

► Record of Proceedings

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Report of the Standard-Setting Committee on Biological Hazards

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Introduction

1. At its first sitting the Committee elected its Officers as follows:

Chairperson: Mr Luis Claudino de Oliveira (Government member, Portugal)

Vice-Chairpersons: Ms Isabel Maya Rubio (Employer member, Spain)
Mr James Ritchie (Worker member, New Zealand)

2. At its seventh sitting the Committee appointed Ms P. Nghidengwa (Government member, Namibia) as reporter and the members of the Drafting Committee ¹ as follows:

Government members: Mr M. Costela (Chile)
Mr J. De Saint-Jores (France)
Ms S. Soleimani, (Islamic Republic of Iran)

Employer members: Ms V. Bognar and Mr F. Moraes (United States of America)
assisted by Mr R. Marinkovic (International Organisation of Employers)

Worker members: Ms R. Ajam (South Africa)
Ms A. Landry (Canada)
Mr A. Salsamendi (Uruguay)

3. The Committee held 24 sittings.
4. The Chairperson stated that the Committee was meeting at a decisive moment as the world of work confronted profound transitions linked to digitalization, technological innovation, globalization and demographic change. One of the critical challenges was protecting workers from biological hazards in the workplace. In 1919, the ILO Constitution established the principle that workers must be protected from sickness, disease and injury arising from their employment, and that principle remained central to the ILO's mandate in the current context. This had been reaffirmed by the decision of the International Labour Conference, at its 110th Session (2022), to elevate the right to a safe and healthy working environment to the status of a fundamental principle and right at work. Much work nonetheless remained to be done; indeed, the COVID-19 pandemic had highlighted the urgent need for robust measures to safeguard workers' health and safety in the face of biological hazards. The work of the Committee was therefore of utmost importance and represented a heavy responsibility on its members.
5. The representative of the Secretary-General noted that the ILO had adopted more than 40 international labour standards on occupational safety and health but that, with the exception of the Anthrax Prevention Recommendation, 1919 (No. 3), none of those addressed biological hazards. A regulatory gap with respect to other biological hazards had been

¹ Pursuant to article 9 of the Standing Orders of the International Labour Conference, the Drafting Committee reviews the drafting of any instrument referred to it in accordance with the Standing Orders or by special decision of the Conference and ensures agreement between the texts of such instrument in the official languages of the Conference. The Drafting Committee also advises on drafting questions that may be referred to it by the Conference or a committee in the course of the examination of any such instrument.

identified by the Standards Review Mechanism Tripartite Working Group (SRM TWG) in 2017. To address that gap, the ILO Governing Body had confirmed, at its 343rd Session (November 2021), the need for a new instrument or instruments that covered all biological hazards at work. In June 2022, a tripartite meeting of experts had developed technical guidelines on biological hazards in the working environment, which had been adopted by the Governing Body at its 346th Session (October–November 2022). The Governing Body had decided, at its 341st Session (March 2021), to place on the agenda of the 112th and 113th Sessions of the International Labour Conference, in 2024 and 2025, a standard-setting item on biological hazards under a double discussion procedure.

6. In advance of the first discussion, the Office had prepared two reports that were before the Committee. Report IV(1), entitled *Biological hazards in the working environment*, summarized the law and practice across ILO Member States. It contained a questionnaire to which the governments of all Member States had been invited to reply, in consultation with representative organizations of employers and workers. The questionnaire had received an encouraging number of responses – from 87 governments, 50 employers' organizations and 94 workers' organizations. Based on an analysis of those replies, the Office had prepared Report IV(2), entitled *Protection against biological hazards in the working environment*, which contained proposed Conclusions for discussion by the Committee. Those Conclusions were built upon recognition of the need for a comprehensive normative framework encompassing all biological hazards that might affect the safety and health of workers, going well beyond the catastrophic context of pandemics to address the risks faced by workers as part of their normal working lives.
7. The deputy representative of the Secretary-General presented a brief overview of the preparatory work leading up to the Committee, the proposed Conclusions and the next steps that should be taken once the Committee would have completed its work. The proposed Conclusions contained 44 points organized in three parts: A. on the form of the instrument, B. on proposed Conclusions with a view to a Convention, and C. on proposed Conclusions with a view to a Recommendation.

Opening statements

8. The Worker Vice-Chairperson noted that while all ILO standard-setting discussions were important in advancing decent work, this discussion was particularly important, relevant and timely for two reasons. First, in 2022, the right to a safe and healthy working environment had been declared to be a fundamental principle and right at work, which meant that all Member States were obliged to uphold and protect the right as it applied to all workers. Second, the world was emerging from the COVID-19 pandemic that had been caused by a novel coronavirus. Millions of workers had been exposed to that biological hazard, and many had died unnecessarily.
9. He stressed that if the ILO were to provide authority in upholding rights and expanding decent work in a critical area of OSH, these discussions had to lead to the highest of global standards, namely a Convention on biological hazards. To fail to agree on a Convention and guiding Recommendation over the next two Conferences is to fail to meet one of the greatest challenges in the world of work of our time and to fail the constituents of the ILO. A Convention will be an important tool in making workplaces safer so we must not be comfortable with a lesser goal. Let me remind you that we have the Constitutional mandate of this House, the solemn obligation towards workers' safety and health. This was clear to our predecessors and this obligation was renewed with the updated Declaration on Fundamental Principle and Rights at Work, which now includes OSH. A normative gap had been identified and the

Occupational Safety and Health Convention, 1981 (No. 155), and Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) are not specialized enough to ensure protection in the working environment in the face of the increased risk posed by biological hazards.

10. The recent pandemic had demonstrated that all workers might be exposed to a biological hazard at some time during their working lives. It was therefore critical that all the world's workers be covered by the Convention and Recommendation which would emerge from these discussions. The scope of a new standard on biological hazards had to be comprehensive and include all related infectious and non-infectious diseases, poisonings, cancers and injuries and other harms related to the physical properties of biological agents and substances. Explosions, asphyxiations and other physical risks related to the presence of biological hazards in the environment and other conditions arising out of exposures such as cardiovascular and psychosocial conditions should also be within the scope of the new standards. Finally, the new standards should be 'future proofed' to ensure that novel, emerging or evolving biological hazards would be within their scope. The rise of antimicrobial resistant infections and the emergence of new diseases demonstrate the need for vigilance, effective surveillance and a preventive, precautionary approach to risks.
11. The increasing impact of the climate crisis should also be considered in the discussion. Rising temperatures and climate events such as floods, impacted on the numbers and spread of vectors, like mosquitos.
12. Workers and their representatives had a responsibility to cooperate in OSH policy, practices and procedures but the primary responsibility rested with employers to ensure a safe and healthy working environment. Workers had rights to a safe and healthy workplace including the right to information, training, representation and the additional rights bestowed on worker representatives. Workers also had a right to refuse dangerous work without penalty. The standard setting process needed to explicitly recognize these rights. The interconnection between OSH and other fundamental rights was extremely important to recognize. The ILO Social Dialogue Report 2022 showed that 70 per cent of all collective bargaining agreements contained specific clauses on OSH, which provided empirical evidence that when freedom of association and collective bargaining rights were granted, workers and employers prioritized the protection of OSH.
13. The standard-setting discussion should be cognizant of the different impact of exposure to biological hazards on women and men. It did not only pertain to pregnant and breastfeeding women but also to differences in immune responses, the role of women as the primary caregiver in a patriarchal world, and the need for gender sensitive personal protective equipment (PPE). The impact of biological hazards on vulnerable workers including those in informal and precarious employment and migrant workers, including undocumented workers, should also be considered.
14. In closing, he noted that provision for emergency preparedness and response should be an integral part of any new standard, and that should be done with the participation of workers' organizations at all levels. Finally, the text of any new standard should address income protection, rehabilitation and compensation that might result from workplace closures, suspensions, and furloughs due to exposure to biological hazards.
15. The Employer Vice-Chairperson pointed out that the COVID-19 pandemic had highlighted the global health consequences of uncontrolled biological hazards, as well as its impact on the economic and social situation in countries. The pandemic had also reinforced the importance for governments to fulfil their public health responsibility to manage and mitigate global

health crises, and the critical role that social partners should play when developing and implementing mitigation measures impacting the world of work.

16. She stressed the importance of considering in a balanced way the roles and perspectives of the three constituents (governments, employers and workers), when developing any new instrument on biological hazards, and of being sensitive to the viewpoints of both developed and developing countries, small and large companies, and all workers.
17. In 2022, the ILO had adopted *Technical guidelines on biological hazards in the working environment*, which provided exhaustive and detailed advice to governments, employers, and workers on prevention and control measures related to exposure to biological hazards. For the first time a meeting of experts preceding the examination of an item on the agenda of the Conference had adopted an outcome document aimed at providing guidance to constituents in the area concerned. Those guidelines would therefore provide a useful reference point for the discussions and the Employers' group would take them into account when submitting its amendments. The outcome of the Committee, and particularly the nature of the instruments to be adopted, would be different from the guidelines. The Committee would need to identify the general principles on which the guidelines are based and carefully consider the implications of the language used. It would be important to refrain from repeating or entering into unnecessarily details, knowing that the technical guidelines would complement the instruments to be adopted.
18. The Employers' group had several key concerns with the proposed Conclusions. First, the proposed instrument needed to provide a balanced approach between the protection of workers and the enhancement of the economy. It was therefore important to ensure that the instrument would be flexible and adaptable to the context of each country. Conventions could be effective instruments only if they met certain criteria that encourage and attract wide ratification. The text proposed by the Office was too detailed and entailed the implementation of a number of non-fundamental OSH standards and would dissuade many countries from ratifying it: ILO standards should state the principles and the objectives in a clear manner, leaving the details of implementation to be defined by each country according to its own legal traditions and approaches. The Employers' group was convinced that a standalone Recommendation aligned with the principles of the two fundamental OSH Conventions would provide the appropriate flexibility needed for effective implementation by Member States. The instrument should be specific to biological hazards, building on well-established OSH principles. It should not repeat unnecessarily, nor extend or change the content of other OSH instruments but be consistent with them. Furthermore, the Committee should refrain from extending the scope of application, by going further than the Technical guidelines.
19. Second, the origin of the biological hazard present in the working environment was of paramount importance when it comes to establishing the strategies, policies, and specific measures to be adopted. It was important to distinguish between exposure to a biological agent caused by an outbreak, epidemic or pandemic and work-related exposure to a biological agent due to the nature of the work. In respect of the first, public health authorities and provisions were the ones leading the way in the prevention and protection of workers' health while preserving the countries' capacity to produce and keep their economy stable. In respect of the second, occupational safety and health (OSH) provisions were the ones prevailing although it may be necessary to specify or adapt the existing framework provisions to biological risks.

20. Third, it was important that the text of any new standard was clear and easy to understand by workers, employers, civil servants, labour inspectors, experts, and anyone implementing its provisions.
21. Fourth, and finally, provisions were of little value if they did not clearly establish responsibilities, duties, and rights, and if they were too prescriptive and inflexible. When determining rights and obligations, a proper balance needed to be struck between clarity and level of detail. All those elements must remain at the level of principles and fit within the framework established by the more general Conventions, such as Convention No. 155.
22. The Government member of Zimbabwe, speaking on behalf of the Africa group,² noted the timeliness of the discussion, following the recent COVID-19 pandemic, which had exposed deficits in dealing with emergencies and with communicable biological hazards. In Africa, there were gaps in policy frameworks, inadequate national systems, low preparedness, and limited technical capacity to deal with biological hazards in the workplace. Biological hazards typically resulted in occupational diseases, which were often undiagnosed, misdiagnosed, unreported and mistreated. While most countries in the African region had robust reporting and compensation frameworks for occupational accidents, this was not the case in respect of occupational diseases, including those resulting from biological hazards.
23. The development of a holistic framework on biological hazards would improve the working environment and protect workers. The proposed ILO instruments on biological hazards needed to be aligned with similar standards and policies developed by national public health authorities and international organizations like the World Health Organization (WHO). In Africa, workers in the informal economy were particularly vulnerable to the risks posed by biological hazards. Their needs had to be considered in the development of the new standards. Attention should also be paid to high-risk worker populations, including women of reproductive age, youth and workers with disabilities.
24. The Government member of the Islamic Republic of Iran, speaking on behalf of the Asia and Pacific group (ASPAG), pointed out that the region faced unique challenges in addressing biological hazards in diverse working environments. Considering the region's vast geographical expanse, varied economic development levels, and distinct cultural contexts, a comprehensive and tailored approach was crucial to ensure effective protection against biological hazards for all workers. Specific attention needed to be given to workers in the informal economy; to capacity building and awareness raising; to regional cooperation and knowledge sharing; to the recognition of cultural and linguistic diversity in the development of guidance and educational materials; to addressing climate change and environmental factors; to ensuring inclusivity and non-discrimination; to promoting public-private partnerships; and to emphasizing sustainable and resilient workplace practices. This could include promotion of the adoption of sustainable and resilient workplace practices that incorporated principles of prevention, risk mitigation, and emergency preparedness.
25. The Government member of Belgium, speaking on behalf of the European Union (EU) and its Member States, said that North Macedonia, Montenegro, Serbia, Albania, Republic of Moldova, Bosnia and Herzegovina and Norway aligned themselves with the statement. She noted that a new convention, supplemented by a Recommendation, would be a clear added value and provide a comprehensive and forward-looking framework for respecting, promoting and

² Unless otherwise specified, all statements made by Government members on behalf of regional groups or intergovernmental organizations are reported as having been made on behalf of all Governments, members of the group or organization in question, who are members of the ILO and are attending the Conference.

realizing the right to a safe and healthy working environment in the context of biological hazards.

26. Biological hazards in the workplace were not just a threat to workers' health, but also had significant economic implications. These hazards disrupted businesses and, on a larger scale, impacted the economies of countries. Governments, in collaboration with social partners, could play a crucial role to mitigate these hazards. The COVID-19 pandemic illustrated how crucial OSH was for protecting workers' health, for the functioning of society, and for the continuity of critical economic and social activities. This underlined the importance of supporting and guiding employers to implement preventive and protective measures. This could lead to a healthier workforce, and result in economic benefits.
27. The Government member of Saudi Arabia, speaking on behalf of the Cooperation Council for the Arab States of the Gulf (GCC) countries, noted the importance of developing an international labour standard to address all technical aspects of biohazards. It was important for such a standard to take the form of a Recommendation since it needed to be applicable to different contexts. All aspects of work, especially unexpected emergencies such as the COVID-19 pandemic, should be included in the Recommendation. The definition of biological hazards should include a direct link between the hazards, the work environment, and the place of work. The Recommendation should cover all agents and vectors and include mechanisms to address biological hazards, especially in the informal economy or precarious work.
28. The Government member of Cuba noted the need for interaction between the workplace and the community to address the threat of biological hazards. In addition, there was a need for coordinated approaches between authorities responsible for labour, health, and environmental topics. Cuba was taking steps to ensure that all workers could enjoy safety and health protection at work, including through prevention and training of workers and employers. In reference to the proposed Conclusions and in particular point 15 of the text prepared by the Office, she asked for clarification on the obligations that could arise after the adoption of an instrument, in particular reporting obligations under article 22 of the ILO Constitution.
29. The Government member of Switzerland noted that her country had always favoured an integrated standard-setting approach on OSH that would allow the Office to cluster instruments and work more effectively. The Office had no remit for public health protection. It was essential to bolster the existing role of the fundamental Conventions. Switzerland would prefer a Recommendation over a Convention. There were currently 17 Conventions and 8 Protocols addressing safety and health at work, but none of them had achieved a ratification rate of more than 45 per cent, with 11 instruments that had a ratification rate of less than 25 per cent. A specific Recommendation on protection against biological hazards alongside the existing Conventions would promote an integrated approach.
30. The Government member of Norway noted that Norwegian authorities saw the need for better regulation, especially after the COVID-19 pandemic. The text proposed by the Office was in line with Norwegian working environment regulations. Doctors had to report all illnesses that they assumed were due to a patient's working situation, but this system was prone to under-reporting. Norway was currently focusing on education and reporting routines to improve reporting outcomes. Due to the experience of the COVID-19 pandemic, collaboration between public health authorities and occupational health authorities had improved, especially regarding infection control in working life and the population more broadly. The work on a Convention and Recommendation would provide additional impetus for this work.

31. The Government member of Denmark said that her Government supported the statement of the EU and its Member States. She spoke on behalf of the youth population in Denmark. During the COVID-19 pandemic, young people had been at the forefront of jobs that had a high exposure to the virus. Their safety had to be guaranteed through laws, regulations, and workplace culture, in which education and mutual learning played an important role. Employers had to provide access to proper and up-to-date equipment and comply with national laws. Governments had to ensure the availability of safety equipment and education. No one, whether young or not, should fear going to work because of potential exposure to hazardous biological agents.
32. The Government member of Japan noted the need to close the gap in international labour standards to ensure that it covered biological hazards. He emphasized four points. First, it was important to coordinate with other agencies, especially the WHO and the Food and Agriculture Organization of the United Nations. Second, consistency with Conventions Nos 155 and 187 was crucial, and it was therefore important to examine whether it was appropriate to establish a new, additional Convention focused on biological hazards. Third, some Members already had national legal frameworks to protect workers' occupational safety and health on a broad range of issues. It was neither efficient nor realistic to ask them to create new legal frameworks focusing only on biological hazards. Fourth, not all Members faced the same magnitude of risks and damage from all biological hazards included in the wide-ranging definition proposed by the Office. Individual biological hazards should therefore be prioritized.
33. The Government member of the United States of America highlighted the need to strengthen the protection against existing and emerging biological hazards. COVID-19 was just one of many emergencies related to biological hazards that had affected workplaces in recent years, including SARS, H1N1 influenza, Ebola virus disease, and Zika virus disease, among others. The United States placed the highest priority on maintaining and improving strong international labour standards, including the development of new standards upon identification of normative gaps, as in the case of biological hazards. He reaffirmed the support of his government for the recognition of a safe and healthy working environment as a fundamental principle and right at work. The standard on biological hazards would complement existing ILO OSH standards. The United States supported and actively participated in the WHO's efforts to negotiate a pandemic accord. ILO standards on biological hazards would complement a pandemic accord and include a world of work focus. ILO standards were unique because they were negotiated in a tripartite manner. Through the full participation of employers and workers in the process, it was possible to develop biological hazards standards well-tailored to workplaces.
34. The Government member of Canada noted that any new standard should be clear, relevant, inclusive, forward-looking, and implementable by governments. It should also be consistent with other ILO OSH standards and the ILO's fundamental principles and rights at work. Both preventive and protective measures based on a management system approach would be the most effective way to counter and control workplace risks. Workers and employers should jointly play a role in identifying workplace risks and finding the best solutions to prevent and address them.
35. The Government member of Australia expressed his government's commitment to the development of new international labour standards for the protection against biological hazards in the working environment. His government supported the Office's proposal that the new instrument take the form of a Convention supplemented by a Recommendation. A new international standard would strengthen existing OSH frameworks and support the United Nations Sustainable Development Goal 8. Australia had a comprehensive workplace health and

safety framework that covered all hazards, including biological hazards. However, while it was recognized that national law and practices differed between Member States, it would be important to ensure that the new standards provided a robust framework for preventative and protective measures against biological hazards in the workplace.

36. The Government member of Honduras emphasized the importance of regulatory frameworks, protocols and mechanisms to address biohazards in an increasingly interconnected and dynamic world. The lessons from the COVID-19 pandemic should be extended to other fields of economic activity, allowing coverage for all workers, closing regulatory gaps, and articulating efforts among all actors in society through policies and strategies that promote prevention, protection, and mitigation. Honduras had established a regulatory framework that addressed occupational risks broadly, and involved workers' and employers' organizations and competent authorities that combined the functions of regulation, promotion, and surveillance of OSH regulations. That legislation recognized biological risks and provided parameters of coverage for infectious and parasitic diseases, toxic and physical agents, with compensation based on the degree of impact. It also established prescriptions and guidelines for employers and workers. The adoption of a Convention supplemented by a Recommendation should provide Member States with a framework that included prescriptive elements while allowing flexibility for ratification and adaptation in national contexts.
37. The Government member of the United Kingdom of Great Britain and Northern Ireland noted that the United Kingdom was in a pre-election period, which meant that she was unable to adopt a position on the form that the proposed instrument should take. However, her government was committed to contributing to the creation of a new standard that would promote international policy coherence, workers' health worldwide, and contribute to containing the spread of infection exposure to biological hazards at work. She requested the Office to clarify which sectors, occupations, and categories of workers referred to in points 35 and 36 of the proposed text. She emphasized the importance of national OSH regulation, which included general and specific duties for employers to ensure health and safety in the workplace, including protection from the risks of exposure to biological hazards.
38. The Government member of Türkiye noted that the COVID-19 pandemic had revealed the legal gaps at the national and international level regarding biological hazards at work. The adoption of an instrument would contribute to better estimation and prevention against biological hazards. Türkiye's Regulation on Prevention of Exposure Risks to the Biological Factors set minimum requirements for the health and safety of workers exposed to biological agents at work. He recognized the need for a similar instrument at the international level. Türkiye would support a Recommendation that provided sufficient flexibility for practical implementation, while promoting Conventions Nos 155 and 187.
39. The Government member of the Democratic Republic of the Congo noted that his government has promoted safe and healthy workplaces through its national legislation and that biological hazards were fully considered in Congolese legislation. While national legislation provided both employers and workers with the most effective guidance on national policies on employment and professional training, the labour code, and list of occupational diseases, his government supported the adoption of international standards on biological hazards in the workplace in the form of a Convention supplemented by a Recommendation.
40. The Government member of Islamic Republic of Iran welcomed the development of a new international standard to address biological hazards in the working environment. A strong and comprehensive instrument was crucial to protect the workforce considering Iran's large agricultural, healthcare, and informal economy sectors and the numerous small and medium-

sized enterprises (SMEs) that faced high risks from biological agents. It would be important for the standard to include special measures tailored to the informal economy and mechanisms to ensure adequate pensions to disabled, suspended, or unemployed workers resulting from exposure to occupational hazards. Specific guidance on approaches to manage antimicrobial resistance risks and on emergency preparedness plans at different levels should be considered. The Islamic Republic of Iran was ready to collaborate with all stakeholders to create a robust international instrument that addresses biological hazards in the workplace.

41. The Government member of Indonesia indicated that his government fully supported the ILO's efforts to address issues related to biological hazards in the workplace. Indonesia had adopted its own measures to address the spread of biological hazards, including COVID-19, and stood ready to collaborate with the ILO and other Member States to share knowledge, experience, and best practices related to biological hazards.
42. The Government member of Senegal noted that his country had ratified Conventions Nos 155 and 187, as well as Convention No. 161, which provides for the establishment of occupational health services. In addition, it had also adopted numerous laws and policies to protect the safety and health of workers, including the development of a second National Occupational Safety and Health Programme 2023–2027. Senegal therefore supported the adoption of a Convention supplemented by a Recommendation.
43. The representative of Women in Informal Employment – Globalizing and Organizing (WIEGO) noted that WIEGO represents millions of workers in informal employment. Waste pickers and other workers in informal employment across many different occupations faced serious risks from biological hazards daily, threatening their health, the health of their families, and their livelihoods. They worked largely without personal protective equipment, faced inadequate access to occupational health and other medical services, lacked broader social protection, and were largely excluded from OSH regulations, laws and policies. There was an obligation for both employers and governments to create working conditions in which those workers could be protected from biological hazards. She called on the ILO to develop a Convention and Recommendation that were inclusive and sensitive to the working lives of the global majority, particularly women and gender minorities, upheld the right for all workers to basic health services, and promoted full participation of workers in informal employment in social dialogue.
44. The representative of the International Commission of Occupational Health (ICOH) noted that ICOH data indicated that each year, biological risks caused 550,000 deaths and related disabilities at work. Those hazards created a massive social and economic burden of some US\$548 billion annually. ICOH strongly supported ILO efforts to reduce the burden of biological hazards in the working environment through the adoption of a new international standard.
45. The representative of StreetNet International noted that his international alliance of street and market workers represented over 700,000 informal workers. Street and market vendors worked in precarious conditions subjected to biological hazards daily and were in extreme vulnerable positions. Women represented 70 per cent of informal street and market vendors and that the gender dimension of exposure to biological hazards should not be overlooked. He called for inclusive social dialogue that would include informal street and market workers and supported the adoption of a Convention supplemented by a Recommendation that explicitly laid out the responsibilities of state authorities towards self-employed workers in public spaces.
46. The representative of the Institution for Occupational Safety and Health (IOSH) noted that biological hazards affected workers across all sectors and that pregnant women, migrant workers, elderly workers, and people with pre-existing or chronic diseases were particularly

vulnerable to specific types of biological hazards. Global knowledge on the impact of biological hazards remained incomplete due to poor healthcare and prevention, lack of trained epidemiologists and lack of trained occupational health professionals, as well as ineffective disease reporting and surveillance. She welcomed public policy efforts to protect workers against biological hazards through mitigation, prevention and control strategies based on robust evidence on the impact of hazardous agents on occupations and industries. The ILO's *Technical guidelines on biological hazards in the working environment* was an important blueprint for education and biological risk awareness, and offered improved prevention, preparedness, response planning, and increased resilience against biological risk factors. She noted that legal compliance related to biological hazards had not been prioritized in the international OSH policy agenda, and she welcomed the prospect of a new ILO standard on the topic. IOSH was particularly concerned by work-related diseases linked to biological agents affected by climate change and increases in cancers associated with exposure to biological hazards at work. Effective surveillance and a preventative precautionary approach to risks should be supported with advice from occupational safety and health professionals especially for emerging and developing economies that needed to build sufficient competences.

47. The representative from Public Services International (PSI) noted that PSI represented 30 million public service workers in 154 countries. Public service workers were the backbone of societies and risked their lives to ensure that communities could function safely in the face of biological hazards. The recognition of the universal right of all workers to a safe and healthy working environment called for robust comprehensive measures to ensure that no worker was left unprotected. Policies and regulations should not discriminate and should be extended to all workers irrespective of their sector and status. She supported the development of a Convention coupled with a Recommendation that included a clear framework for safeguarding workers against biological hazards, encompassing mandatory safety protocols, access to necessary protective equipment, regular training and support systems the mental and physical health of workers. It was fundamental that trade union rights were protected and upheld to ensure the effective implementation of the Convention.
48. The Employer Vice-Chairperson confirmed the importance of the topic and the need to protect workers, but noted that a few of her group's concerns had also been expressed by governments, such as the binding nature of the instrument, the repetition or duplication of content from existing ILO OSH instruments, and the need for clarity especially with regard to the responsibilities of each actor in the application of the instrument. Also, there should be a clear understanding of the interface between public health and OSH to develop a proper framework to address hazards originating from the workplace versus public health concerns.
49. The Worker Vice-Chairperson highlighted that the fundamental rights outlined in Conventions Nos 155 and 187 did not represent a constraint, but rather a baseline that could be enhanced to protect workers from biological hazards. There was an overlap between population-wide pandemics and work-related biological hazards, and clarification was needed with regard to the WHO's responsibility for public health, and the ILO's for labour and OSH issues. It was critical to ensure that workers were protected, but that risks arising from and impacting the workplace were also addressed through a preventative approach built around respect for workers' rights and cooperation between all social partners at every level, from policy to workplace practice.

Discussion of the amendments to the proposed Conclusions³

A. Form of the instruments

Point 1

A.6 and A.28

- 50. An amendment proposed by the Government members of Japan, Switzerland and Türkiye (A.6) was withdrawn and an amendment proposed by the Employers' group (A.28) was not adopted as a consequence of the decision reached by the Committee on point 2.
- 51. Point 1 was adopted.

Point 2

A.7 and A.29

- 52. The Committee had before it two amendments proposing to modify the text to read: "This standard should take the form of a Recommendation". One was submitted by the Employers' group and one by the Government members of Japan, Switzerland and Türkiye.
- 53. The Employer Vice-Chairperson explained that her group would prefer the instrument to take the form of a Recommendation to provide greater flexibility and the possibility to adapt to different national contexts. She also underlined that the proposed instruments did not provide legal certainty in the definitions and scope of application, as most national laws had a more limited approach. Coupled with the inclusion of clauses that repeated the content of other ILO OSH instruments, that would constitute a ratification barrier for many governments, taking into account the low ratification rate of other OSH Conventions.
- 54. The Government member of Switzerland, speaking also on behalf of the Government members of Japan and Türkiye, explained that they also had a preference for the instrument to be a Recommendation which would accompany the current fundamental OSH standards, rather than duplicate provisions of existing standards.
- 55. The Worker Vice-Chairperson did not support the amendments and recalled that the Standards Review Mechanism Tripartite Working Group had found a regulatory, gap concerning biological hazards. Filling this gap would require binding regulations in the international arena. Moreover, an instrument taking the form of a Convention could mirror a hazard-specific approach as was the case for the Chemicals Convention, 1990 (No. 170). The COVID-19 pandemic had highlighted the need for a binding instrument as there was no directly applicable normative ILO reference for biological hazards, and the fundamental OSH Conventions had not provided constituents with appropriate guidance at that time. Given the high annual mortality of workers due to biological hazards and the risk of a future pandemic, a normative instrument was needed to protect all workers.
- 56. The Government member of Türkiye underlined the overall low ratification rate of existing OSH instruments and the risk of repeating that with a new Convention on biological hazards.

