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Labour
Organization

► ILC.112/Report IV(2)

► Protection against biological hazards in the working environment

International Labour Conference
112th Session, 2024

Report IV(2)

► **Protection against biological hazards
in the working environment**

Fourth item on the agenda



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► Abbreviations

International	IOE	International Organisation of Employers
	ITUC	International Trade Union Confederation
	IUF	International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations
	PSI	Public Services International
Albania	BSPSH	United Independent Trade Unions of Albania
Argentina	CGT (A)	General Confederation of Labour (Argentina)
	CTA-A	Autonomous Confederation of Workers of Argentina
	CTA-T	Confederation of Workers of Argentina - Labour
	UIA	Industrial Organization of Argentina
Aruba	TOPA	Union of Public Sector Workers of Aruba
Australia	ACTU	Australian Council of Trade Unions
	ANMF-NSW	Australian Nursing and Midwifery Federation – New South Wales
Austria	BAK	Federal Chamber of Labour
	LWK	Austrian Chamber of Agriculture
	ÖLAKT	Congress of Austrian Chambers of Agricultural Workers
	VIDA	Trade Union of Transport and Service Industry Workers
	WKÖ	Austrian Federal Economic Chamber
Bahrain	GFBTU	General Federation of Bahrain Trade Unions
Belgium	CSC-AVC	Confederation of Christian Trade Unions
Brazil	CNC	National Confederation of Trade in Goods, Services and Tourism
	CNI	National Confederation of Industry
	CNS	National Confederation of Healthcare
	CNT	National Confederation of Transport
	UGT (B)	General Union of Workers
Cabo Verde	UNTC-CS	National Union of Workers of Cabo Verde – Trade Union Confederation

Canada	FIQ	Interprofessional Health Federation of Quebec
	UFCW	United Food and Commercial Workers
Chile	ANEF	National Association of Public Servants
	FENPRUSS	National Confederation of University Health Service Professionals
Colombia	ACOPI	Colombian Association of Micro, Small and Medium-Sized Enterprises
	ANDI	National Business Association of Colombia
	CGT (C)	General Confederation of Workers
	CTC	Confederation of Workers of Colombia
	CUT	Unitary Confederation of Workers
	USE	Trade Union Association of Workers of Cali Municipality
Costa Rica	UCCAEP	Costa Rican Union of Chambers and Associations of the Private Business Sector
Czechia	ASO	Association of Independent Trade Unions
	ČMKOS	Czech-Moravian Confederation of Trade Unions
	KZPS	Confederation of Employers' and Entrepreneurs' Associations
	SPČR	Confederation of Industry of the Czech Republic
Denmark	DA	Confederation of Danish Employers
Dominican Republic	CNUS	National Confederation of Trade Union Unity
Egypt	ETUF	Egyptian Trade Union Federation
	FEDCOC	Federation of Egyptian Chambers of Commerce
Estonia	EAKL	Confederation of Estonian Trade Unions
Eswatini	BE	Business Eswatini
Ethiopia	CETU	Confederation of Ethiopian Trade Unions
Finland	Akava	Confederation of Unions for Professional and Managerial Staff in Finland
	EK	Confederation of Finnish Industries
	SAK	Central Organization of Finnish Trade Unions
	STTK	Finnish Confederation of Professionals
	SY	Federation of Finnish Enterprises
	VTML	State Employer's Office

France	CFDT	French Democratic Confederation of Labour
	CGT-FO	General Confederation of Labour–Force Ouvrière
	MEDEF	Movement of Enterprises of France
Germany	BDA	Confederation of German Employers' Associations
	DGB	German Trade Union Confederation
Ghana	GEA	Ghana Employers' Association
	GRNMA	Ghana Registered Nurses and Midwives Association
	GTUC	Ghana Trades Union Congress
Greece	GSEE	Greek General Confederation of Labour
	SEV	Hellenic Federation of Enterprises
Guyana	GPSU	Guyana Public Service Union
Honduras	COHEP	The Honduran Council of Private Enterprise
Iceland	ASI	Icelandic Confederation of Labour
	SA	Confederation of Icelandic Employers
Indonesia	KSPSI	Confederation of All Indonesian Trade Unions
Jamaica	JALGO	Jamaica Association of Local Government Officers
	JCTU	Jamaica Confederation of Trade Unions
	JEF	Jamaica Employers' Federation
Japan	JTUC-RENGO	Japanese Trade Union Confederation
	Keidanren	Japan Business Federation
Kenya	COTU	Central Organisation of Trade Unions
	FKE	Federation of Kenya Employers
Lesotho	ALEB	Association of Lesotho Employers and Business
Liberia	NAHWUL	National Health Workers' Union of Liberia
Malta	GWU	General Workers' Union
Mexico	CAT	Authentic Confederation of Workers of the Republic of Mexico
	CONCAMIN	Confederation of Industrial Chambers of the United Mexican States
	COPARMEX	Employers' Confederation of the Mexican Republic
	CROC	Revolutionary Confederation of Workers and Peasants
	CROM	Regional Confederation of Mexican Workers

	CTM	Confederation of Workers of Mexico
	UNT-ASPA	National Union of Workers – Trade Union Association of Airline Pilots
	UNT-STUNAM	National Union of Workers – Trade Union of Workers of the Autonomous National University of Mexico
Netherlands	CNV	National Federation of Christian Trade Unions
	FNV	Netherlands Trade Union Federation
	MKB	Small and Medium-Sized Enterprises of the Netherlands
	VNO-NCW	Confederation of Netherlands Industry and Employers
Pakistan	ASLHWEU	All Sindh Lady Health Workers and Employees Union
	EFP	Employers' Federation of Pakistan
	PWF	Pakistan Workers Federation
Paraguay	APE	Paraguayan Nursing Association
Peru	CATP	Autonomous Workers' Confederation of Peru
	FENTAP	National Federation of Water and Sewage Workers of Peru
Philippines	ALU-TUCP	Associated Labor Unions – Trade Union Congress of the Philippines
	NAFLU	National Association of Free Trade Unions
	NUBE	National Union of Bank Employees
	TUCP	Trade Union Congress of the Philippines
Poland	KPP	Confederation of Polish Employers
Portugal	CCP	Portuguese Commerce and Services Confederation
	CGTP	General Confederation of Portuguese Workers
	CIP	Confederation of Portuguese Business
	UGT (P)	General Union of Workers
Republic of Korea	FKTU	Federation of Korean Trade Unions
	KCTU	Korean Confederation of Trade Unions
	KEF	Korea Employers' Federation
Romania	Cartel Alfa	National Trade Union Confederation – Cartel Alfa
Serbia	Nezavisnost	Trade Union Confederation Nezavisnost
	SAE	Serbian Association of Employers
Seychelles	GETUS	General Employer Trade Union of Seychelles
Slovenia	ZSSS	Association of Free Trade Unions of Slovenia

