruction phase after the Second World War, two model regulations were passed through the Governing Body in 1949⁷ and 1950 and made public without prior sanction from the International Labour Conference. This adoption procedure was then maintained, but in 1951, when yet another model regulation was at issue, the Governing Body decided to replace the term “model regulation” with “code of practice” in order to clarify that such models were intended to serve as guidance and did not entail any legal obligations for ILO member States.⁸

In the post-war era, increased emphasis was placed on the protection of health and the need for occupational health services. The “merger” between these disciplines was not entirely ready at the time of the adoption of the Occupational Safety and Health Convention, 1981 (No. 155), and this Convention contains only a very brief reference to occupational health services. A few years later, in 1985, a separate instrument on this issue was adopted.

The post-war era up to the 1970s was marked by an emphasis on the specific need for protection against occupational cancer and an increasing awareness of the need for a more comprehensive approach to the human environment in general but also to the working environment. The “Robens Report”, published in 1972, was a significant element in this development.⁹

⁶ Convention No. 62 and Recommendation No. 53 were revised in 1988 by the Safety and Health in Construction Convention,

1988 (No. 167), and Recommendation (No. 175).

⁷ See Minutes of the 109th Session of the Governing Body, June-July 1949

⁸ See Minutes of the 114th Session of the Governing Body, March 1951.

⁹ A. Robens, Great Britain Committee on Safety and Health at Work: Safety and Health at Work, Report of the Committee, 1970-1972 (London, 1972). This report noted the slowness in the decrease of occupational injuries

International standards adopted since then have introduced a number of new, more comprehensive approaches and elements. A first ILO effort resulted in the adoption of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No.148), which was a much more comprehensive standard than any of the previous OSH standards. Its scope is nevertheless limited to physical hazards and hazardous substances and agents to the extent that they fall within the definitions of air pollution, noise and vibration in the Convention.

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It was the Occupational Safety and Health Convention, 1981 (No. 155), that clearly marked a new departure in that, as well as dealing in a comprehensive manner with OSH and the working environment, it is to a large extent a policy instrument rather than an instrument laying down precise legal obligations. It prescribes the formulation, implementation and periodic review of a national policy with the overriding comprehensive aim “to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, by minimizing, so far as is reasonably practicable, the causes of hazards inherent in the working environment.” With two exceptions,¹⁰ all instruments adopted after Convention No. 155 include a provision calling for a national policy on the subject matter they regulate. Unlike Convention No. 155, but like the Occupational Health Services Convention, 1985 (No. 161), none of these Conventions elaborates on the substance of the policy. Instead they turn straight to the measures to be taken for the application of the Convention.

A major reason for the trend away from Conventions laying down precise legal obligations and towards more policy-oriented instruments was undoubtedly the realization that substances and processes, as well as techniques for dealing with them, are constantly evolving. It is thus necessary to have international standards that are sufficiently flexible to adapt to change and that provide for the periodic review of national policy, as well as measures adopted at the national level in the light of current technical progress and advances in scientific knowledge. The foundation for this approach is laid down in Convention No. 155 which requires in Article

and diseases and highlighted the lack of political will in regard to occupational health practices as well as the piecemeal nature of OSH legislation. One of the most significant recommendations of the Robens Report was that industry-specific safety and health legislation should be progressively repealed and replaced by a framework statute that was to cover all industries and all workers. Safety and health issues arising from specific hazards or industries should be addressed in regulations and codes of practice promulgated under this framework enactment. In addition, the report suggested that one of the ways to dispel the apathy in companies in relation to OSH was to increase the participation of workers in the formulation and implementation of the policy. This report became the impetus behind reforms, not only at the national level but also the international level, towards the replacement of detailed technical standards with standards based on broad general duties imposed on employers and others, and the inclusion of rights and duties for workers.

¹⁰ The Asbestos Convention, 1986 (No. 162), and the Safety and Health in Construction Convention, 1988 (No. 167).

7 that the situation regarding occupational safety and health and the working environment shall be reviewed at appropriate intervals, either overall or in respect of particular areas, with a view to identifying major problems, evolving effective methods for dealing with them and priorities of action, and evaluating results.

