

Standard-Setting Committee on Biological Hazards

Date: 13 June 2024

► Draft resolution and proposed Conclusions

Resolution to place on the agenda of the next ordinary session of the Conference an item entitled “Biological hazards in the working environment”

The General Conference of the International Labour Organization,

Having adopted the report of the Committee appointed to consider the fourth item on the agenda,

Having in particular approved as conclusions, with a view to the consultation of the tripartite constituents, proposals for a Convention supplemented by a Recommendation concerning biological hazards in the working environment,

Decides that an item entitled “Biological hazards in the working environment” shall be included in the agenda of its next session for a second discussion with a view to the adoption of a Convention supplemented by a Recommendation,

Decides that any part of the proposed Conclusions that has not been agreed upon or considered at the current session will be bracketed and will be included in the draft instruments that will be submitted to the Conference for its consideration at the 113th Session (2025).

Proposed Conclusions

A. Form of the instruments

1. The International Labour Conference should adopt standards concerning biological hazards in the working environment.
2. These standards should take the form of a Convention supplemented by a Recommendation.

B. Proposed Conclusions with a view to a Convention

Preamble

3. The Preamble of the Convention should provide the following:
 - (a) recalling the solemn constitutional obligation of the International Labour Organization to further among the nations of the world programmes which will achieve adequate protection for the life and health of workers in all occupations,
 - (b) recalling the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work by the International Labour Conference in June 2022,
 - [(c) *considering the objective to provide a comprehensive legal framework for the respect, promotion and realization of the right to a safe and healthy working environment concerning biological hazards, including provisions for preparedness and response arrangements for the effective management of emergencies related to biological hazards in the working environment, taking new and emerging hazards and risks into account,*
 - (d) *stressing the importance of promoting international policy coherence and cooperation in the prevention of communicable and non-communicable diseases caused by biological hazards in the working environment,*
 - (e) *recognizing the relevance of the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), considered as fundamental Conventions within the meaning of the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022, and the relevance of the Protocol of 2002 to Convention No. 155 and the Occupational Health Services Convention, 1985 (No. 161),*
 - (f) *noting the need to revise the Anthrax Prevention Recommendation, 1919 (No. 3), and to close the gap in coverage of international labour standards concerning other biological hazards in the working environment,*
 - (g) *noting that the proposed instruments constitute the first international instruments addressing biological hazards in the working environment at the global level,*
 - (h) *stressing the need to promote effective management of occupational safety and health regarding biological hazards in the working environment through collaborative means and measures by relevant actors, including public health and occupational safety and health authorities and employers' and workers' organizations, in their respective areas of responsibility.]*

Definition and scope

4. For the purposes of the Convention, the term "biological hazards" refers to any microorganisms, cells or cell cultures, including those which have been genetically modified, which can cause harm to human health, such as bacteria, viruses, parasites, fungi, prions, DNA and RNA materials, and any other microorganisms and their associated allergens and toxins.
5. Biological hazards in the working environment include exposure *inter alia* to organic materials of plant, animal or human origin, bodily fluids and biological vectors or transmitters of disease.
6. Harm to human health caused by biological hazards in the working environment includes communicable and non-communicable diseases and injuries.
7. The Convention should apply to all workers in all branches of economic activity.
8. A Member ratifying the Convention may, after consultation with the representative organizations of employers and workers concerned, and on the basis of an assessment of the biological hazards involved and of the preventive and protective measures to be applied, exclude from its application, in part or in whole, particular branches of economic activity or limited categories of workers in respect of which its application would raise special problems of a substantial nature on condition that a safe and healthy working environment is maintained. It should also make special provisions to protect confidential information whose disclosure to a competitor would be liable to cause harm to an employer's business so long as the safety and health of workers are not compromised thereby.
9. Each Member which avails itself of the possibility afforded in the preceding point should list, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organization, the particular branches of economic activity or categories of workers thus excluded, giving the reasons for such exclusion and describing any measures taken to provide adequate protection to excluded workers, and indicate in subsequent reports any progress towards wider application. Members should make every effort to end exclusions at the earliest opportunity.