Spain	FSC-CCOO	Federation of Citizens Services of the Trade Union Confederation of Workers' Commissions
	CEOE	Spanish Confederation of Employers' Organizations
	CEPYME	Spanish Confederation of Small and Medium-Sized Enterprises
	CIG	Galician Inter-Union Confederation
	UGT-CEC	General Union of Workers
	UGT-SP	General Union of Workers in Public Services
Sri Lanka	COPSITU	Confederation of Public Service Independent Trade Unions
Sweden	SN	Confederation of Swedish Enterprise
	LO	Swedish Trade Union Confederation
	SACO	Swedish Confederation of Professional Associations
	TCO	Swedish Confederation of Professional Employees
Switzerland	TS	Travail.Suisse – Swiss trade union federation
	UPS	Confederation of Swiss Employers
	USAM	Swiss Union of Crafts and Small and Medium-sized Enterprises
	USS-SGB	Swiss Trade Union Confederation
Togo	CNP	National Employers' Council of Togo
	CNTT	National Confederation of Workers of Togo
	CSTT	Trade Union Confederation of Workers of Togo
	GSA	Group of Autonomous Trade Unions
Trinidad and Tobago	ECA	Employers' Consultative Association of Trinidad and Tobago
	NATUC	National Trade Union Centre of Trinidad and Tobago
United Kingdom of Great Britain and Northern Ireland	RCN	Royal College of Nursing
	TUC	Trades Union Congress
	UNISON	Public service union
	Unite	Unite the Union
United States of America	USCIB	United States Council for International Business
	AFL-CIO	American Federation of Labor and Congress of Industrial Organizations
Uruguay	CCSU	Chamber of Commerce and Services of Uruguay
	CIU	Chamber of Industries of Uruguay

	PIT-CNT	Inter-Union Assembly of Workers – Workers’ National Convention
Venezuela, Bolivarian Republic of	SUNEP-SAS	Single National Trade Union of Public Healthcare Employees

► Introduction

At its 341st Session (March 2021), the Governing Body of the International Labour Office decided to place on the agenda of the 112th and 113th Sessions (2024–25) of the International Labour Conference an item related to occupational safety and health protection against biological hazards (standard-setting – double discussion).¹

In accordance with article 39(1) of the Standing Orders of the Conference, the Office prepared a preliminary report (Report IV(1)) setting out the law and practice in different countries, together with a questionnaire, which was transmitted to Member States in December 2022.² Member States were invited to submit their views by 31 July 2023, after consultation with the most representative organizations of employers and workers. This consultation is obligatory for Members that have ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). The deadline for submitting replies to the questionnaire was extended to 28 August 2023.

A total of 87 governments sent their replies to the Office, with 81 of them indicating that the most representative organizations of employers and workers had been consulted. The governments of several Member States sent the replies of employers' and workers' organizations either separately or together with their own replies; in other cases, the replies were received directly by the Office from these organizations. Replies were also received directly from the International Organisation of Employers (IOE), the International Trade Union Confederation (ITUC), Public Services International (PSI) and the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF). At the time of preparing this report, the Office had received replies from 87 governments, 50 employers' organizations and 94 workers' organizations. Replies were also received from other stakeholders, including international scientific institutions such as the Institution of Occupational Safety and Health and the Association for Professionals in Infection Control and Epidemiology; these replies have been noted but have not been included in the report.

The present report and proposed Conclusions have been prepared on the basis of the replies received from governments and organizations of employers and workers, the substance of which is outlined in the following pages. An Office commentary follows the replies to each question. The proposed Conclusions are presented at the end of the report. In preparing this report and proposed Conclusions, the Office considered the *Technical guidelines on biological hazards in the working environment*, which were prepared by a tripartite meeting of experts in June 2022 and adopted by the Governing Body at its 346th Session (October–November 2022).³ The Technical Guidelines provide governments, employers, workers and their organizations with key principles for the effective management of biological hazards in the working environment, in line with international labour standards and ILO principles.

¹ ILO, *Minutes of the 341st Session of the Governing Body*, GB.341/PV, para. 50(b).

² ILO, *Biological hazards in the working environment*, ILC.112/Report IV(1).

³ ILO, *Technical guidelines on biological hazards in the working environment*; see also ILO, *Report of the Director-General: Third Supplementary Report: Report of the Meeting of Experts for the tripartite validation of the technical guidelines on biological hazards (20–24 June 2022)*, GB.346/INS/17/3.

► Replies received and comments

This section contains the substance of the replies received from governments and organizations of employers and workers to the questionnaire contained in Report IV(1). Each question is reproduced as it appeared in the questionnaire and is followed by the number of replies received, grouped in accordance with the nature of the replies ("Yes", "No" or "Other"). A reply has been classified as "Other" where it was neither clearly affirmative nor negative, or where the idea expressed was different from the one proposed in the question.⁴ In cases where a reply was qualified or clarified by comments, the substance of these comments is summarized. Due to space constraints, a representative selection of replies is summarized after each question, with similar responses grouped together, where possible. Comments which either agreed or disagreed with the proposition contained in the question, without adding additional points, have not been reproduced. Some replies providing detailed information on specific national contexts have not been reproduced in this report. In view of the restrictions on the length of Conference reports, instead of reproducing after each question the list of constituents that replied "Yes", "No" or "Other", this is displayed in tabular form in the appendix to the present report.

The proposed Conclusions have been drafted in the light of the replies from the tripartite constituents to the questionnaire and of the report of the tripartite meeting of experts. A number of linguistic and editorial adjustments have been made to align the English, French and Spanish versions of the proposed Conclusions, taking into account the terminology used in relevant ILO Conventions and Recommendations.

⁴ For questions with several sections, where respondents did not fully agree or disagree with all sections, the answers were also recorded as "Other".

► General observations

The general observations provided in response to the questionnaire reflect the numerous concerns and suggestions from governments and employers' and workers' organizations regarding the form, scope, context and content of a possible international labour standard or standards concerning biological hazards in the working environment.

In the wake of the COVID-19 pandemic, which underscored the potentially devastating global impact of uncontrolled biological hazards on occupational and public health settings, there has been an increased focus on occupational safety and health by the ILO and its constituents. At its 341st Session (March 2022), the Governing Body mandated the Office to develop standards regarding biological hazards in the working environment under the double discussion procedure. Shortly afterwards, the International Labour Conference decided at its 110th Session (June 2022) to include "a safe and healthy working environment" in the ILO's framework of fundamental principles and rights at work and to designate the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), as fundamental Conventions.

The present report summarizes responses of constituents to the questionnaire appended to Report IV(1). These responses show that the majority of the constituents favour the development of a Convention and a Recommendation to address biological hazards in the working environment. A substantial minority, including certain governments and most employers' organizations, expressed a preference for a non-binding Recommendation, arguing that existing standards, in particular Convention No. 155, suitably regulate all hazards, including biological hazards, and that new standards risk duplicating existing provisions. In addition, concerns were raised about potential duplication and overlaps with public health authorities and the World Health Organization (WHO), since matters pertaining to public health, emergency preparedness and anticipation of emerging infectious diseases fall under their responsibility. Indeed, several comments refer to the ongoing process at the WHO to develop an international instrument concerning pandemic preparedness, prevention and response, which was announced on 6 March 2023. The report addresses these concerns, and emphasizes the need for collaboration and knowledge exchange between the WHO and the ILO, including consultations to be held between both pursuant to article 47 of the Standing Orders of the International Labour Conference, with the objective of leveraging the respective strengths of both organizations to establish a structure of collaboration and knowledge exchange. This will ensure that all relevant parties have access to information regarding measures related to preparing for and addressing current and future emergencies resulting not only from pandemics but also the broader concept of biological hazards.