³ The proposed Conclusions are included in pages 99–107 of [ILC.112/Report IV\(2\)](#). All [amendments by point](#) can be found on the [Committee's web page](#).

57. The Government member of Belgium, speaking on behalf of the EU Member States, did not support the amendments, noting that it would be important to adopt a Convention supplemented by a Recommendation due to the necessity of having a specific instrument dealing with biological hazards, especially in the devastating aftermath of COVID-19. An instrument could protect the health of workers and support business continuity, regardless of whether it was ratified or not.
58. The Government member of Japan was also in favour of having an instrument in the form of a Recommendation, as he shared the concerns concerning the possible low ratification rate.
59. The Government member of Chile did not support the amendments, as he was in favour of an instrument in the form of a Convention supplemented by a Recommendation, noting that the low ratification rate of other OSH Conventions did not predict that it would be the case for a new Convention.
60. The Government member of Colombia expressed support for Chile's position and emphasized the importance of having a Convention supplemented by a Recommendation. The Government members of Brazil, Honduras, Kenya, Zimbabwe, Senegal, Namibia, Zambia, South Africa, Australia and Norway also preferred that the instrument take the form of a Convention supplemented by a Recommendation.
61. The Government member of Qatar called for the adoption of a Recommendation, given the technical and precise nature of the proposed text. The Government members of Morocco and Indonesia also supported an instrument in the form of a Recommendation.
62. The Government member of the United States supported a Convention supplemented by a Recommendation, noting that it was impossible to predict ratification rates. As OSH standards had gained more attention, the hope was that a new Convention on biological hazards could bring attention to that serious issue.
63. The Employer Vice-Chairperson agreed that a legislative gap on biological hazards existed, but that did not mean that a Convention was needed. In recent standard-setting activities, such as for apprenticeships, where a normative gap had also been identified, a Recommendation had been sufficient. Regarding Convention No. 170, replicating the process and content from chemicals to biologicals would not necessarily be useful. The COVID-19 pandemic had been a public health issue and it was important to differentiate between public health and OSH hazards. Conventions were only binding when they were ratified, and that the greatest protection would be provided by adopting an instrument in the appropriate form.
64. In response, the Worker Vice-Chairperson clarified that he had not suggested copying the content of Convention No. 170, but having a similar approach in adopting a Convention on specific hazards. Conventions did not need to be ratified to influence national legislation; they created an international standard. Recommendations, on the other hand, did not fill a normative gap but merely provided guidance.
65. The Government member of Japan said that if a Convention was discussed it should be based on consensus to increase its potential of being implemented by many countries.
66. The Employer Vice-Chairperson emphasized the need for a consensus-based approach. Noting the lack of consensus on the type of instrument, she proposed to discuss the content and postpone the decision on the form of the instrument. The Government members of Switzerland and Mali, agreed with the proposal.
67. The Worker Vice-Chairperson noted that there was a majority of governments in favour of a Convention supplemented by a Recommendation and that the discussion had allowed

constituents to better understand concerns. He did not agree to postpone the decision on the nature of the instrument as the language would be different depending on whether the text was for a Convention or a Recommendation.

68. The Government member of the United States agreed that a majority of governments preferred the Office text and expressed concern about not being able to reach an agreement. He proposed to commit to reach a consensus on the nature of the instruments.
69. The Government member of Belgium, speaking on behalf of the EU and its Member States, agreed with the Government member of the United States on the importance of taking a consensual decision on the form of the instrument. Since a Convention would create obligations for Member States, the decision should be made before discussing the text in order to ensure that the language would be adapted to the type of instrument.
70. The Government members of Brazil, Norway, Chile and the Islamic Republic of Iran supported the point made by the Government member of Belgium.
71. The Government member of Japan remarked that the objective should be to reach a consensus and not have a vote resulting in a majority versus a minority. In that spirit, he withdrew the amendment (A.7) submitted with the Government members of Switzerland and Türkiye.
72. When resuming the discussion at the next sitting, the Employer Vice-Chairperson said that her group would not withdraw its amendment because they believed that a Convention would be overly prescriptive and its application could be problematic in practice, particularly taking into account that most employers concerned were small and medium-sized enterprises. A Convention had to be ratifiable in order for it to be a useful and beneficial instrument. Nonetheless, her group wished to seek a consensus-based solution on this point.
73. The Chairperson asked if there were any objections to deciding that the amendment was not adopted.
74. The Government member of the Philippines proposed to hold a vote to take the decision, but the motion was not seconded.
75. The Employer Vice-Chairperson reiterated that her group had thought that consensus could be reached on that important issue and her group would not call for a vote as not all avenues of dialogue had been exhausted.
76. The Worker Vice-Chairperson, recognizing that the majority of Committee members did not support the amendment, indicated that his group supported the Chairperson's proposal to announce that the Committee did not adopt the amendment.
77. The Government members of Belgium, speaking on behalf of the EU Member States, Chile, speaking on behalf of other group of Latin American and Caribbean countries (GRULAC), and Zimbabwe, speaking on behalf of the Africa group, also supported deciding that the amendment was not adopted.
78. The amendment was not adopted.
79. Point 2 was adopted without amendment.

B. Proposed Conclusions with a view to a Convention

A.30

80. An amendment proposed by the Employers' group fell as a consequence of the decision reached by the Committee on point 2.

81. The title of Part B was adopted without amendment.

Preamble

Point 3, introductory sentence

A.31

82. An amendment proposed by the Employers' group fell as a consequence of the decision reached by the Committee on point 2.
83. The introductory sentence of point 3 was adopted without amendment.

New clause before point 3(a)

A.20

84. The Worker Vice-Chairperson introduced an amendment to insert, before point 3(a), a new clause reading "Recalling the constitutional solemn 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". He explained that the wording was drawn from Article III(g) of the Declaration of Philadelphia (1944) and also related to the status of a safe and healthy working environment as a fundamental principle and right at work.
85. The Employer Vice-Chairperson did not support the amendment as it was not specifically related to the issue of biological hazards.
86. The Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU Member States, the Philippines and Indonesia supported the amendment.
87. The amendment was adopted and the new clause before (a) was adopted.

Point 3(a)

88. Clause (a) of point 3 was adopted.

Point 3(b)

A.8

89. The Government member of Switzerland, speaking also on behalf of the Government members of Japan and Türkiye, introduced an amendment to delete the word "comprehensive" before "legal framework". Challenges and responses regarding biological hazards differed greatly between countries and a "comprehensive" legal framework would consequently be too broad in scope.
90. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
91. The Government member of the Philippines did not support the amendment as he considered that a focus solely on a legal framework would be too limiting.
92. The amendment was adopted.

A.32

93. The Employer Vice-Chairperson introduced an amendment to delete the words “for the respect, promotion and realization of the right to a safe and healthy working environment” after “legal framework”. That modification should be considered in conjunction with other amendments proposed by her group. A distinction needed to be drawn between biological hazards that arose from the workplace activity and those that arose from the external environment. Furthermore, the reference to the right to a safe and healthy working environment was not fully consistent with the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022 (1998 Declaration) and clause (a) already referred to it, so there was no need to repeat it in clause (b).
94. The Worker Vice-Chairperson did not support the amendment. The purpose of the Preamble was to provide the context for the substantive content of the instrument that would follow, and it was therefore important to recall the 1998 Declaration.
95. The Government members of Belgium, speaking on behalf of the EU Member States, Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, the Philippines and South Africa did not support the amendment.
96. In response to a request from the Employer Vice-Chairperson for an explanation of the origin of the language in the Office text, a member of the Secretariat read out paragraph 2 of the ILO Declaration on Fundamental Principles and Rights at Work.
97. The amendment was withdrawn.

A.33 and A.35

98. The Employer Vice-Chairperson, noting the importance of distinguishing between exposures that arose from work activities and those from public health emergencies, introduced an amendment to replace “including provisions for preparedness and response arrangements for the effective management of emergencies related to biological hazards in” with “arising from work activities, as well as those causing public health emergencies affecting”.
99. The Worker Vice-Chairperson did not support the amendment, specifically the deletion of preparedness arrangements which were critical for protecting workers from biological hazards. He noted that “arising from” was not sufficient as biological hazards that originated from outside of the workplace could also affect the working environment.
100. The Government member of the United States did not support the insertion of “arising from work activities as well as those causing public health emergencies” in clause (b). It narrowed the scope since some biological hazards did not arise from work activities and did not necessarily become public health emergencies, but nonetheless arose from the working environment.
101. The Employer Vice-Chairperson specified that the proposal was not to completely eliminate the text “including provisions for preparedness and response arrangements for the effective management of emergencies related to biological hazards in” from the conclusions, but to move it to point 3 as proposed in another amendment submitted by her group (A.35). The proposal was to insert a new clause after clause (b) that read as follows: “recognizing the need for public authorities to develop provisions for preparedness and response arrangements for the effective management of public health emergencies related to biological hazards affecting the working environment, taking new and emerging hazards and risks into account,”.

- 102.** The Worker Vice-Chairperson questioned whether it was appropriate to include the clause in the Preamble and suggested that it might be better suited in the part dealing with duties and responsibilities of social partners.

A.11

- 103.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to delete “including provisions for preparedness and response arrangements for the effective management of emergencies related to biological hazards in the working environment” and insert, at the end of the clause, “as well as the need to develop arrangements to deal with accidents, incidents and emergencies related to biological hazards in the working environment”. The aim was to emphasize the importance of the “working environment,” as pandemics or epidemics, despite being public health issues, could become emergencies in the working environment.
- 104.** The Worker Vice-Chairperson expressed support for the amendment with the exception to retain measures on preparedness and response, and proposed to subamend the text to read: “(b) considering the objective to provide a 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, taking into account new and emerging hazards and risks, as well as the need to develop arrangements to deal with accidents, incidents and emergencies related to biological hazards in the working environment”. This combined the need for preparedness while addressing the concerns raised by the EU and its Member States.
- 105.** The Employer Vice-Chairperson noted that her group could support the amendment if the amendment they had submitted could also be accepted. She proposed a subamendment to add the words “arising from work activities” before “taking into account new and emerging hazards and risks”.
- 106.** The Worker Vice-Chairperson did not support the subamendment and noted that biological hazards did not only arise from work activities, citing the example of a pandemic.
- 107.** The Government member of Belgium, speaking on behalf of the EU and its Member States, and the Government members of Bangladesh and Brazil did not support the subamendment.
- 108.** The Employer Vice-Chairperson stated the need to draw a distinction between biological hazards that arose from within the workplace and hazards that originated outside of work-related activities. It was important to differentiate between those two separate situations and the responsibilities that differed accordingly. If hazards arose from within the workplace, OSH measures would apply. However, for a hazard originating outside the workplace, public health measures should be applied. Enterprises should not be expected to control events such as pandemics.
- 109.** The Worker Vice-Chairperson noted that employers had responsibilities for biological hazards present at the workplace, even if they did not arise from work activities, notably to minimize hazards in the workplace and to protect workers from exposure to such hazards.
- 110.** The Government member of Belgium, speaking on behalf of the EU and its Member States, did not support the subamendment and proposed another subamendment to add the words “as well as the need to develop preparedness arrangements to deal with accidents, incidents and emergencies related to biological hazards in the working environment” at the end of the sentence. She highlighted the need for preparedness arrangements to mitigate new and emerging biological hazards, both those inside and outside of the working environment.

111. The Worker Vice-Chairperson supported the new subamendment.
112. The Government member of Algeria noted some confusion regarding the responsibilities of employers and public health authorities and asked the Office to propose text that clarified the distinction.
113. The Government member of Switzerland, seconded by the Government members of Japan and Türkiye, proposed a new subamendment to replace the words “arising from the workplace” with “when the risk in the workplace is higher than in the general population” after “working environment concerning biological hazards”, acknowledging the important differences in risk between the general population and the working population.
114. The Employer Vice-Chairperson reiterated that her group could accept the amendment if there was a clear legal framework setting out responsibilities as noted by the Government member of Algeria. She proposed adding the words “and/or arising from work activities” instead of “when the risk is higher.”
115. The Government member of Belgium, speaking on behalf of the EU Member States, proposed to delete the words “in the working environment and/or arising from work activities” as well as the words “in the working environment” at the end of the point.
116. The Employer Vice-Chairperson agreed with the proposal of the EU Member States under condition that the words “in the working environment and/or arising from work activities” be reintroduced as part of a new point after the Point 12 of the proposed text.
117. The Government member of Chile, speaking on behalf of GRULAC, proposed to retain the original text since the proposed amendments distorted its meaning.
118. The Worker Vice-Chairperson supported GRULAC’s proposal and agreed to consider the proposal by the Employers’ group to insert the words “in the working environment and/or arising from work activities” in a new proposed point after Point 12.
119. The Employer Vice-Chairperson agreed with GRULAC’s proposal and to propose the insertion of a new point after point 12 that recognized the need for public authorities to develop provisions for preparedness and response arrangements for the effective management of public health emergencies related to biological hazards.
120. As the Committee did not have time to resume the discussion of point 3(b), all related amendments and subamendments fell and the original text was retained in the final Conclusions as point 3(c) in italics and brackets. Similarly, as the Committee could not consider clauses (c) to (g) of the proposed Conclusions submitted to the Conference, they were included in the final Conclusions as originally drafted in italics and brackets.⁴

Title of section 1

121. The Employer Vice-Chairperson withdrew two amendments (A.40 and A.49) and the title of section 1 – Definition and scope – was adopted.

Point 4

122. An amendment submitted by the Employers’ group (A.41) fell as a consequence of the decision reached by the Committee on point 2.

⁴ See para. 1124 below for an explanation concerning the parts of the text that were not examined by the Committee.

A.42

123. The Employer Vice-Chairperson introduced an amendment to add “hazards posed by biological agent, which are” before the words “any microorganisms”. The text addressed biological hazards but when referring to microorganisms, cells and the like, it was technically more accurate to refer to biological agents.
124. The Worker Vice-Chairperson noted that the Convention should apply to the full spectrum of biological hazards, not just biological agents. He suggested that the words “the hazards associated with biological substances and agents and includes but is not limited to” be added to the text after “refers to”. The reference to “substances and agents” came from Articles 5 and 16 of Convention No. 155, which represented the official ILO definition of biological hazards. Examples of substances that were not necessarily biological agents included tobacco plants that caused green tobacco sickness, stinging nettles and poison ivy, cotton causing cotton workers’ lung, flour dust and other plant dust that caused respiratory illnesses, aggravated asthma, and resulted in dermatitis. In addition, the ILO’s list of occupational diseases included diseases caused by both biological agents and biological substances. He requested advice from the Office on whether an attack by a wild or a domestic animal would be covered by a definition of biological agents that referred to “substances and agents”. For example, agricultural workers and construction workers were often exposed to snake bites.
125. The Employer Vice-Chairperson noted that Article 12 of Convention No. 155 referred to biological agents but not to biological substances. It was therefore appropriate to refer to biological agents, which was the term commonly used in occupational safety and health. Biological agents did not include any type of harm caused by living agents but referred to harm caused by an infection, a toxic effect or an allergic effect. The Employers’ group could not accept an overly broad definition of biological hazards and preferred the text that referred to biological hazards caused by biological agents.
126. The Government member of the Democratic Republic of the Congo agreed with the Employer Vice-Chairperson that the definition of biological hazards should be limited to diseases caused directly by microorganisms and by the vectors of diseases in the working environment, such as diseases transmitted directly from animals to humans. This would exclude snake bites.
127. A representative of the Secretariat explained that when preparing the text, the Office had retained the broad definition of biological hazards based on the *Technical guidelines on biological hazards in the working environment* adopted by the Governing Body in November 2022 following the meeting of experts, and taking into account replies to the questionnaire. The aim was to afford the broadest and most comprehensive protection possible to workers against biological hazards. The proposed definition was therefore broader than that commonly found in the legislation of some countries. It encompassed a wide range of potential risks associated with exposure to biological hazards in the working environment and was not limited to the risks caused by biological agents. The Office text aimed for a more inclusive approach, covering all biological hazards and associated risks, but the definition did not cover attacks by wild animals, but only the impact of animals as vectors of disease, such as mosquitos.
128. The Worker Vice-Chairperson pointed out that Articles 5 and 16 of Convention No. 155 referred to both biological substances and agents.
129. The Government member of Chile, speaking on behalf of GRULAC, expressed support for the amendments introduced by both the Employers’ group and the Workers’ group but suggested to subamend the text proposed by the Workers’ group so that the beginning of point 4 would

read: “For the purposes of this Convention, the term biological hazards refers to hazards associated with biological substances and agents, included but not limited to...”.

130. The Government member of Zimbabwe, speaking on behalf of the Africa group, did not support the subamendment proposed by GRULAC, and noted that her group favoured the Office text, which was broad and inclusive.
131. The Government member of China did not support the subamendment and noted that the definition of “biological hazards” was too broad and would hinder implementation at national level. The definition should be aligned with the guidelines contained in Conventions Nos 155 and 187.
132. The Worker Vice-Chairperson and the Government members of Switzerland and Kenya supported the subamendment because it made the definition more precise and therefore easier to implement.
133. The Employer Vice-Chairperson reiterated that her group did not support the subamendment because it made the definition of biological hazards too broad and open-ended. It also included a reference to biological substances, which her group opposed. However, her group could accept the text if it was consistent with Convention No. 155.
134. The Government member of Bangladesh did not support the subamendment because it resulted in an overly broad definition of biological hazards. He proposed a further subamendment that was not seconded and therefore fell.
135. The Government member of Belgium, speaking on behalf of the EU and its Member States did not support the subamendment, and noted that the definition should be broad and exclude reference to biological agents.
136. The Government member of Japan did not support the subamendment and agreed with the Government members of China and Bangladesh that the definition was too broad and without clear boundaries. It was important to ensure that definitions in Conventions were specific and clear.
137. The subamendment and the amendment were withdrawn.

A.60, A.61, A.62 and A.63

138. The Committee considered together four amendments to point 4 proposed by the EU Member States.
139. The Government member of Belgium, speaking on behalf of the EU Member States, explained that their proposed amendments intended to draw a distinction between the biological agents that could cause harm and how people were exposed to those hazards. The latter issue would be dealt with under point 5 (A.71 and A.72). A risk assessment was called for to understand workers’ exposure to hazards in various ways, such as by working with animals or humans, being in contact with bodily fluids or with biological vectors or transmitters.
140. The Government member of Switzerland said that two issues were under consideration: an umbrella definition of biological hazards and a list of examples of such hazards. She suggested to discuss the list first, which would help to clarify the umbrella definition.
141. The Employer Vice-Chairperson and the Government member of Zimbabwe, speaking on behalf of the Africa group, supported the four amendments.

- 142. The Worker Vice-Chairperson indicated his preference to retain the original text in points 4 and 5, which came from the ILO's *Technical guidelines on biological hazards in the working environment*. The Government member of Brazil also did not support the amendments.
- 143. The Government member of Chile, speaking on behalf of GRULAC, indicated support for the original text and preference for examining each amendment individually.
- 144. The Employer Vice-Chairperson indicated that if the amendments by the EU Member States were adopted her group would withdraw its amendments to point 4 and consider supporting other amendments such as the one proposed by the Government member of Japan (A.70).
- 145. The Government member of Chile, speaking on behalf of GRULAC, indicated that they could accept the new formulation of point 4 and so did the Employer Vice-Chairperson.

Point 5

A.71 and A.72

- 146. The Committee had before it two amendments proposed by the EU Member States to modify the text of point 5 to read: "Biological hazards and risks 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."
- 147. The Worker Vice-Chairperson agreed with the insertion of "exposure inter alia to organic materials of plant, animal or human origin, bodily fluids and" (A.72), but not with inserting the words "and risks" (A.71), and so did the Government member of Chile, speaking on behalf of GRULAC, and the Government member of Brazil.
- 148. The Government member of Switzerland said that adding "exposure inter alia to organic materials of plant, animal or human origin, bodily fluids and" would not make sense if adding "and risks" was not retained.
- 149. The Worker Vice-Chairperson explained that the interpretation of "risks" would need to be addressed in the Drafting Committee, particularly since the term appeared throughout the document. He was supported by the Government member of Chile, speaking on behalf of GRULAC, as well as by the Government member of the Islamic Republic of Iran, who added that risks were the result of existing hazards and were defined by likelihood and severity, thus they should not be referred to in this context.
- 150. The Worker Vice-Chairperson and the Government member of Chile, speaking on behalf of GRULAC, suggested to consider the amendments to points 4 and 5 together. The Government member of Chile considered that most members of the Committee seemed to be in favour of that.
- 151. The Government member of Japan did not agree and the Employer Vice-Chairperson asked to look at each amendment to point 4 individually. On point 5, her group supported the insertion of "and risks".
- 152. The Government member of Chile, speaking on behalf of GRULAC, agreed to address each amendment under point 4 individually and indicated that he would support adopting both amendments to point 5.
- 153. The Government member of Brazil did not support inserting "and risks" due to the absence of a definition of "risk" in the Conclusions, which could generate issues of legal interpretation.

- 154.** The Government member of Honduras supported the insertion of those words, as the definition of “risks” was sufficiently broad to be incorporated into national legislation.
- 155.** The Government member of the United States noted that, while there was an important debate on the inclusion of “risks” to be conducted, that was not the priority. There seemed to be consensus on the four amendments proposed by the EU Members States for point 4, and on amendment 72 for point 5. Agreeing with the Worker Vice-Chairperson, he suggested to use the text of point 4 as so amended as a basis to go through the other amendments proposed on point 4, as well as to adopt point 5 with the addition of “exposure inter alia to organic materials of plant, animal or human origin, bodily fluids and”. The Government member of Chile, speaking on behalf of GRULAC, reiterated that the discussion was on a package of amendments.
- 156.** The Chairperson asked for confirmation on consensus for adopting those amendments to points 4 and 5 and then proceeding with the consideration of other amendments individually.
- 157.** The Worker Vice-Chairperson and the Government members of Switzerland, Zimbabwe on behalf of the Africa group and Chile on behalf of GRULAC confirmed that there was consensus.
- 158.** The Employer Vice-Chairperson replied that her group supported adopting the amendments to point 4 as subamended, but would prefer to continue discussing point 5 to better frame the definition.
- 159.** Amendments A.60, A.61, A.62 and A.63 were adopted, with the following text for point 4:
- For the purpose 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.
- 160.** Amendment A.72 was adopted, with the following text for point 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.
- 161.** Two amendments (A.14 and A.45) fell.
- 162.** The Employer Vice-Chairperson repeated that while they supported the adoption of amendments to point 4, they did not support A.72 as they considered that the language could be further improved from a technical point of view. When resuming the discussion on amendment A.71 at a later sitting, she proposed a subamendment to insert “associated with biological hazards” after “risks”.
- 163.** The Worker Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, and Zimbabwe, speaking on behalf of the Africa group, did not support the amendment or the subamendment.
- 164.** The subamendment was not adopted and the amendment was withdrawn. Another amendment (A.23) was withdrawn.

Consideration of other amendments to point 4

- 165.** An amendment (A.18) was withdrawn.

A.19

- 166.** The Government member of the United States, seconded by the Government member of the United Kingdom, introduced an amendment to delete “which can cause harm to human health”

after “which have been genetically modified” and before “such as bacteria,” and to add “in the working environment that are causing or are likely to cause a significant risk of material harm to human health” at the end of the sentence. He subamended the proposed new text to read: “in the working environment that, based on a risk assessment, are causing or are likely to cause material harm to human health.” The subamendment introduced a practical element which would allow workplaces to classify and control hazards based on their risk level.

- 167. The Employer Vice-Chairperson, the Worker Vice-Chairperson, and the Government members of Cuba, Zimbabwe, and Chile speaking on behalf of GRULAC, did not support the amendment or the subamendment.
- 168. The Government member of Japan supported the amendments as subamended, noting that it would be important to determine risk levels for different types of biological hazards in the workplace.
- 169. The subamendment and the amendment were withdrawn.
- 170. Three amendments (A.43, A.44 and A.56) were withdrawn.

A.65

- 171. The Government member of Switzerland, speaking also on behalf of the Government members of Japan and Türkiye, introduced an amendment to replace “microorganisms, cells, or other organic materials” with “cellular or non-cellular biological substances”, and to insert “cell cultures” before “bodily fluids,” to be consistent with the WHO Laboratory Biosafety Manual.
- 172. The Employer Vice-Chairperson, the Worker Vice-Chairperson, and the Government member of Zimbabwe, speaking on behalf of the African group, did not agree with the proposed amendment.
- 173. This amendment was withdrawn.

A.66

- 174. The Government member of Switzerland, speaking also on behalf of the Government members of Japan and Türkiye, introduced an amendment to delete “including those which have been genetically modified,”, to be consistent with the WHO Laboratory Biosafety Manual. He proposed a subamendment to replace “including those which have been” with “either naturally occurring or” and keep “genetically modified,”.
- 175. The Worker Vice-Chairperson, the Employer Vice-Chairperson, and the Government members of Ghana and Zimbabwe did not support the amendment or the subamendment.
- 176. The Government member of the Islamic Republic of Iran supported the amendments as subamended as it corresponded to the WHO Laboratory Biosafety Manual.
- 177. The amendment was withdrawn.
- 178. Two other amendments (A.67 and A.68) were withdrawn.

A.69

- 179. The Government member of Switzerland, speaking on also on behalf of Japan and Türkiye, proposed an amendment to delete “and their associated allergens and toxins” at the end of the text, noting that the mechanism of action was more similar to chemical substances than to biological ones.

- 180. The Worker Vice-Chairperson did not support this amendment, citing the ILO Chemicals Convention, 1990 (No. 170), which explicitly excluded organisms, indicating a gap in coverage.
- 181. The Government member of Saudi Arabia, speaking on behalf of the GCC countries; the Government member of Chile, speaking on behalf of GRULAC; the Government member of Zimbabwe, speaking on behalf of the Africa group; and the Government member of Brazil also did not support the amendment.
- 182. The amendment was withdrawn.

A.70

- 183. The Government member of Japan, speaking also on behalf of Switzerland and Türkiye, introduced an amendment to add at the end of the point: "Given the wide range of the definition, approach to each hazard should be optimized based on risk assessment by each Member that includes the characteristics and degree of concern of the biological hazards." He explained that the addition of that text would be important to compensate for the withdrawal of another amendment (A.19) that had sought to take into account the issue of risk assessment.
- 184. The Employer Vice-Chairperson noted that the amendment did not affect the agreement that had been reached on the rest of the text of point 4 and therefore it should be discussed.
- 185. The Worker Vice-Chairperson did not support the amendment, noting that point 4 related only to the definition and the approach for risk assessment could be dealt with in other parts of the Convention. The Government member of Chile, speaking on behalf of GRULAC, and the Government member of South Africa, also did not support the amendment.
- 186. The Government member of the United States supported the amendment, noting that the concept of harm and probability should be included in the definition. Seconded by the Government member of Japan, he proposed a subamendment to put the text in a new point to differentiate the concept of risk assessment from the definition.
- 187. The Government members of the Dominican Republic, Saudi Arabia, speaking on behalf of the GCC countries, Switzerland and Türkiye supported the proposal to put the text of the amendment in a new point.
- 188. The Worker Vice-Chairperson proposed to park the discussion of the proposed new point, noting that while the issue of risk assessment was significant, it would be more appropriate to discuss it in the section on risk management. The Government members of Zimbabwe, speaking on behalf of the Africa group, and Chile, speaking on behalf of GRULAC, supported the proposal to discuss the possible new point when considering another section.
- 189. The Government member of the United States noted the broad support for the inclusion of a new point and agreed to park the discussion in the hope that consensus would be reached when resuming the consideration of the text.
- 190. The Government member of Japan aligned with the statement of the Government member of the United States and pointed out that there were several sections of the Convention concerning governments' responsibilities where it could be relevant to consider adding the concept of risk assessment.
- 191. The Committee agreed to resume at a later sitting the discussion of a possible new point with the following text:

Given the wide range of the definition, approach to each hazard should be optimized based on risk assessment by each Member that includes the characteristics and degree of concern of the biological substance.

192. Point 4 was adopted, as amended.

Consideration of other amendments to point 5

193. Two amendments (A. 45 and A.14) fell.

A.71

- 194.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to insert “and risks” after “Biological hazards”.
- 195.** The Employer Vice-Chairperson supported the amendment and proposed a subamendment to add “associated with biological hazards” after “risks”.
- 196.** The Worker Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, and Zimbabwe, speaking on behalf of the Africa group, did not support the amendment or the subamendment.
- 197.** The subamendment was not adopted and the amendment was withdrawn. Another amendment (A.23) was withdrawn.
- 198.** Point 5 was adopted as amended.

