



Governing Body

349th Session, Geneva, 30 October–9 November 2023

Institutional Section

INS

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Nineteenth item on the agenda

Reports of the Officers of the Governing Body

Seventh report: Representation alleging non-observance by Argentina of the Labour Inspection Convention, 1947 (No. 81), the Occupational Cancer Convention, 1974 (No. 139), the Occupational Safety and Health Convention, 1981 (No. 155), the Protocol of 2002 to the Occupational Safety and Health Convention, 1981, and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

1. By a communication of 14 June 2023, the Confederation of Workers of Argentina (CTA) and the Trade Union Association of Subway and Light Rail Workers (AGTSyP) made a representation to the International Labour Office under article 24 of the ILO Constitution in which it alleged non-observance by Argentina of the Labour Inspection Convention, 1947 (No. 81), the Occupational Cancer Convention, 1974 (No. 139), the Occupational Safety and Health Convention, 1981 (No. 155), the Protocol of 2002 to the Occupational Safety and Health Convention, 1981, and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). A summary of the representation is contained in the appendix.
2. In accordance with article 1 of the Standing Orders concerning the procedure for the examination of representations, as revised by the Governing Body at its 291st Session (November 2004), the Director-General acknowledged receipt of the representation and informed the Government of Argentina accordingly.
3. Pursuant to article 2(1) of the Standing Orders, the Director-General brought the representation before the Officers of the Governing Body, who, according to paragraph 3 of

the same article, shall report to the Governing Body on the receivability of the representation. Article 2(2) lays down the conditions for the receivability of a representation. In the light of these conditions, the following observations can be made in respect of the representation:

- (a) it was communicated to the International Labour Office in writing;
- (b) it emanates from two industrial associations of workers;
- (c) it makes specific reference to article 24 of the Constitution of the Organization;
- (d) it concerns a Member of the Organization;
- (e) it refers to Conventions to which the Member is a party;¹
- (f) it indicates in what respect it is alleged that the Member has failed to secure the effective observance within its jurisdiction of Conventions Nos 81, 139, 155 and 187, but does not indicate in what respect it is alleged that the Member has failed to secure the effective observance within its jurisdiction of the Protocol of 2002 to the Occupational Safety and Health Convention, 1981.

4. Taking into account the above conditions, and in particular the fact that the complainant did not present facts alleging a violation of the Protocol of 2002, the Officers of the Governing Body consider that the representation is receivable under article 2(2) of the Standing Orders with respect to Conventions Nos 81, 139, 155 and 187 and that it is not receivable with respect to the Protocol of 2002. According to article 2(4) of the Standing Orders, the Governing Body, in reaching a decision on the receivability of the representation on the basis of the report of its Officers, shall not enter into a discussion of the substance of the representation. In accordance with article 3(1), if the Governing Body decides that the representation is receivable, it shall set up a tripartite committee to examine it, composed of members of the Governing Body chosen in equal numbers from the Government, Employers' and Workers' groups.

► Draft decision

5. **In the light of the information contained in document GB.349/INS/19/7, and taking into consideration the recommendation of its Officers, the Governing Body decided:**
 - (a) **that the complaint is not receivable in relation to the Protocol of 2002 to the Occupational Safety and Health Convention, 1981;**
 - (b) **that the complaint is receivable in relation to Conventions Nos 81, 139, 155 and 187 and that it would set up a tripartite committee to examine it.**

¹ Argentina ratified Convention No. 81 in 1955, Convention No. 139 in 1978, Convention No. 155 (and its Protocol of 2002) in 2014 and Convention No. 187 in 2014.

► Appendix

Summary of the representation

1. The representation was made by the CTA and the AGTSyP through a joint communication, which was received on 14 June 2023. The complainants allege non-observance by the Government of Argentina of Conventions Nos 81, 139, 155 (and its Protocol of 2002) and 187 with respect to workers of the underground and light rail transport system.
2. In connection with Convention No. 155, the complainants refer to non-observance of Articles 4, 6, 7, 8, 9, 10, 11(a) and (b), 13, 16 and 19(c), (d), (e) and (f), alleging that: (1) the Government has not adopted, in consultation with the representative organizations of employers and workers, any efficient method to give effect to the national policy on occupational safety, occupational health and the working environment; (2) subway trains were rolled out that were contaminated with asbestos (a prohibited substance in the country), which resulted in 87 workers contracting varying degrees of respiratory system complaints, such as pleural plaques, pleural thickening, asbestosis and pneumoconiosis; (3) no effective procedures were undertaken to eliminate the asbestos from the underground transport system, nor were workers provided with appropriate protective equipment; (4) the enterprise reduced workers' wages and dismissed workers and trade union representatives for reporting the presence of materials harmful to workers' health; and (5) the enterprise did not provide appropriate information on the measures taken to secure occupational safety and health.
3. With respect to Convention No. 187, the complainants refer to non-observance of Articles 2, 3, 4(1) and (3)(a)–(g), and 5(1) and (2), alleging that the Government has not respected the ILO fundamental principles on occupational safety and health or adopted policies on continuous improvement in this respect, and that the Government has not put in place a national preventative safety and health culture.
4. Concerning Convention No. 139, the CTA and the AGTSyP refer to non-compliance with Articles 2(2), 3, 4 and 5, alleging that: (1) the Government has not undertaken the necessary preventative measures to avoid contamination of the underground transport system with carcinogenic substances and to safeguard workers' health; (2) the introduction of carcinogenic substances into the underground transport system has endangered the life of numerous workers and caused occupational cancer in six workers, causing the death of three of them; (3) asbestos is still present in the trains and facilities of the underground transport system; (4) workers have not been provided with sufficient information on the dangers associated with asbestos and on the necessary protective measures; and (5) workers have not been provided with medical examinations.
5. In connection with Convention No. 81, the complainants allege that the Government has not ensured an effective labour inspection system, given that substances were introduced that were toxic and carcinogenic to workers of the underground transport system, in violation of Articles 3(1) and 9 of the Convention.
6. The complainants did not present facts alleging the violation of the Protocol of 2022 to the Occupational Safety and Health Convention, 1981.