One matter that was raised by respondents was the concept of "precautionary measures". These are actions to be taken in situations of inconclusive scientific evidence regarding suspected or future risks, including cases of new and emerging hazards or of familiar risks in new situations. It implies a need for proactive engagement by the competent authorities, in consultation with the most representative employers' and workers' organizations, to make arrangements, appropriate to national conditions and practice, for coordinating action and exchanging information with other relevant national authorities, public health entities, national and international scientific institutions, and relevant international organizations. Such efforts could potentially contribute to the development of guidelines on relevant precautionary measures, in addition to preventive and protective measures. The proposed Conclusions provide that any decision to apply such measures should be taken in consultation with the most representative organizations of employers and workers.

Respondents provided additional feedback concerning the scope of the instrument or instruments and the definition of the term “biological hazards”. Several governments and employers’ organizations from European countries emphasized the role of Directive 2000/54/EC of the European Union (EU) in regulating biological agents at work in their regional and national contexts. They argued that the scope of the proposed ILO instruments should mirror the provisions of the EU Directive and address only “biological agents” rather than “biological hazards”. At the same time, other governments and a large group of workers’ organizations stressed the importance of regulating not only communicable diseases but also non-communicable diseases and injuries caused by biological hazards. Others voiced concerns regarding the inclusion of vectors and transmitters of disease in the definition of biological hazards, stating that their inclusion could lead to discrimination and other action against workers in the workplace.

It is clear from the definition of biological hazards in the proposed Conclusions that it encompasses a broader spectrum of potential risks than biological agents alone. Vectors and transmitters of disease have been included in the definition because of the significant role they play in the transmission of diseases, which is crucial for managing and mitigating the risks associated with exposure to biological hazards in working environments where vector-borne, zoonotic or human-to-human transmission is of concern. By considering these elements in the definition, the proposed Conclusions aim to provide a coherent and effective strategy for addressing the diverse ways in which biological hazards can pose risks to workers’ health.

► Replies and comments on the questionnaire

Form of the international instrument or instruments

Question 1

Should the International Labour Conference adopt an instrument or instruments concerning biological hazards in the working environment?

Governments

Total number of replies: 86 Yes: 82 No: 4

Comments

Austria, Cyprus, Japan: Support a non-binding instrument that focuses on worker safety and health in the workplace, and excludes public health.

Costa Rica, Ghana: Support an instrument based on the ILO *Technical guidelines on biological hazards* to ensure sufficient flexibility for the practical application of such an instrument.

Estonia, Latvia: Existing national laws are sufficient and additional international standards are unnecessary.

Lithuania: The ILO's existing *Technical guidelines on biological hazards* are sufficient for implementing Conventions Nos 155 and 187.

Philippines: The WHO instrument for pandemic prevention, preparedness and response should be taken into account.

Switzerland: The adoption of a new instrument is unnecessary, as international labour standards should focus on worker protection and not on public health issues.

Employers

Total number of replies: 42 Yes: 33 No: 9

Comments

BDA, BE, CIP, IOE, MEDEF, SEV, SN, UCCAEP, UIA: Support an instrument based on the ILO *Technical guidelines on biological hazards* to ensure sufficient flexibility for the practical application of such an instrument.

CIU, CCSU: Oppose the adoption of an instrument and highlight the importance of technical cooperation on occupational safety and health (OSH).

CNI, KEF: Oppose the adoption of an instrument, as the matter is sufficiently covered by Conventions Nos 155 and 187.

UPS, USAM: Do not support the adoption of an instrument, as the ILO's competence is limited to worker protection and should not include public health issues.

UPS: Account should be taken of WHO regulations in this area.

Workers

Total number of replies: 90 Yes: 90 No: 0

Comments

ANMF-NSW, CAT, ETUF, GFBTU, JCTU, KSPSI, TOPA, TS, UFCW, UGT-SP, UNTC-CS: There is a need for unified treatment of biological hazards, taking into account the impact of environmental changes.

ITUC, CGT (C), UGT-CEC, CAT, CGT (A), ETUF, GFBTU, JCTU, KSPSI, TOPA, TS, UFCW, UGT-SP, UNT-CS: A comprehensive instrument, including health impacts and providing protection for affected workers.

NAHWUL: The instrument should provide for the protection for healthcare providers during public health crises.

UGT (P): An instrument is fundamental in order to address protection of workers in the workplace, a preventive approach and a response to emerging threats.

Office commentary

All workers' organizations and an overwhelming majority of governments and employers' organizations are in favour of the Conference adopting an instrument or instruments.

The flexible approach that takes account of national circumstances that was advocated by a number of respondents has been reflected in the proposed Conclusions.

Regarding the comments of some governments and employers' organizations relating to the ILO's competence in the protection of public health, the Office refers to its commentary in relation to point 3(b) and the new point 3(g).

Question 2

If so, should the instrument or instruments take the form of:

- (a) a Convention?
- (b) a Recommendation?
- (c) a Convention supplemented by a Recommendation, as two separate instruments?
- (d) a Convention comprising both binding and non-binding provisions?

Governments

Total number of replies: 83

- (a) Convention: 10
- (b) Recommendation: 25
- (c) Convention and Recommendation: 32
- (d) Convention comprising both binding and non-binding provisions: 8
- (e) Other:⁵ 8

⁵ The "Other" category under question 2 pertains to cases where a definitive answer on the question was not evident, such as where respondents selected two or more options.

Comments

Australia: A Convention supplemented by a Recommendation, or a Recommendation that provides flexibility for the practical application at the national level. Also requests the Office to provide a gap analysis on existing OSH and WHO regulations related to labour protection from biological hazards.

Austria: A Recommendation; however, if it is decided to develop a Convention, the instrument should be based on EU Directive 2000/54/EC.

Brunei Darussalam, Eritrea, Trinidad and Tobago: A Recommendation that supplements fundamental Conventions Nos 155 and 187.

Cyprus: A Recommendation that is attached to Convention No. 187.

Denmark: A Convention based on EU Directive 2000/54/EC.

Ecuador, Poland: A Convention with binding and non-binding provisions, adapted to national contexts.

Eswatini: A Recommendation that details measures to be taken in different economic sectors.

Germany: A Convention that covers basic principles and a Recommendation that provides for specific OSH measures relating to risk assessment.

Switzerland: There is a preference for no instrument, but if it is decided to develop an instrument, a Recommendation is preferable.

United States of America: A Convention supplemented by a Recommendation; also requests the Office to provide information, for the 2024 session of the International Labour Conference, on a Convention comprising both binding and non-binding provisions.

Employers

Total number of replies: 43

- (a) Convention: 1
- (b) Recommendation: 29
- (c) Convention and Recommendation: 2
- (d) Convention comprising both binding and non-binding provisions: 3
- (e) Other: 8

Comments

ANDI, BE, CIP, IOE, MEDEF, MKB, SEV, SN, SPČR, UCCAEP, UIA, USCIB, VNO-NCW: A Recommendation that specifically addresses biological hazards and is non-prescriptive is preferable; it should be attached to Convention No. 187, as the latter already provides for a promotional framework.