Point 6

A.17

- 199.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to insert “can” after “environment” and delete “communicable and non-communicable”. The intention was to clarify that harm to human health was not limited to injuries and diseases and the instrument would cover other adverse health effects that did not constitute a disease or an injury. The reference to “communicable and non-communicable” diseases pertained more to pandemics than to the workplace. She proposed a subamendment to include “other adverse health effects” after the “diseases” to make it clear that the harm to human health was not limited to injuries and diseases.
- 200.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 201.** The Government member of Chile, speaking on behalf of GRULAC, proposed a subamendment to replace the word “can” with “among others”.
- 202.** The Worker Vice-Chairperson agreed in principle, but suggested to use the words “not limited to” instead of “among others” in order to make sure that the text include implicitly “other adverse health effect” as was proposed in one of his group’s amendments (A. 24).
- 203.** The Employer Vice-Chairperson said that her group could not support the addition of the words “can”, “among others” or “not limited to” since that made the text too broad and open-ended and language in Conventions needed to be precise.
- 204.** The Government member of Zimbabwe, speaking on behalf of the Africa group, did not support the proposed subamendments because the word “includes” already made it clear that the list was not exhaustive.

- 205. The Government member of China did not support the inclusion of “can” and suggested considering the insertion of “mostly” before “includes”. That would make it clear that the harm to human health caused by biological agents was not limited to diseases and injuries.
- 206. The Government member of the United States supported the inclusion of the words “not limited to”.
- 207. When resuming the discussion at a later sitting, the Worker Vice-Chairperson, the Employer Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries and the United Kingdom expressed their preference for the original text and the amendment was withdrawn.

A.24

- 208. The Worker Vice-Chairperson introduced an amendment to insert “other adverse health effects” between “diseases” and “and injuries”. He introduced a subamendment to delete “communicable and non-communicable” before “diseases” to make the text clear and comprehensive.
- 209. The Employer Vice-Chairperson did not support the amendment because it went beyond definitions contained in national legislation within the EU Member States and other regions.
- 210. In response to a request from the Government member of Japan to clarify the meaning of “adverse health effects”, the Worker Vice-Chairperson explained that adverse health effects included chronic conditions that might not appear immediately, but as a consequence of the cumulative effect of a biological hazard, such as asthma, hepatitis or various forms of cancer. Those were serious conditions that did not manifest themselves as injuries or diseases when initially assessed.
- 211. The Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, and Zimbabwe, speaking on behalf of the Africa group, supported the amendment as subamended.
- 212. The Government member of the Islamic Republic of Iran requested the Secretariat to clarify why the term “communicable and non-communicable diseases” had been included in the text.
- 213. A representative of the Secretariat clarified that the reference to “communicable and non-communicable diseases” had been included in the questionnaire that had sent out by the Office as part of the first report prepared for the standard-setting discussion. He read the definition of “health” from Article 3(e) of Convention No. 155, in case it could be of assistance for the debate: “[T]he term health, in relation to work, indicates not merely the absence of disease or infirmity; it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work.”
- 214. The Employer Vice Chairperson proposed a subamendment to keep “communicable and non-communicable before “diseases” and to replace “other adverse health effects” with “and other directly caused adverse health effects”.
- 215. The Government member of Saudi Arabia, speaking on behalf of the GCC countries, supported the subamendment proposed by the Employers’ group.
- 216. The Government members of Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, and Zambia did not support it.

- 217. The Worker Vice-Chairperson and the Government member of Japan said that “communicable and non-communicable” should be deleted. The Government member of Japan asked for clarifications on the rationale of only focusing on directly caused adverse effects.
- 218. The Employer Vice-Chairperson explained that “directly caused adverse health effects” had to be understood as those caused directly by biological agents, as opposed to other situations not caused by biological agents.
- 219. When resuming the discussion at a later sitting, the Worker Vice-Chairperson stated that his group could agree to revert to the original text and asked the Office to take the discussion into account when preparing the report for the second discussion.
- 220. The amendment was withdrawn.

A.15

- 221. The Government member of Switzerland, speaking also on behalf of the Government members of Japan and Türkiye, introduced an amendment to replace “communicable and non-communicable diseases and injuries” with the “the potential to cause infection, allergy, toxicity or otherwise create a hazard to humans.” The definition of harm to human health should be based on whether the exposure to a biological hazard had the potential to cause an infection and not on whether it was capable of causing a disease. That distinction was important as there were diseases that never manifested themselves after exposure and infection occurred at work.
- 222. The Employer Vice-Chairperson supported the amendment but introduced a subamendment to add “caused by exposure to biological hazards” at the end.
- 223. The Worker Vice-Chairperson indicated that his group could not support the amendment or the subamendment as the scope of the proposed text was narrower than that proposed in its amendment to insert “other adverse health effects”.
- 224. The Government member of Belgium, speaking on behalf of the EU and its Member States, did not support the amendment. It was not appropriate to include a reference to the potential to suffer harm in the text. Harm should only include injuries, diseases and other adverse health effects that resulted from contact with microorganisms or hazards. The Government member of Chile, speaking on behalf of GRULAC, also did not support the amendment. Deleting the reference to “communicable and non/communicable” diseases would mean that not all types of diseases would be covered.
- 225. The Employer Vice-Chairperson introduced another subamendment to delete “the potential to cause” to enable the text to cover all the possible situations that could arise and the most common forms of harm.
- 226. The Government members of Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, Brazil and Saudi Arabia, speaking on behalf of the GCC countries, did not support the amendment or the subamendments.
- 227. The subamendments were not adopted and the amendment was withdrawn.

A.46

- 228. The Employer Vice-Chairperson introduced an amendment to delete “and injuries”, since that was a broad term, and it was preferable to refer only to diseases.

- 229. The Worker Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, Zimbabwe speaking on behalf of the Africa group and Saudi Arabia speaking on behalf of the GCC countries, did not support the amendment. The Government member of Kenya also did not support the amendment, indicating that injuries could be at the cellular level.
- 230. The Government member of Japan said that the word “injuries” might be interpreted too broadly, including the case of an agricultural worker getting bitten by a snake, and preferred more limited wording.
- 231. The Employer Vice-Chairperson explained that the term “injuries” was not sufficiently specific and therefore proposed a subamendment to add “related to exposure to a biological hazard” after “and injuries”.
- 232. A representative of the Secretariat clarified that the ILO code of practice on recording and notification of occupational accidents and diseases, 1996, defined occupational injury as death, any personal injury or disease resulting from an occupational accident. Examples included a medical professional contracting HIV from an open needle or an agricultural worker contracting tetanus from a contaminated cutting device.
- 233. The Government member of Japan commented that the examples provided by the Secretariat were covered under the term diseases, therefore the mention of injuries was redundant.
- 234. The Employer Vice-Chairperson said that based on the explanation by the Office it was clear that an injury was related to an accident. If you cut yourself with a knife, that was an injury. If the result was tetanus, that was a biological hazard. She added that the subamendment accounted for both by mentioning injuries caused by a biological agent.
- 235. The Government member of Saudi Arabia, speaking on behalf of the GCC countries, supported the subamendment.
- 236. The Worker Vice-Chairperson said that a farm worker trying to get an animal into a closed space and getting injured by the animal, or a hotel worker exposed to hotel bugs that caused injuries but not diseases would be examples of biological hazards. He did not support the subamendment because there was a need for a comprehensive definition.
- 237. The Government members of the United States, Ghana, Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, and Belgium, speaking on behalf of the EU and its Member States did not support the subamendment.
- 238. The subamendment and the amendment were withdrawn.

A.47

- 239. The Employer Vice-Chairperson introduced an amendment to insert “, allergies and toxic effects” after “and non-communicable diseases”. That would maintain consistency with the definition, which mentioned allergens and toxic effects. She also suggested a subamendment to keep “and injuries”, consistent with the discussion on the previous amendment (A.46).
- 240. The Worker Vice-Chairperson, the Government members of Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, the Islamic Republic of Iran, Ghana, Cote d’Ivoire and Morocco did not support the subamendment or the amendment.
- 241. The subamendment and the amendment were withdrawn and point 6 was adopted with no amendment.

New point after point 6

A.48

- 242. The Employer Vice-Chairperson proposed an amendment to insert a new point as follows: “Biological hazards may arise from work-related activities or from the spread of biological agents due to an outbreak, epidemic or pandemic situation.” to make a distinction between the two different sources of biological hazards.
- 243. The Worker Vice-Chairperson noted that the amendment should be discussed only after all amendments to point 6 would have been considered. The Government member of Belgium, speaking on behalf of the EU and its Member States, agreed.
- 244. The Government member of Chile did not support the amendment.
- 245. When resuming the discussion at a later sitting, the amendment was withdrawn.

Point 7

- 246. An amendment (A.50) fell as a consequence of the decision reached by the Committee on point 2.

A.51

- 247. The Employer Vice-Chairperson proposed an amendment to add the word “the” before “workers in all branches,” and insert the word “covered” after “economic activity,” in order to align with the language of Articles 1(1) and 2(1) of Convention No. 155.
- 248. The Worker Vice-Chairperson did not support the amendment because it could potentially exclude many workers from the right to a safe and healthy working environment.
- 249. The Government members of Zimbabwe, Chile, Saudi Arabia, speaking on behalf of the GCC countries, the Islamic Republic of Iran, Australia and Belgium, speaking on behalf of the EU and its Member States, did not support the amendment.
- 250. The amendment was withdrawn.

A.57

- 251. The Worker Vice-Chairperson proposed an amendment to insert “regardless of their employment status,” after “apply to all workers”, citing the importance of extending protection to all workers including those in the informal economy.
- 252. The Employer Vice-Chairperson did not support the amendment, noting that it was inconsistent with Article 3(b) of Convention No. 155, which specified that “workers” covered all employed persons. Self-employed workers had different mechanisms in place at national level to access safety and health protection.
- 253. The Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, and Saudi Arabia, speaking on behalf of the GCC countries, did not support the amendment.
- 254. The amendment was withdrawn.

A.58

- 255. The Worker Vice-Chairperson proposed an amendment to insert “sectors and” before “branches of economic activity,” to ensure that the instruments would apply to workers in the public sector.
- 256. A representative of the Secretariat confirmed that the term “branches of economic activity” defined in Article 3(a) of Convention No. 155 specified that workers in the public service were covered.
- 257. The amendment was withdrawn.

A.52

- 258. The Employer Vice-Chairperson proposed an amendment to add “when exposure to biological hazards occurs,” at the end of the sentence, noting the importance of precision regarding when the Convention should apply.
- 259. The Worker Vice-Chairperson did not support the amendment.
- 260. The Government members of Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, Saudia Arabia, speaking on behalf of the GCC countries, the United States and Belgium, speaking on behalf of the EU and its Member States, did not support the amendment.
- 261. The amendment was withdrawn.

A.1

- 262. The Government member of Brazil introduced an amendment to add at the end of the point the words “as a standard and minimum level of protection.” He explained that some branches of economic activity might require standards that went beyond the minimum standards specified in the Convention, and that possibility needed to be made explicit.
- 263. The Employer Vice-Chairperson did not support the amendment.
- 264. The Worker Vice-Chairperson supported the amendment.
- 265. The Government member of Belgium, speaking on behalf of the EU Member States, agreed with the reasoning given by the Government member of Brazil which was reflected in European legislation. She proposed a subamendment to replace the text to be added by “and lays down particular minimum provisions in this area”.
- 266. The Government member of Zimbabwe, speaking on behalf of the Africa group, did not support the amendment or the subamendment, as it was clear that both Conventions and national legislation established minimum standards.
- 267. In response to a request for clarification by the Worker Vice-Chairperson, a member of the Secretariat cited article 19(8) of the ILO Constitution which stated that ILO Conventions or Recommendations did not affect any (national) law, award, custom or agreement which ensured more favourable conditions to the workers concerned. Nothing therefore prevented a sovereign State from adopting in its legislation higher standards than those provided in an ILO instrument.
- 268. The subamendment and the amendment were withdrawn.

A.59

- 269. The Worker Vice-Chairperson introduced an amendment to add at the end of the point the words “and provide a legal framework for the respect, promotion and realization of the right to a safe and healthy working environment in respect of biological hazards”. Those words were especially important to the Workers’ group.
- 270. The Employer Vice-Chairperson did not support the amendment as that phrase had already been included in the Preamble and did not need to be repeated. She preferred the Office text which was aligned with Convention No. 155.
- 271. The Government members of Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, Belgium, speaking on behalf of the EU and its Member States and the United Kingdom, did not support the amendment.
- 272. When resuming the discussion at a later sitting, the amendment was withdrawn and point 7 was adopted without amendment.

Point 8

A.26

- 273. The Worker Vice-Chairperson introduced an amendment to delete point 8 of the proposed Conclusions in its entirety to avoid any possible exclusion of workers from the protection. As a fundamental principle and right at work, the right to a safe and healthy working environment was applicable to all workers without exception, just as the other four fundamental principles and rights at work. He questioned the basis upon which certain groups of workers could legitimately be excluded from that right.
- 274. The Employer Vice-Chairperson did not support the amendment. Point 8 was based on Convention No. 155, which did not intend to limit workers’ right to safety and health but rather allowed a necessary degree of adaptability for certain sectors under specified conditions. Moreover, noting the number of conditions to be met for a reason to be considered as valid, the provision would in no way allow governments to decide on any unjustified exclusion.
- 275. The Government member of Brazil supported the amendment.
- 276. The Government member of Belgium, speaking on behalf of the EU and its Member States, understood the workers’ point of view but also recognized the difficulties that employers and governments might encounter when seeking to provide full protection to every worker in every sector. Point 8 stipulated specific conditions for exclusions, namely prior consultation with employers’ and workers’ organizations, an assessment of the biological hazards involved and the application of preventive and protective measures. In addition, point 9 required Member States to inform the Office about the measures they had taken. In the spirit of the ILO and the fundamental principles and rights at work, Member States were obliged to make efforts to apply the provisions of the fundamental Conventions to the maximum extent possible. For those reasons, the EU and its Member States did not support the amendment.
- 277. In response to a request from the Government member of Saudi Arabia, speaking on behalf of the GCC countries, a representative of the Secretariat explained that similar provisions regarding exclusions existed in other OSH instruments, such as Convention No. 155 (Article 1) and the Asbestos Convention, 1986 (No. 162) (Article 1). Member States which had ratified the Convention and applied the flexibility clause were bound to report to the Office on the measures they had taken to extend protection to all sectors and workers. He also read out an

explanation by the Office of the Legal Adviser of the terms “special” and “substantial”, with respect to the phrase in point 8: “its application would raise special problems of a substantial nature”. The ordinary meaning of the term “special” would exclude problems that were too general or non-specific in nature while the term “substantial” seemed to indicate that the problems had to be of significant importance.

- 278.** The Worker Vice-Chairperson said that it would not be acceptable, in any circumstances for tripartite consultations to lead to the denial of a worker’s fundamental right to a safe and healthy working environment.
- 279.** The Government member of Zimbabwe, speaking on behalf of the Africa group, did not support the amendment. Point 8 provided necessary flexibility and was in line with many countries’ national legislation. In the absence of that provision, Member States would have great difficulty in ratifying and applying the Convention.
- 280.** The Government member of Belgium, speaking on behalf of the EU and its Member States, mentioned the European Union’s “Framework Directive” on OSH, which allowed for exclusions for the police and the armed forces.⁵ Her group supported retaining the original text. She emphasized the critical importance of better data collection on biological hazards at the workplace to enable evidence-based decision making regarding preventive measures.
- 281.** The Government members of Türkiye, Switzerland and Japan did not support the amendment.
- 282.** The Worker Vice-Chairperson expressed concern that so-called temporary exclusions often became permanent, and that very little action had been taken with respect to reporting. Entire categories of workers, such as agricultural workers and migrant workers, who were most at risk with regard to OSH hazards, had often been excluded because the authorities had found it expedient to do so. He argued that full protection for such groups would bring significant public health benefits. The Government member of Brazil supported that view.
- 283.** The Government member of Belgium, speaking on behalf of the EU and its Member States, understood the Worker Vice-Chairperson’s position and said that there was absolutely no justification for migrant workers to receive less protection than nationals doing the same work and agricultural workers equally required full protection.
- 284.** The Employer Vice-Chairperson appreciated the issues that had been raised by the Government members of the Committee. The flexibility allowed by Convention No. 155 was necessary in certain specific and difficult situations which required tailored OSH measures. The pandemic was a notable example of why such clauses were needed. It was not a question of denial of workers’ rights, but of practical implementation.
- 285.** In response to the question raised by the Worker Vice-Chairperson as to whether tripartite consultation could remove fundamental rights of workers, the Legal Adviser explained that the question raised two issues. The first was whether there were certain limits that needed to be respected in the negotiations within a technical committee, and the second whether the exemption clause in point 8 of the Office text was legally acceptable or not.
- 286.** Regarding the first issue, it was clear that the Committee was mandated to develop draft standards. It therefore enjoyed significant discretion within the limits established by the ILO Constitution and by the Governing Body decision that placed the issue on the agenda. For

⁵ Directive 89/391/EEC, Article 2(2): This Directive shall not be applicable where characteristics peculiar to certain specific public service activities, such as the armed forces or the police, or to certain specific activities in the civil protection services inevitably conflict with it.

example, the Committee was mandated to address biological hazards and could not decide to broaden the scope to include other hazards. The Committee could also not propose a draft Convention that would directly contravene any of the fundamental principles enshrined in the Constitution, including in the Declaration of Philadelphia.

287. Regarding the second issue, it was important to consider the distinction between a fundamental principle and a technical standard. The Committee was tasked with developing technical standards pertaining to a fundamental principle, which was a legal framework that was meant to be reflective of and adaptable to national circumstances, priorities and needs for the realization of the fundamental principle and right to a safe and healthy working environment. In doing so, the Committee could find it useful to propose progressive or staged implementation, standards grouped in separate parts, qualified requirements, different levels of protection, or differentiated standards for different groups of workers or economic sectors.
288. Those legal techniques were commonly referred to as flexibility clauses that offer the space or time some countries might need before full implementation of the entire set of standards of a ratified Convention. Flexibility clauses had a clear constitutional basis in article 19(3) of the ILO Constitution and in Section V of the Declaration of Philadelphia that stated that the manner of the application of the principles must be determined with due regard to the stage of social and economic development reached by each people. What was common among all the legal techniques was their provisional or exceptional nature. They were neither meant to deny the protective coverage of any Convention to entire groups definitively nor meant to escape the oversight and control of the ILO supervisory bodies. Standards aspiring to universal acceptance needed to be firm in principle, but flexible in implementation, as was noted during the adoption of the Maritime Labour Convention, 2006, as amended (MLC, 2006).
289. The proposed text in point 8 was identical to clauses included in various other ILO instruments, including the Part-Time Work Convention, 1994 (No. 175), Night Work Convention, 1990 (No. 171), Maternity Protection Convention, 2000 (No. 183), Safety and Health in Agriculture Convention, 2001 (No. 184), and Labour Inspection Convention, 1947 (No. 81). The same clause also appeared in Article 1 of Convention No. 155, which was one of the fundamental Conventions. That clause had given rise to extensive debate in the past, for instance, during the drafting of the Part-Time Work Convention, 1994 (No. 175). On that occasion the clause had finally been accepted on the understanding that exclusions could only be made when the problems of application were so serious that no alternative solutions could be found to meet the requirements of the Convention.
290. The Office had provided two informal opinions in 2005 and in 2021 on what was meant by the terms “special” and “substantial”. The ordinary meaning of “special” would exclude problems that are of a too general and unspecific nature, while “substantial” indicated that the problems had to be significant.
291. In conclusion, there was no legal impediment to negotiating a flexibility clause, customizing its scope and content to the nature of the instrument being drafted, on condition that that such a clause should remain in line with standard features and safeguards that had been consistently applied in all past standard setting exercises, namely that the clause was devised as a temporary measure; called for cautious and restrictive use in exceptional circumstances only; had been the subject of prior consultations with the employers’ and workers’ organizations concerned; and remained subject to the oversight and control of the supervisory organs.
292. When resuming the discussion at a later sitting, the Worker Vice-Chairperson proposed, as a subamendment, instead of deleting the entire point, to add “on condition that a safe and

healthy working environment is maintained” after “substantial nature”. The language proposed was from the Safety and Health in Construction Convention, 1988 (No. 167), and in line with other OSH Conventions, where exclusions were defined. That would allow to maintain the flexibility for governments while ensuring consistency with other standards.

- 293.** The Employer Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, and Saudi Arabia, speaking on behalf of the GCC countries, expressed their preference for the original text.
- 294.** The Government members of the United Kingdom, China, Belgium, speaking on behalf of the EU and its Member States, Canada and Australia supported the subamendment.
- 295.** In response to a question from the Government member of Switzerland about whether the obligation to respect the fundamental Conventions was based on the ILO Declaration on Fundamental Principles and Rights, as amended in 2022, a representative of the Secretariat explained that flexibility clauses varied between Conventions. For example, in Convention No. 155, provisions were quite general while Convention No. 167 stated that exclusions should be made only on condition that a safe and healthy environment would be maintained for workers. It was for the Committee to decide on the most appropriate formulation in each context.
- 296.** The Worker Vice-Chairperson stated that if the proposed subamendment was not adopted, the instrument would be the only OSH Convention that did not provide for the fundamental right. As a baseline, the Employer Vice-Chairperson reiterated that the original text was already in line with Convention No. 155, which was a fundamental Convention, and that any exclusion would be applied only after an assessment and taking into account a safe and healthy environment for workers. However, her group could be flexible.
- 297.** The Government members of Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, and Japan indicated flexibility.
- 298.** The amendment was adopted as subamended.
- 299.** An amendment (A.54) fell as a consequence of the decision reached by the Committee on point 2 and another amendment was withdrawn (A.5).

A.53

- 300.** The Employer Vice-Chairperson introduced an amendment to add a new sentence at the end of the point as follows: “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.” She explained that, in the context of application of the exclusions clause, businesses might have to provide confidential information which could be commercially damaging should it be disclosed. The proposed wording was taken from Article 1(2)(b) of Convention No. 170.
- 301.** The Worker Vice-Chairperson did not support the amendment because, in that context, the whistleblower protection should be taken into account. If there was an outbreak of salmonella in a food processing factory, for example, it was possible that the employer would not want that made public so as not to harm the business. But if one or more workers thought that there was a danger to public health, authorities would need to be notified.
- 302.** The Employer Vice-Chairperson explained that her group did not refuse to disclose information, but that companies might have processes, software, substances or other elements that were essential for their competitiveness.

303. The Government members of Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, Bangladesh and Canada expressed their flexibility to support the amendment.

304. The amendment was adopted and point 8 was adopted as amended to read:

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.

Point 9

305. An amendment (A.55) was withdrawn as a consequence of the decision reached by the Committee on point 2.

A.27

306. The Worker Vice-Chairperson proposed to subamend an amendment so that instead of deleting point 9, the following new sentence would be added at the end of the point: "Members shall make every effort to end exclusions at the earliest opportunity." The purpose was to underscore that exclusions should be intended to be a temporary measure.

307. The Employer Vice-Chairperson preferred the original text which was drawn from a procedural Article of Convention No.155.

308. The Government members of Belgium, speaking on behalf of the EU and its Member States, Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, Australia, Canada, China and the United Kingdom supported the subamendment.

309. The Employer Vice-Chairperson said that her group could join the consensus and the amendment was adopted as subamended.

310. Point 9 was adopted as amended.

Title of section 2

311. The title of section 2 – National policy – was adopted.

Point 10

A.113

312. The Worker Vice-Chairperson introduced an amendment to replace the word "should" by "shall". The same amendment had been proposed at other points in the text. He requested an explanation from the Secretariat of the difference between the two tenses.

313. The deputy representative of the Secretary-General explained that the use of "should" was standard practice in proposed Conclusions that were discussed at a first Conference standard-setting discussion. "Shall" would be used in the proposed text of a Convention to be included in the report that the Office would submit to ILO constituents for comment in advance of the second Conference discussion in 2025.

- 314.** In light of the explanation, the amendment was withdrawn, along with other amendments by the Workers' group on the same issue.

A.114

- 315.** The Worker Vice-Chairperson introduced an amendment to replace the words "consistent with national law and practice" by "as part of the broader national occupational safety and health policy". The existing language was too flexible and implied that the provisions of the Convention might be undermined by national legislation, which was not the intention of any ILO Convention.
- 316.** The Employer Vice-Chairperson did not support the amendment which was incompatible with Convention No. 155. Countries required the flexibility to apply their own laws and practice while respecting the spirit of Convention No. 155.
- 317.** The Government member of Belgium, speaking on behalf of the EU and its Member States, did not support the amendment. Each country needed flexibility to address workers' protection in the right manner and at the right level. Nonetheless, a policy on biological hazards should be a part of a national OSH policy. With that aim in mind, the EU Member States had submitted an amendment (A.100) for consideration by the Committee.
- 318.** The Government member of Chile, speaking on behalf of GRULAC, agreed with the statement by the Government member of Belgium and did not support the amendment.
- 319.** The Government member of Saudi Arabia, speaking on behalf of the GCC countries, supported the amendment as a national OSH policy should also cover biological hazards.
- 320.** The amendment was withdrawn.

A.100

- 321.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to replace "formulate, implement and periodically review a coherent and comprehensive national policy on" with "integrate the protection against" before "biological hazards" and add at the end of the point "into their national policy on occupational safety and health". She explained that in the European Union, there was a framework that allowed Member States to develop their own OSH national policies. The aim of the amendment was to facilitate the integration of biological hazards within OSH national policies rather than into a separate national policy, which would avoid duplication and reduce the administrative burden on EU Member States.
- 322.** The Employer Vice-Chairperson supported the amendment.
- 323.** The Worker Vice-Chairperson proposed a subamendment to add "and formulate, implement and periodically review" before "their national policy on occupational safety and health".
- 324.** The Government members of Belgium, speaking on behalf of the EU and its Member States, and Chile, speaking on behalf of GRULAC, supported the amendment as subamended.
- 325.** The Government member of Zimbabwe, speaking on behalf of the Africa group, supported the amendment but not the subamendment proposed by the Workers' group and suggested instead to add "which would be periodically reviewed" at the end of the point.
- 326.** The Worker Vice-Chairperson and the EU and its Member States supported the subamendment by the Africa group.

- 327.** The Government member of the United States supported the subamendment by the Africa group and, seconded by the Government member of Australia, proposed to add “that are causing or are likely to cause a consequential risk of non-negligible harm to human health” after “working environment”. The policies that Member States would be developing should not target all biological agents but focus on biological hazards in the working environment that were likely to cause harm to human health. The inclusion of “risk” was necessary because of the broad and open-ended definition of biological hazards that had been adopted by the Committee.
- 328.** The Worker Vice-Chairperson, the Employer Vice-Chairperson and the Government members of Saudi Arabia speaking on behalf of the GCC countries, and of Japan, supported the new subamendment proposed by the Government member of the United States. The Worker Vice-Chairperson noted that the point addressed real harm to human health, therefore the inclusion of the word “consequential” would be very helpful.
- 329.** The Government member of Chile, speaking on behalf of GRULAC, did not support the subamendment. The use of the word “risk” was problematic because in Spanish, the word “hazard” referred to both “risk” and “danger”. It was also a problem the way the word was used in the point. His group therefore suggested deleting the word, noting that its removal would not change the meaning of the text and facilitate the support from Spanish-speaking countries. The Worker Vice-Chairperson supported the subamendment.
- 330.** The Government member of the United States acknowledged the concerns that had been raised by GRULAC but noted that a decision on the use of the term “risk” would have to be made because it would be introduced again during the discussion of other parts of the text. He reiterated the importance of retaining that word which addressed transmissibility of the biological agent, and asked members to propose an alternative term that would be acceptable in Spanish.
- 331.** The Government member of Australia stressed that many countries, including Australia, had a risk-based system in place and that the inclusion of the concept of “risk” was therefore particularly important.
- 332.** A representative of the Secretariat explained that the concepts of “risks” and “hazards” had distinct meanings and had been defined in the ILO *Guidelines on Occupational Safety and Health Management Systems* (ILO-OSH 2001). “Hazard” meant the inherent potential to cause injury or damage to people’s health, while the term “risk” entailed a combination of the likelihood of an occurrence of a hazardous event and the severity of injury or damage caused by this event.⁶
- 333.** The Government member of Brazil noted that if governments were meant to only integrate risks of biological hazard that were causing or likely to cause a consequential or non-negligible harm into national policies, some biological hazards would be excluded from the scope of national policies. Seconded by the EU Member States, he proposed to insert “especially those” after the word “environment”.
- 334.** The Government member of Belgium, speaking on behalf of the EU Member States, proposed to replace words “risks of” with “probability of”.
- 335.** The Government member of the United States supported the subamendment introduced by the EU Member States but could not accept the proposal by Brazil to insert “especially those”

⁶ See the note prepared by the Secretariat, *Clarification on terminology and implications of using “biological hazards” vs. “biological risks” in the Proposed Conclusions*.

because that would place an obligation on national governments to develop a national policy on all biological agents, which would be too broad and burdensome. For the same reasons, the Government member of Japan also did not support the subamendment introduced by Brazil.

