



SIXTH ITEM ON THE AGENDA

Form for reports on the application of ratified Conventions (article 22 of the Constitution): the Protocol of 2002 to the Occupational Safety and Health Convention, 1981 (No. 155)

1. In accordance with the usual practice the Committee is requested to examine the draft form to be used as a basis for the reports on the above instrument which the governments of ratifying States will be required to submit under article 22 of the Constitution of the ILO. The draft form is appended.
2. *The Committee is invited to decide on the report form for the Protocol of 2002 to the Occupational Safety and Health Convention, 1981 (No. 155), and to submit it to the Governing Body for approval.*

Geneva, 6 February 2003.

Point for decision: Paragraph 2.

Appendix

Appl. 22.155
155. Occupational Safety and Health, 1981
Protocol of 2002

INTERNATIONAL LABOUR OFFICE GENEVA

REPORT FORM

FOR THE

PROTOCOL OF 2002 TO THE OCCUPATIONAL SAFETY AND HEALTH CONVENTION, 1981 (No. 155)

The present report form is for the use of countries which have ratified the Protocol. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

First report

If this is your Government's first report following the entry into force of the Protocol in your country, full information should be given on each of the provisions of the Protocol and on each of the questions set out in the report form.

Subsequent reports

In subsequent reports, information need normally be given only:

- (a) on any new legislative or other measures affecting the application of the Protocol;
- (b) in reply to the questions in the report form on the practical application of the Protocol (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;
- (c) **in reply to comments by the supervisory bodies:** the report must contain replies to any comments regarding the application of the Protocol in your country which may have been made by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.

Article 22 of the Constitution of the ILO

Report for the periodto.....
made by the Government of

on the

PROTOCOL OF 2002 TO THE OCCUPATIONAL SAFETY AND HEALTH CONVENTION, 1981 (No. 155)

(ratification registered on))

In addition to the information requested in the report form concerning the Convention, please give detailed information for each of the following Articles of the Protocol.

I. DEFINITIONS

Article 1

For the purpose of this Protocol:

- (a) the term “occupational accident” covers an occurrence arising out of, or in the course of, work which results in fatal or non-fatal injury;
- (b) the term “occupational disease” covers any disease contracted as a result of an exposure to risk factors arising from work activity;
- (c) the term “dangerous occurrence” covers a readily identifiable event as defined under national laws and regulations, with potential to cause an injury or disease to persons at work or to the public;
- (d) the term “commuting accident” covers an accident resulting in death or personal injury occurring on the direct way between the place of work and:
 - (i) the worker’s principal or secondary residence; or
 - (ii) the place where the worker usually takes a meal; or
 - (iii) the place where the worker usually receives his or her remuneration.

II. SYSTEMS FOR RECORDING AND NOTIFICATION

Article 2

The competent authority shall, by laws or regulations or any other method consistent with national conditions and practice, and in consultation with the most representative organizations of employers and workers, establish and periodically review requirements and procedures for:

- (a) the recording of occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases; and
- (b) the notification of occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases.

Please indicate:

1. *the laws or regulations that have been adopted;*
2. *the method followed if the requirements and procedures are being established by means other than laws or regulations; and*
3. *the manner in which the most representative organizations of employers and workers were consulted;*

to establish and periodically review requirements and procedures for matters referred to in subparagraphs (a) and (b) of this Article.

Article 3

The requirements and procedures for recording shall determine:

- (a) the responsibility of employers:
 - (i) to record occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases;
 - (ii) to provide appropriate information to workers and their representatives concerning the recording system;
 - (iii) to ensure appropriate maintenance of these records and their use for the establishment of preventive measures; and
 - (iv) to refrain from instituting retaliatory or disciplinary measures against a worker for reporting an occupational accident, occupational disease, dangerous occurrence, commuting accident or suspected case of occupational disease;
- (b) the information to be recorded;
- (c) the duration for maintaining these records; and
- (d) measures to ensure the confidentiality of personal and medical data in the employer's possession, in accordance with national laws and regulations, conditions and practice.

Please indicate the measures taken to ensure that the requirements and procedures for recording determine:

- (a) *the responsibility of employers concerning matters listed in subparagraph (a) of this Article;*
- (b) *the information to be recorded;*
- (c) *the duration for maintaining these records; and*
- (d) *the measures ensuring the confidentiality of personal and medical data in the employer's possession.*

Article 4

The requirements and procedures for the notification shall determine:

- (a) the responsibility of employers:
 - (i) to notify the competent authorities or other designated bodies of occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases; and
 - (ii) to provide appropriate information to workers and their representatives concerning the notified cases;
- (b) where appropriate, arrangements for notification of occupational accidents and occupational diseases by insurance institutions, occupational health services, medical practitioners and other bodies directly concerned;
- (c) the criteria according to which occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases are to be notified; and
- (d) the time limits for notification.

Please indicate the measures taken to ensure that the requirements and procedures for notification determine:

- (a) *the responsibility of employers concerning matters listed in subparagraph (a) of this Article;*
- (b) *where appropriate, arrangements for notification of occupational accidents and occupational diseases by the institutions, services, practitioners and other bodies referred to in subparagraph (b) of this Article;*

- (c) *the criteria according to which occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases are to be notified; and*
- (d) *the time limits for notification.*

Article 5

The notification shall include data on:

- (a) the enterprise, establishment and employer;
- (b) if applicable, the injured persons and the nature of the injuries or disease; and
- (c) the workplace, the circumstances of the accident or the dangerous occurrence and, in the case of an occupational disease, the circumstances of the exposure to health hazards.

Please indicate the extent to which the notification includes data on the items listed in subparagraphs (a) to (c) of this Article.

III. NATIONAL STATISTICS

Article 6

Each Member which ratifies this Protocol shall, based on the notifications and other available information, publish annually statistics that are compiled in such a way as to be representative of the country as a whole, concerning occupational accidents, occupational diseases and, as appropriate, dangerous occurrences and commuting accidents, as well as the analyses thereof.

Please indicate the measures taken to give effect to this Article, and please provide copies of such published annual statistics.

Article 7

The statistics shall be established following classification schemes that are compatible with the latest relevant international schemes established under the auspices of the International Labour Organization or other competent international organizations.

Please indicate the extent to which the classification schemes established under the auspices of the International Labour Organization or other competent international organizations have been followed in establishing the statistics.