CEOE, CEPYME: A Recommendation or a Convention comprising both binding and non-binding provisions are both appropriate, as it is the first time that the ILO is specifically regulating biological hazards.

CCSU, CIU: Prefer a non-binding declaration of the International Labour Conference complementing the inclusion of a safe and healthy work environment as one of the fundamental principles and rights at work.

CNI: Conventions Nos 155 and 187 are sufficient; health emergencies and pandemics are within the competence of health authorities.

DA: A stand-alone Recommendation, based on EU Directive 2000/54/EC, which ensures sufficient flexibility for the practical application of such an instrument.

KEF, USAM: The adoption of an instrument is unnecessary; if it is decided to develop an instrument, a Recommendation is preferable.

Workers

Total number of replies: 92

- (a) Convention: 11
- (b) Recommendation: 2
- (c) Convention and Recommendation: 64
- (d) Convention comprising both binding and non-binding provisions: 8
- (e) Other: 7

Comments

CAT, CGT (A), Nezavisnost: A Convention supplemented by a Recommendation is preferable.

CGT (A): The instruments should include a reference to the *Guidelines on occupational safety and health management systems* (ILO-OSH 2001).

CATP, GFBTU: A Convention is preferable.

Office commentary

A majority of governments and workers' organizations are in favour of a Convention supplemented by a Recommendation, while a majority of employers' organizations favour a Recommendation.

One government and a group of employers' organizations support a Recommendation specific to biological hazards, to be attached to Convention No. 187. The Office notes that nothing prevents the Conference from agreeing that a Recommendation should refer to an already existing Convention (for example, in the Preamble and as a Paragraph in the body of the Recommendation), which could provide that the given Recommendation should be read in conjunction with Convention No. 187 and be understood to provide guidance with respect to its provisions.

Several employers' organizations propose that the present standard-setting action could instead take the form of a declaration of the International Labour Conference that serves as a complement to the recent inclusion of a safe and healthy working environment as one of the fundamental principles and rights at work. The Office clarifies that this is not possible under the Standing Orders of the International Labour Conference.

Regarding the request for a gap analysis on existing ILO and WHO regulations related to labour protection from biological hazards, the Office notes that its capacity to conduct such a gap analysis is contingent upon the availability of the new WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response, which is currently being drafted by an intergovernmental negotiating body that will submit its final outcome to the seventy-seventh World Health Assembly in May 2024.⁶ The Office therefore expresses its intent to engage in consultations with

⁶ See WHO, "Proposal by the Bureau on an updated timeline and deliverables, development of the zero draft of the WHO CA+, and establishment of drafting group modalities", document A/INB/3/4, 25 November 2022.

the WHO under article 47 of the Standing Orders of the International Labour Conference, provided the Conference decides that the matter is suitable to form the subject of a Convention or Recommendation and at the same time as the Office requests governments for their comments on the draft Convention or Recommendation.

Regarding the request for information regarding a Convention comprising both binding and non-binding provisions, the Office notes that the Maritime Labour Convention, 2006 (MLC, 2006), is one such Convention, and refers to the frequently asked questions on it, in particular answers A9–A12.⁷

Taking into account the replies received, the Office has included the following points in the proposed Conclusions:

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

Preamble

Question 3

Should the instrument or instruments have a Preamble that:

- (a) recalls the recent recognition of a safe and healthy working environment as a fundamental principle and right at work by the International Labour Conference at its 110th Session (2022)?**
- (b) emphasizes the need for improved emergency preparedness and anticipation of hazards and risks and comprehensive management of biological hazards in the working environment through coordinated efforts of all the actors in the world of work, as evidenced by the COVID-19 pandemic?**
- (c) stresses the importance of promoting international policy coherence and cooperation in the prevention of communicable as well as non-communicable diseases caused by biological hazards in the working environment?**
- (d) recognizes the particular relevance of the Occupational Safety and Health Convention, 1981 (No. 155), and its Protocol of 2002, the Occupational Health Services Convention, 1985 (No. 161) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) for the sound management of biological hazards in the working environment?**
- (e) underlines the need to revise the Anthrax Prevention Recommendation, 1919 (No. 3), and to close the gap in coverage in relation to the regulation of other biological hazards in the working environment, notably in the light of scientific developments?**
- (f) notes that the proposed instrument or instruments would constitute the first international instrument(s) comprehensively addressing biological hazards in the working environment?**
- (g) addresses any other considerations? If so, please specify.**

⁷ ILO, “Maritime Labour Convention, 2006, as amended (MLC, 2006): Frequently Asked Questions”.

Governments

(a)	Total number of replies: 77	Yes: 77	Other: 0
(b)	Total number of replies: 75	Yes: 72	Other: 3
(c)	Total number of replies: 71	Yes: 70	Other: 1
(d)	Total number of replies: 72	Yes: 68	Other: 4
(e)	Total number of replies: 54	Yes: 48	Other: 6
(f)	Total number of replies: 62	Yes: 58	Other: 4
(g)	Total number of replies: 21	Yes: 14	Other: 7

Comments

Australia: In (d), there should be a clear distinction between the relevance of ILO fundamental Conventions and other instruments; delete the reference to the Occupational Health Services Convention, 1985 (No. 161), and refer to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

Botswana: (b) should address the impact of climate change and natural disasters; (c) should include injuries, poisonings and asphyxiations.

Costa Rica, Cyprus: (a) should refer to the inclusion of a safe and healthy working environment into the framework of fundamental principles and rights at work. (b) should distinguish between preparedness for social emergencies/public health issues and biological hazards in the working environment. (c) should include biological agents present in, but not specific to, the working environment. In (d), delete references to the Protocol of 2002 and Convention No. 161. Regarding (f), the Office should clarify whether the EU Directive on biological agents is an international instrument. In (g), add a new preambular paragraph which emphasizes continuous promotion of a national safety and health culture.

Denmark: The regulation on biological hazards should focus on workplace-related risks and take into account the related WHO processes, while health emergencies should primarily be regulated in sector-specific international instruments.

Finland: (b) should address the impact of climate change and natural disasters in pandemic and emergency preparedness; (d) should refer to Conventions Nos 155 and 187.

France: (d) should make a clear distinction between the relevance of the ILO fundamental Conventions and other instruments.

Germany: (d) should not impose any requirements for non-ratifying States, and a revision of Recommendation No. 3 should be decided separately and not appear in the Preamble.

Lithuania: In (d), references to the 2002 Protocol and Convention No. 161 are unnecessary.

Switzerland: Both (b) and (c) are already covered by other international instruments.

Trinidad and Tobago: (a) should recall the ILO Constitution's provision for the protection of the worker against sickness, disease and injury arising out of his employment. (g) should make reference to the *Technical guidelines on biological hazards*. An additional clause should be added to highlight the need for policy coherence and the continuous promotion of a national safety and health culture.

United States: It is not appropriate to address in (e) the revision of Recommendation No. 3 with reference to the 2017 decision of the Standards Review Mechanism Tripartite Working Group (SRM TWG), which classifies this Recommendation as "requiring further action to ensure continued and future relevance". In (g), there should be a reference to freedom of association and collective bargaining rights.