- 336.** The Government member of the Islamic Republic of Iran pointed out that “risk” did not mean the same as “probability”. Risk included both probability and severity.
- 337.** The Government member of Belgium, speaking on behalf of the EU and its Member States, said that the word “risk” meant the probability of a substance, agent, or something else to cause harm. “Probability” was therefore an appropriate substitute for “risk”.
- 338.** The Government member of the Bolivarian Republic of Venezuela said that the words “risk” and “probability” were synonymous. Hazards need to be addressed where there was a high probability or high risk.
- 339.** The Government members of China and of Chile, speaking on behalf of GRULAC, proposed to revert to the original text.
- 340.** The Government members of Chile, speaking on behalf of GRULAC, of Zimbabwe, speaking on behalf of the Africa group, and of Türkiye supported the suggestion by the EU and its Member States.
- 341.** The Government member of the United States expressed willingness to use the term “probability” as an alternative to “risk” and noted that the text as subamended seemed to have broad support.
- 342.** The Government members of the United Kingdom and Canada and the Employer Vice-Chairperson reiterated support for the text as subamended.
- 343.** The Government member of South Africa suggested that the words “that are causing or are likely to cause a consequential risk of non-negligible harm to human health” proposed by the United States be moved to point 13 instead and added after “management of biological hazards in the working environment”.
- 344.** The Government member of the United States agreed that it would be appropriate to include the reference to “risk” in point 13, but that it was equally important to address the concepts of risks and harm in point 10, which dealt with national policies and the preventive and protective measures that were appropriately targeted at hazards that had the risk of causing non-negligible harm.
- 345.** The Government member of Japan said that moving the words “that are causing or are likely to cause a consequential risk of non-negligible harm to human health” to point 13 was inappropriate because that point addressed preventive and protective measures taken by competent authorities only and excluded the roles and of employers’ and workers’ organizations.
- 346.** The Government member of the United States agreed to remove the word “consequential”. Seconded by the Government member of Australia, he proposed to insert “based on a risk assessment,” before “are causing or are likely to cause,” and to delete “risk/probability of,” to be consistent with existing ILO standards and technical guidelines.
- 347.** The Employer Vice-Chairperson, the Worker Vice-Chairperson, and the Government members of Saudia Arabia, speaking on behalf of the GCC countries, Chile, speaking on behalf of GRULAC, the United Kingdom and Indonesia supported the text as subamended.

- 348.** The Government member of Belgium, speaking on behalf of the EU and its Member States, noted that her group could accept the subamendment if the same phrase would also be added to clause (b) of point 11, given its relevance for national policy. The Government member of Brazil supported the proposal.
- 349.** The Government member of Zimbabwe, speaking on behalf of the Africa group, proposed to delete “non-negligible harm,” after “likely to cause”, as it was subjective terminology. The Government member of Japan did not support the proposal, noting that “non-negligible” was the correct terminology.
- 350.** When resuming the discussion at a later sitting, the Government member of Belgium, speaking on behalf of the EU Member States, acknowledging the need of certain Member States for flexibility in the way they should address biological hazards in national policy, proposed a subamendment to replace the text after “and workers” by: “integrate the protection against biological hazards in the working environment into their national policy on occupational safety and health, that takes into account the characteristics and degree of concern of those hazards, which would be periodically reviewed.”
- 351.** The Worker Vice-Chairperson and the Government members of the United States, Zimbabwe, speaking on behalf of the Africa group, and Japan supported the subamendment.
- 352.** The Government member of Chile, speaking on behalf of GRULAC, supported most of the proposed text except for “degree of concern”, as that expression was subjective and potentially inaccurate. The Government member of the United States said that the words “degree of concern” captured the notion of risk.
- 353.** The Employer Vice-Chairperson proposed a to delete “those” before “hazards” and to insert “based on a risk assessment” after “and health”. The Government member of the United States, seconded by the Government member of Belgium, proposed to use language that had been agreed in other parts of the text: “based on an evaluation of risk” instead.
- 354.** The Government member of Belgium, speaking on behalf of the EU and its Member States, indicated her flexibility but with a reservation that governments did not conduct risk assessments when they were preparing laws. The Government member of the Bolivarian Republic of Venezuela did not agree as national policies were prepared in many different ways and were not only based on an evaluation of risks.
- 355.** The amendment was adopted as subamended.

A.75

- 356.** The Employer Vice-Chairperson introduced an amendment to delete “and comprehensive” before “national policy” to be consistent with Convention No. 155.
- 357.** The Worker Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, Belgium speaking on behalf of the EU and its Member States, and Japan supported the amendment.
- 358.** The amendment was adopted.

A.76

- 359.** The Employer Vice-Chairperson introduced an amendment to add “where governments, employers and workers actively participate through a system of defined rights, shared responsibilities and duties, as well as through social dialogue and cooperation” after “working environment”, to be consistent with Convention No.187. Under that Convention, it was clear

that national policy should develop a culture of prevention, in which the rights, duties and responsibilities of all parties were clearly established.

- 360.** The Worker Vice-Chairperson did not support the amendment, noting that the language was not clear and not in line with Convention No. 155.
- 361.** The Government members of Saudi Arabia, speaking on behalf of the GCC countries, Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC and China did not support the amendment.
- 362.** The Employer Vice-Chairperson proposed to delete “shared” before “responsibilities and duties” in an attempt to reach consensus.
- 363.** The subamendment did not find support and was withdrawn as was the amendment.

A.150

- 364.** The Government member of Switzerland, speaking also on behalf of the Government members of Japan and Türkiye, introduced an amendment to delete “and comprehensive” before “national policy,” to be in line with Convention No.155. She also proposed to replace “a policy” by “policies,” noting that multiple policies would be necessary.
- 365.** The Employer Vice-Chairperson, the Worker Vice-Chairperson, and the Government members of Australia and Brazil supported the amendment.
- 366.** The amendment was adopted and point 10 was adopted as amended to read:

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.

Point 11, introductory sentence

A.77

- 367.** The Employer Vice-Chairperson introduced an amendment to delete the introductory sentence that was accompanied by five other amendments (A.78, A.79, A.80, A.81 and A.82) to delete the clauses of the point. She explained that the Convention should be a general text while the detailed guidance should be included in the Recommendation. Existing OSH instruments, such as Conventions Nos 155 and 161 and Recommendations Nos 164 and 197, already covered national OSH policies and there was no need to duplicate those provisions in the Convention under discussion. Repeating those clauses would in fact constitute a ratification barrier, noting the low ratification rate of some of those instruments, and would elevate the provisions of existing Recommendations into binding commitments.
- 368.** The Worker Vice-Chairperson did not support the amendment as governments, employers and workers would look to the Convention for authoritative guidance regarding their policies on managing biological hazards.
- 369.** The Government members of Belgium, speaking on behalf of the EU and its Member States, Zimbabwe, speaking on behalf of the Africa group and Chile, speaking on behalf of GRULAC did not support the amendment.

- 370.** All the amendments to delete point 11 and its clauses (A.78, A.79, A.80, A.81 and A.82) were withdrawn.

A.151

- 371.** The Government member of Switzerland, speaking also on behalf of the Government members of Japan and Türkiye, introduced an amendment to replace “policy” by “policies” as multiple policies would be needed given the many different types of biological hazard.
- 372.** The Employer Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, Saudi Arabia speaking on behalf of the GCC countries, and Australia supported the amendment which was in line with previously agreed text.
- 373.** The Worker Vice-Chairperson, having listened to the points of view of the Government members, also supported the amendment.
- 374.** The Government member of Belgium, speaking on behalf of the EU and its Member States, initially did not support the amendment. There should not be a variety of policies aimed at the workplace and the purpose of ILO Conventions was to regulate the rights and duties of employers and workers. However, having listened to the other speakers, she could accept the amendment.
- 375.** The amendment was adopted.

A.101

- 376.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to insert “integrated in the national policy on occupational safety and health” after the word “hazards”. That would be in line with the amendment submitted to point 10.
- 377.** The Worker Vice-Chairperson supported the amendment, believing the suggestion was logical and would lead to greater administrative efficiency. The Government members of Saudi Arabia, speaking on behalf of the GCC countries, and of Algeria also supported the amendment.
- 378.** In response to requests for clarification from the Employer Vice-Chairperson and the Government member of Brazil concerning the relationship between the amendments to points 10 and 11, the Government member of Belgium, speaking on behalf of the EU and its Members States, explained that under point 10, each Member should integrate workers’ protection against biological hazards into the national OSH policy. As a result, in point 11, the national policies on biological hazards would already be integrated within the OSH policy. The intention of their amendments to points 10 and 11 was to convey that measures relating to the protection from biological hazards in the working environment, integrated in the national OSH policy, should take into account other relevant policies, including on public health and the environment. If their amendment (A.100) to point 10 was adopted, the text would read: “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 their national policy of occupational safety and health.” The amendments to point 11 and its clauses would make their text consistent with that of point 10.
- 379.** The Government member of the United Kingdom asked what the implications would be in the instance that a national policy on biological hazards had not been integrated into the national OSH policy.

- 380.** The Government member of Belgium, speaking on behalf of the EU and its Member States, responded that the national policy on biological hazards referred to by the Convention should address only issues of relevance to the working environment, while other policies would address other aspects of biological hazards, for example public health and the environment. Those issues were beyond the competence of ministries of labour and other workplace actors, but the different policies needed to be implemented in a coordinated way if results were to be achieved. The proposed amendment (A.102) to clause (a) of point 11 addressed that issue.
- 381.** The Government member of Japan was unclear about the meaning of the word “integrated” and noted that the qualifier “as appropriate” that had been used elsewhere did not appear in the amendment.
- 382.** The Government member of Belgium, speaking on behalf of the EU Member States, proposed to insert “which are” between “biological hazards” and “integrated”.
- 383.** The Worker Vice-Chairperson did not support the subamendment as it would exclude national policies on biological hazards that were not integrated in the national OSH policy. He proposed to use the expression “which are to be integrated” instead.
- 384.** The Government member of the United States agreed that ministries of labour did not control all policies related to biological hazards. She therefore proposed to insert “in the workplace” after “biological hazards”.
- 385.** The amendment was withdrawn, and another amendment (A.115) was withdrawn.
- 386.** The introductory sentence of point 11 was adopted as amended.

Point 11(a)

A.102

- 387.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to replace “be integrated into existing national occupational safety and health policies, as appropriate, and be consistent with and complement other” with “take into account other”. This was in line with their proposal to include the concept of integration with OSH policies in point 10.
- 388.** The Employer Vice-Chairperson, the Worker Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, the United Kingdom, Indonesia, Singapore and China supported the amendment.
- 389.** The Government member of Chile, speaking on behalf of GRULAC, preferred the original text.
- 390.** The amendment was adopted.

A.116

- 391.** The Worker Vice-Chairperson introduced an amendment to add “where these policies are consistent with, complement or improve occupational safety and health provisions” at the end of clause (a). His group wanted to avoid that other, non-OSH related policies could be taken into consideration unless they complemented or improved OSH provisions.
- 392.** The Employer Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, Chile,

speaking on behalf of GRULAC and the Islamic Republic of Iran did not support the amendment.

- 393.** When resuming the discussion at a later sitting, the Worker Vice-Chairperson explained that there had been inconsistencies between public health and OSH policies during the COVID-19 pandemic. In the working environment, OSH policies should take precedence as public health policies did not always provide the most appropriate solutions. The boundaries between the two policy areas had to be respected in a manner which led to the best possible outcomes.
- 394.** The Employer Vice-Chairperson agreed with the term “consistent with” but proposed a subamendment to delete “complement or improve”. In the face of pandemics and other complex situations, public health authorities needed flexibility to respond in the most appropriate way.
- 395.** The Government member of Belgium, speaking on behalf of the EU and its Member States, supported the amendment which allowed adequate flexibility but not the subamendment. A lack of coordination between the public health and OSH authorities during a public health crisis would jeopardize both the security and health of workers and the business continuity of employers. Speaking in her national capacity, she mentioned the experience of Belgium during the COVID-19 pandemic, where issuance of appropriate OSH guidance had enabled businesses to continue to operate and keep their workforce employed.
- 396.** The Worker Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, and the United Kingdom supported the amendment but not the subamendment. The Government member of Zimbabwe, speaking on behalf of the Africa group, was flexible and the Government member of Singapore supported the subamendment.
- 397.** The Employer Vice-Chairperson said that the objective of the subamendment had been to facilitate the work of governments in complex situations, such as pandemics, where it would not be realistic to expect the whole population to be fully protected. Nonetheless, the subamendment was withdrawn.
- 398.** The amendment was adopted and clause (a) of point 11 was adopted as amended.

Point 11(b), introductory sentence

A.152

- 399.** The Government member of Switzerland, speaking also on behalf of Japan and Türkiye, introduced an amendment to replace “take account of” with “consider”. The reason was that some elements introduced in the point did not depend entirely on governments.
- 400.** The Employer Vice-Chairperson and the Government member of Saudi Arabia supported the amendment.
- 401.** The Government members of Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, the Government member of the Islamic Republic of Iran and the Worker Vice-Chairperson did not support the amendment.
- 402.** The amendment was withdrawn.
- 403.** The introductory sentence of clause (b) in point 11 was adopted without amendment.

Point 11(b)(i)**A.117**

- 404.** The Worker Vice-Chairperson introduced an amendment to add “or undertake or commission new research where available information is insufficient,” after the word “health”. He explained that health and safety-related information on biological hazards in the work environment was often insufficient and it was necessary to commission new research when required.
- 405.** The Government member of the United Kingdom supported the amendment as it highlighted the importance of evidence-based decision-making. The Government member of Indonesia also supported the amendment.
- 406.** The Employer Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, Belgium, speaking on behalf of the EU and its Member States, the United States, Switzerland, Türkiye and the Islamic Republic of Iran did not support the amendment.
- 407.** When resuming the discussion at a later sitting, the Government member of Belgium, speaking on behalf of the EU Member States, proposed a subamendment to replace “undertake or commission” with “promote” because the latter was less prescriptive.
- 408.** The Employer Vice-Chairperson, and the Government members of Zimbabwe, speaking on behalf of the Africa group, and Saudi Arabia, speaking on behalf of the GCC countries, supported the subamendment.
- 409.** The Worker Vice-Chairperson noted that the language used in the amendment was consistent with Article 12(c) of Convention No. 155, but in the interest of reaching consensus, he supported the subamendment.
- 410.** The amendment was adopted as subamended.

A.118

- 411.** The Worker Vice-Chairperson introduced an amendment to add “including a needs assessment with a clear gender perspective” at the end of point 11(b)(i) because several OSH practices and policies were mainly focused on males, while protective equipment needed to be gender sensitive and different immune responses also had to be considered.
- 412.** The Employer Vice-Chairperson proposed to replace “a needs assessment with a clear gender perspective” with “a gender-responsive needs assessment”.
- 413.** The Worker Vice-Chairperson supported the subamendment and the Government members of Belgium, speaking on behalf of the EU and its Member States, Canada, South Africa, Namibia, the United Kingdom, Australia, the United States and Chile, speaking on behalf of GRULAC, supported the amendment as subamended.
- 414.** The Government member of Saudi Arabia, speaking on behalf of the GCC countries did not support the subamendment or the amendment because it did not take into account all national contexts. The proposed texts were opposed the historical and religious customs in his country. The Government members of Egypt, Algeria, Zimbabwe, speaking on behalf of Africa group, and Türkiye also did not support the subamendment or the amendment.
- 415.** The Worker Vice-Chairperson pointed out that Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), referred to the need to adopt a gender

perspective to needs assessments and it would be remiss of the Committee not to include this perspective in the Convention.

- 416.** The Government member of Saudi Arabia introduced a subamendment to replace “gender” with “sex”. The Worker Vice-Chairperson pointed out that the most recent standard adopted by the ILO – the Violence and Harassment Convention, 2019 (No. 190) – contained numerous references to “gender”. Therefore it was the appropriate term to use rather than “sex”. The Government member of Saudi Arabia withdrew the subamendment and expressed support for the original text. He wanted to put on record that the GCC countries did not support the inclusion of “gender-responsive” in the text.
- 417.** When resuming the discussion at a later sitting, the Government member of Zimbabwe noted that there was significant disagreement on the use of the term “gender-responsive”.
- 418.** The Government member of the Islamic Republic of Iran did not support the amendment. She said that if “gender” were included, it would also be important to refer to other disadvantaged groups such as the persons with disabilities, older persons and migrant workers. She asked to put on record that, should the text include “gender-responsive”, her government would disassociate itself from that part of the Convention.
- 419.** The Government member of the United States acknowledged the differences in opinion in the room but pointed out that historically, medical research had been conducted on men and not on women. Biological hazards affected men and women differently, and it was therefore important to ensure that women were included in medical research. The Government member of Canada shared the same views.
- 420.** The Employer Vice-Chairperson indicated flexibility on the amendment.
- 421.** As the words “gender-responsive” could not remain bracketed in the final proposed Conclusions,⁷ they were removed and subclause (i) of point 11(b) was adopted as amended.

New subclause after (i) in point 11(b)

A.119

- 422.** The Worker Vice-Chairperson introduced an amendment to add a new subclause reading “all health impacts, including complications of biological hazard related harms and sequelae, including psychosocial disorders, and infection related cancers and heart conditions”. Health impacts were not always immediately apparent due to the cumulative exposure to biological hazards such as in the case of heart diseases and different forms of cancer.
- 423.** The Employer Vice-Chairperson did not support the amendment. She noted that Conventions Nos 155 and 187 dealt exhaustively with the content of national policies. There was no need to develop policies that went beyond the scope of those two Conventions.
- 424.** The Government member of Zimbabwe, speaking on behalf of Africa group, did not support the amendment. What was proposed could be covered by the definition of biological hazards.
- 425.** The Government member of the United States, seconded by the Government member of Belgium, speaking on behalf of the EU Member States, introduced a subamendment for the text to read “biological hazards that the Member has determined based on results of a risk assessment are likely to cause or are causing non-negligible harm to human health”. He noted

⁷ See para. 1124 below.

that the text proposed had received broad support from the Committee during the discussion on point 10.

- 426. The Worker Vice-Chairperson did not support the subamendment because it removed any reference to “psychosocial disorders”, which was one of the most serious effects of exposure to biological hazards.
- 427. The Employer Vice-Chairperson and the Government member of the United Kingdom supported the subamendment.
- 428. The Government member of Chile and the Government member of Saudi Arabia, speaking on behalf of the GCC countries, did not support the subamendment.
- 429. The Worker Vice-Chairperson noted that the subamendment came at the expense of the amendment proposed by the Workers’ group, which was unacceptable.
- 430. The subamendment was withdrawn.
- 431. When resuming the discussion at a later sitting, the Employer Vice-Chairperson and the Government members of Saudi Arabia, Japan and the United States still did not support the amendment, while the Government member of Belgium, speaking on behalf of the EU and its Member States, noted that her group was flexible.
- 432. The amendment was not adopted.

Point 11(b)(ii)

A.103

- 433. The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to replace “preparedness and response arrangements for the effective management of emergencies related to biological hazards in the working environment, including new or emerging biological hazards and risks” with “measures, taking into account new and emerging hazards and risks as well as measures to deal with accidents, incidents and emergencies related to biological hazards in the working environment”. There was a need for preparedness outside the context of pandemics, and it was therefore important to develop measures to address new and emerging biological hazards as well as accidents, incidents and emergencies related to biological hazards. That would align the text with EU legislation.
- 434. The Worker Vice-Chairperson supported most of the text proposed in the amendment except for the deletion of “preparedness and response arrangements”. He proposed a subamendment to retain those words and add “and taking into account workers’ physical and mental health and general well-being” at the end of the clause.
- 435. The Employer Vice-Chairperson did not support the subamendment.
- 436. The Government member of Belgium, speaking on behalf of the EU Member States, did not support the addition proposed by the Workers’ group at the end of the clause and proposed to move the reference to “preparedness and response” to after “that take into account the need to develop” and to delete the reference to “risks”, since numerous Committee members had expressed concern with its use.
- 437. The Worker Vice-Chairperson supported the subamendment but reserved the right to reintroduce the words “and taking into account workers’ physical and mental health and general well-being” when introducing a subsequent amendment (A.170).

- 438. The Government members of the United Kingdom, Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, and Zimbabwe, speaking on behalf of the Africa group, supported the text as subamended by the EU Member States.
- 439. The Employer Vice-Chairperson introduced a subamendment to delete the word “incidents” since it was already covered under the terms “accidents and emergencies”.
- 440. The Government member of Belgium, speaking on behalf of the EU Member States, and the Worker Vice-Chairperson supported the subamendment.
- 441. The amendment was adopted as subamended and another amendment (A.169) fell.

A.170

- 442. The Worker Vice-Chairperson introduced an amendment to add “taking into account workers’ physical and mental health and general well-being”.
- 443. The Employer Vice-Chairperson did not support the amendment because it broadened the scope by going beyond what was included in the fundamental Conventions. Noting that the concept of “general well-being” was not defined in any ILO instruments, she proposed a subamendment to delete “physical and mental”.
- 444. The Worker Vice-Chairperson did not support the subamendment because the wording that he had proposed was in line with Article 3(e) of Convention No. 155, which read: “the term health, in relation to work, indicates not merely the absence of disease or infirmity: it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work”. While the Committee could expand on the scope of fundamental Conventions, it could not agree on anything less than stipulated in the fundamental Conventions.
- 445. The Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, Zimbabwe, speaking on behalf of the Africa group, the United States and Tunisia supported the amendment and not the subamendment. The Government member of Tunisia explained that several chronic diseases, like tuberculosis, had physical and mental consequences and the amendment was also consistent with language from the WHO.
- 446. The Employer Vice-Chairperson pointed out that Convention No. 155 included “physical and mental elements” but not “mental health” or “well-being”. The meaning of workers’ health as covered by that Convention could not be expanded, because the Committee had not yet gone through what damages and harms biological hazards could cause.
- 447. The Government member of Switzerland, seconded by the Government members of Türkiye and the United Kingdom, proposed to delete “well-being”.
- 448. The Employer Vice-Chairperson proposed to use the wording in Convention No. 155 – “taking into account workers’ health including physical and mental elements”. The Government member of Türkiye supported the subamendment.
- 449. The Worker Vice Chairperson did not support the two subamendments and read the ILO definition of “workplace well-being”: “all aspects of working life, from the quality and safety of the physical environment, to how workers feel about their work, their working environment, the climate at work and work organization”. He pointed out that there was broad support for his group’s amendment and it should be adopted.

- 450.** In response to the request by the Chairperson to clarify the procedure to be followed in a first standard-setting discussion, the Legal Adviser explained that in the first year, the aim was to adopt a set of conclusions, which were not yet put in the form of a draft instrument. According to the Conference rules of procedure, there would be opportunities for constituents to provide further inputs for the preparation by the Office of the draft instruments to be considered during the second Conference discussion. During the first discussion, non-essential language and syntax matters could be left to the Conference Drafting Committee and the focus should be on expressing what the priorities were, what was missing or what was not well reflected in the proposed Conclusions. Concerning the procedure for considering amendments, the Committee was advised, as a matter of general principle, not to move to the following amendment before having reached a decision on the one under examination. Parking certain issues in the interest of promoting tripartite negotiations and not disrupting the progress of the Committee's deliberations was a well-recognized method. In contrast, bracketing amendments and subamendments as soon as a strong objection was expressed to their adoption under the understanding that the Committee would resume their discussion after the entire text had been examined, had not been used before and was unlikely to ensure the efficient and timely completion of the Committee's task. Finally, with regard to decision-making, the Standing Orders provided that the Committee should make every effort to take its decisions by consensus – meaning the absence of any objection presented by a member as an impediment to the adoption of the decision in question – but also clearly provided that in the absence of consensus, decisions should be taken through a vote.
- 451.** In response to a question by the Government member of Japan, the Legal Adviser explained that, as per past practice, any text of the proposed Conclusions not agreed upon or considered at the first discussion, this is to say any text that was neither rejected nor adopted due to lack of time or lack of consensus, would be included within square brackets and reproduced in the draft instruments to be submitted for the second Conference discussion.
- 452.** The Employer Vice-Chairperson asked for informal consultations among members to formulate language that would be acceptable to all.
- 453.** The Worker Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, the United States and Australia asked to conduct a vote if the Employers' group could not join the consensus.
- 454.** Following an indicative show of hands, which showed that most members of the Committee supported the amendment, the Employer Vice-Chairperson withdrew the subamendment. While her group was not in agreement with the proposed text, it did not place an objection to block consensus.
- 455.** The amendment was adopted.
- 456.** Subclause (ii) of point 11(b) was adopted as amended to read:
- 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;

New subclauses after (ii) in point 11(b)**A.121**

- 457.** The Worker Vice-Chairperson introduced an amendment to add a new subclause that read: “the need in the case of emergencies that lead to furloughs or permanent or temporary job loss, to stabilize livelihoods and income through immediate social protection and employment measures;”. That was necessary to ensure the protection of workers and their family members through social security which would reduce the risk of workers carrying infection into the workplace, as well as ensure business continuity. It was both an OSH and a public health measure.
- 458.** The Employer Vice-Chairperson, and the Government members of Brazil and Chile did not support the amendment.
- 459.** The amendment was withdrawn and the proposed new subclause was not adopted.

A.122

- 460.** The Worker Vice-Chairperson introduced an amendment to add a new subclause that read: “the need to take account of the impact of climate and environmental risks on occupational safety and health and take adequate action to prevent or remedy identified risks;”. He noted the crisis the world was facing due to climate change and the increased risks of biological hazards linked to it and associated environmental change. He cited the resolution concerning environment, development, employment and the role of the ILO adopted by the International Labour Conference at its 77th Session (1990).
- 461.** The Government member of the United States supported the amendment.
- 462.** The Government member of Saudi Arabia, speaking on behalf of the GCC countries, proposed a subamendment to add, after “occupational safety and health”, the words “in the workplace” to make the text more specific.
- 463.** The Government member of Chile, speaking on behalf of GRULAC, supported the amendment as subamended.
- 464.** The Worker Vice-Chairperson proposed to replace “in the workplace” by “in the working environment” to ensure consistency of language with the rest of the text.
- 465.** The Employer Vice-Chairperson and the Government members of Saudi Arabia, speaking on behalf of the GCC countries, Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, Australia and the Islamic Republic of Iran, supported the text as subamended. The Government member of Australia added that, by including this subclause, the ILO would clearly demonstrate its leadership in addressing the impact of climate change and environmental risks that affected workers across all countries and sectors.
- 466.** The amendment was adopted as subamended.
- 467.** A new subclause after subclause (ii) in point 11(b) was adopted.

Point 11(b)(iii)

- 468.** Subclause (iii) of point 11(b) was adopted and point 11 was adopted as amended.

New subclause after (iii) in point 11(b)

A.123

- 469.** The Worker Vice-Chairperson introduced an amendment to insert a new subclause that read: “the need to respect, promote and realize the other fundamental principles and rights at work, namely freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour and the elimination of discrimination in respect of employment and occupation, as well as promote decent work.” He said those principles were at the core of the ILO and needed to be spelled out, as evidence showed that when those rights were respected, occupational safety and health improved.
- 470.** The Government member of Chile, speaking on behalf of GRULAC, while agreeing with the spirit of the suggestion, did not support the amendment as he did not believe the text belonged in the operative part of the instrument. The Government members of Saudi Arabia, speaking on behalf of the GCC countries, Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, and the United States did not support the amendment.
- 471.** The Worker Vice-Chairperson agreed that the text would be better placed in the Preamble. The amendment was withdrawn and the new subclause was not adopted.

Point 12

A.83

- 472.** The Employer Vice-Chairperson introduced an amendment to insert “evidence-based” before “available information”. Information had to be based on data drawn from the real world. It was common practice in the analysis of risks to look for scientific studies, for example in the case of chemical hazards, and the same evidence-based approach would be needed for biological hazards.
- 473.** The Worker Vice-Chairperson proposed a subamendment to change the placement of “evidence-based” by inserting, after “available information,” the phrase “including evidence-based data taking into account the precautionary principle,”.
- 474.** The subamendment and then the amendment were withdrawn.

A.84

- 475.** The Employer Vice-Chairperson introduced an amendment to insert “relevant to public health” after the word “information”, to specify the type of information needed for developing and implementing national policies.
- 476.** The Worker Vice-Chairperson did not support the amendment, which he considered to be unnecessary and confusing, since the information should be relevant also to occupational safety and health. The Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, Saudi Arabia, speaking on behalf of the GCC countries, Zimbabwe, speaking on behalf of the Africa group, and the Islamic Republic of Iran did not support the amendment.
- 477.** The amendment was withdrawn.