The need for adaptability of OSH standards was already recognized in the drafting of the Radiation Protection Convention, 1960 (No. 115), which requires that the maximum permissible doses of ionizing radiations fixed by ratifying States shall be kept under constant review in the light of current knowledge. The Occupational Cancer Convention, 1974 (No. 139), requires ratifying States to “periodically determine” the carcinogenic substances and agents to which the Convention shall apply. The Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148), introduced a greater degree of flexibility by leaving it to the competent authority to establish criteria for determining the hazards of exposure and to specify exposure limits where appropriate as well as requiring that these should be supplemented and revised regularly in the light of current international knowledge and data. The Asbestos Convention, 1986 (No. 162), requires that national laws and regulations prescribing measures for safety in the use of asbestos be periodically reviewed in the light of technical progress and advances in scientific knowledge, while the Chemicals Convention, 1990 (No. 170), requires the competent authority to establish systems and specific criteria for the classification of chemicals so as to assess whether a chemical is hazardous, and that the classifications systems and their application be progressively extended. The Prevention of Major Industrial Accidents Convention, 1993 (No. 174), requires employers to review, update and amend the safety report required by the Convention, “when developments in technical knowledge or in the assessment of hazards make this appropriate”. In all these cases, either the Convention itself or the supplementary Recommendation makes reference to other texts that will provide guidance in keeping the measures taken, to give effect to the Convention, up to date. The new List of Occupational Diseases Recommendation, 2002 (No. 194), contains an innovation specifically designed to respond to the need for adaptability to scientific progress. The Recommendation includes in its annex a list of occupational diseases to be regularly reviewed and updated through tripartite meetings of experts convened by the Governing Body. Lists established this way are to be submitted to the Governing Body for approval, and upon approval shall “replace the preceding list” and be communicated to the Members of the ILO.

In terms of basic underlying principles, a driving force in the evolution of standard setting in the field of OSH has been the move towards the prevention of occupational accidents and diseases as opposed to the sole prescription of protective measures. However, it is sometimes difficult to separate the two or qualify a particular measure as one or the other. For example, the earlier Conventions, which are considered to be protection-oriented, contain preventive elements (e.g. the White Lead (Painting) Convention, 1921 (No. 13), and the Benzene Convention, 1971 (No. 136), which both prohibit certain uses of the respective substances). Nonetheless, while these earlier Conventions, along with the more recent ones, continue to contain both preventive and protective elements, a decisive thrust in the direction of prevention was given with the adoption of the Occupational Safety and Health Convention, 1981 (No. 155), and the Occupational Health Services Convention, 1985 (No. 161), which are essentially

aimed at preventive policies and measures. The more recent Conventions place due weight on the priority to be given to preventive measures; protective measures being a last resort if risks cannot be prevented, minimized or eliminated.¹¹ It may also be considered that the first tentative references to ergonomics are a reflection of the move towards prevention.

In 1975, the International Labour Conference adopted a resolution¹² that called for national policies as well as policies at the enterprise level. This was the first step in a shift towards a management approach to OSH, and is noticeable in Conventions adopted since the resolution in the emphasis placed on the responsibilities of the employer and the rights and duties of the workers. Part IV of Convention No. 155 deals with action at the level of the undertaking and these rights and responsibilities are also the subject of separate parts of Conventions Nos. 170, 174 and 176. The aim was to give employers and workers in the enterprise the responsibility of managing the OSH system in order for the policy to be better adapted to the undertaking. In order to address an increasing application of management principles to OSH and demand for standards in this area, in 2001 the ILO adopted *Guidelines on occupational safety and health management systems*.

The adoption of the International Programme for the Improvement of Working Conditions and Environment (PIACT) in 1976¹³ marked an important parallel development in the ILO's approach to OSH. The PIACT clarified the respective roles of the ILO and the WHO, i.e. the same issue of health in relation to work is addressed by the WHO through public health strategies, health policies and laws, and by the ILO through labour strategies to improve working conditions and the working environment, tripartism and labour laws. It also constructed a comprehensive model for an occupational safety and health policy, which embodies the basic principles contained in ILO instruments on OSH. It advocated that this should be coupled with a "participatory approach", preparing the ground for ILO support for the concept of "safety culture" which emerged in the aftermath of Chernobyl (1986). According to current thinking on OSH, the building of a "safety culture" is a key to effective preventive action. In enterprises, safety cultures must be built from within through a management systems approach. OSH is composed of specific and interrelated components, each serving individual functions and with specific characteristics, but each also contributing, albeit in different ways, to the functioning of the system. The management systems approach constitutes the framework which can make these components function together and the Guidelines on occupational safety and health management systems embody these principles.