Employers

(a)	Total number of replies: 37	Yes: 36	Other: 1
(b)	Total number of replies: 33	Yes: 28	Other: 5
(c)	Total number of replies: 35	Yes: 32	Other: 3
(d)	Total number of replies: 29	Yes: 27	Other: 2
(e)	Total number of replies: 25	Yes: 23	Other: 2
(f)	Total number of replies: 23	Yes: 12	Other: 11
(g)	Total number of replies: 20	Yes: 16	Other: 4

Comments

BDA, CIP, IOE, SEV, SN, UCCAEP, UIA: (a) should refer to the inclusion of a safe and healthy working environment into the framework of fundamental principles and rights at work. (b) should distinguish between preparedness for social emergencies/public health issues and biological hazards in the working environment. (c) should include biological agents present in, but not specific to, the working environment. In (d), delete references to the Protocol of 2002 and Convention No. 161. Regarding (f), the Office should clarify whether the EU Directive on biological agents is an international instrument.

BE: (b) should clarify that the management of pandemics and regular biological hazards involves different considerations. It is preferable to highlight in (g) that a transfer of responsibility from public health to workplaces for societal challenges should be avoided.

CNC: Not all occupations involve occupational biological risks, and some biological risks are not within the scope of the ILO.

CNI, DA: The focus should be on risks related to exposure to biological agents in the workplace rather than community contagion/pandemics.

MEDEF: The reference to COVID-19 in (b) is unnecessary as it concerns public health issues.

USAM: (b) and (c) are already covered by other international instruments.

USCIB: (a) should recall the inclusion of a safe and healthy working environment in the framework of fundamental principles and rights at work. In (b), a clear distinction should be made between societal emergency preparedness/public health issues and biological hazards in the workplace. (d) should refer only to ILO fundamental Conventions.

Workers

(a)	Total number of replies: 80	Yes: 77	Other: 3
(b)	Total number of replies: 84	Yes: 78	Other: 6
(c)	Total number of replies: 75	Yes: 72	Other: 3
(d)	Total number of replies: 82	Yes: 78	Other: 4
(e)	Total number of replies: 70	Yes: 65	Other: 5
(f)	Total number of replies: 74	Yes: 69	Other: 5
(g)	Total number of replies: 41	Yes: 32	Other: 9

Comments

ACTU, APE, CETU, CFDT, CGT-FO, CNV, DGB, FENPRUSS, FENTAP, FNV, GSEE, GWU, ITUC, IUF, KCTU, JTUC-RENGO, PSI, TUC, TUCP, UGT-CEC, UFCW, VIDA: (b) should highlight the importance of the comprehensive management of all risks related to biohazards as well as the inclusion of the impact of climate crises/climate change and natural disasters in pandemic preparedness and response. (c) should include injuries, poisonings and suffocation, while (e) should consider that the revision of Recommendation No. 3 extends beyond the risks of handling wool.

ALU-TUCP, ANMF-NSW: The instruments should apply to all workers, not just employees.

CGT (A), ETUF: (a) and (d) should highlight the recognition of a safe and healthy working environment as a fundamental right and Conventions Nos 155 and 187 as fundamental Conventions.

UGT: (b) should recall the importance for scientific research on biological hazards through agreements, including the exchange of restricted use information.

Office commentary

In the light of the responses received, the Office notes that **clause (a)** enjoys wide support from all three respondent groups. The Office has incorporated the proposal made by one government and several employers' organizations to refer to the inclusion of a safe and healthy working environment in the ILO framework of fundamental principles and rights at work. It has not incorporated the proposal by one government to refer to the ILO Constitution, as it did not receive majority support.

There is wide support for **clause (b)** among governments and workers' organizations but limited support among employers' organizations.

In response to the proposal by a number of governments and employers' organizations that a clear distinction should be made between societal emergency preparedness/public health issues and biological hazards in the working environment, the Office refers to its response under question 20, and the new point 3(g) in the proposed Conclusions.

In response to the proposal of one government and a large group of workers' organizations that **clause (b)** should address the impact of the climate change and natural disasters, the Office recalls that the ILO resolution concerning a just transition towards environmentally sustainable economies and societies for all requests the ILO to consider convening a tripartite meeting on occupational safety and health in extreme weather events and changing weather patterns, the format of which is to be decided by the Governing Body.⁸

In the light of the replies received, the Office proposes that the issues of emergency preparedness and anticipation of hazards be referred to as "preparedness and response arrangements for the effective management of emergencies related to biological hazards in the working environment" and that they be addressed together with question 7 as an amended clause (b), in order to state the objective of the future instruments in a preambular paragraph.

Clause (c) has wide support among all three respondent groups.

One government and a group of eight employers' organizations consider that policy coherence and cooperation include the prevention of biological agents present in, but not specific to, the working environment. One government and a large group of workers' organizations propose that injuries, poisoning and suffocation also be included. In the light of the replies received, the Office has retained

⁸ Resolution concerning a just transition towards environmentally sustainable economies and societies for all, adopted by the International Labour Conference on 16 June 2023, para. 23(c).

the original wording, as the focus of clause (c) is not on the origin and impact of biological hazards but on stressing the importance of policy coherence and cooperation at the international level.

Clause (d) is largely supported by all three respondent groups.

In response to one government's comment, the Office clarifies that the reference to recognizing the relevance of the Protocol of 2002 to Convention No. 155 and of Convention No. 161 does not mean that ratification of those instruments is a requirement for the ratification of a future Convention on biological hazards. The Office also notes the proposal of employers' organizations to delete references to the non-fundamental ILO Conventions so as to highlight the importance of Conventions Nos 155 and 187. The Office takes account of these comments but has retained the reference to the Protocol of 2002 and Convention No. 161 in accordance with the majority of the replies.

Clause (e) is supported by all three respondent groups.

The Office notes the comment from one government that a revision of the Anthrax Prevention Recommendation, 1919 (No. 3), should be decided separately and not appear in the preamble, and the comment of another government that it is not appropriate to address the revision of Recommendation No. 3 in the present context with reference, *inter alia*, to the 2017 decision of the SRM TWG. The Office recalls that, as recommended by the SRM TWG at its third meeting, the Governing Body decided at its 331st Session (November 2017) to classify Recommendation No. 3 as "requiring further action to ensure continued and future relevance".⁹ Taking into account the limited scope of Recommendation No. 3 and the gap in coverage of other biological hazards, the SRM TWG also recommended, as follow-up action, the revision of the Recommendation through an instrument addressing all biological hazards.¹⁰ Accordingly, the Governing Body requested the Office to prepare proposals for a possible standard-setting item on biological hazards.¹¹ The Office also notes that, when an earlier instrument is being revised, it is good drafting practice to include a preambular paragraph in the new instrument noting the need to revise the former instrument.¹²

Clause (f) is largely supported by governments and workers' organizations but has limited support from employers' organizations.

In response to comments requesting clarification on whether the EU Directive on biological agents is an international instrument, the Office notes that that Directive is an instrument that is binding only on EU Member States, and has amended the clause to delete "comprehensively" and add "at the global level".