A.125

- 478. The Worker Vice-Chairperson introduced an amendment to add “respecting workers’ rights to access their personal medical data and the need to ensure the confidentiality of these data,” after “information,”. The confidentiality of workers’ personal medical data and their access to such data were important issues. Such provisions on data confidentiality and access were standard in privacy legislation around the world.
- 479. The Employer Vice-Chairperson proposed a subamendment to add “as well as business data confidentiality” after “of these data”.
- 480. The Government members of Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, Belgium, speaking on behalf of the EU and its Member States, the Islamic Republic of Iran and Switzerland did not support the subamendment or the amendment. They pointed out that issues of data confidentiality were covered in point 29(f).
- 481. The subamendment and the amendment were withdrawn.
- 482. Another amendment (A.124) was withdrawn.

A.153

- 483. The Government member of Switzerland, speaking also on behalf of the Government members of Japan and Türkiye, introduced an amendment to insert “as appropriate, and in accordance with their national laws and practices,” after “organizations of employers and workers”. National laws and practices varied between countries and the amendment would allow flexibility to Member States.
- 484. The Employer Vice-Chairperson and the Government members of Saudi Arabia, speaking on behalf of the GCC countries, Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, and China supported the amendment.
- 485. The Worker Vice-Chairperson proposed a subamendment to delete “as appropriate” to avoid the possible implication that consultation with employers’ and workers’ organizations be considered as optional.
- 486. The Government members of Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, and Switzerland supported the subamendment.
- 487. The Government member of the United States did not support the subamendment as the resulting text could still be misleading. She suggested instead to move the amendment to either the beginning or the end of the point.
- 488. The Government member of Switzerland, speaking also on behalf of the Government members of Japan and Türkiye, clarified that the addition of “as appropriate” was not intended to imply that consultations with the social partners were optional. To avoid that misinterpretation, it could be useful to insert the new phrase after the word “should”.
- 489. The Government member of Belgium, speaking on behalf of the EU Member States, proposed that the Drafting Committee refine the text by moving the proposed addition after “make arrangements”. The Worker Vice-Chairperson and the Employer Vice-Chairperson and the Government member of Zimbabwe, speaking on behalf of the Africa group, agreed.
- 490. The subamendments by the Workers’ group and the Government member of the United States were not adopted and the amendment was adopted as subamended by the EU Member States.

A.142

- 491. The Government member of the United States, seconded by the Government member of Australia, introduced an amendment to add “other” in front of “relevant national authorities” and to delete “and occupational safety and health” before authorities, because OSH authorities should be coordinating.
- 492. The Worker Vice-Chairperson supported the amendment and so did the Government member of Zimbabwe, on behalf of the Africa group.
- 493. The Government member of the Islamic Republic of Iran agreed with deleting “other” but did not support the second part of the amendment.
- 494. The Government members of Chile, speaking on behalf of GRULAC, and Belgium, speaking on behalf of the EU and its Member States, preferred the original text.
- 495. Having heard the government members, the Employer Vice-Chairperson, also preferred retaining the original text.
- 496. The amendment was withdrawn.
- 497. Point 12 was adopted as amended.

New point after point 12

A.126

- 498. The Worker Vice-Chairperson introduced an amendment to add after point 12 a new point to read: “Recognizing many biological hazards create cross-border risks, Members should ensure both national and multinational employers provide adequate occupational health and safety standards and contribute to a preventive occupational health culture to eliminate or minimize these risks.” Paragraph 43 of the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, as amended in 2022 (MNE Declaration) included a cross-border clause establishing obligations of human rights due diligence for multinational employers.
- 499. The Employer Vice-Chairperson did not support the amendment. Although the concept of cross-border hazards was relevant, this was not the right place to address it, because the Convention would have to be implemented by each ratifying Member State. Moreover, the amendment was not related to the topic at hand but to broader policy discussions out of the scope of the Committee.
- 500. The Government members of Cuba, Indonesia and Algeria supported the amendment. The Government member of the Islamic Republic of Iran also supported it but asked that the new point be added under the sections dealing with protective and preventive measures.
- 501. The Government members of Zimbabwe, speaking on behalf of the Africa group, the United States, Canada, Switzerland, Türkiye, China, Singapore and Australia did not support the amendment, mostly because there was no extra-territorial jurisdiction enabling the smooth implementation of cross-border application and there were several categories of multinational enterprises.
- 502. The Government member of Japan asked for clarifications on the meaning of the amendment which could be read in two ways. Governments might be forced both to guarantee that their companies adhered to OSH regulations elsewhere and to ensure that foreign multinational companies operating in their territories complied with national OSH regulations.

- 503.** The Government member of Belgium, speaking on behalf of the EU and its Member States, did not support the amendment for the same reasons mentioned by the Government member of Japan. She proposed to move the concept to the Recommendation.
- 504.** The Worker Vice-Chairperson introduced a subamendment to replace “ensure” with “promote that”.
- 505.** The Government members of Cuba and Honduras supported the amendment as subamended.
- 506.** The Government members of Zimbabwe, speaking on behalf of the Africa group, Canada, the United States, Indonesia, Singapore, Jamaica and Türkiye supported the amendment as subamended, with a preference to move the text to the Recommendation.
- 507.** The Employer Vice-Chairperson did not agree with including the concept in the Convention. She proposed to replace “both national and multinational employers” with “employers provide”. If the point were to be retained, she indicated that at the very least, it should be placed in the Recommendation.
- 508.** The Government members of Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU Member States, Cuba, Canada, the Dominican Republic and Honduras did not support the subamendment proposed by the Employers’ group because it changed the meaning of the point.
- 509.** The Employer Vice-Chairperson indicated that no company could apply a standard that was not applied by the country in which it operated and insisted on deleting “both national and multinational employers” to clarify that the responsibility to apply the standards stood with each country.
- 510.** The Worker Vice-Chairperson did not support that additional subamendment, explaining that his group’s proposal was consistent with the ILO strategy on decent work and supply chains. No jurisdiction in the world was opposed to adequate OSH standards and a preventive health culture.
- 511.** The Government members of Belgium, speaking on behalf of the EU and its Member States, Zimbabwe, speaking on behalf of the Africa group, Australia, Cuba, Honduras, Singapore and the United Kingdom did not support the further subamendment.
- 512.** The Employer Vice-Chairperson stated that for her group the text presented many problems, especially since the Convention would be ratified at the national level. Noting that the Committee expressed a clear preference for placing the text in the Recommendation, she indicated that her group had major difficulties with it but requested that the text be placed in the Recommendation.
- 513.** The Chairperson indicated that the discussion on where to place the point could take place during the second discussion in 2025.
- 514.** In response to the request by the Government member of Japan to clarify the scope of the second discussion, the representative of the Secretary-General stated that everything that had been discussed in the first year could also be discussed the second year.
- 515.** The amendment was adopted as subamended and the new point was adopted to be included in the proposed Conclusions with a view to a Recommendation.

Title of section 3

- 516.** The title of section 3 – Preventive and protective measures – was adopted.

Point 13

- 517.** An amendment (A.127) was withdrawn.

A.154

- 518.** The Government member of Switzerland, also speaking on behalf of the Government members of Japan and Türkiye, introduced an amendment to insert “in accordance with national law and practice and” before “in consultation with the most representative organizations of employers and workers”, to give Member States flexibility in taking measures that would reflect national laws and practices.
- 519.** The Worker Vice-Chairperson did not support the amendment, as it was not appropriate to refer to national law and practice in that context.
- 520.** The Employer Vice-Chairperson and the Government members of Belgium, speaking on behalf of the EU and its Member States, Saudi Arabia, speaking on behalf of the GCC countries, Chile, speaking on behalf of GRULAC, Zimbabwe speaking on behalf of the Africa group, Indonesia, Algeria and Singapore, United States and Japan supported the amendment.
- 521.** The Worker Vice-Chairperson supported the amendment in the interest reaching consensus.
- 522.** The amendment was adopted.

A.164

- 523.** The Worker Vice-Chairperson introduced an amendment to insert “laws or regulations and” after the word “develop”. When standards were adopted, that was an encouragement for Member States to develop laws and regulations.
- 524.** The Employer Vice-Chairperson noted that the point was meant to address guidelines, not rules and regulations and that her group did not support the amendment.
- 525.** The Government members of Chile, speaking on behalf of GRULAC, and Singapore did not support the amendment.
- 526.** The amendment was withdrawn.

A.85

- 527.** The Employer Vice-Chairperson introduced an amendment to delete the words “, or as appropriate, precautionary”. Precautionary measures were a concept taken from environmental and public health policies, which had no equivalent in OSH. It could be interpreted in a very restrictive way, thus creating legal uncertainty for employers and governments alike.
- 528.** The Worker Vice-Chairperson explained that the original text did not mention that there should be national guidelines for precautionary measures. Citing an example of conjunctivitis in dairy farm workers during a time when the avian flu was detected in cattle in the United States, it had been necessary to apply the precautionary principle to ensure that everything was being done to reduce the risk of exposure to biological hazards.
- 529.** The Government members of Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, the United States and China did not support the amendment.

- 530. The Employer Vice-Chairperson introduced a subamendment to add “or as appropriate” after “risk-based”, to clarify that the measure was not to be applied in a broad sense.
- 531. The Worker Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, the United States, Singapore and the Islamic Republic of Iran did not support the subamendment.
- 532. The subamendment and the amendment were withdrawn.

A.86

- 533. The Employer Vice-Chairperson introduced an amendment to add “risks posed by” after “for the management of,” to ensure coherence with accepted terminology.
- 534. The Worker Vice-Chairperson and the Government member of Chile, speaking on behalf of GRULAC, did not support the amendment, noting difficulties in interpretation of the terminology. The Worker Vice-Chairperson proposed that the issue be dealt with by the Drafting Committee.
- 535. The Government members of Zimbabwe, speaking on behalf of the Africa group, and the Islamic Republic of Iran supported the amendment also noting the need for the language to be considered by the Drafting Committee.
- 536. The Government member of the United States, seconded by the Government member of Australia, proposed a subamendment to insert “based on the results of risk assessment,” after “measures for the management” to improve coherence.
- 537. The Employer Vice-Chairperson and the Government members of Saudi Arabia, speaking on behalf of the GCC countries, Canada, Türkiye, the United Kingdom, Switzerland, Japan, and Singapore supported the amendment as subamended.
- 538. The Government members of Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, the Islamic Republic of Iran and China did not support the subamendment.
- 539. The Government member of the United States proposed to replace “of risk assessment” by “an evaluation of risk” to clarify the phrase.
- 540. The Government member of Belgium, speaking on behalf of the EU and its Member States, indicated that she was flexible on the amendment as subamended.
- 541. The Government member of Chile, speaking on behalf of GRULAC, explained there was a need for precautionary measures even when the risk could not be evaluated.
- 542. The Employer Vice-Chairperson, the Worker Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, and Belgium, speaking on behalf of the EU and its Member States, supported the further subamendment.
- 543. The amendment was adopted as subamended.

A.87

- 544. The Employer Vice-Chairperson introduced an amendment to delete “including preparedness and response arrangements for the effective management of emergencies related to

biological hazards in the working environment,” noting the need to differentiate between measures that addressed biological hazards in the workplace and those related to global crises such as pandemics.

- 545.** The Worker Vice-Chairperson did not support the amendment given the importance of preparedness and response arrangements.
- 546.** The Government member of Belgium, speaking on behalf of the EU Member States, proposed to modify the text to read: “including preparedness and response measures to respond to accidents and emergencies related to biological hazards in the working environment and,” before “taking into account”, to be coherent with language used in other sections of the text.
- 547.** The Employer Vice-Chairperson supported the subamendment and proposed to add “including public health emergencies” after “accidents and emergencies.”
- 548.** The Worker Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, and Saudi Arabia, speaking on behalf of the GCC countries, supported the text as subamended but not the subamendment proposed by the Employers’ group.
- 549.** The subamendment was withdrawn and the amendment was adopted as subamended.

A.165

- 550.** The Worker Vice-Chairperson introduced an amendment to replace “or” by “and” before “emerging hazards” and to add, at the end of the point: “, and ensuring continuous improvement of the level of protection of workers exposed to biological hazards in the working environment”, in line with Convention No. 187.
- 551.** The Employer Vice-Chairperson did not support the amendment.
- 552.** The Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, and Saudi Arabia, speaking on behalf of the GCC countries, supported the amendment.
- 553.** The Government member of the United States proposed a subamendment to replace the word “ensuring” by “promoting”. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the subamendment.
- 554.** The amendment was adopted as subamended.
- 555.** An amendment (A.104) was withdrawn and point 13 was adopted as amended.

New point after point 13

A.88

- 556.** The Employer Vice-Chairperson introduced an amendment to insert a new point that read: “Developing national guidelines for preparedness and response arrangements for the effective management of public health emergencies related to biological hazards in the working environment should be the responsibility of public health authorities.” She highlighted the important role of public health authorities in responding to emergencies such as pandemics.
- 557.** The Worker Vice-Chairperson did not support the amendment. The OSH authorities, rather than public health authorities, had the necessary expertise for work-related response

measures such as personal protective equipment and implementation of the hierarchy of controls.

- 558.** The Government member of Belgium, speaking on behalf of the EU and its Member States, aligned with the Workers' group's position. In her national capacity, she added that in Belgium, preparedness rules were established by OSH, not public health, authorities. The Government member of Zimbabwe, speaking on behalf of the Africa group, did not support the amendment.
- 559.** The Government member of Chile, speaking on behalf of GRULAC, supported the amendment.
- 560.** The representative of the Secretary-General clarified the meaning of the term competent authority/authorities, based on the *Manual for drafting ILO instruments* (ILO, 2006). Those expressions, which were used in many international instruments, should as far as possible be left undefined, given that the intention was to allow Member States to determine which of their authorities was "competent" for the purposes of implementation and compliance.
- 561.** The Employer Vice-Chairperson proposed a subamendment to delete "related to biological hazards in the working environment", and to replace "public health authorities" by "competent authorities" at the end of the point.
- 562.** The Government members of Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, the United States, Japan and Singapore did not support the subamendment.
- 563.** The Worker Vice-Chairperson said his group could be flexible, but joined the consensus for not supporting the subamendment or the amendment.
- 564.** The subamendment and the amendment were withdrawn.
- 565.** Another amendment (A.89) was withdrawn.

Point 14

A.129

- 566.** The Worker Vice-Chairperson introduced an amendment to insert "timely" before "information", and to add at the end of the point ", and which shall be periodically reviewed and updated as necessary and keep abreast of scientific and technical knowledge". For information to be useful, it needed to be made available quickly and to be regularly updated. The proposed language was in line with Convention No. 155.
- 567.** The Employer Vice-Chairperson, and the Government member of Chile, speaking on behalf of GRULAC, supported the amendment.
- 568.** The amendment was adopted.

A.90

- 569.** The Employer Vice-Chairperson introduced an amendment to insert "risks posed by" before "biological hazards" to be in line with previously agreed terminology.
- 570.** The Worker Vice-Chairperson supported the amendment.
- 571.** The Government member of the United States introduced a subamendment to replace "risks posed by" with "based on the results of an evaluation of risks" to ensure consistency in the text.

572. The amendment was adopted as subamended.

573. Point 14 was adopted as amended.

Point 15

574. An amendment (A.130) was withdrawn.

A.105, A.106, A.107 and A.108

575. The Government member of Belgium, speaking on behalf of the EU Member States, introduced amendments to move the entire point with all its clauses to the Recommendation.

576. The Employer Vice-Chairperson, the Worker Vice-Chairperson and the Government member of Singapore supported the amendments, noting that the text should be discussed, when considering the part of the Conclusions concerning the possible Recommendation.

577. A representative of the Secretariat explained that the language was based on Article 12 of Convention No. 155. However, clause (d) of point 15 referred to 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, which was not the case in Convention No. 155.

578. The amendments were adopted and point 15 was moved to Part C of the proposed Conclusions.

Point 16, introductory sentence

579. An amendment (A.135) was withdrawn.

A.136

580. The Worker Vice-Chairperson introduced an amendment to insert, after “develop”, “and regularly review and make public”. That would emphasize the importance of regularly reviewing the national guidance and preventive and protective measures, and of making that information public. It was in line with Convention No. 155.

581. The Employer Vice-Chairperson and the Government member of Australia noted their flexibility while preferring the Office text.

582. The Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, China and the Islamic Republic of Iran supported the amendment.

583. The amendment was adopted and the introductory sentence of point 16 was adopted as amended.

New clause before point 16(a)

A.137

584. The Worker Vice-Chairperson introduced an amendment to add “all sectors and occupations and set a social dialogue rapid response mechanism based on the precautionary approach;”. It was not possible to anticipate what jobs or sectors would present a high risk and the clause highlighted the need to adopt a precautionary approach.

- 585. The Employer Vice-Chairperson said that the proposed amendment was not in line with the mandate of the Committee which was on biological hazards and not on social dialogue, and therefore it should not be discussed.
- 586. The Government member of the United States appreciated the value of precautionary measures but did not understand what was meant by a social dialogue rapid response mechanism. He did not support the amendment.
- 587. The Worker Vice-Chairperson explained that, in the event of the emergence of a biological hazard which had the potential for a very serious impact, the tripartite constituents had to adopt an approach that went beyond “normal” social dialogue. He proposed a subamendment to replace “the” by “a” before “precautionary approach”.
- 588. The Employer Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, and the Islamic Republic of Iran did not support the amendment.
- 589. The Worker Vice-Chairperson insisted on the importance of including reference to social dialogue in all ILO instruments but withdrew the amendment.

Point 16(a)

A.138 and A.146

- 590. The Worker Vice-Chairperson introduced an amendment to insert, after “where workers are”, the words “known to be”.
- 591. The Employer Vice-Chairperson pointed out that there were three similar amendments to clause (a). She did not support the Workers’ group’s amendment but did support the proposed amendment by the Government of the United States (A.146).
- 592. The Government member of Belgium, speaking on behalf of the EU and its Member States, supported the amendment of the Workers’ group.
- 593. The Government member of the United States, seconded by the Government member of the United Kingdom, introduced an amendment (A.146) to replace “higher” by “significant” before “risk” and to insert “material harm due to” before “exposure”. She proposed replacing “significant” by “high” and “material” by “recognized”.
- 594. The Employer Vice-Chairperson supported the amendment as subamended.
- 595. The Government member of Belgium, speaking on behalf of the EU Member States, proposed a further subamendment to replace “high” by “higher”. Workers in certain sectors and occupations faced a higher risk of exposure to biological hazards than in others, such as hospital workers compared to administrative workers. Using the term “high risk” still implied the need for a comparison with “low risk” so did not solve the problem.
- 596. The Employer Vice-Chairperson, the Worker Vice-Chairperson and the Government members of the United States, Panama and the Islamic Republic of Iran did not support the further subamendment. They noted that the European Agency for Safety and Health at Work used the term “high risk” and that could be measured through risk assessment scales established according to a universal standard adapted to national contexts whereas “higher” could not.
- 597. The Government member of Belgium, speaking on behalf of the EU Member States, withdrew the subamendment.

- 598. The amendment proposed by the Government member of the United States (A.146) was adopted as subamended and the amendment from the Workers' group (A.138) was withdrawn.
- 599. Another amendment (A.94) was withdrawn and clause (a) of point 16 was adopted as amended.

Point 16(b)

A.139

- 600. The Worker Vice-Chairperson introduced an amendment to delete "with certain conditions". Those words were superfluous and limiting in terms of the groups of workers who might require special protection.
- 601. The Employer Vice-Chairperson did not support the amendment. Workers with certain health conditions needed different and special protection, based on risk analysis, as they were at higher risk of harm from exposure to biological hazards than other workers.
- 602. The Government member of the United States stated her flexibility but preferred the language in the amendment than the original text. In the United States, special protections were not based on a predetermined list of health conditions but rather by the individual circumstances of the worker, citing the example of a person with a beard requiring special PPE.
- 603. The Government members of Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, the Islamic Republic of Iran, Australia and the United Kingdom supported the amendment.
- 604. The Employer Vice-Chairperson said that the phrase "workers who may require special protection" was very general and that the reasons why particular workers required special protection would need further clarification.
- 605. The amendment was adopted and, as a consequence, another amendment (A.95) fell.

A.110

- 606. The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to add, at the end of the clause the following text:
 - These categories of workers should include:
 - (i) pregnant and breastfeeding workers;
 - (ii) young workers;
 - (iii) workers medically predisposed to infections or allergies, including immunocompromised workers."
- 607. She believed that it was important to list in the text of the Convention those three categories of workers who were especially vulnerable, while others could be listed in the Recommendation.
- 608. The Employer Vice-Chairperson and the Worker Vice-Chairperson did not support the amendment. Member States should take the decision regarding which groups of workers required special protection based on a risk assessment, and the Convention should not predetermine this. The list included in point 36 of the proposed Conclusions should be discussed at the appropriate time.

609. The amendment was withdrawn and clause (b) of point 16 was adopted as amended.

Two new clauses after point 16(b)

A.140

610. The Worker Vice-Chairperson introduced an amendment to insert a new clause that read: “ensuring access to income protection during periods of isolation or quarantine.”, noting the importance of providing income protection as both a good OSH and public health measure. That was in line with the joint WHO and ILO publication *Occupational safety and health in public health emergencies: A manual for protecting health workers and responders* (2018).
611. The Employer Vice-Chairperson said that the amendment was beyond the mandate of the Committee as it concerned social protection and not biological hazards. There were many other reasons, beyond biological hazards, why workers could not work and as such, that point would belong in a different ILO instrument.
612. The Government member of the Islamic Republic of Iran agreed with the Workers’ group’s proposal but believed it should be dealt with under point 17.
613. The Government member of the United States did not support the amendment. She agreed that providing income protection was, in general, good public policy but said that governments could not commit to it forever and in all situations. It had significant resource implications and governments needed to prioritize. The type of support would vary depending on national circumstances.
614. The Government members of Zimbabwe, speaking on behalf of the Africa group, and Saudi Arabia, speaking on behalf of the GCC countries, did not support the amendment.
615. The Worker Vice-Chairperson proposed a subamendment to replace “ensuring” by “endeavour to provide” before “access”.
616. The Government member of Chile, speaking on behalf of GRULAC, supported the text as subamended and proposed to move the new clause to the Recommendation. The Worker Vice-Chairperson and the Government members of Belgium, speaking on behalf of the EU and its Member States, Japan, the United States, Zimbabwe, speaking on behalf of the Africa group, the United Kingdom, Canada and Australia supported inserting the text in the part concerning the possible Recommendation.
617. The Worker Vice-Chairperson did not agree with the Employer Vice-Chairperson that discussion of social protection issues was outside the mandate of the Committee. Strong precedents existed, for example the Employment Injury Benefits Convention, 1964 (No. 121), and the List of Occupational Diseases Recommendation, 2002 (No. 194). The Government member of Australia also disagreed with the views of the Employers’ group that the text did not address an OSH matter and was not within the mandate of the Committee. Isolation or quarantine for workers were often a direct consequence of exposure to biological hazards. If workers knew that they had income protection, it would encourage them to report potential exposure and adhere to the isolation or quarantine protocol, which were crucial to containing outbreaks and protect the workforce.
618. The Employer Vice-Chairperson introduced a subamendment to add “as well as sustainability of enterprises” after “quarantine”.

- 619.** The Worker Vice-Chairperson did not support the subamendment because that part of the text dealt specifically with the protection of workers and including a reference to business continuity would therefore be out of scope.
- 620.** The Government members of Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, the United Kingdom, Canada, the United States and the Islamic Republic of Iran did not support the subamendment.
- 621.** The representative of the Secretary General explained that it was within the remit of the Committee to decide what to include in the text based on the mandate provided by the Governing Body to develop new standards on biological hazards to fill a gap in the ILO's normative framework. The report submitted to the Conference noted that the modalities for coverage of employment injury schemes were normally regulated separately from OSH laws and that the availability of such schemes varied globally. The COVID-19 pandemic had demonstrated that it was critically important to have employment injury schemes in place to support workers and prevent the spread of the virus. Nothing would prevent the Committee from including income protection of workers in the context of biological hazards. Several ILO OSH standards included references to social security, such as Article 4(3)(g) of Convention No. 187, Article 21 of the Safety and Health in Agriculture Convention, 2001 (No. 184), Article 11(3) of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148), and Article 12 of the Guarding of Machinery Convention, 1963 (No. 119).
- 622.** The Employer Vice-Chairperson withdrew the subamendment and agreed to adopt the text to be inserted in the Recommendation but wanted to place on record that her group remained of the view that the issue of income protection fell outside of the scope of the Committee's mandate, as it was not related to biological hazards.
- 623.** The amendment was adopted as subamended and the new clause would be inserted in Part C of the proposed Conclusions.

A.141

- 624.** The Worker Vice-Chairperson introduced an amendment to insert a new clause that read "ensuring 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."
- 625.** The Employer Vice-Chairperson said that her group could not support the proposed text because it was not related to biological hazards per se and therefore outside the scope of the Committee's mandate.
- 626.** The Government member of Algeria supported the amendment. The amendment fell within the normative scope of the Committee as it was related to the world of work. The examples referred to in the amendment were all examples of force majeure, and workers impacted needed to be protected against dismissal.
- 627.** The Government member of Zimbabwe, speaking on behalf of the Africa group, did not support the amendment and said that workers' rights were sufficiently covered in the section entitled "Rights and duties of workers and their representatives".
- 628.** The Government member of Belgium, speaking on behalf of the EU Member States supported the new clause and proposed its insertion in the Recommendation. The Worker Vice-Chairperson and the Government members of the Islamic Republic of Iran; Zimbabwe, speaking on behalf of the Africa group, and of China supported that proposal.

- 629.** The Government member of Namibia supported the position of the Africa group and proposed inserting the text in clause (j) of point 29.
- 630.** The Government member of the United States noted that while the amendment fell within the mandate of the Committee, her government could not support the insertion of the proposed text because it had an “employment at will” system, which allowed workers to be dismissed for any reason or no reason at all.
- 631.** In an effort to address those concerns, the Worker Vice-Chairperson proposed a subamendment to replace “ensuring” with “endeavouring to provide”. The Government member of the United States said that she could support that subamendment and, seconded by the Government member of Australia, proposed to add “in accordance with national law and practice” after “endeavour to provide”. The Worker Vice-Chairperson suggested using the words “as appropriate” instead of “in accordance with national law and practice”.
- 632.** The Employer Vice-Chairperson expressed a preference for the proposal put forward by the Government member of the United States but could also support the subamendment by the Workers’ group. Her group could also agree to inserting the new clause in the Recommendation, although it did not believe that dismissal protection fell within the remit of the Committee and continued to have reservations about allowing discussion on the topic. She stressed that her group remained of the view that the issue of dismissal fell outside of the scope of the Committee’s mandate as it is part of national labour legislation.
- 633.** The amendment was adopted as subamended and the new clause would be inserted in Part C of the proposed Conclusions.
- 634.** The Legal Adviser, in response to queries concerning the receivability of certain amendments in light of the Committee’s mandate, in particular whether the Committee had the right to consider amendments related to income protection or protection from dismissal, noted that there was no rule stating what could or could not be discussed by a Committee. Any amendment that was submitted in due form and within the time limits was receivable and, if properly seconded, could be introduced for discussion. Whether income protection or protection from dismissal fell outside the scope of biological hazards could be a reason to oppose the amendments concerned, but could not and did not forfeit the Committee’s right to duly examine those amendments. The Office had already provided examples of OSH instruments containing elements that touched upon social security matters. However, even if no other OSH instrument happened to address social security-related issues, from a legal perspective, nothing would prevent the Committee from debating such proposals.

Title of section 4 and point 17

A.97, A.96, A.98 and A.99

- 635.** The Employer Vice-Chairperson introduced four amendments proposing to delete the entire section. She noted that the language was already included in Convention No. 161 and Recommendation No. 171 and was not relevant in the instruments under discussion. Retaining the language on occupational health services in the Convention would make it difficult for Member States who had not ratified Convention No. 161 to ratify it. Only 36 Member States had ratified Convention No. 161.
- 636.** The Worker Vice-Chairperson did not support the amendments. The section was important in the proposed Convention and fell within its scope.

- 637.** The Government members of Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, and Saudi Arabia, speaking on behalf of the GCC countries, did not support the amendments.
- 638.** The Government member of Belgium, speaking on behalf of the EU and its Member States, noted that when confronted with biological hazards in the working environment, it was key to monitor the health of workers. Health surveillance was an important issue addressed by the instrument under discussion. The Employer Vice-Chairperson agreed that it was important to monitor the health of workers. However, in order to make it easier for Member States to ratify the Convention, employers considered that it was better not to include a text already covered in another instrument with a low level of ratification. If the section was not deleted, it could be moved to the Recommendation.
- 639.** The amendments were withdrawn and the title of section 4 – Occupational health and occupational health services – was adopted.