National policy

10. Each Member should, consistent with national law and practice and in consultation with the most representative organizations of employers and workers, integrate the protection against biological hazards in the working environment into its national policy on occupational safety and health, based on an evaluation of risk that takes into account the characteristics and degree of concern of hazards, which would be periodically reviewed.
11. National policies on biological hazards should take account of:
 - (a) other relevant policies, including on public health and the environment, where these policies are consistent with, complement or improve occupational safety and health provisions;
 - (b) the best available information concerning the management of occupational safety and health regarding biological hazards in the working environment or promote new research where available information is insufficient;
 - (c) the need to develop arrangements for the effective management of biological hazards in the working environment, including new or emerging biological hazards, considering the need to develop preparedness and response measures to deal with accidents and emergencies related to biological hazards in the working environment, as well as workers' physical and mental health and general well-being;

- (d) the need to consider the impact of climate and environmental risks on occupational safety and health in the working environment and take adequate action to prevent or remedy identified risks;
 - (e) relevant provisions of the Occupational Safety and Health Convention, 1981 (No. 155), the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and, as appropriate, other relevant international labour standards.
- 12.** With a view to obtaining the best available information, the competent authorities should, in consultation with the most representative organizations of employers and workers, make arrangements, as appropriate, and in accordance with national law and practice, for exchanging information and coordinating action with relevant national authorities, including public health and occupational safety and health authorities, and scientific institutions, as well as relevant international organizations.
- 13.** Recognizing that many biological hazards create cross-border risks, Members should encourage both national and multinational employers to provide adequate occupational health and safety conditions and contribute to a preventive occupational health culture to eliminate or minimize these risks.

Preventive and protective measures

- 14.** The competent authorities should, in accordance with national law and practice and in consultation with the most representative organizations of employers and workers, develop national guidelines for preventive and protective, or as appropriate precautionary, measures for the management of biological hazards in the working environment, based on the results of an evaluation of risks. These guidelines should include preparedness and response measures to deal with accidents and emergencies related to biological hazards in the working environment, and should take into account new and emerging hazards and risks, and promote continuous improvement of the level of protection of workers exposed to biological hazards in the working environment.
- 15.** The competent authorities should provide timely information, and support to employers, workers and their representatives concerning preventive and protective measures for the management of biological hazards in the working environment, based on the results of an evaluation of risks, in an accessible form and understandable language, and which should be periodically reviewed, and updated as necessary and keep abreast of scientific and technical knowledge.
- 16.** Each Member should, in consultation with the most representative organizations of employers and workers, develop, make public and regularly review national guidance and preventive and protective measures for:
- (a) sectors and occupations where workers are at a high risk of recognized harm due to exposure to biological hazards;
 - (b) workers who may require special protection, taking into account the need to ensure that such measures should not result in discrimination or contribute to occupational segregation.

Occupational health and occupational health services

- 17.** In taking preventive and protective measures regarding biological hazards in the working environment, in accordance with national law and practice, each Member should seek to:

- (a) progressively extend occupational health services to all workers in all branches of economic activity, in particular to workers and occupations at a higher risk of exposure and workers with certain conditions who may require special protection;
- (b) facilitate the coordination and efficient use of national health and labour infrastructure, expertise and resources for the provision of occupational health services to workers in relation to biological hazards in the working environment.

Data collection, recording and notification of occupational diseases and occupational accidents

- 18.** The competent authorities should, having regard to national conditions and practice and in consultation with the most representative organizations of employers and workers, establish, implement and regularly review procedures for:
 - (a) the reporting, recording, notification and investigation of occupational diseases, occupational accidents and, as appropriate, dangerous occurrences, caused by exposure to biological hazards in the working environment;
 - (b) the production and publication of annual statistics, disaggregated by sex, on occupational diseases, occupational accidents and, as appropriate, dangerous occurrences, caused by exposure to biological hazards in the working environment;
 - (c) the holding of inquiries for cases of serious occupational diseases, occupational accidents or any other injuries to health caused by exposure to biological hazards in the working environment;
 - (d) the annual publication of information on measures taken under the national occupational safety and health policy, which address exposure to biological hazards in the working environment;
 - (e) the determination of the appropriate duration for maintaining records on occupational diseases caused by exposure to biological hazards in the working environment, taking into account the latency periods of such diseases.
- 19.** The competent authorities should, in consultation with the most representative organizations of employers and workers, and in accordance with national law and practice, relevant international standards and scientific developments:
 - (a) periodically review the national lists of occupational diseases for the purposes of prevention, recording, notification and, if applicable, compensation;
 - (b) update these lists, as may be necessary, to include any disease where a direct link between the exposure to biological hazards in the working environment and the disease is established scientifically, or determined by methods appropriate to national conditions and practice.