With respect to **clause (g)**, the Office notes the proposed additions.

In response to the proposal to recall the need for continuous promotion of a national safety and health culture, the Office considers that that is covered implicitly in the reference to Convention No. 187 in clause (d).

In response to the proposal to include a reference to the ILO *Technical guidelines on biological hazards in the working environment*, the Office notes that it is good drafting practice not to include

⁹ Under the three-tier classification system of the SRM TWG, instruments "requiring further action to ensure continued and future relevance" are those that may not be fully up-to-date in some respects but that remain relevant in other respects and therefore cannot be classified as outdated. These may include instruments that are in the process of being fully or partially revised, as well as instruments pertaining to areas of social and labour policy where new standards need to be developed.

¹⁰ *The Standards Initiative: Report of the third meeting of the Standards Review Mechanism Tripartite Working Group*, GB.331/LILS/2, Appendix, para. 19.

¹¹ *Minutes of the 331st Session of the Governing Body of the International Labour Office*, GB.331/PV, para. 723(f)(i).

¹² Reference is also made to point 44 of the proposed Conclusions, which states: "The Recommendation supersedes the Anthrax Prevention Recommendation, 1919 (No. 3)".

references to non-binding instruments in a proposed Convention, but that a reference to the Technical Guidelines has been included in the proposed Conclusions with a view to a Recommendation (point 42).

In response to a proposal to recall that freedom of association and collective bargaining rights enable robust social dialogue, the Office suggests limiting the references in the proposed preamble to subjects that more specifically address occupational safety and health and biological hazards in the working environment.

In response to a proposal to refer to the need to enable the capacity for scientific research and speed up the search for solutions to biological hazards through agreements, including the need for an exchange of restricted use information, the Office notes that this issue will be considered in the context of the operative provisions of the proposed Conclusions.

In the light of the replies received, in particular with regard to point 3(b), the Office has included the following new clause under point 3 of the proposed Conclusions:

- (g) stressing the need to promote effective management of occupational safety and health regarding biological hazards in the working environment through collaborative means and measures by relevant actors and competent national authorities, in particular public health and occupational safety and health authorities and employers' and workers' organizations, in their respective areas of responsibility.**

Definitions

Question 4

Should the instrument or instruments include a definition of the term "biological hazard" to read: "any microorganism, cell or other organic material that may be of plant, animal or human origin, including any which have been genetically modified, and which can cause harm to human health. This may include but is not limited to bacteria, viruses, parasites, fungi, prions, DNA materials, bodily fluids, and any other microorganisms and their associated allergens and toxins"?

Governments

Total number of replies: 83 Yes: 75 No: 6 Other: 2

Comments

Algeria: Yes, include the definition and classification of biological agents.

Australia: Include also "mould" as part of a non-exhaustive definitions list.

Austria: Add "RNA materials" and delete "bodily fluids". Replace "biological hazards" with "risks".

Bahrain: Add harm from biological hazards to agricultural crops and other animal products in food production.

Belgium: Consider opportunistic pathogens that harm immunocompromised persons.

Botswana: The term "organic materials" is important, reflecting non-infection risks, for example to organic dusts.

Brazil: Supports but requests clarifications and expansions.

Bulgaria, Greece: Include a definition of "biological hazard" closer to Directive 2000/54/EC.

Costa Rica: The term can be misleading and needs to be clarified.

Cuba: Advocates for comprehensive definitions for broader understanding.

Czechia: Raises questions about the comprehensiveness of the list and proposes using, for instance, “area of interest” instead of “definition of a term”.

Finland: A definition of “biological hazard” should be included, or alternatively of “biological agent”.

Germany: Delete “of plant origin”.

Hungary: Include external parasites (ectoparasites) permanently settling on the human body.

Italy: Amend to: “Any biological material such as microorganisms, cells, organic material that may be of plant, animal or human origin, including any which have been genetically modified, biological vectors of pathogenic microorganisms or transmitters of diseases, which can cause harm to human health. This may include but it is not limited to bacteria, viruses, parasites, fungi, prions, nucleic acid materials, infected bodily fluids and any other microorganisms and their associated allergens and toxins.”

Japan: Too broad; does not consider the degree of harm posed by each biological element, and could be a burden for ILO tripartite constituents.

Mexico: This is a very broad definition, which allows standardization and clarification of the concept.

Poland: Proposes explicit inclusions such as venomous animals or human endo- and ectoparasites as well as open-endedness for future advances.

Spain: Differentiate between biological agent and biological hazard.

Switzerland: There are large differences between biological agents that can multiply and those that cannot (toxins, allergens). It would be useful to make a distinction in the corresponding recommendations.

United States: Current US standards do not include a single definition of “biological hazard”. Open to including the definition as starting point for discussions, but request additional information on other countries’ law and practice to inform the final definition.

Employers

Total number of replies: 41 Yes: 35 No: 3 Other: 3

Comments

BDA: Amend to include also non-living beings, such as viruses.

CEOE, CEPYME: The definition aligns with national legislation.

CNI: Opposes the idea of specific ILO instruments on biological hazards or risks, fearing conflicts with Member States’ existing definitions.

COPARMEX: Emphasizes scientific accuracy and avoiding ideological influences.

KPP: Calls for clarity differentiating occupational exposure from those outside the workplace.

UIA: Delete references to specific elements.

UPS: The definition can be used but distinctions should be made based on the mechanism of action and multiplication potential to guide control measures.

USCIB: Points out that US safety standards lack a single definition of “biological hazard” and is open to the provided definition as a starting point, pending additional information on other countries’ laws and practices.

Workers

Total number of replies: 88 Yes: 87 No: 1 Other: 0

Comments

ACTU, APE, CFDT, CNV, DGB, FENPRUSS, FENTAP, FNV, GSEE, GWU, ITUC, SUNEP-SAS, UGT-CEC, VIDA:

The term “organic materials” is important, reflecting the non-infection occupational health risks associated with exposures, for example to organic dusts.

CATP, CTA-A: Include micro-aerosols of viral particles.

CGT (A): Include a “definitions” section for clarity.

CGT-FO: Amend to define microorganisms, cell cultures and organic materials.

ČMKOS: Include the definition for clarity and efficiency.

KEF: Definitions in national laws and regulations are to be respected and prioritized.

KSPSI: Seek expert opinions for this point.

MEDEF: Add definitions of “microorganism” and “cell culture” from the French labour code.

NUBE: Does the definition cover bio-active substances?

USAM: A distinction should be made between biological agents that can multiply and those that cannot. Supplement with “pathogenicity” and include “non-cellular units”.

Office commentary

The overwhelming majority of all respondent groups agree to include in the instrument a definition of “biological hazards”. The Office notes the numerous proposed amendments to the draft definition, none of which was proposed by more than one respondent.

The Office therefore proposes to maintain the definition from the questionnaire, which was based on that in the Technical Guidelines, with minor linguistic changes for clarity. It also proposes to add, as a separate point:

- 6. Harm to human health caused by biological hazards in the working environment includes communicable and non-communicable diseases and injuries.**

In response to the request for additional information on other countries’ law and practice, the Office notes that its first report, *Biological hazards in the working environment*, covers national law and practice.¹³

Question 5

Should the term “biological hazard” be considered to include biological vectors or transmitters of disease?