Point 17, introductory sentence

A.162

- 640.** The Worker Vice-Chairperson introduced an amendment to insert “in line with the requirements of ILO Convention No. 161,” after “working environment”.
- 641.** The Employer Vice-Chairperson did not support the amendment and said that her group preferred an amendment (A.111) proposed by the EU Member States.
- 642.** The Government member of Belgium, speaking on behalf of the EU and its Member States, did not support the amendment. The Government members of Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, the United States, and China did not support the amendment and aligned themselves with the views expressed by the Employers’ group.
- 643.** The Worker Vice-Chairperson introduced a subamendment to insert “in accordance with national law and practice” after “Convention No. 161,”. The Employer Vice-Chairperson could support the subamendment, but not the amendment.
- 644.** The subamendment and the amendment were withdrawn.

A.111

- 645.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to insert “in accordance with national law and practice” after “working environment” to ensure consistency with other points adopted and facilitate the adaptability of the Convention.
- 646.** The Worker Vice-Chairperson, the Employer Vice-Chairperson, and the Government member of the Islamic Republic of Iran supported the amendment.
- 647.** The amendment was adopted.
- 648.** Two amendments (A.160 and A.163) were withdrawn and the introductory sentence of point 17 was adopted as amended.

Point 17(a)

- 649.** Two amendments (A.161 and A.172) were withdrawn.

A.171

- 650. The Worker Vice-Chairperson introduced an amendment to insert “suitably resourced and sufficiently skilled” after “progressively extend”. To be effective, it was necessary for occupational health services to be adequately resourced and skilled.
- 651. The Government members of Chile, speaking on behalf of GRULAC, and the United States did not support the amendment.
- 652. The Employer Vice-Chairperson did not support the amendment and expressed a preference for the Office text to ensure consistency with the text in Convention No. 161.
- 653. The amendment was withdrawn.

A.147

- 654. The Government member of the United States, seconded by the Government member of the United Kingdom, introduced an amendment for the clause to read “progressively extend occupational health services to workers and occupations at a significant risk of material impairment of health due to biological hazards”. He proposed a subamendment to replace “significant” with “high” to align with previously adopted text and to introduce the element of risk (see A.146).
- 655. The Employer Vice-Chairperson supported the amendment as subamended.
- 656. The Government member of Belgium, speaking on behalf of the EU and its Member States, did not support the subamendment or the amendment. Input from occupational health services was required when workers were exposed to biological hazards irrespective of the intensity of the risk.
- 657. The Worker Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, Zimbabwe, speaking on behalf of the Africa group, Australia, and China, did not support the subamendment or the amendment.
- 658. The subamendment and the amendment were withdrawn.

A.173

- 659. The Worker Vice-Chairperson proposed an amendment to add “with the aim of providing occupational health services to all workers, including through primary care” at the end of the clause.
- 660. The Employer Vice-Chairperson did not support the amendment because the meaning of “primary care” could result in confusion among Member States.
- 661. The Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, Saudi Arabia, Tunisia and the Islamic Republic of Iran preferred the Office text.
- 662. The Government member of Zimbabwe, speaking on behalf of the Africa group, said that the integration of occupational health services within primary healthcare was particularly important in low resource areas, and that the text should be included in the Recommendation to ensure that all workers were covered by occupational health services. The Worker Vice-Chairperson agreed and said that it was essential that primary healthcare was available to all workers, including those in the informal economy. Delivering occupational health services

through primary care was an important way to progressively extend occupational health services to all workers.

- 663. In response to the request by the Government member of China to provide examples of primary care, the Worker Vice-Chairperson explained that primary care included general practitioners and nurses who have been trained in occupational health services and could provide health services to communities who have been exposed to biological hazards in the workplace.
- 664. The amendment was withdrawn and clause (a) of point 17 was adopted without amendment.

Point 17(b)

- 665. An amendment (A.149) was withdrawn.

A.112

- 666. The Government member of Belgium, speaking on behalf of the EU Member States, proposed an amendment to add “as appropriate” after “facilitate”.
- 667. The Employer Vice-Chairperson supported the amendment but asked the Office to clarify the meaning of “labour infrastructure”.
- 668. A representative of the Secretariat clarified that the term “labour infrastructure” should be understood as any services or institutions under the system of labour administration with a responsibility for OSH at the workplace, in the sense of national OSH system under Article 1(c) of Convention No. 187.
- 669. The Worker Vice-Chairperson did not support the amendment.
- 670. The amendment was withdrawn and clause (b) of point 17 was adopted without amendment.

Title of section 5

- 671. The title of section 5 – Data collection, recording and notification of occupational diseases and accidents - was adopted.

Point 18

A.216, A.215, A.213, A.214 and A.212

- 672. The Government member of Switzerland, speaking also on behalf of the Government members of Japan and Türkiye, introduced five amendments to delete the entire point 18 because the content was already covered in Article 11, clauses (c), (d) and (e) of Convention No. 155.
- 673. The Employer Vice-Chairperson supported the amendments.
- 674. The Worker Vice-Chairperson and the Government members of Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, China, and the Islamic Republic of Iran did not support the amendments. They stressed the importance of reliable data collection to provide governments with good insight into the risks present at the workplace that in turn could inform appropriate policies on biological hazards.
- 675. The amendments were withdrawn.

Point 18, introductory sentence

A.197

- 676.** The Employer Vice-Chairperson introduced an amendment to move the introductory sentence to before point 38, and to modify the text to read:

The competent authorities should, by methods appropriate to national conditions and practice, and by stages as necessary having regard to national conditions and practice and in consultation with the most representative organizations of employers and workers, establish, implement and periodically review procedures on data collection, recording and notification of occupational diseases and accidents, and, if applicable, compensation.

- 677.** While the Protocol of 2002 to the Occupational Safety and Health Convention, 1981, had been ratified only by 19 countries, the language of the Protocol informed the text under discussion. To ensure as much flexibility as possible, it was preferable to move the text to before point 38, which dealt with the matter of recording of occupational diseases.
- 678.** The Worker Vice-Chairperson and the Government members of Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, Zimbabwe, speaking on behalf of the Africa group, and the United States did not support the amendment. They did not support moving the introductory sentence to the Recommendation because data collection in the context of biological hazards was of the utmost importance and needed to be included in the Convention.
- 679.** The amendment was withdrawn and the introductory sentence of point 18 was adopted without amendment.
- 680.** The amendments submitted by the Employers' group to delete all clauses of point 18 (A.198, A.199, A.200 and A.201) were withdrawn in consistency with the previous decision.

Point 18(a)

A.182

- 681.** The Worker Vice-Chairperson introduced an amendment to ensure that the language used was consistent with Article 3 of the Protocol of 2002 to Convention No. 155. The text would read:
- (a) the reporting, recording, notification and investigation of occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases related to biological hazards in the working environment;
- 682.** The Employer Vice-Chairperson did not support the inclusion of commuting accidents and suspected cases of occupational diseases because they were not covered by Convention No.155.
- 683.** The Government members of Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, and Australia preferred the original text.
- 684.** The Worker Vice-Chairperson introduced a subamendment to delete "commuting accidents and" but insisted on the importance of retaining a reference to "suspected cases of occupational diseases related to biological hazards in the working environment".

- 685. The Government member of Belgium, speaking on behalf of the EU and its Member States, supported the subamendment, but the Employer Vice-Chairperson pointed out that it would be challenging to document “suspected cases of occupational disease” and that her group preferred the original text.
- 686. The subamendment and the amendment were withdrawn.

A.195

- 687. The Government member of the Bolivarian Republic of Venezuela introduced an amendment to replace after the word “dangerous”, “occurrences” with “incidents”, which was more aligned with common OSH terminology.
- 688. The Employer Vice-Chairperson expressed a preference for the Office text, because the term used in the Protocol was “dangerous occurrences”, but noted that her group could support the amendment should it enjoy majority support.
- 689. The Government member of the United States supported the amendment.
- 690. The amendment was adopted and clause (a) of point 18 was adopted as amended.

Point 18(b)

A.196

- 691. The Government Member of the Bolivarian Republic of Venezuela, seconded by the Government member of Chile, speaking on behalf of GRULAC, proposed an amendment to replace “occurrences” with “incidents” to ensure the use of appropriate terminology, citing the Protocol of 2002 to Convention No. 155.
- 692. The Employer Vice-Chairperson proposed to refer the matter to the Drafting Committee.
- 693. A representative of the Secretariat explained that the definition of “dangerous occurrence” was in the Protocol of 2002 to Convention No. 155 and that the definition for “incident” was provided by the ILO *Guidelines on occupational safety and health management systems: ILO-OSH 2001*. He noted the lack of definition for “dangerous incidents,” and confirmed it could be deferred to the Drafting Committee. He further noted that “dangerous occurrences” was not always translated into French and Spanish with the same words in different ILO instruments.
- 694. The Worker Vice-Chairperson agreed to defer the matter to the Drafting Committee and stated that the word “injuries” was cited several times in the Protocol to Convention No.155.
- 695. The Employer Vice-Chairperson, the Worker Vice-Chairperson and the Government member of Singapore, noted their preference to be consistent with the language used in the Protocol.
- 696. The Government members of Belgium, speaking on behalf of the EU and its Member States, and Japan did not have a preference.
- 697. The amendment was withdrawn.

A.217

- 698. The Worker Vice-Chairperson introduced an amendment to insert “disaggregated by gender,” after “annual statistics,” noting that it was useful to understand the differences in the impact on both women and men, and to be in line with the ILO resolution concerning the promotion of gender equality, pay equity and maternity protection (2004).

- 699.** The Employer Vice-Chairperson said that her group preferred to listen to the opinions of the Governments first and recalled that the text went further than that of Convention No. 155.
- 700.** The Government members of Chile, speaking on behalf of GRULAC, the United Kingdom, Canada and the United States supported the amendment. The Government member of the United States made an appeal for flexibility and understanding, highlighting that data by default was collected on men. As biological hazards could have serious impacts on women, data should be disaggregated to be able to protect half of the population from harm.
- 701.** The Government members of Saudi Arabia, speaking on behalf of the GCC countries, Egypt, the Islamic Republic of Iran, and Algeria did not support the amendment.
- 702.** The Government member of Zimbabwe, on behalf of the Africa group, proposed a subamendment to replace "gender" by "sex," to help reach consensus. The Employer Vice-Chairperson, the Government member of Saudi Arabia, speaking on behalf of the GCC countries, Türkiye, and the Islamic Republic of Iran supported the subamendment.
- 703.** The Worker Vice-Chairperson expressed disappointment about moving away from the accepted language of "gender," but accepted the subamendment.
- 704.** The amendment was adopted as subamended.

A.218

- 705.** The Worker Vice-Chairperson proposed an amendment to insert "any other injuries or adverse health effects," and to replace "caused by" with "related to," not to constrain the effects of exposure to biological hazards.
- 706.** The Employer Vice-Chairperson did not support the amendment, noting that the existing text was sufficiently clear.
- 707.** The Government members of Chile, speaking on behalf of GRULAC, and the Islamic Republic of Iran supported the amendment.
- 708.** The Government member of Japan, seconded by the Government member of Belgium, speaking on behalf of the EU Member States, proposed a subamendment to insert "as appropriate" before "any other injuries or adverse health effects."
- 709.** The Government member of the United States supported the subamendment and, seconded by the Government member of Japan, proposed replacing "and" with "or".
- 710.** The Worker Vice-Chairperson supported the text as subamended.
- 711.** The Employer Vice-Chairperson could accept the text as subamended but preferred retaining "caused by" than inserting "related to".
- 712.** The Government member of Singapore did not support the subamendments or the amendment.
- 713.** The Worker Vice-Chairperson and the Government members of the Islamic Republic of Iran, and Saudi Arabia, speaking on behalf of the GCC countries, supported the subamendment of the Employers' group.
- 714.** The Government members of Belgium, speaking on behalf of the EU and its Member States, Saudi Arabia, speaking on behalf of the GCC countries, Zimbabwe, speaking on behalf of the Africa group, Singapore, Türkiye, and China did not support the amendment as subamended and preferred retaining the original text.

- 715. In response to a question by the Worker Vice-Chairperson about the appropriateness of using the expression “any other injuries”, a representative of the Secretariat explained that Convention No.155 and its Protocol referred to statistics on “occupational accidents, occupational diseases and as appropriate, dangerous occurrences”.
- 716. The subamendments and the amendment were withdrawn and clause (b) of point 18 was adopted as amended.

Point 18(c)

- 717. An amendment (A.184) was withdrawn and clause (c) of point 18 was adopted.

Point 18(d)

- 718. An amendment (A.174) was withdrawn.

A.176

- 719. The Government member of Belgium, speaking on behalf of the EU Member States proposed an amendment to delete “annual” and insert “in accordance with the frequency defined in that policy,” after “working environment” to ensure coherence with national legislation.
- 720. The Employer Vice-Chairperson said that her group was flexible.
- 721. The Government members of Chile, speaking on behalf of GRULAC, the Islamic Republic of Iran, Singapore, the United States, the Philippines and China supported the amendment.
- 722. The Worker Vice-Chairperson did not support the amendment, noting that the frequency could not be less than annually, citing the fundamental Convention No. 155 and its Protocol.
- 723. The amendment was withdrawn and clause (d) of point 18 was adopted without amendment.

New clause after point 18(d)

A.177

- 724. The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to insert a new clause that read:
 - the determination of the appropriate duration for maintaining records on occupational diseases as required by the Convention, taking into account the latency periods of occupational diseases.
- 725. It was important to keep records on occupational diseases for an appropriate duration, as the latency period for some diseases could span several years.
- 726. The Employer Vice-Chairperson and the Government member of Chile, speaking on behalf of GRULAC, noted their flexibility.
- 727. The Worker Vice-Chairperson, and the Government members of Saudi Arabia, speaking on behalf of the GCC countries, Zimbabwe, speaking on behalf of the Africa group, the United States, Singapore, the United Kingdom, the Islamic Republic of Iran, Australia and China supported the amendment.
- 728. The amendment was adopted and a new clause after clause (d) of point 18 was adopted.

New point after point 18

A.185

729. The Worker Vice-Chairperson proposed an amendment to insert a new point that read:

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

730. As the proposed text was similar to the one in the amendment that had been adopted to insert a new clause at the end of point 18, he proposed to withdraw the amendment submitted by his group and subamend the text of the new clause to replace “conditions” with “diseases”. That would ensure consistency and provide coverage for chronic work-related diseases that lead to disability at an advanced age and continued to worsen even after exposure.

731. The Employer Vice-Chairperson did not support the subamendment, noting that it was redundant, and highlighted that procedurally it was not correct to subamend a new clause that had already been adopted.

732. The Government member of Belgium, speaking on behalf of the EU and its Member States, supported the subamendment.

733. The amendment was withdrawn and point 18 was adopted as amended.

Point 19

A.202, A.203 and A.204

734. The Employer Vice-Chairperson introduced three amendments to delete the introductory sentence and clauses (a) and (b). The Employers’ group wanted a flexible and simple Convention that did not duplicate provisions from existing instruments. Recommendation No. 194 included the content of the point and it did not need to be repeated.

735. The Worker Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, Saudia Arabia, speaking on behalf of the GCC countries, and Australia did not support the amendment.

736. The Government member of Belgium, speaking on behalf of the EU and its Member States, also did not support the amendment, as covering all aspects – from prevention to compensation for injuries and diseases related to biological hazards – in a single instrument was essential.

737. The Government member of the United States did not support the amendment as it was incompatible with “open systems”, such as in the United States, where no list existed, and any disease could be considered as occupational if it could be linked to the work environment.

738. The Employer Vice-Chairperson pointed out that including the provision in the Convention rather than the Recommendation would make it harder to ratify and hence would reduce, rather than increase, workers’ protection. Nonetheless, she withdrew the amendments.

Point 19, introductory sentence

A.175

- 739.** The Government member of the United States, seconded by the Government member of the United Kingdom, introduced an amendment to insert "If applicable," at the beginning of the sentence and ", as appropriate," after "standards". She recognized that many countries had a list of occupational diseases, but others did not. Therefore, it was important to modify the language as suggested to accommodate different national systems.
- 740.** The Worker Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, and Saudia Arabia, speaking on behalf of the GCC countries, did not support the amendment.
- 741.** The Employer Vice-Chairperson indicated her flexibility.
- 742.** Noting the lack of support in the room, the Government member of the United States, seconded by the Government member of the United Kingdom, proposed a subamendment to delete "if applicable". However, the inclusion of "as appropriate" was necessary as it referred to compliance with relevant international standards, and not all countries had ratified those standards. The Government member of Belgium, speaking on behalf of the EU and its Member States, did not support the subamendment.
- 743.** A representative of the Secretariat explained that "relevant international standards" referred to Convention No. 121 and Recommendations Nos 121 and 194 and clarified that the term "as appropriate" would give Member States flexibility regarding the relevant standards which they considered as a reference.
- 744.** The subamendment and the amendment were withdrawn.

A.178

- 745.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to insert ", in accordance with national law and practice," after "authorities". It was important for the EU that the systems for compensation of occupational diseases be determined at national level.
- 746.** The Employer Vice-Chairperson, the Worker Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries and Singapore supported the amendment.
- 747.** The amendment was adopted.
- 748.** An amendment (A.211) was withdrawn and the introductory sentence of point 19 was adopted.

Point 19(a)

A.188

- 749.** The Worker Vice-Chairperson introduced an amendment to add "noting the ILO's List of Occupational Diseases Recommendation, 2002 (No. 194) and Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121)" at the end of the clause.

- 750.** The Employer Vice-Chairperson said that reference to those instruments would be more appropriate in point 39 of the Recommendation since they provided guidance. In fact, the text prepared by the Office included those references in point 39.
- 751.** The Government members of Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, and Singapore did not support the amendment.
- 752.** The amendment was withdrawn and clause (a) of point 19 was adopted without amendment.

Point 19(b)

- 753.** Clause (b) of point 19 was adopted and point 19 was adopted.

Title of section 6 and point 20

A.187 and A.205

- 754.** The Employer Vice-Chairperson introduced amendments to delete the title of section 6 and point 20, which she believed should be part of the Recommendation. There was a specific Convention (No. 121) related to benefits in the event of occupational accidents and diseases and approaches varied between countries. The provision would therefore not be appropriate in a Convention concerning biological hazards in the working environment.
- 755.** The Worker Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, Singapore and the United States did not support the amendments.
- 756.** The amendments were withdrawn and the title of section 6 – Employment injury benefits – was adopted.

A.210

- 757.** The Government member of Switzerland, speaking also on behalf of the Government members of Japan and Türkiye, introduced an amendment to reposition “, in accordance with national law and practice,” from the end of the point to the beginning, after “should”, and to insert “a confirmed” before “occupational exposure”. He explained that the causal link between exposure to a biological hazard and the health impact on a worker was often very difficult to prove. The intention was to clarify the meaning and make application of the Convention more feasible, including with respect to administrative decisions taken by health insurance companies.
- 758.** The Employer Vice-Chairperson indicated her group’s flexibility and the Government member of the United States supported the amendment.
- 759.** The Worker Vice-Chairperson preferred the Office text but was flexible, and the Government members of Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, and Belgium, speaking on behalf of the EU and its Member States, did not support the amendment.
- 760.** The amendment was withdrawn.

A.219

- 761.** The Worker Vice-Chairperson introduced an amendment to replace “or” by “and/or” as some countries’ social security systems did not include both employment injury benefits and compensation.
- 762.** The Government members of Zimbabwe, speaking on behalf of the Africa group, and Indonesia preferred the original text, and the Government member of Belgium, speaking on behalf of the EU and its Member States, was flexible.
- 763.** In response to the request by the Employer Vice-Chairperson to clarify the meaning of the terms “benefits” and “compensation” in ILO instruments, a representative of the Secretariat explained that the term “benefits” was used in relation to social security systems while “compensation” normally referred to payments made by employers in the absence of a social security scheme.
- 764.** The amendment was withdrawn.

A.220

- 765.** The Worker Vice-Chairperson introduced an amendment to add at the end of the point: “noting that entitlement should apply to all workers, regardless of their employment relationship and workers in the informal economy”. The wording was taken from the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), and the aim was to guarantee the protection of the many millions of informal workers and those in other employment arrangements around the world who were excluded. That entitlement would be the responsibility of Governments.
- 766.** The Employer Vice-Chairperson said that the Committee had already decided not to refer to workers in the informal economy, whose needs were beyond the scope of a standard on biological hazards and should be addressed by other ILO instruments. Her group did not support the amendment.
- 767.** The Government members of Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Indonesia and Singapore did not support the amendment.
- 768.** The amendment was not adopted and point 20 was adopted without amendment.

New point after point 20

A.190

- 769.** The Worker Vice-Chairperson introduced an amendment to add a new point with the following text and suggested that it could be included in the Recommendation after point 41:

Members, taking into account national circumstances, should promote OSH strategies that aim at zero work-related deaths and the prevention of work-related injuries and illnesses, including those related to biological hazards, as well as access to relevant social security benefits, ensuring protection for all workers.
- 770.** The Government member of Belgium, speaking on behalf of the EU and its Member States, noted that the proposed text should preferably be included in the Preamble but was flexible.
- 771.** The Government members of Chile, speaking on behalf of GRULAC, and Zimbabwe, speaking on behalf of the Africa group, supported inserting the new point in the Recommendation.

- 772.** The Employer Vice-Chairperson did not agree with the content of the amendment as it was already covered under point 12, national policies. In consequence, her group did not support the amendment. Moreover, the contents of the text was also already included in the sections “Preventive measures” (first part of the text) and in point 20 (second part of the text).
- 773.** The amendment was adopted, and the new point would be inserted in Part C of the proposed Conclusions.

Title of section 7

- 774.** The title of section 7 – Enforcement of laws and regulations – was adopted.

Point 21

A.206

- 775.** The Employer Vice-Chairperson introduced an amendment to insert “including prevention and supportive measures” after “ensuring compliance”. The dual role of the labour inspection system was set out in Article 3 of the Labour Inspection Convention, 1947 (No. 81), namely, to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, and to supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions.
- 776.** The Worker Vice-Chairperson, the Government members of Saudi Arabia, speaking on behalf of the GCC countries, Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, Canada, China and Indonesia supported the amendment.
- 777.** The amendment was adopted.

A.191

- 778.** The Worker Vice-Chairperson introduced an amendment to insert “with allocation of the adequate resources and the support needed for these functions” after “ensuring compliance”.
- 779.** The Employer Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, and Indonesia supported the amendment.
- 780.** The Government members of Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, and the United States did not support the amendment because the issue was covered by the Labour Inspection Convention, 1947 (No. 81).
- 781.** The Government member of the United States requested clarification from the Secretariat on whether other ILO Conventions referred to the allocation of “adequate resources”. She expressed her government’s strong objection to the amendment. Requiring the allocation of adequate resources in a Convention was unprecedented.
- 782.** A representative of the Secretariat explained that there were several provisions in Convention No. 81 that referred to the allocation of resources, although none used the term “adequate”. For example, Article 10 stated that the number of labour inspectors should be “sufficient”, while Article 11 referred to “suitably equipped offices”. Article 5 of Convention No. 184 provided that Member States should ensure “an adequate and appropriate system of

inspection” for agricultural workplaces and that the system be provided with “adequate means”.

- 783.** The Worker Vice-Chairperson noted that in Article 10 of Convention No. 81 the reference to a “sufficient” number of labour inspectors had the same intention as “adequate resources”. The amendment did not call for a certain amount of funding, but it was important that Member States ratifying the Convention commit to allocating adequate resources to support the labour inspection system.
- 784.** The Employer Vice-Chairperson and the Government member of Belgium, speaking on behalf of the EU and its Member States, expressed flexibility about the amendment.
- 785.** The Government member of the United States proposed a subamendment to insert “with allocation of the adequate resources and the support needed for these functions” before “where applicable, other mechanisms for ensuring compliance including prevention...”. She noted that while it was reasonable to expect Member States to allocate adequate resources to labour inspection, the same could not be said for the allocation of resources for prevention and supportive measures.
- 786.** The Employer Vice-Chairperson, the Government members of Saudi Arabia, speaking on behalf of the GCC countries, and Chile, speaking on behalf of GRULAC, did not support the subamendment.
- 787.** The Government member of the United States recognized that her subamendment did not garner support from the Committee and reiterated that she could not support the amendment.
- 788.** The amendment was adopted and point 21 was adopted as amended.

Point 22

A.179

- 789.** The Government member of Belgium, speaking on behalf of the EU Member States, noted that the proposed text for point 22 could be interpreted as stating that all labour inspectors should undergo training on biological hazards in the workplace. Therefore, she introduced an amendment to divide the point into an introductory sentence with two clauses as follows:

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, in assessing compliance with national laws and regulations concerning biological hazards in the working environment, promote a systematic approach to occupational safety and health.
- 790.** The Employer Vice-Chairperson did not support the amendment. The text would require further modifications to ensure that such a provision could be implemented by governments. In addition, the content of clause (b) was already addressed in point 41 and should be discussed when that point would be considered.
- 791.** The Worker Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, and the United States supported the amendment.

- 792.** The Government member of Japan introduced a subamendment to insert “with duties related to biological hazards and risks in the working environment” in clause (b) after “labour inspectors”.
- 793.** The Employer Vice-Chairperson did not support the subamendment because many countries did not have labour inspectors specialized in biological hazards. She proposed replacing in clause (a) “are trained” with “acquire the necessary competencies” to broaden the scope, and deleting “systematic approach” in clause (b), because it could be interpreted as requiring a management system approach to OSH, which did not fall under the functions of the labour inspectorate. Article 3(1) of Convention No. 81 listed the functions of labour inspection and requiring a “systematic approach” went beyond what was required by that Convention.
- 794.** The Worker Vice-Chairperson and the Government members of Belgium, speaking on behalf of the EU and its Member States, the United States and Japan did not support the subamendment introduced by the Employers’ group. The Government member of Belgium said that an effective labour inspection system required a systematic approach.
- 795.** The Government member of United States noted that labour inspectors needed to promote a systemic approach to OSH to perform their advisory duties regarding biological hazards effectively.
- 796.** In response to a request from the Employer Vice-Chairperson to clarify the meaning of the term “systematic approach”, a representative of the Secretariat explained that the term could be applied to the approach that employers adopt to the management of OSH, or to the integrated and comprehensive approach of labour inspectorates towards their duties, which involved looking into all possible causes of harm. “Systematic approach” was not the language used in ILO standards.
- 797.** The Employer Vice-Chairperson noted that her group was not prepared to withdraw its subamendment.
- 798.** The amendment was adopted as subamended by the Government member of Japan.
- 799.** Two amendments (A.207 and A.209) were withdrawn and point 22 was adopted as amended.

Point 23

A.208

- 800.** The Employer Vice-Chairperson introduced an amendment proposing the deletion of point 23 because its content was already covered in other Conventions and addressed in national legislation. The issue of sanctions or penalties was linked to general enforcement and not specifically to biological hazards.
- 801.** The Worker Vice-Chairperson and the Government members of the United States, Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, Belgium, speaking on behalf of the EU and its Member States, and Chile, speaking on behalf of GRULAC, did not support the amendment.
- 802.** The amendment was not adopted.

A.180

- 803.** The Government member of Belgium, speaking on behalf of the EU Member States, proposed an amendment to insert “in accordance with national law and practice” after “apply”. She

noted that the issue of penalties fell under the competence of national authorities, which meant that the imposition of such penalties should align with national law and practice.

- 804.** The Worker Vice-Chairperson preferred the original text, but indicated that his group was flexible on the amendment.
- 805.** The Employer Vice-Chairperson and the Government members of Switzerland, the Islamic Republic of Iran, Indonesia, Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, and Chile, speaking on behalf of GRULAC, supported the amendment.
- 806.** The amendment was adopted.
- 807.** An amendment (A.193) was withdrawn and Point 23 was adopted as amended.

New point after point 23

A.194

- 808.** The Worker Vice-Chairperson introduced an amendment to add a new point to read:

Recognizing many biological hazards create cross-border risks, Members shall ensure effective remedy for workers, from national or multinational employers, which may include apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition.
- 809.** Biological hazards created cross-border risks, which required the need for effective remedy for workers from both national and multinational employers. He subamended the proposed text to replace “ensure” with “promote”. The language was taken from the MNE Declaration and from the UN Guiding Principles on Business and Human Rights. He proposed to insert the text in the Recommendation.
- 810.** The Employer Vice-Chairperson did not support the amendment. Her group strongly objected to including text from an explanatory note to the UN Guiding Principles on Business and Human Rights, which was not a legally binding document and not linked to biological hazards.
- 811.** The Government members of Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, and Türkiye, did not support the amendment as subamended.
- 812.** The Worker Vice-Chairperson noted that it was important that national and multinational employers remedied human rights violations, and that his group would not withdraw the amendment.
- 813.** The amendment was not adopted.