In June 2003, the International Labour Conference discussed the International Labour Organization's standards-related activities in the area of occupational safety and health. The Conference Conclusions outline a global strategy on occupational safety and health. They

¹¹ See the Occupational Safety and Health Convention, 1981 (No. 155), Part II Article 4(2); the Chemicals Convention, 1990 (No. 170), Article 13.1; the Prevention of Major Industrial Accidents Convention, 1993 (No. 174), Preamble; and the Safety and Health in Mines Convention, 1995 (No. 176), Article 6.

¹² ILO: Resolution concerning future action of the International Labour Organisation in the field of working conditions and environment, International Labour Conference, 60th Session, Geneva, 1975.

¹³ ILO: Improving working conditions and environment: An international programme (PIACT) (Geneva, ILO, 1984).

confirm the role of ILO instruments as a central pillar for the promotion of occupational safety and health. At the same time they also call for integrated action that better connects the ILO standards with other means of action such as advocacy, awareness raising, knowledge development, management, information dissemination and technical cooperation to maximize impact. The Conclusions pinpoint the need for tripartite national commitment and national action in fostering a preventive approach and a safety culture which are key to achieving lasting improvements in safety and health at work. A national preventative safety and health culture is one in which the right to a safe and healthy working environment is respected at all levels, where governments, 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. Building and maintenance of a national preventative safety and health culture and the introduction of a systems approach to OSH management have been identified as fundamental pillars of a global OSH strategy.

A review of the development of ILO standards and other instruments over time reveals that current ILO standards reflect several parallel, complementary and indeed ongoing developments. In terms of legislative techniques these developments include an evolution from rules to policy, from detailed to comprehensive standards and from rigid, precise rules to more flexible process-based provisions. In more substantive terms, the scope and coverage of OSH provisions have evolved from a focus on industrial safety to one on workplace safety and health, to the adaptation of the working environment to the worker, and from protection to prevention and assessment of risks. Modern OSH standards clearly reflect not only collective responsibilities towards workplace safety but also the respective roles, responsibilities and cooperation between employers, workers and their representatives. The most recent and significant change is the development of cross-cutting concepts such as working or safety cultures, the renewal of work ethics and, more recently, the development of quality management systems and the move from technical rules to systems based approaches, which require fully functional management frameworks.

So far, the ILO has adopted more than 40 standards specifically dealing with occupational safety and health, as well as over 40 Codes of Practice. Nearly half of all ILO instruments deal directly or indirectly with these issues.

Proposals to provide a starting point for the SRM TWG's review

2017 meeting: Review of 19 instruments on OSH (general provisions and specific risks)

The 19 instruments that the SRM TWG will examine at its 2017 meeting concern two of the three subtopics (general provisions and specific risks) into which the OSH instruments divide. The 19 instruments under review have the following statuses:

- **To be revised:** Convention No. 119 and Recommendation No. 118 on the guarding of machinery, Convention No. 127 and Recommendation No. 128 on maximum weight, Convention No. 13 on white lead, Convention No. 136 and Recommendation No. 144 on benzene, Recommendation No. 3 on anthrax, Recommendation No. 4 on lead poisoning, and Recommendation No. 6 on white phosphorus.
- **Adopted between 1985 and 2000:** Convention No. 170 and Recommendation No. 177 on chemicals, Convention No. 162 and Recommendation No. 172 on asbestos, Convention No. 174 and Recommendation No. 181 on the prevention of major industrial accidents, and Convention No. 161 and Recommendation No. 171 on occupational health services.
- **Interim:** Recommendation No. 31 on the prevention of industrial accidents.