Governments

Total number of replies: 83 Yes: 68 No: 14 Other: 1

¹³ ILO, *Biological hazards in the working environment*, ILC.112/Report IV(1), paras 77–131. See in particular para. 87, “Defining biological hazards”.

Comments

Australia: Yes, based on the Technical Guidelines.

Bahamas: Should include any entity used to transfer genetic material.

Belgium: Yes, identification and preventive measures towards vectors or transmitters of disease are useful.

Brazil: The form of contact must be considered; the vector itself is not a biological hazard if not contaminated.

Brunei Darussalam: Yes, transmission from persons or other transmitters inside and outside the workplace should be considered.

Costa Rica: Clarification needed before a choice can be made.

Cuba: Vectors or biological transmitters of diseases can be present in workplaces; form of action on protected species should be included.

Cyprus: No, too broad; workplace action against humans and animals accompanying workers would be required.

Ecuador: Yes, they are transmitters of viruses, bacteria and other types of biological agents.

Eritrea: Yes, they should be eliminated from workplaces as much as possible.

Finland: No, it may lead to uncertainty regarding the duties and responsibilities at the workplace level.

France: The notion of vectors may need to evolve over time; needs a clear definition.

Germany: Opposed; suggests restricting to parasites that pose an inherent threat.

Jamaica: Opposed; might be interpreted too widely, proposes a substitution with "environmental reservoirs of infectious agents or zoonosis".

Japan: Unclear meaning could impose a heavy burden on Member States.

Malaysia: Biological vectors should be considered. Illnesses such as dengue fever are due to vectors.

Mexico: Strongly recommends including vectors because they can lead to occupational diseases.

Paraguay: It is important that the instrument also respects the human rights, privacy and employment protections of transmitters.

Poland: Vectors should be included, but not transmitters of diseases to avoid labelling humans, including co-workers, as biological hazards.

Portugal: Yes, controlling them easily prevents the spread of certain agents.

Switzerland: No, the presence of a biological vector does not constitute a biological hazard if it is not a carrier of disease.

Employers

Total number of replies: 40 Yes: 18 No: 13 Other: 9

Comments

ANDI, BDA, CIU, CIP, CCSU, DA, IOE, SEV, SN, UCCAEP, UIA, USCIB: No. This could imply an obligation to take action against humans (as vectors/transmitters) in the workplace. Scientific evidence is needed to clarify when transmitters/vectors should be included.

CEOE, CEPYME: It would be necessary to specify for what purposes. The same biological hazard can have several vectors.

CNC: Supports, but notes the need for controls and protection measures.

CNS: No. These are not etiological agents, only a means of transport.

MEDEF: These concepts may need to evolve based on risks or identified diseases.

MKB: Calls for clear definitions based on scientific and health-based evidence.

UPS, USAM: The presence of a biological vector does not constitute a hazard by itself.

Workers

Total number of replies: 87 Yes: 80 No: 5 Other: 2

Comments

ALU-TUCP, ACTU, APE, CFDT, CGT-FO, CNV, DGB, FNV, FENTAP, FENPRUSS, GSEE, GWU, ITUC, IUF, JTUC-RENGO, PSI, SUNEP-SAS, TUCP, UGT-CEC, UGT-SP, VIDA: Support inclusion, while emphasizing comprehensive coverage and protection of human rights, privacy and employment for humans who may be transmitters.

CAT: Advocates inclusion based on medical definitions and pathologies.

TS: Yes, as it is a means of action for disease prevention, even if the presence of a biological vector per se is not a hazard if it is not carrying a disease.

Office commentary

A majority of governments and a large majority of workers' organizations support the inclusion of biological vectors or transmitters of disease in the definition "biological hazards", as this contributes to identifying and implementing preventive measures concerning certain diseases. There are, however, divergent views among employers' organizations. Several governments and employers' organizations express concern that this approach may be too broad, as it implies a requirement for workplace measures against humans or animals as vectors or transmitters. They also contend that, while the form of contact must be considered in the biological risk analysis, the vector itself does not pose a biological hazard if not contaminated.

Taking into account the majority view, the Office has included the statement under point 5 of the proposed Conclusions.

In response to the proposal of numerous workers' organizations and one government that the instrument cover human rights, privacy and employment protections of humans acting as transmitters of disease, the Office has added the following new clause under point 29 of the proposed Conclusions, on the rights of workers and their representatives:

- (k) **being protected against any discrimination on account of contracting or transmitting a disease caused by biological hazards.**

Question 6

Should any other terms be defined in the instrument or instruments? If so, please specify.

Governments

Total number of replies: 72 Yes: 35 No: 37 Other: 0

Comments

Botswana, Paraguay: A comprehensive glossary of terms would be useful.

Montenegro, Portugal: Biological materials should be classified into risk groups depending on the level of risk of infection.

Philippines: Prefer developing a notion in the WHO of the epidemiological triad of disease causation consisting of an external agent, a susceptible host and an environment that brings the host and agent together.

Employers

Total number of replies: 35 Yes: 13 No: 22 Other: 0

Comments

KZPS: Scientific knowledge should include elements that negatively affect human health in the short or long term, such as elements or modifications of RNA.

Workers

Total number of replies: 73 Yes: 56 No: 17 Other: 0

Comments

ACTU, ALU-TUCP, ANMF-NSW, APE, CGT-FO, CNV, CETU, CFDT, DGB, FENPRUSS, FENTAP, GSEE, GWU, ITUC, IUF, JTUC-RENGO, KCTU, PSI, SUNEP-SAS, TUC, TUCP, UFCW, UGT-CEC, VIDA: The respective duties, responsibilities and rights should be clarified, and a glossary of terms developed.

CAT, UGT (P): A terminology of dangerous agents could facilitate the implementation of the instrument.

Office commentary

A majority of governments and workers' organizations propose additional definitions, while a majority of employers' organizations do not.

In response to the requests to develop a glossary of terms and a classification of biological materials on the basis of risk of infection, as well as to the proposals for additional definitions, the Office invites the respondents to resubmit their proposals at a later stage of the proceedings with clarifications on their intended purpose and function in the context of the instruments.

Purpose and scope

Question 7

Should the instrument or instruments provide that it aims at providing a comprehensive and forward-looking legal framework for the respect, promotion and realization of the right to a safe and healthy working environment in respect of biological hazards?

Governments

Total number of replies: 83 Yes: 76 No: 6 Other: 1

Comments

Australia: In addition to the legal framework, provide best practices on how to ensure compliance with overarching OSH principles in the context of workplace exposures to biological agents.

Belgium: It should be comprehensive in scope, since all workers are potentially exposed to biological agents.

Botswana: It should cover the risks posed by all biological hazards at work, and include associated diseases and injuries.

Costa Rica, Cyprus: It should clarify the term “comprehensive and forward-looking” framework. Since the instrument deals with biological hazards only, the term “safe and healthy working environment” is too broad and therefore the scope of an instrument should be narrowed to refer only to biological hazards; any reference to the fundamental principles and rights at work framework should read “respect, promotion and realization of a safe and healthy working environment”. Purpose and scope should be in two separate sections.