Title of section 8

- 814.** The title of section 8 – Duties and responsibilities of employers – was adopted.

Point 24

A.274

815. The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to ensure that the relevant levels of control would be appropriately mentioned. She subamended the proposed text by introducing the corrections indicated in bold:

Employers should ensure that biological hazards in the working environment are eliminated **or replaced, or where this is not technically practicable having regard to the activity, biological hazards** ~~at least the risks are reduced~~ **to a level as low as necessary to adequately protect the health and safety of workers** ~~minimum as far as is reasonably practicable by taking the appropriate and necessary preventive and protective measures.~~

816. The Employer Vice-Chairperson did not support the amendment because employers could only be responsible for biological hazards arising from industrial activities; they could not be made responsible for pandemics. Employers preferred the original text, which was in accordance with Convention No. 155.
817. The Worker Vice-Chairperson supported the amendment as subamended because all actors had an obligation to reduce biological hazards to a level that would adequately protect the health and safety of workers.
818. The Government member of Zambia proposed to replace the word “replaced” with “substituted” and the Government member of Belgium, speaking on behalf of the EU and its Member States, supported that proposal, since it reflected the hierarchy of controls.
819. The Government member of Chile, speaking on behalf of GRULAC, and the Government member of Japan did not support the amendment and subamendment because it was not possible to substitute a hazard, but only the agents causing such hazard or the exposure to them. The issue was therefore related to the risk. The Government member of Zimbabwe also did not support the amendment and subamendment.
820. The Government member of Belgium, speaking on behalf of the EU Member States, proposed to delete the word “substituted” that had been inserted by the Workers’ group and to replace “hazards” with “risks” before “are reduced to a level”. The Government member of the United States, seconded by the Government member of Australia, suggested instead to insert “risks due to” before “biological hazards”, to improve consistency.
821. The Employer Vice-Chairperson supported the proposal by the United States and stated that her group could accept the amendment if the words “so far as is reasonably practicable” and “under their control” from the original text were kept.
822. The Worker Vice-Chairperson did not support the subamendments by the Employers’ group and suggested deleting “due to” after “risks”, to reflect the hierarchy of controls.
823. The Government members of Chile, speaking on behalf of GRULAC, Zimbabwe speaking on behalf of the Africa group, Switzerland, the United Kingdom and Canada did not support the text as subamended as it had become too complex and suggested going back to the original text.
824. The Employer Vice-Chairperson expressed flexibility for returning to the Office text or adopting the subamendments. The Government members of Belgium, speaking on behalf of the EU and its Member States, Saudi Arabia, speaking on behalf of the GCC countries, and the United States supported the subamendments.

825. The subamendments and the amendment were withdrawn.

A.244

826. The Employer Vice-Chairperson introduced an amendment to replace “working environments” by “workplaces”, to be more accurate.
827. The Worker Vice-Chairperson did not support the amendment. The original text was clear, and the term “working environment” was used throughout the Conclusions and was consistent with Convention No. 155.
828. The Government members of Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, and Saudi Arabia, speaking on behalf of the GCC countries, did not support the amendment for consistency reasons.
829. The Employer Vice-Chairperson noted that the term “workplace” was used in Convention No. 155.
830. The amendment was withdrawn, and another amendment (A.221) was withdrawn.

A.245

831. The Employer Vice-Chairperson introduced an amendment to insert “arising from work activities”, after “biological hazards”, because preventive and protective measures applicable to risks arising from work activities were different from those arising from external events, as had been the case during the COVID-19 pandemic. The fundamental Conventions, including Convention No.155, did not cover pandemics.
832. The Worker Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, Saudi Arabia, speaking on behalf of the GCC countries, and the United States did not support the amendment.
833. The amendment was withdrawn.

A.235

834. The Government member of Japan, speaking also on behalf of the Government members of Switzerland and Türkiye, introduced an amendment to add “or when not, take all reasonable and practicable measures to control and minimize the risk” at the end of the point to address cases when it was not reasonably practicable to take measures. The wording was borrowed from point 25(b) and was kept as simple as possible.
835. The Worker Vice-Chairperson did not support the amendment. The hierarchy of control would be addressed later in the text.
836. The Employer Vice-Chairperson supported the amendment. The Government member of Belgium, speaking on behalf of the EU and its Member States, also supported the amendment and suggested replacing “when not” with “when this is not possible”.
837. The Government members of Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, and the Islamic Republic of Iran did not support the amendment and the subamendment.
838. The subamendment and the amendment were withdrawn and point 24 was adopted without amendment.

New point after point 24

A.242

- 839.** The Government member of Japan, speaking also on behalf of the Government members of Switzerland and Türkiye, introduced an amendment to insert a new point and subamended it for the text to read:

Given the wide range of the definition, approach to each hazard should be optimized based on risk assessment ~~by each Member~~ that includes the characteristics and degree of concern of the biological substance.

- 840.** They proposed that the same text be inserted also after point 10.
- 841.** The Employer Vice-Chairperson supported the amendment and the Government members of Saudi Arabia, speaking on behalf of the GCC countries, and the United States supported the amendment. The Government member of the United States also agreed with including the same text after point 10.
- 842.** The Government members of Chile, speaking on behalf of GRULAC, and Zimbabwe, speaking on behalf of the Africa group, and the Worker Vice-Chairperson did not support the amendment.
- 843.** The Government member of Belgium, speaking on behalf of the EU Member States, suggested replacing “Given the wide range of the definition, approach to each hazard” with “Preventive and protective measures” and deleting “risk assessment by each Member that includes”.
- 844.** The Employer Vice-Chairperson did not support the further subamendment as it changed the meaning of the original proposal by no longer recognizing the overly broad nature of the definition. Regardless of this amendment, she also highlighted that similar language should be included under point 4 on the definition of biological hazard.
- 845.** The Worker Vice-Chairperson and the Government member of the United States supported the subamendment.
- 846.** The amendment was adopted as subamended and the new point was adopted.

Point 25, introductory sentence

A.246

- 847.** The Employer Vice-Chairperson introduced an amendment to move the text to insert it before point 42, under the Recommendation, because it would be difficult to ratify a Convention that included too many details. The amendment also proposed inserting “arising from work activities” after “working environment”.
- 848.** The Worker Vice-Chairperson did not support the amendment as the point should remain in the text of the Convention.
- 849.** The Government member of Belgium, speaking on behalf of the EU and its Member States, did not support the amendment, explaining that employers had specific duties and responsibilities with regard to biological hazards.
- 850.** The Employer Vice-Chairperson clarified that the intention was not to indicate that employers did not have duties and responsibilities. Article 16 of Convention No. 155 established clear responsibilities for employers.

- 851.** The Government members of Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, and Australia did not support the amendment.
- 852.** The amendment was not adopted. The Employer Vice-Chairperson requested to put on record her group's position. In consistency with that decision, she withdrew the proposal to move all the clauses of point 25 to before point 42 from other amendments (A.247, A.248, A.249, A.250, A.252, A.254, A.255, A.256 and A.258).

A.247

- 853.** The Employer Vice-Chairperson introduced an amendment to delete “and applicable collective agreements” because the Convention should only refer to national standards established by Member States.
- 854.** The Worker Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, China and the United States did not support amendment.
- 855.** The amendment was withdrawn.

A.236

- 856.** The Government member of Switzerland, speaking also on behalf of the Government members of Japan, and Türkiye, introduced an amendment to make the provision more specific by inserting “in line with Articles 16(3), 17 and 21 of the Occupational Safety and Health Convention, 1981 (No. 155) and” after “protective measures”.
- 857.** The Employer Vice-Chairperson supported the amendment.
- 858.** The Worker Vice-Chairperson and the Government members of Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, and Saudi Arabia did not support the amendment as it was not appropriate to mention a fundamental Convention only partially.
- 859.** The amendment was withdrawn.

A.273

- 860.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to insert “as a result an adequate risk assessment” before “in particular:”
- 861.** The Worker Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, and Australia supported the amendment.
- 862.** The Employer Vice-Chairperson indicated that her group was flexible.
- 863.** The amendment was adopted.

A.222

- 864.** The Worker Vice-Chairperson introduced an amendment to insert “ensuring gender-sensitive perspective” before “, in particular”. There were around 16 ILO instruments where the term “gender” was used and measures should differentiate between men and women as consequences could be different.

- 865. The Employer Vice-Chairperson said that her group could not support the amendment because that was not the appropriate place to include it.
- 866. The Government members of Saudi Arabia, speaking on behalf of the GCC countries, Zimbabwe, speaking on behalf of the Africa group, Türkiye and Algeria did not support the amendment because the addition was not appropriate.
- 867. The Government members of the United States and Canada supported the amendment as it was important to account of different requirements for women and men.
- 868. The Government members of Belgium, speaking on behalf of the EU Member States, introduced a subamendment to replace “gender sensitive perspective” with “gender responsive perspective”.
- 869. The Government member of Chile supported the amendment as subamended, but suggested inserting the new text after the word “measures”.
- 870. The Worker Vice-Chairperson and the Government members of the United Kingdom and Australia supported the subamendments.
- 871. The Government members of Zimbabwe, speaking on behalf of the Africa group, and Saudi Arabia, speaking on behalf of the GCC countries, preferred the original text.
- 872. The Employer Vice-Chairperson did not support the subamendments as they changed the original meaning and employers would not be able to implement such measures. She suggested to add “as appropriate” before the “gender responsive perspective”.
- 873. The Worker Vice-Chairperson supported the further subamendment and so did the Government members of Belgium, speaking on behalf of the EU Member States, and Türkiye.
- 874. The Government members of Saudi Arabia, speaking on behalf of the GCC countries, Algeria and of the Islamic Republic of Iran indicated that they recognized the need to differentiate between men and women but had reservations on the term “gender”. The word “sex” could be used instead.
- 875. The Government member of Belgium, speaking on behalf of the EU and its Member States, stated that the term gender was used elsewhere, and it would be appropriate to keep consistency. The Government members of China, the United Kingdom, the United States and Australia agreed that “gender responsive” was the term accepted by the Organization.
- 876. The amendment was adopted as subamended and the introductory sentence of point 25 was adopted as amended.

Point 25(a)

- 877. Two amendments (A.223 and A.253) fell as related language had already been included in point 16(a).

A.249

- 878. The Employer Vice-Chairperson introduced an amendment to delete “in consultation with workers and their representatives,” after “establishing” to improve the quality of the text and to avoid repetition.
- 879. The Worker Vice-Chairperson did not support the amendment, noting that it was not in line with established language of the ILO. The Government members of Chile, speaking on behalf

of GRULAC, Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, and Canada did not support the amendment.

- 880.** The amendment was not adopted.

A.250

- 881.** The Employer Vice-Chairperson proposed an amendment to delete “taking due account of sectors and occupations at a higher risk of exposure and workers with certain conditions who may require special protection”, noting that: (a) it was a redundancy to say that an employer in a sector had to take account of the sector; and (b) there was a need to simplify the text to promote implementation.
- 882.** The Worker Vice-Chairperson did not support the amendment and proposed a subamendment to, instead of deleting the phrase, replacing it with “taking due account of workers who may require special protection.”
- 883.** The Employer Vice-Chairperson accepted the proposal, but suggested inserting “with certain conditions,” before “who may require special protection.”
- 884.** The Government member of Zimbabwe, speaking on behalf of the Africa group, supported the amendment as subamended.
- 885.** The Government members of Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, and the United States supported the subamendment proposed by the Workers’ group, but not the further subamendment of the Employers’ group.
- 886.** The further subamendment was withdrawn and the amendment was adopted as subamended.
- 887.** Clause (a) of point 25 was adopted as amended.

Point 25(b)

A.224

- 888.** The Worker Vice-Chairperson proposed an amendment to insert “including risks while commuting and in sanitary installations, canteens and accommodation provided by the employer,” before “taking due account,” to be in line with Convention No.161.
- 889.** The Employer Vice-Chairperson, and the Government members of Belgium, speaking on behalf of the EU and its Member States, Zimbabwe, speaking on behalf of the Africa group, Indonesia, and Singapore did not support the amendment.
- 890.** The amendment was not adopted.
- 891.** An amendment (A.251) was withdrawn and clause (b) of point 25 was adopted without amendment.

Point 25(c)

- 892.** An amendment (A.237) was withdrawn.

A.252

- 893.** The Employer Vice-Chairperson introduced an amendment to replace “where risks due to biological hazards cannot be controlled through other measures” with “according to the hierarchy of controls” to simplify the text.
- 894.** The Worker Vice-Chairperson, and the Government members of Chile, speaking on behalf of GRULAC, and Belgium, speaking on behalf of the EU and its Member States, noted their flexibility. The Government members of Zimbabwe, speaking on behalf of the Africa group, and Saudi Arabia, speaking on behalf of the GCC countries, supported the amendment.
- 895.** The amendment was adopted.

A.225

- 896.** The Worker Vice-Chairperson proposed an amendment to insert “and clothing that takes account of the characteristics of the wearer and ensures a good fit,” and to insert “and provide training in its use” to reflect Convention No.155 regarding gender-specific differences for personal protective equipment (PPE). The Government member of Switzerland supported the amendment.
- 897.** The Employer Vice-Chairperson did not support the first insertion regarding clothing but supported the second insertion regarding training. The Government members of Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, and Singapore aligned themselves with the Employers’ group.
- 898.** The Worker Vice-Chairperson proposed to move “according to the hierarchy of controls” after “adequate personal protective equipment” to ensure accuracy. The text would read:
 - (c) providing, maintaining and replacing, as necessary, at no cost to the workers, adequate personal protective equipment according to the hierarchy of controls, and provide training in its use.
- 899.** The Employer Vice-Chairperson proposed to insert “as appropriate” after “hierarchy of controls.” The Worker Vice-Chairperson and the Government member of Belgium, speaking on behalf of the EU and its Member States, did not support the further subamendment.
- 900.** The further subamendment was withdrawn and the amendment was adopted as subamended. Clause (c) of point 25 was adopted as amended.

Point 25(d)

- 901.** An amendment (A.254) was withdrawn.

A.272

- 902.** The Government member of Belgium, speaking on behalf of the EU Member States, proposed an amendment to replace “workers’ health” with “in accordance with national law and practice, and on the basis of a risk assessment, provide health surveillance of workers”. She emphasized that regular surveillance should be done in accordance with national law and practice and on the basis of risk assessments.
- 903.** The Worker Vice-Chairperson, the Employer Vice-Chairperson, and the Government members of Saudi Arabia, speaking on behalf of the GCC countries, Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, Indonesia, Singapore and India supported the amendment.

904. The amendment was adopted and clause (d) of point 25 was adopted as amended.

Point 25(e)

A.255

- 905.** The Employer Vice-Chairperson introduced an amendment to delete “including the availability of appropriate personal protective equipment” after “control measures” to simplify the text.
- 906.** The Government member of Chile, speaking on behalf of GRULAC, did not support the amendment, noting that it mixed two different concepts – checking and supervising – and was not appropriate in that context. The Government member of China aligned herself with the Government member of Chile.
- 907.** The Government member of Zimbabwe, speaking on behalf of the Africa group, supported the amendment.
- 908.** The amendment was withdrawn and clause (e) of point 25 was adopted without amendment.

Point 25(f)

A.226

- 909.** The Worker Vice-Chairperson proposed an amendment to delete “safety and health” before “representatives,” to include different types of workers’ representatives.
- 910.** The Government members of Belgium, speaking on behalf of the EU and its Member States, Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, and Indonesia supported the amendment.
- 911.** The Government member of Japan noted that if “safety and health” was deleted, the information, instruction and training referred to at the beginning of the sentence might be misunderstood to have to be provided to all workers’ representatives.
- 912.** The Employer Vice-Chairperson proposed a subamendment to insert “at company level” after “representatives” to make the text more specific. The Government member of the United States stated that it could be more appropriate to use the term “in the undertaking”, which was used in Convention No. 155, and the Employer Vice-Chairperson subamended her proposal accordingly. The Government member of Algeria said that it would be more accurate to use the expression “the employing organization”.
- 913.** The Worker Vice-Chairperson and the Government members of Saudi Arabia, speaking on behalf of the GCC countries, the Islamic Republic of Iran, India and Belgium, speaking on behalf of the EU and its Member States, did not support the subamendment. The Government member of Belgium pointed out that in another section the expression “workers and their representatives” had been used and that in Convention No.170 the term was “workers’ representatives”.
- 914.** All the subamendments were withdrawn and the amendment was adopted.
- 915.** The Employer Vice-Chairperson noted her group’s disagreement and highlighted that the point should refer only to workers in the undertaking, not to workers who were not employees of the undertaking.

A.256

- 916.** The Employer Vice-Chairperson proposed an amendment to replace “as well as to workers’ safety and health representatives, at suitable and regular intervals, on paid work time” with “as needed,” to simplify the text and provide flexibility to cover a variety of contexts.
- 917.** The Worker Vice-Chairperson did not support the amendment, noting the importance of remaining specific on how and when training could take place, in line with Convention No. 155. The Government members of Belgium, speaking on behalf of the EU and its Member States, Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, the United States and India also did not support the amendment.
- 918.** The Employer Vice-Chairperson proposed a subamendment to revert to the original text and delete “on paid work time,”. The Worker Vice-Chairperson, the Government members of Belgium, speaking on behalf of the EU and its Member States, and the United States did not support the subamendment.
- 919.** The Employer Vice-Chairperson proposed add “according to national laws and regulations,” after “on paid work time”. The Government member of Canada did not support the subamendment and highlighted that the introductory sentence of point 25 already included “according to national law”.
- 920.** The subamendment and the amendment were withdrawn and clause (f) of point 25 was adopted as amended.

Point 25(g)

A.257

- 921.** The Employer Vice-Chairperson proposed an amendment to move the text to insert it before point 42, noting that clause (g) was excessively detailed and repetitive.
- 922.** The Worker Vice-Chairperson, and the Government members of Belgium, speaking on behalf of the EU and its Member States, Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, and the Islamic Republic of Iran did not support the amendment.
- 923.** The amendment was withdrawn.

A.228

- 924.** The Worker Vice-Chairperson proposed an amendment to insert “in a form which is accessible and language that they easily understand,” to ensure that workers would be able to access available information appropriately.
- 925.** The Government member of the Islamic Republic of Iran, seconded by the Workers’ group, proposed to substitute “in a form which is accessible and language that they easily understand” by “in an accessible form and understandable language”, which was the wording that had been agreed upon in another section.
- 926.** The Employer Vice-Chairperson, and the Government members of Belgium, speaking on behalf of the EU and its Member States, Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, and Indonesia supported the subamendment.
- 927.** The amendment was adopted as subamended.

A.238

- 928. The Government member of Japan, speaking also on behalf of the Government members of Switzerland and Türkiye, proposed an amendment to replace “new risks appear” with “changes to the risk assessment based on new information” to make the text more objective.
- 929. The Employer Vice-Chairperson proposed to insert “relevant” before “changes.”
- 930. The Government member of Saudi Arabia, speaking on behalf of the GCC countries, supported the amendment and the subamendment.
- 931. The Worker Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, and India supported the amendment but not the subamendment.
- 932. The subamendment was withdrawn and the amendment was adopted.
- 933. Clause (g) of point 25 was adopted as amended.

New clause after point 25(g)

A.227

- 934. The Worker Vice-Chairperson introduced an amendment to insert a new clause that read “ensuring that where sufficient information is not available to adequately assess risks, a precautionary approach is taken;”. It was important to adequately assess risks and a precautionary approach should be adopted in the absence of sufficient information, to protect workers against unknown hazards.
- 935. The Employer Vice-Chairperson did not support the amendment because the proposed text was too broad, uncertain and open-ended. It was the responsibility of national authorities to implement precautionary measures, not of companies.
- 936. The Government members of Belgium, speaking on behalf of the EU and its Member States, Zimbabwe, speaking on behalf of the Africa group, Australia, Canada, China and the Islamic Republic of Iran supported the amendment.
- 937. The Government members of Indonesia and Saudi Arabia, speaking on behalf of the GCC countries, said they were flexible.
- 938. The Employer Vice-Chairperson proposed a subamendment to add “as appropriate” after “adequately assess risks” and replace “approach is” with “measures are”.
- 939. The Worker Vice-Chairperson did not support the subamendment.
- 940. The Government member of Chile, speaking on behalf of GRULAC, supported the subamendment. The Government member of the Islamic Republic of Iran supported the subamendment except for the addition of “as appropriate”. The Employer Vice-Chairperson agreed to delete the words “as appropriate”.
- 941. The Worker Vice-Chairperson and the Government member of Belgium, speaking on behalf of the EU and its Member States, supported the subamendment.
- 942. The amendment was adopted as subamended and the new clause after (g) in point 25 was adopted as amended.

Point 25(h)**A.258**

- 943.** The Employer Vice-Chairperson introduced an amendment to replace “in cooperation with occupational safety and health committees or workers’ representatives, in order to identify all causes and take the necessary measures to prevent recurrence of similar events” with “according to data collection, recording, and notification of occupational diseases and accidents in applicable national laws and regulations.” Investigating accidents and dangerous occurrences was inherently linked to standard-setting approaches and required data collection and accurate recording of accidents to inform prevention efforts.
- 944.** The Worker Vice-Chairperson did not support the amendment because it linked investigations to data collection, recording, and notification of occupational diseases and accidents and removed the social dialogue component.
- 945.** The Government members of Belgium, speaking on behalf of the EU and its Member States, and Singapore did not support the amendment. It was important to acknowledge in the text the role of OSH committees and workers’ representatives in assisting employers in identifying the causes of occupational diseases and accidents.
- 946.** The Employer Vice-Chairperson highlighted the importance of acknowledging that the investigation of occupational diseases and accidents was conducted in accordance with each country’s national laws and regulations and explained that the intention was not to eliminate or negate cooperation with OSH committees, but to focus on the obligations of employers, which was the subject of point 25. The rights and duties of workers and their representatives would be addressed in point 29.
- 947.** The Government members of Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, the United States and Canada did not support the amendment.
- 948.** In response to a request from the Employer Vice-Chairperson, a representative of the Secretariat noted that Article 19 of Convention No. 155 referred to the cooperation between employers and workers and their representatives on various OSH-related matters. Article 20 of the Convention confirmed that cooperation between management and workers and their representatives were an essential element of OSH measures taken at the level of the undertaking.
- 949.** The amendment was withdrawn.

A.239

- 950.** The Government member of Japan, speaking also on behalf of the Government members of Türkiye and Switzerland, introduced an amendment to replace “in order to identify all causes and take the necessary measures” with “to identify causes as far as is reasonably practicable in order to take the necessary corrective measures and”. It was unrealistic to expect an investigation of all causes of occupational diseases and accidents and important to take corrective measures to contain immediate hazards such as toxic leaks.
- 951.** The Employer Vice-Chairperson and the Government members of Saudi Arabia and Singapore supported the amendment.
- 952.** The Worker Vice-Chairperson and the Government members of Belgium, speaking on behalf of the EU and its Members States, Chile, speaking on behalf of GRULAC, and Zimbabwe,

speaking on behalf of the Africa group, did not support the amendment because the term “corrective” was too limiting and excluded other measures that employers needed to take to prevent the recurrence of diseases or accidents.

- 953. The Government member of Switzerland, as one of the proponents of the amendment, introduced a subamendment to insert “and preventive” after “corrective” and the Government member of Japan suggested also adding “take necessary measures” before “to identify causes”. The subamendments did not find support and were not adopted.
- 954. The Worker Vice-Chairperson proposed a subamendment to only delete “all” before “causes” from the original text.
- 955. The Employer Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, Japan and Singapore supported the subamendment by the Workers’ group.
- 956. The amendment was adopted as subamended and clause (h) of point 25 was adopted as amended.

New point before point 26

A.229

- 957. The Worker Vice-Chairperson introduced an amendment to insert a new point that read:

All employers, including multinational enterprises, should demonstrate supply chain responsibility through due diligence, ensuring adherence to ILO fundamental principles and rights at work, including occupational safety and health, throughout their operations.
- 958. It was important that employers, including multinational enterprises, performed due diligence along their supply chain and operations. That obligation was recognized in the MNE Declaration and increasingly included in trade and investment agreements.
- 959. The Employer Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, Belgium, speaking on behalf of the EU and its Member States, and Singapore did not support the amendment. They noted that other similar amendments had not found support in the Committee.
- 960. The Employer Vice-Chairperson said the amendment was political and not related to biological hazards and its adoption could jeopardize the support of her group for the Convention.
- 961. The Worker Vice-Chairperson said that that the amendment was not political in nature but related to human rights, which included the right to a safe and healthy working environment. He nevertheless acknowledged the lack of support in the room and the amendment was withdrawn.

Point 26

- 962. Three amendments (A.230, A.240 and A.262) were withdrawn.

A.259

- 963. The Employer Vice-Chairperson introduced an amendment to delete point 26 because its content was already included in Convention No.155 and was also not specific to biological hazards. However, her group would be flexible if there was no support.
- 964. The Worker Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, Singapore and Canada did not support the amendment.
- 965. The amendment was withdrawn and point 26 was adopted without amendment.

New title before point 27

A.260

- 966. The Employer Vice-Chairperson introduced an amendment to insert before point 27 a new title that read: "Emergency preparedness in case of outbreaks, epidemics and pandemics in the workplace". She highlighted the need to differentiate between risks in the workplace arising from work activities and situations of outbreaks, epidemics and pandemics that affect workplaces, but also other places such as schools, in the sense that not only workers are affected.
- 967. The Worker Vice-Chairperson did not support the amendment, noting that the instrument should cover much more than just outbreaks, epidemics and pandemics, and should also include all working environments, including schools and hospitals.
- 968. The Government member of Belgium, speaking on behalf of the EU and its Member States, did not support the amendment, explaining that emergency situations could originate from accidents and incidents in the workplace itself, and the text should not be limited only to epidemics and pandemics.
- 969. The Government members of Chile, speaking on behalf of GRULAC, and the Islamic Republic of Iran also did not support the amendment.
- 970. The amendment was withdrawn.

Point 27

A.271

- 971. The Government member of Belgium, speaking on behalf of the EU Member States, proposed an amendment to replace the entire text after "Employers should" with "establish measures 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 comply with the guidance provided by competent authorities or be more comprehensive." It was important for employers to establish measures for communicable disease outbreaks, and to have an opportunity to go beyond minimum standards set by competent authorities.
- 972. The Worker Vice-Chairperson proposed a subamendment to insert "preparedness and response" after "establish" to ensure coherence in the text.
- 973. The Employer Vice-Chairperson supported the amendment but did not support the subamendment. She proposed to replace "comply" with "be consistent," and to delete "or be

more comprehensive.” The reasons are to avoid confusion and provide legal certainty to employers by adopting a text that is clear.

- 974.** The Government members of Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, and Saudi Arabia, speaking on behalf of the GCC countries, supported the amendment as subamended by the Employers’ group.
- 975.** The subamendment proposed by the Workers’ group was withdrawn and the amendment was adopted as subamended.

A.261

- 976.** The Employer Vice-Chairperson proposed an amendment to insert “according to the location, size, and nature of its activities,” after “response arrangements,” stressing that the measures which were put in place should reflect the needs and range of different situations of the undertaking.
- 977.** The Worker Vice-Chairperson proposed a subamendment to delete “location” noting that it was not always relevant for preparedness and response measures.
- 978.** The Government member of Belgium, speaking on behalf of the EU and its Member States, supported the amendment as subamended.
- 979.** The amendment was adopted.
- 980.** Two amendments (A.231 and A.241) were withdrawn and point 27 was adopted as amended.

Point 28

A.268, A.269 and A.270

- 981.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced three amendments to delete point 28 with its two clauses from the Convention and to insert it into the Recommendation, in order to provide more flexibility.
- 982.** The Worker Vice-Chairperson, the Employer Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, Qatar speaking on behalf of the GCC countries, and China supported the amendments.
- 983.** The amendments were adopted and the text of point 28 was moved to Part C of the proposed Conclusions.

Title of section 9

A.288

- 984.** The Worker Vice-Chairperson introduced an amendment to delete “and duties” after “Rights” noting that Convention No. 155 did not explicitly use the term duties. He highlighted that workers have rights, and specifically, the responsibility to cooperate in applying OSH measures, rather than duties.
- 985.** The Employer Vice-Chairperson did not support the amendment, noting that workers represent active stakeholders, and rights and duties form the basis of fundamental rights on OSH. She noted that Convention No. 155 clearly outlined legal obligations for workers and employers. She also cited Conventions Nos 187, 174 and 170, and Recommendation No. 197, which referred to duties of workers.

- 986. The Government members of Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, Belgium, speaking on behalf of the EU and its Member States, and the Islamic Republic of Iran also did not support the amendment.
- 987. The Worker Vice-Chairperson introduced a subamendment to replace “and duties” with “and responsibilities,” reiterating that Convention No.155 did not refer to duties but to the responsibility to cooperate.
- 988. The Government member of the United States supported the subamendment, noting the lack of enforceable duties of workers regarding OSH measures in his national legislation.
- 989. The Employer Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, and Canada did not support the subamendment.
- 990. The subamendment and the amendment were withdrawn and the title of section 9 – Rights and duties of workers and their representatives – was adopted.