A starting point for the SRM TWG's review: classification, gaps and follow-up

Pursuant to paragraph 9 of its terms of reference, the mandate of the SRM TWG is to review the international labour standards with a view to making recommendations to the Governing Body on three elements:

- a) the status of the standards examined, including up-to-date standards, standards in need of revision, outdated standards, and possible other classifications;
- b) the identification of gaps in coverage, including those requiring new standards;
- c) practical and time-bound follow-up action, as appropriate.

The Office has prepared eight technical notes to accompany this overview document, addressing those three elements of the SRM TWG's review in relation to the 19 instruments to be examined at its 2017 meeting. In terms of process, the SRM TWG may wish to focus its discussions on whether a particular instrument has lost its purpose:

- First, in the case of an instrument that it determines has lost its purpose, the SRM TWG may wish to consider classifying it as 'outdated' and recommending measures to encourage the ratification of more up to date related instruments or its abrogation or withdrawal, as appropriate.
- Second, in the case of an instrument that it determines has not lost its purpose, the SRM TWG may wish to consider whether the instrument is in need of revision or further actions, including whether any gaps in coverage have been identified and whether it is coherent with scientific developments, changes in the world of work, and the modern regulatory approach:
 - If the instrument requires revision, it could be classified by the SRM TWG as an 'instrument requiring further action' and further actions, including its revision, could be proposed.
 - If the instrument does not require revision, it could be classified by the SRM TWG as 'up to date'.

The possible classifications set out in these documents are based on the preliminary indications given by the Officers and Members of the SRM TWG in relation to the classification system that should be the result of the SRM TWG's reviews of the instruments. The Office understands all 19 instruments to have a current legal status of 'active' and, within a simplified classification system, may be classified as either 'up to date', 'outdated' or 'instruments requiring further action'. This is addressed in further detail in *information document 4*, prepared for the 2017 meeting of the SRM TWG.

Follow-up to the SRM TWG's review: a single revision process on OSH

Ten of the 19 instruments under review have already been considered by the Cartier Working Party to be in need of revision. Other of the 19 instruments may also be in need of full or partial revision, taking account of views expressed in other tripartite and technical expert forums. There is, therefore, the possibility that the SRM TWG may determine that some of the 19 instruments under review in its September 2017 meeting are in need of revision or similar further action.

If that is the case, the SRM TWG may wish to make recommendations to the Governing Body in relation to the mode of the revision. In this regard, a number of factors point towards a comprehensive revision process on OSH to follow up the SRM TWG's review of these 19 instruments. In the first place, the work of the SRM TWG to date has envisaged the broader body of standards being taken into account as the context for reviews of instruments included in the initial programme of work. This is reinforced by the modern integrated approach for OSH, as well as the Governing Body's decision that the SRM TWG review would be organized by strategic objective, rather than on a case-by-case approach, as was the case in earlier standards reviews. In this way, the fifteen OSH instruments that are not included in the initial programme of work¹⁴ would be taken into account as the context for the revision, in an integrated approach to revision.

In that context, the SRM TWG may consider that the remaining five OSH (specific branches of activity) instruments¹⁵ included in the initial programme of work, but not reviewed in the 2017 meeting, should likewise be included in the same revision process on OSH. In this regard, there are two options. First, the SRM TWG may consider examining the remaining five OSH instruments at its next meeting in 2018 and, on the basis of its review, transmit any of those instruments requiring revision to the same process. Alternatively, the SRM TWG could decide to already refer those five instruments to any revision process on OSH, together with the other OSH instruments it will examine at this meeting, for its consideration of whether or not revision of those five instruments is required, without a substantive review by the SRM TWG.

*To consider at
the
2017 meeting*

¹⁴ Conventions Nos 115, 120, 148, 139, 155, 184 and 187, 2002 Protocol to Convention No. 155, and Recommendations Nos 114, 120, 156, 147, 161, 192 and 197.

¹⁵ Conventions Nos 45, 167 and 176 and Recommendations Nos 175 and 183.

The SRM TWG may wish to consider providing specific recommendations concerning the nature of any revision process on OSH that it proposes. In this regard, given that the modern regulatory approach taken to OSH favours an integrated and comprehensive approach, some degree of consolidation or grouping of instruments could be expected in relation to the OSH instruments, to ensure consistency and coherence.