Employment injury benefits

- 20.** Each Member should ensure that any disease, injury or incapacity due to occupational exposure to biological hazards in the working environment should give rise to an entitlement to employment injury benefits or compensation, in accordance with national law and practice.

Enforcement of laws and regulations

- 21.** Each Member should ensure the enforcement of national laws and regulations concerning biological hazards in the working environment through an adequate and appropriate system

of inspection and, where applicable, other mechanisms for ensuring compliance, including preventive and supportive measures, with allocation of adequate resources and the support needed for these functions.

22. The competent authorities should ensure that:
 - (a) labour inspectors with duties related to biological hazards and risks in the working environment and, as appropriate, other officials are trained on biological hazards in the working environment;
 - (b) labour inspectors with duties related to biological hazards and risks in the working environment, in assessing compliance with national laws and regulations concerning biological hazards in the working environment, promote a systematic approach to occupational safety and health.
23. Each Member should apply, in accordance with national law and practice, adequate penalties for violations of national laws and regulations concerning biological hazards in the working environment.

Duties and responsibilities of employers

24. Employers should ensure that, so far as is reasonably practicable, the working environments under their control are without risk to safety and health due to exposure to biological hazards by taking the appropriate and necessary preventive and protective measures.
25. Preventive and protective measures should be optimized based on risk assessment that includes the characteristics and degree of concern of the biological hazard.
26. Employers' duties and responsibilities with respect to biological hazards in the working environment should include adopting preventive and protective measures, as a result of an adequate risk assessment, ensuring, as appropriate, a gender-responsive perspective that is consistent with national law and applicable collective agreements, and in particular:
 - (a) establishing, in consultation with workers and their representatives, adequate and appropriate systems to conduct, review and, where necessary, update assessments of the risks to the safety and health of workers arising from biological hazards, taking due account of workers who may require special protection;
 - (b) taking all reasonable and practicable measures to eliminate, or when not possible, control and minimize the risks due to biological hazards in the working environment, taking due account of the hierarchy of controls;
 - (c) providing, maintaining and replacing, as necessary, at no cost to the workers, adequate personal protective equipment according to the hierarchy of controls together with training for its use;
 - (d) conducting regular surveillance of the working environment and providing, in accordance with national law and practice, and on the basis of a risk assessment, health surveillance of workers that is adequate and appropriate to the occupational risks of the undertaking;
 - (e) supervising work processes and regularly reviewing the effectiveness of preventive and control measures, including the availability of appropriate personal protective equipment;
 - (f) providing information, instruction and training on biological hazards in the working environment and applicable preventive and protective measures to managers, supervisors and workers, as well as to workers' representatives, at suitable and regular intervals, on paid work time and, where possible, during usual working hours;

- (g) ensuring that all workers are suitably informed, in an accessible form and understandable language, of the risks due to exposure to biological hazards and of the applicable preventive and protective measures before they start any tasks involving such risks, when there are changes in working methods, materials or the risk assessment based on new information and, as necessary, at regular intervals thereafter;
 - (h) ensuring that precautionary measures are taken where sufficient information is not available to adequately assess risks;
 - (i) investigating occupational diseases, occupational accidents and, as appropriate, dangerous occurrences in order to identify causes and take the necessary measures to prevent recurrence of similar events, in cooperation with occupational safety and health committees or workers' representatives.
- 27.** Whenever two or more employers engage in activities simultaneously at one workplace, they should collaborate on how to ensure workers' safety and health related to biological hazards in the working environment, without prejudice to the responsibility of each employer for its workers.
- 28.** Employers should establish preparedness and response measures, according to the size and nature of their activities, to deal with accidents, incidents and emergencies, related to biological hazards in the working environment, taking into account outbreaks of communicable diseases. These measures should be consistent with the guidance provided by the competent authorities.