Point 29, introductory sentence

A.297

- 991. The Employer Vice-Chairperson introduced an amendment to insert “, in line with national laws and practices” after “representatives” and to replace “include:” with “cover information, training, consultation and participation.” at the end of the sentence. She explained that different types of rights were applied to workers or their representatives according to national regulations.
- 992. The Worker Vice-Chairperson did not support the amendment since workers’ rights were not subject to national laws and regulations but were universal.
- 993. The Government member of Belgium, speaking on behalf of the EU Member States, did not support the amendment and introduced a subamendment to start the sentence with “In accordance with national laws and practices” instead of inserting “in line with national laws and practices”, and to delete the addition proposed by the Employers’ group at the end of the sentence. She stated that workers’ rights concerning biological hazards in the working environment were universally recognized and did not depend on specific national laws and practices.
- 994. The Employer Vice-Chairperson supported the subamendment by the EU Member States and proposed to insert “/or” after “workers and”.
- 995. The Worker Vice-Chairperson stressed that workers’ rights concerning biological hazards in the working environment were not only those covered by the fundamental OSH Conventions but also by the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).
- 996. The Government members of Chile speaking on behalf of GRULAC, Zimbabwe speaking on behalf of the Africa group, Oman speaking on behalf of the GCC countries, Australia, the United Kingdom and Indonesia preferred the original text.
- 997. The subamendment was withdrawn and the amendment was not adopted.
- 998. An amendment (A.282) was withdrawn and the introductory sentence of point 29 was adopted without amendment.

Point 29(a)

- 999.** Two amendments (A.289 and A.298) were withdrawn and clause (a) of point 29 was adopted.

Point 29(b)**A.299**

- 1000.** The Employer Vice-Chairperson withdrew the proposal to move the text of clauses (b), (e), (g), (h), (j) and (k) to after point 41 from six amendments (A.299, A.302, A.304, A.305, A.308 and A.309), as well as the amendments to delete clauses (c), (d) and (f) (A.300, A.301 and A.303). She introduced an amendment to replace “the identification of hazards and” with “the process for”.
- 1001.** The Worker Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, the United Kingdom, Canada and the Islamic Republic of Iran did not support the amendment. They preferred the original text because workers needed to be involved in the identification of hazards, which was the starting point for the risk assessment.
- 1002.** The Government member of Indonesia supported the amendment.
- 1003.** The Employer Vice-Chairperson clarified that being consulted on identifying risks was not the same as being involved and asked the Secretariat to clarify the legal implications.
- 1004.** A representative of the Secretariat explained that Article 19(d) and (e) of Convention No. 155 enabled workers and their representatives to be consulted by the employer on all aspects of OSH related to their work, including risk assessments. That process had to be carried out in the framework of national legislation.
- 1005.** The amendment was not adopted and clause (b) of point 29 was adopted without amendment.

Point 29(c)

- 1006.** Clause (c) of point 29 was adopted.

Point 29(d)

- 1007.** An amendment (A.290) was withdrawn.

A.275 and A.283

- 1008.** The Committee had before it two amendments proposing to replace “all” with “relevant”, since consultation on all aspects was not possible. One was submitted by the Government member of Belgium, speaking on behalf of the EU Member States, and the other by the Government member of Japan, speaking also on behalf of the Government members of Switzerland and Türkiye.
- 1009.** The Worker Vice-Chairperson did not support the amendments because it was not clear who would decide what was relevant.
- 1010.** The Employer Vice-Chairperson and the Government members of Saudi Arabia, speaking on behalf of the GCC countries, Chile, speaking on behalf of GRULAC, Indonesia and the Islamic Republic of Iran supported the amendments.
- 1011.** The amendments were adopted and clause (d) of point 29 was adopted as amended.

Point 29(e)

A.302

- 1012.** The Employer Vice-Chairperson introduced an amendment to replace “participating in” with “being informed of the results of”.
- 1013.** The Worker Vice-Chairperson and the Government members of Belgium, speaking on behalf of the EU and its Member States, Saudi Arabia, speaking on behalf of the GCC countries, Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, Australia, the United Kingdom and the Islamic Republic of Iran did not support the amendment. The reasons were that workers needed to be involved in investigations, as well as in their results.
- 1014.** The amendment was withdrawn.

A.284

- 1015.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to replace “participating in” with “collaborating to” and to add “and being consulted about conclusions of these investigations” at the end. That would align the text with that used in other Conventions and better convey the relevance of collaboration as a right and duty of workers.
- 1016.** The Employer Vice-Chairperson introduced a subamendment to replace “collaborating” with “cooperating”, which was the word used in Convention No. 155, and to replace “consulted” with “informed”.
- 1017.** The Government member of Belgium, speaking on behalf of the EU and its Member States, said that there was an established precedence for consultations between employers and workers representatives for investigations of occupational diseases, accidents, and dangerous occurrences. The conclusions of such consultations would lead to discussions about the measures to be put in place to prevent the recurrence of such diseases and accidents.
- 1018.** The Worker Vice-Chairperson supported the amendment but did not support the subamendment.
- 1019.** The Government members of Zimbabwe, speaking on behalf of the Africa group, Canada and the United States indicated a preference for keeping “participating in” from the original text, but agreed with the second part of the proposed amendment.
- 1020.** The Government members of Saudi Arabia, speaking on behalf of the GCC countries, Belgium, speaking on behalf of the EU and its Member States, and the Worker Vice-Chairperson supported the proposal to keep the “participating in”.
- 1021.** The Government member of Indonesia expressed reservations with the word “participating in” and supported the second part of the amendment.
- 1022.** In response to the request from the Employer Vice-Chairperson to clarify the meaning of the terms “consultation”, “participation” and “cooperation” and how they should be used, a representative of the Secretariat read paragraph 3.12.2 of the *Guidelines on occupational safety and health management systems: ILO-OSH 2001*: “Such investigations should be carried out by competent persons, with the appropriate participation of workers and their representatives.”

- 1023.** The Government member of Belgium, speaking on behalf of the EU and its Member States, said that the amendment was in line with the European Framework, which explicitly stated that the “employers shall consult with workers and other representatives and allow them to take part in discussions on all questions relating to safety and health at work”.
- 1024.** The Employer Vice-Chairperson stated that the word consultation had a legal significance and entailed a particular process and thus was not appropriate. She also stated that adopting that language would create problems in Member States. Finally, she expressed her group’s preference for the original text.
- 1025.** The subamendment proposed by the Employers’ group was not adopted and the amendment was adopted as subamended by the Africa group.

A.278

- 1026.** The Government member of Japan, speaking also on behalf of the Government members of Switzerland and Türkiye, introduced an amendment to move “as appropriate” to the end of the sentence to provide more flexibility, since investigations could not be conducted on all occupational diseases, accidents and dangerous occurrences.
- 1027.** The Government member of the Islamic Republic of Iran supported the amendment.
- 1028.** The Employer Vice-Chairperson, the Worker Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, and Belgium, speaking on behalf of the EU and its Member States, expressed a preference for the original text.
- 1029.** The Government member of Japan said that if the reason for the preference for the original text by certain members was not that they denied the need for flexibility but rather that such flexibility could be read from the original text and it was therefore unnecessary to change the original text, he could withdraw his proposal while recording the interpretation. There were no comments to reject his interpretation of the reason for the preference for the original text. The amendment was withdrawn and clause (e) of point 29 was adopted as amended.

Point 29(f)

A.285

- 1030.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to replace “receiving reports” with “if requested receiving relevant information” and to replace “subject to confidentiality rules for personal and medical data” with “in an anonymous and aggregated way”. When health surveillance information and medical data had to be provided, it was important to inform workers and their representatives about that and to anonymize data to protect privacy.
- 1031.** The Employer Vice-Chairperson expressed flexibility to support the amendment only if it was limited to providing information on the general health situation in the undertaking, not the information that a worker received about their bill of health and medical examinations.
- 1032.** The Worker Vice-Chairperson introduced a subamendment to delete “if requested”.
- 1033.** The Government members of Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, the United States and China preferred the original text.
- 1034.** The amendment was withdrawn and clause (f) of point 29 adopted without amendment.

Point 29(g)

A.304

- 1035.** The Employer Vice-Chairperson introduced an amendment to insert “and informing the employer” after “appealing to the competent authorities”, as workers should inform their employer about insufficient measures before appealing to the competent authorities.
- 1036.** The Worker Vice-Chairperson did not support the amendment. In most cases, workers would inform their employers first. Nevertheless, in line with whistleblower protection measures, workers should be able to appeal to the competent authorities without risking their employment.
- 1037.** The Government member of Belgium, speaking on behalf of the EU and its Member States, Zimbabwe, speaking on behalf of the Africa group, Australia and Indonesia, supported the original text.
- 1038.** The amendment was withdrawn and clause (g) of point 29 was adopted without amendment.

Point 29(h)

A.286

- 1039.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to move clause (h) to point 31. The clause was important, but to be consistent with other rights and duties of workers, namely, the fact that they had to call their supervisor in case of a biological hazard in the working environment and that they had the right to remove themselves from such a work situation, the text would be better placed in point 31.
- 1040.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 1041.** The amendment was adopted and clause (h) of point 29 of the proposed Conclusions was moved to point 31.

Point 29(i)

A.306

- 1042.** The Employer Vice-Chairperson introduced an amendment to delete the clause because systems worked differently across countries and the point was more related to employment benefits, compensation systems and social security.
- 1043.** The Worker Vice-Chairperson did not support the amendment, noting that a similar text was reflected in Recommendation No.171.
- 1044.** The Government member of Belgium, speaking on behalf of the EU and its Member States, did not support the amendment. It was standard practice that when occupational physicians advised that a worker could not continue working for health-related reasons, particularly following exposure to biological hazards, they be given the possibility to take up another job within the company.
- 1045.** The Government members of Zimbabwe, speaking on behalf of the Africa group, and Chile, speaking on behalf of GRULAC, also did not support the amendment.
- 1046.** The amendment was withdrawn.

A.279

- 1047.** The Government member of the United States, seconded by the Government member of Switzerland, introduced an amendment to insert “in accordance with national law” at the beginning of the clause, because it was not always feasible to transfer workers to another job.
- 1048.** The Employer Vice-Chairperson, the Government members of Saudi Arabia, speaking on behalf of the GCC countries, Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, the United Kingdom, the Islamic Republic of Iran and Singapore supported the amendment.
- 1049.** The Worker Vice-Chairperson did not support the amendment.
- 1050.** The amendment was adopted and clause (i) of point 29 was adopted as amended.

Point 29(j)

A.308

- 1051.** The Employer Vice-Chairperson introduced an amendment to delete “an illness” and “or exacerbate”. She considered that “illness” and “disease” were synonyms and inclusion of “exacerbate” could lead to confusion.
- 1052.** The Worker Vice-Chairperson did not support the amendment. “Illness” referred to conditions not covered by the term “disease”, such as respiratory illnesses.
- 1053.** The Government member of Zimbabwe, speaking on behalf of the Africa group, supported the deletion of “an illness”, but not of “or exacerbate”, but indicated flexibility.
- 1054.** The Government members of Saudi Arabia, speaking on behalf of the GCC countries, Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, Canada and Indonesia preferred the original text.
- 1055.** The Employer Vice-Chairperson said that the difference between illness and disease was not very clear, and the word “disease” had been used throughout the text.
- 1056.** The amendment was not adopted.
- 1057.** Another amendment (A.307) was withdrawn and clause (j) of point 29 was adopted without amendment.

New clause after point 29(j)

A.291

- 1058.** The Worker Vice-Chairperson introduced an amendment to insert a new clause that would be very relevant for ensuring business continuity in case of a pandemic. The text read:

when quarantined or required to self-isolate, receive normal compensation and benefits and be protected from dismissal, as far as practicable;
- 1059.** The Employer Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, and Zimbabwe, speaking on behalf of the Africa group, did not support the amendment as the Committee had already agreed to address the issue of pandemics in the Recommendation.
- 1060.** The amendment was withdrawn.

Point 29(k)

A.309

- 1061.** The Employer Vice-Chairperson introduced an amendment to insert “in the working environment” after “any discrimination”. An employer could only protect a worker within the working environment, not outside it.
- 1062.** The Worker Vice-Chairperson and the Government member of Canada did not support the amendment as it was already covered in the introductory sentence of point 29.
- 1063.** The amendment was withdrawn.

A.292

- 1064.** The Worker Vice-Chairperson introduced an amendment to add “and stigmatization” after “discrimination”. Stigmatization had been a very serious issue in the early stages of the spread of HIV and AIDS. The language was taken from the HIV and AIDS Recommendation, 2010 (No. 200).
- 1065.** The Employer Vice-Chairperson proposed to add “in accordance with national laws” after “stigmatization”.
- 1066.** The Government member of Belgium, speaking on behalf of the EU and its Member States, supported the amendment but not the subamendment.
- 1067.** The subamendment and the amendment were withdrawn and clause (k) of point 29 was adopted without amendment.
- 1068.** Point 29 was adopted as amended.

Point 30, introductory sentence

A.293

- 1069.** The Worker Vice-Chairperson introduced an amendment to replace the text by the following, which was in line with Article 19 of Convention No. 155: “When employers have made necessary arrangements, workers and their representatives should:”.
- 1070.** The Employer Vice-Chairperson did not support the amendment as workers had obligations in the same way that employers and governments did. The issue had already been discussed in amendment A.288.
- 1071.** The Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, Zimbabwe, speaking on behalf of the Africa group, and Saudi Arabia, speaking on behalf of the GCC countries, did not support the amendment.
- 1072.** In response to a request for clarification by the Worker Vice-Chairperson, a representative of the Secretariat said that OSH standards included a variety of references to arrangements. Article 19(f) Convention No. 155 referred to the arrangements by which workers should report any hazardous situation they encountered in the workplace. Other OSH Conventions, such as the Safety and Health in Construction Convention, 1988 (No. 167), the Safety and Health in Mines Convention, 1995 (No. 176), and the Safety and Health in Agriculture Convention, 2001 (No. 184), referred to workers’ duty to comply with prescribed safety and health measures. Those provisions normally comprised two associated elements, namely the duty of workers to comply with OSH regulations and the duty of employers to provide information and training to workers in that respect.

1073. The Worker Vice-Chairperson insisted that, if the wording of the introductory sentence was any less comprehensive than that contained in the fundamental Convention No.155, he could not withdraw the amendment.

1074. The amendment was not adopted.

A.281

1075. The Government member of the United States, seconded by the Workers' group, introduced an amendment to replace "should" with "may, where permitted by national laws,". The intention was to allow the necessary flexibility for those Member States in which workers had no legal obligations with respect to OSH.

1076. The Employer Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, China and Indonesia did not support the amendment.

1077. The amendment was withdrawn.

1078. Another amendment (A.310) was withdrawn and the introductory sentence to point 30 was adopted without amendment.

New clause before point 30(a)

1079. The Worker Vice-Chairperson withdrew an amendment (A.320), which would no longer make sense because his group's amendment to the introductory sentence had not been adopted. The Workers' group stressed that the reason for submitting those amendments was because they believed that the original text undermined the protection provided by fundamental OSH Conventions. He asked the Office to take those views into account when preparing the report to be submitted to the second Conference discussion in 2025.

Point 30(a)

A.311

1080. The Employer Vice-Chairperson withdrew from three amendments (A.311, A.312 and A.314) the proposal to move the three clauses of point 30 to after point 41 of the proposed Conclusions. She also withdrew the proposal to insert a new introductory sentence before clause (a).

1081. She introduced an amendment to delete ", in accordance with the instructions received, and the training and means provided by their employers," because it was too detailed and unnecessary.

1082. The Worker Vice-Chairperson did not support the amendment because it removed the need for training, which was required by the fundamental Conventions. The Government members of Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, Australia, Indonesia and Saudi Arabia did not support the amendment.

1083. The Employer Vice-Chairperson agreed that workers should be trained and explained that the intention of the amendment was not to remove that right. However, her group could agree to keeping the original text and the amendment was withdrawn.

A.294

- 1084.** The Worker Vice-Chairperson introduced an amendment to add “adequate” before “personal protective equipment”.
- 1085.** The Employer Vice-Chairperson did not support the amendment and noted that it was implied that personal protective equipment should be adequate.
- 1086.** The Government members of Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, Canada, the Islamic Republic of Iran and the United Kingdom supported the amendment.
- 1087.** The amendment was adopted.
- 1088.** Clause (a) of point 30 was adopted as amended.

Point 30(b)

A.312

- 1089.** The Employer Vice-Chairperson introduced an amendment to replace “promptly” with “forthwith” and to add, after clause (b), a new clause that read “reporting any incident, accident, or injury to health, which arises in the course of or in connection with work;”. The wording was taken from Recommendation No. 164 and was in the interest of workers.
- 1090.** The Worker Vice-Chairperson and the Government members of Belgium, speaking on behalf of the EU and its Member States, the United States and Indonesia did not support the amendment.
- 1091.** The Government member of Chile, speaking on behalf of GRULAC, supported the amendment.
- 1092.** The amendment was not adopted.

A.295

- 1093.** The Worker Vice-Chairperson introduced an amendment to delete “or safety and health representative” as workers should report concerns directly to their immediate supervisor.
- 1094.** The Employer Vice-Chairperson supported the amendment.
- 1095.** The amendment was adopted and clause (b) of point 30 was adopted as amended.

Point 30(c)

A.314

- 1096.** The Employer Vice-Chairperson introduced an amendment to delete “, following an occupational safety and health management systems approach” because not all companies had OSH management systems.
- 1097.** The Worker Vice-Chairperson did not support the amendment. One of the reasons that occupational injuries, occupational diseases and other adverse health effects occurred was because employers did not have OSH management systems.
- 1098.** The Government member of the United States supported the amendment. Many SMEs in the United States did not follow the OSH management systems approach. The Government

members of Singapore, Indonesia, the Islamic Republic of Iran and China also supported the amendment.

- 1099.** The Government members of Belgium, speaking on behalf of the EU and its Member States, and Zimbabwe, speaking on behalf of the Africa group, suggested that the issue of OSH management systems should be revisited during the second Conference discussion in 2025.
- 1100.** The amendment was adopted and, as consequence another amendment (A.296) fell.
- 1101.** Clause (c) of point 30 was adopted as amended and point 30 was adopted as amended.

New point before point 31

A.315

- 1102.** The Employer Vice-Chairperson proposed to insert a new point that read:

The workers' representatives should respect the obligations of secrecy with regard to the information which, in the legitimate and objective interest of the undertaking or the workplace, has been communicated to them as being of a confidential nature.
- 1103.** It was important to safeguard businesses and prevent disclosure of confidential information that could harm a company's competitiveness in the market.
- 1104.** The Worker Vice-Chairperson did not support the amendment because the proposed text would need to be subamended to include protection for whistleblowers and that would require extensive discussions.
- 1105.** The Government member of the United States did not support the amendment and noted that confidentiality was primarily a matter of contract law in the United States. It was the responsibility of employers to reach agreements with their workers on handling confidential information. The Government member of Belgium, speaking on behalf of the EU and its Member States, did not support the amendment and agreed with the views expressed by the Workers' group and the Government member of the United States.
- 1106.** The Government members of Zimbabwe, speaking on behalf of the Africa group, Oman and Singapore did not support this amendment.
- 1107.** The Employer Vice-Chairperson stated that her group would resubmit the amendment during the second Conference discussion in 2025 and requested the Office to take into account when preparing the report for that discussion, how a clause dealing with confidential information could be implemented. The Worker Vice-Chairperson added that the report prepared by the Office should also consider the protection of whistleblowers.
- 1108.** The amendment was not adopted.

Point 31

A.287

- 1109.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to replace all the text after "Workers should" with "with respect to biological hazards in the working environment", and add the following three clauses:
 - (a) 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;

- (b) 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;
- (c) have the right to remove themselves from a work situation without undue consequences, where there they have reasonable justification to believe that there is an imminent and serious danger to their life or health, and also inform their immediate supervisor of the situation without delay.

1110. The Employer Vice-Chairperson proposed the following subamendments:

- in clause (b): replace “continuing” with “demonstrated” and insert “, if necessary” after “remedial action”;
- in clause (c): delete “to believe” and “situation” and replace “and also inform their immediate supervisor of the situation without delay” with “due to biological hazards in the working environment, and also shall inform their immediate supervisor of the imminent and serious danger without delay”.

1111. The Worker Vice-Chairperson proposed reordering the clauses as follows: (c), (a) and (b).

1112. The Government member of Zimbabwe, speaking on behalf of the Africa group, supported the amendment as subamended by the Workers’ group and proposed to introduce the text of point 29(h) as a new clause (d).

1113. The Government member of Switzerland, seconded by the Government member of Japan, did not support the subamendments and proposed to insert in the introductory sentence “in accordance with national law and practice” after “with respect to biological hazards in the working environment”.

1114. The Government member of Belgium, speaking on behalf of the EU and its Member States, did not support the subamendment proposed by the Government member of Switzerland because workers had the right to remove themselves from imminent and serious danger to their life or health due to exposure to biological hazards irrespective of national law and practice. In response to the proposal made by the Africa group, she said that the content of point 29(h) had been integrated into her group’s amendment.

1115. The Worker Vice-Chairperson did not support the subamendment introduced by the Government member of Switzerland or the subamendment introduced by the Africa group. He supported the text as subamended by the Employers’ group.

1116. The subamendments proposed by the Government members of Zimbabwe, speaking on behalf of the Africa group, and Switzerland were withdrawn.

1117. The Government member of Belgium, speaking on behalf of the EU Member States, introduced a further subamendment to delete “if necessary”, which was proposed in the subamendment by the Employers’ group.

1118. The Government member of Canada introduced a further subamendment to delete “due to biological hazards in the working environment” from the proposed clause (a), since those words were included in the introductory sentence.

1119. The Government member of Chile, speaking on behalf of GRULAC, supported the amendment as subamended by the Workers’ group, the EU and its Members States and Canada.

1120. The Government member of Belgium, speaking on behalf of the EU Member States, proposed deleting “demonstrated” in clause (c).

- 1121. The Employer Vice-Chairperson did not support the text as subamended and expressed a preference for the original text.
- 1122. The Worker Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, Japan, the United Kingdom and Australia supported the amendment as subamended.
- 1123. The amendment was adopted as subamended and point 31 was adopted as amended.

Title of section 10 and point 32

- 1124. The title of section 10 – Methods of application – and point 32 were adopted.

Adoption of the proposed Conclusions and the draft resolution

- 1125. The representative of the Secretary-General explained that in the proposed Conclusions, the points that had not been considered due to lack of time had been put in italic font and placed within brackets. With the adoption of the proposed Conclusions, all the amendments to the bracketed text would fall and would have to be resubmitted at the next session, if their proponents so wished. Similarly, the amendment proposing to insert in point 11(b)(i) the term “gender-responsive”, which the Committee had put in brackets pending further discussion would also fall and it was therefore no longer reflected in the text. The points that the Committee had decided to move from the Convention to the Recommendation had been included at the end of the text. All bracketed text would be reproduced in the proposed instruments.
- 1126. The Committee adopted the proposed Conclusions as amended and reviewed by the Drafting Committee.
- 1127. The Committee adopted a draft resolution to place on the agenda of the next session of the Conference an item entitled “Biological hazards in the working environment” for a second discussion with a view to the adoption of a Convention supplemented by a Recommendation.⁸

Closing statements

- 1128. In their closing statements, Committee members expressed their gratitude to the Chairperson for his excellent leadership throughout the discussions. They acknowledged that those discussions had not always been easy, especially during the first week, but recognized that the spirit of tripartism and compromise had prevailed and led to a successful conclusion of the important work of the Committee.
- 1129. They also thanked the Employer and Worker Vice-Chairpersons for their commitment and willingness to engage in constructive dialogue, and the Government regional spokespersons and other government members. The work by the Drafting Committee, at very inhospitable hours, was applauded. Speakers thanked members of the Secretariat for their excellent support and guidance and, especially, the interpreters.
- 1130. The Employer Vice-Chairperson underlined the importance of the Committee’s work to address the management of biological hazards, which would make a difference to workers and employers worldwide. She shared some reflections from the Employers’ group. The

⁸ See ILC.112/Record No. 6A.

overarching aim of the Employers' group had been to work towards a result that could be ratified and implemented at national level by the highest possible number of Member States. However, employers remain concerned by the level of detail in the proposed Conclusions, as well as the degree of overlap with other OSH instruments, some of them with a low degree of ratification. The definitions could prove problematic in practice and there is ambiguity in them. That added to the confusion with respect to OSH and public health roles and responsibilities; employers advocated for a clear distinction between situations produced by factors external to the employer's activity, like pandemics and situations arising from the employer's activities. The reason is that responsibilities and actions to be taken are completely different. While very important discussions had taken place, political debates should be avoided when the item to discuss was a technical one, like biological hazards. Procedures needed to be clear and based on consensus; consensus is the foundation stone of the ILO and must be preserved. Regarding the future, she requested that consultations be held with the groups to strengthen the draft texts before the second discussion.

- 1131.** The Worker Vice-Chairperson expressed the commitment of his group to extending protection to all workers who encountered biological hazards in the working environment, the risks of which were increasing as evidenced by the COVID-19 pandemic, the emergence of antimicrobial resistant pathogens and climate change, among other worrying trends. As part of the framework of fundamental principles and rights at work, the OSH Conventions Nos 155 and 187 could not be undermined by the biological hazards instrument. Protection was especially urgent for workers in the informal economy and other vulnerable groups, as well as equally for women and men. The work of the Committee had provided a good basis to achieve the goal of adoption of a strong Convention and Recommendation in 2025.
- 1132.** The Government member of Zimbabwe, speaking on behalf of the Africa group, expressed her satisfaction with the decision to adopt proposed Conclusions with a view to a Convention supplemented by a Recommendation. Protecting workers' right to a safe and healthy working environment in sectors including healthcare, agriculture and transport would in turn support business productivity. The new standards would cover the gaps in Member States' legislation, systems and programmes in the workplace and would complement other OSH instruments such as Convention No. 170. She highlighted several issues that deserved particular attention in preparation for the second discussion, including the need for a risk-based approach, integration of occupational health services into primary healthcare, clearly defined duties, responsibilities and rights for all, and special provisions regarding vulnerable workers including those in the informal economy.
- 1133.** The Government member of Belgium, speaking on behalf of the EU and its Member States, noted that North Macedonia, Montenegro, Albania, Ukraine, Bosnia and Herzegovina and Norway aligned themselves with her statement. Despite the challenging discussions, the constructive spirit of consensus had ultimately allowed the Committee to conclude its work. The proposed Conclusions represented a crucial step towards providing a legal framework to protect all workers from biological hazards in the working environment that extended beyond outbreaks and pandemics, and agreement had been reached on its most important elements. She looked forward to finalizing that important work in 2025.
- 1134.** The Government member of Switzerland highlighted the importance of developing solutions through consensus. She expressed concern over the broad definition of biological hazards that might hinder the ratification and effective implementation of the new Convention and Recommendation.

- 1135.** The Government member of the United Kingdom noted that, despite sometimes challenging discussions, the tripartite spirit had demonstrated what was possible through collaboration. The work of the Committee had provided a valuable opportunity to create international policy coherence, promote workers' health worldwide and help contain the spread of infection through biological hazards.
- 1136.** The Government member of the United States said that the Committee had successfully navigated its way through a challenging discussion, demonstrating what could be achieved through democratic decision and tripartite social dialogue to successfully respond to the most challenging issues in the world of work, including biological hazards in the working environment. He looked forward to continuing the work in the same spirit.
- 1137.** The Government member of Cuba also noted how tripartite negotiations and social dialogue had allowed the Committee to deal with significant challenges and differences. Protecting the safety and health of workers in the work environment was a priority for his government. The new instruments on biological hazards would benefit public health, the global economy and the well-being of all workers.
- 1138.** The Government member of Indonesia noted the spirit of mutual respect by all parties which had been crucial for reaching the outcome. While the Government of Indonesia supported most of the text of the Conclusions, it was concerned about the use of the term "gender-responsive".
- 1139.** The Government member of Saudi Arabia, speaking on behalf of the GCC countries, noted the importance of unifying efforts to protect workers against biological hazards in the working environment. He pledged his group's full commitment to continuing the work.
- 1140.** The representative of the Secretary-General summarized the work accomplished by the Committee. Based on its outcomes, the Office would continue its work with a view to completing the standard-setting process in June 2025.
- 1141.** The Chairperson thanked the Committee for the trust it had placed in him. He thanked the two Vice-Chairpersons and all the Committee members for their hard work and dedication, and the Secretariat for its support both in the meeting room and behind the scenes. He expressed his firm conviction that the outcome of the rich deliberations would shape important instruments that would contribute to the realization of the fundamental principle and right to a safe and healthy working environment around the world.