

DRAFT

Standard-Setting Committee on Biological Hazards

Proposed Conclusions as reviewed by the Drafting Committee as of 12 June 2024

A. Form of the instrument

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)
 - (d)
 - (e)
 - (f)
 - (g)
 - (h)

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.

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National policy

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(a)

(b) take account of:

(i) x

- (ii) 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 the workers' physical and mental health and general well-being;
- (iii) 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;
- (iv) 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 infrastructures, 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;
 - (c) 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.