Rights and duties of workers and their representatives

- 29.** Workers and their representatives should have rights with respect to biological hazards in the working environment that include:
- (a) receiving information and training on biological hazards and risks in the working environment and on appropriate preventive and protective measures and their application;
 - (b) being consulted on the identification of hazards and risk assessments conducted by the employer or the competent authority;
 - (c) being consulted on preventive and protective measures to protect themselves and other workers and being involved in their implementation;
 - (d) enquiring into and being consulted by the employer on relevant aspects related to exposure to biological hazards in the working environment;
 - (e) participating in investigations of occupational diseases, occupational accidents and, as appropriate, dangerous occurrences and being consulted about the conclusions of these investigations;
 - (f) receiving reports on health surveillance and medical examinations, subject to confidentiality rules for personal and medical data;
 - (g) appealing to the competent authorities if they consider that the measures adopted and the means used are not sufficiently effective to ensure adequate protection;
 - (h) in accordance with national laws, being transferred to alternative work, under the advice of the occupational health services, when continued employment in a particular job is contraindicated for health reasons, provided that such work is available and that they have the qualifications or can be trained for such work;

- (i) receiving medical treatment and rehabilitation, in accordance with national law and practice, in the event of an illness, disease or injury caused or exacerbated by exposure to biological hazards;
 - (j) being protected against any discrimination on account of contracting or transmitting a disease caused by exposure to biological hazards.
- 30.** Workers should have duties with respect to biological hazards in the working environment that include:
- (a) complying, in accordance with the instructions received, and the training and means provided by their employers, with prescribed occupational safety and health measures on the prevention of and protection from biological hazards to themselves and others, including through the proper handling and use of adequate personal protective equipment, facilities and other equipment made available to them for this purpose;
 - (b) reporting promptly to their immediate supervisor any working conditions which they believe could present a biological hazard or risk for their safety or health or for the safety or health of others;
 - (c) cooperating with the employer and other workers to adequately identify and implement occupational safety and health measures addressing biological hazards.
- 31.** With respect to biological hazards in the working environment workers should:
- (a) have the right to remove themselves from a work situation without undue consequences, where they have reasonable justification to believe that there is an imminent and serious danger to their life or health and should inform their immediate supervisor of the imminent and serious situation without delay;
 - (b) report forthwith to their immediate supervisor any situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health;
 - (c) not be required by their employer to return to a work situation where there is continuing imminent and serious danger to life or health until the employer has taken remedial action.

Methods of application

- 32.** Each Member should give effect to the provisions of the Convention in consultation with the most representative organizations of employers and workers, through laws and regulations as well as through collective agreements or any other measures consistent with national conditions and practice.

[C. Proposed Conclusions with a view to a Recommendation]

Preamble

- 33.** *The Recommendation should include a preamble indicating that the provisions of the Recommendation should be considered in conjunction with and supplement those of the Convention.*

Preventive and protective measures

- 34.** *The preparedness and response arrangements to be established under the Convention for the effective management of emergencies related to biological hazards in the working environment should include:*

- (a) *the preparation or updating of regulations for the management of such emergencies;*
 - (b) *the establishment of early warning systems;*
 - (c) *the establishment of measures to be taken in the working environment in the event of outbreaks, epidemics or pandemics;*
 - (d) *the establishment of mechanisms of coordination and information with public health authorities;*
 - (e) *national and international collaboration on research;*
 - (f) *provision for appropriate emergency human resources;*
 - (g) *the effective operation of healthcare facilities and essential services;*
 - (h) *material preparedness;*
 - (i) *collaboration between relevant public health, water and waste, occupational health and veterinary health authorities, and other partners;*
 - (j) *rapid public health response systems and real-time communication of expert advice to prepare for and manage outbreaks;*
 - (k) *training of occupational health service providers on potential biological hazards, supported by clinical or laboratory-based surveillance.*
- 35.** *The sectors and occupations where workers are at a higher risk of exposure to biological hazards and for which specific preventive and protective measures should be developed under the Convention should include:*
- (a) *the healthcare sector;*
 - (b) *agricultural work, including in the animal, vegetable and grain sectors;*
 - (c) *the waste sector;*
 - (d) *cleaning and maintenance work;*
 - (e) *humanitarian work;*
 - (f) *laboratory work.*
- 36.** *The categories of workers with certain conditions that may require special protection should include:*
- (a) *pregnant and breastfeeding women;*
 - (b) *young workers;*
 - (c) *older workers;*
 - (d) *workers with disabilities;*
 - (e) *workers medically predisposed to infections or allergies, including immunocompromised workers;*
 - (f) *workers in need of protection due to their social situation and multiple disadvantages.*
- 37.** *When developing measures and guidance for the management of occupational safety and health regarding biological hazards in the working environment, Members should take due account of relevant internationally agreed technical and practical guidance developed by the International Labour Organization and other competent organizations and 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).

Recording of occupational diseases

- 38.** *In determining the appropriate duration for maintaining records on occupational diseases as required by the Convention, Members should, in accordance with national law and practice, take account of the latency periods of occupational diseases.*

Employment injury benefits

- 39.** *In applying the provisions of the Convention concerning employment injury benefits, Members should take due account of the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121), the Employment Injury Benefits Recommendation, 1964 (No. 121), and the List of Occupational Diseases Recommendation, 2002 (No. 194).*

Enforcement of laws and regulations

- 40.** *The system of inspection provided for in the Convention should be guided by the provisions of the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129), without prejudice to the obligations thereunder of Members which have ratified these instruments.*
- 41.** *In assessing compliance with national laws and regulations concerning biological hazards in the working environment, labour inspectors should promote a management systems approach to occupational safety and health.*

Duties and responsibilities of employers

- 42.** *In taking the preventive and protective measures that are their responsibility pursuant to the Convention, employers should take due account of relevant instruments, codes and guidelines, including the Occupational Safety and Health Recommendation, 1981 (No. 164), the Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197), the Guidelines on occupational safety and health management systems (ILO-OSH 2001), the Technical guidelines on biological hazards in the working environment and other relevant subsequent guidance adopted by the International Labour Organization.*
- 43.** *In applying the hierarchy of controls referred to in the Convention, employers should take into account the Technical guidelines on biological hazards in the working environment and other relevant subsequent guidance adopted by the International Labour Organization.*
- 44.** *The Recommendation supersedes the Anthrax Prevention Recommendation, 1919 (No. 3).]*

[Points to be inserted in Part C]

- XX.** Each Member should take measures, in accordance with national law and practice, with a view to ensuring that those who design, manufacture, import, provide or transfer biological substances to which workers could be exposed in the course of their work:
- (a) satisfy themselves that, so far as is reasonably practicable, such substances do not entail dangers for the safety and health of those using them correctly;
 - (b) make available information concerning the correct use and dangerous properties of such substances, including in the form of safety and health data sheets if such are available, as well as instructions on how known hazards are to be avoided;
 - (c) undertake studies and research or otherwise keep abreast of the scientific and technical knowledge necessary to comply with clauses (a) and (b);
 - (d) take due account of the United Nations Recommendations on the Transport of Dangerous Goods and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.
- XX.** These preparedness and response arrangements should include:
- (a) the preparation or updating of workplace policies and guidelines on the management of emergencies related to biological hazards, taking into account possible public health impacts;
 - (b) the provision of appropriate and adequate preventive measures, in accordance with national law and practice and on the basis of a risk assessment, which could include immunization, chemoprophylaxis and testing to all workers free of charge and on a voluntary basis.
- XX.** [...] endeavour to provide access to income protection during periods of isolation or quarantine;
- XX.** [...] endeavour to provide, as appropriate, protection from dismissal if, while complying with monitoring, travel restrictions, quarantine or isolation orders, or for related preventive or curative treatments, they have to be absent from work.