Japan, Switzerland: Expressed opposition, given that national laws and systems and responses to biological hazards and challenges differ greatly among countries.

Trinidad and Tobago: A Recommendation should be developed, by replacing “legal framework” with “normative framework”.

United States: While a forward-looking legal framework is welcomed in principle, providing sufficient flexibility in a regulatory structure to incorporate any changes would be challenging. Further consideration should be given to what this “forward-looking” approach would entail, including examples from other international labour standards.

Employers

Total number of replies: 39 Yes: 17 No: 18 Other: 4

Comments

ANDI, BDA, BE, CIP, CCSU, CIU, DA, IOE, MEDEF, SEV, SN, UCCAEP, UIA, USCIB: It should clarify the term “comprehensive and forward-looking” framework. The scope of an instrument should be narrowed to refer only to biological hazards; any reference to the fundamental principles and rights at work should read “respect, promotion and realization of a safe and healthy working environment”. Purpose and scope should be in two separate sections.

CEOE, CEPYME: Considering that the right of workers to carry out their activities in safe environments is already established, the objective of a Recommendation should be to provide for a safe working environment in relation to biological hazards.

CNI: Expressed opposition, as the matter is sufficiently covered by Conventions Nos 155 and 187.

MKB, VNO-NCW: It should clarify the term “comprehensive and forward-looking” framework.

SPČR: Expressed support for a comprehensive and forward-looking framework, which includes the rights and obligations for healthy and safe working conditions.

Workers

Total number of replies: 90 Yes: 89 No: 0 Other: 1

Comments

AFL-CIO: It should be comprehensive and protect all workers at risk of exposure to biological hazards, including both recognized and emerging hazards.

CGT (A), JCTU: It should cover only biological hazards and not all hazards.

UGT (P): Expressed support for the precautionary principle in the absence of scientific evidence.

Office commentary

The Office notes that a large majority of governments and workers’ organizations support this proposal, while a majority of employers’ organizations and some governments do not.

In response to the comment that the wording “comprehensive and forward-looking legal framework” is unclear, the Office has deleted “forward-looking”, but retained “comprehensive”, which refers to a legal framework that covers both the national and the enterprise levels.

In response to the comments that the ILO Declaration on Fundamental Principles and Rights at Work refers to the “respect, promotion and realization of a safe and healthy working environment” and not “the right to a safe and healthy working environment”, the Office notes that paragraph 1(b) of the Declaration provides that “these principles and rights have been expressed and developed in the form of specific rights and obligations in Conventions recognized as fundamental both inside and outside the Organization”, and that Convention No. 187 refers to the right to a safe and healthy working environment.

The Office has implemented the proposal that this point should relate to biological hazards specifically. It has not implemented the proposal by one government to replace “legal framework” by “normative framework”, as it considers that the two terms have the same meaning.

In response to the proposal by a group of employers’ organizations to address the purpose and scope of the instrument in two different sections for the sake of clarity, the Office has included the scope with the definition, and moved the statement on the purpose to become point 3(b) of the proposed Conclusions:

- (b) considering the objective to provide a comprehensive legal framework for the respect, promotion and realization of the right to a safe and healthy working environment concerning biological hazards, including provisions for preparedness and response arrangements for the effective management of emergencies related to biological hazards in the working environment, taking new and emerging hazards and risks into account,**

Question 8

Should the instrument or instruments apply to all workers and to all branches of economic activity?

Governments

Total number of replies: 82 Yes: 77 No: 4 Other: 1

Comments

Algeria: It should apply only to sectors and occupations which involve high risks of exposure to biological hazards.

Armenia: It should also apply to workers who work with humans or human-related items, animals or animal products, biological waste and plants as well as to workers working in metal-processing and the mining industry and in high humidity.

Australia, France, Netherlands: Expressed support, while highlighting that different branches of economic activities will involve different risks and prevention responses.

Belgium, Bulgaria: Expressed opposition to any exclusions, given that scientific studies and data confirm the presence of biological agents in very different working environments.

Brazil, Burundi Lesotho: Expressed support; it should apply to all workers and all branches of economic activity.

Colombia: Expressed support, in particular with regard to critical sectors, such as healthcare, food handling and laboratories.

Cuba: Expressed support, in particular with regard to workers in laboratories, agricultural activities, work with animals on farms and stables, as well as so-called "dirty" tasks (slaughterhouses). Also, in activities where the presence of vectors is frequent.

Cyprus, Türkiye, United Kingdom of Great Britain and Northern Ireland: It should apply to all workers and to all sectors of economic activity when exposed to biological hazards.

Ecuador: Expressed support, while prioritizing the health sector and waste collection activities.

Eswatini, Namibia: Expressed support, considering that any branch of economic activity could be affected by biological hazards.

Hungary: It should only cover activities involving risks from biological agents.

Malaysia, Mexico, Pakistan: Expressed support, subject to national definitions and circumstances.

Panama: Expressed opposition; not all branches of economic activities involve risks related to biological hazards.

Spain: Expressed opposition; it should apply only to sectors or activities in which a biological hazard has been identified.

Switzerland: Expressed opposition, as the matter is sufficiently covered by Conventions Nos 155 and 187.

Tunisia: Expressed support, if the branches of economic activity are explicitly specified.

United States: Expressed support, subject to the exclusions provided for in question 9.

Employers

Total number of replies: 38 Yes: 26 No: 10 Other: 2

Comments

BDA, BE, CIP, IOE, SEV, SN, UCCAEP: Expressed support, but considered that this provision should be under the section "Scope" and read as follows: "The instrument applies to all workers and to all branches of economic activities when exposed to biological hazards."

CNC: Expressed opposition, given that not all occupations involve biological and occupational risks.

CNS: It should be applied in sectors and work environments where the risk is present; special consideration should be given to human healthcare activity.

CNT: Expressed opposition, as the activities which are not under the control of employers should be exempted.

KEF: It should only apply to workers who are exposed to biological hazards at workplaces.

MEDEF: It should apply to all branches of activity; however, different branches of economic activities will involve different risks and prevention responses, and the latter should be proportionate to the actual level of exposure.

SPČR: Expressed support, provided that exceptions and the respective conditions are clearly defined.

UIA: Expressed support; this matter should be placed under the "Scope of application", and the following should be added: "when there is exposure to biological risks".

USCIB: Expressed support, subject to the exclusions provided for in question 9.

Workers

Total number of replies: 90 Yes: 86 No: 3 Other: 1

Comments

BAK: Expressed opposition to any exclusions.

CATP: Expressed support; it should also consider including include new forms of work and the broader concept of work centres.

CGT (C): Expressed support, in particular with regard to critical sectors such as healthcare, food handling and laboratories.

CGT-FO: While all workers are affected by biological hazards, depending on the sectors of activity, interactions with pathogens could be more significant; preventive measures, or precautionary measures in cases where the pathogens may potentially exist, should be adapted to these sectors.

CSC-AVC: Expressed support, provided that it is based on a risk analysis.

FSC-CCOO: Special mention should be made with regard to occupations that involve a higher risk and exposure.

KSPSI: Expressed support in principle, but in certain cases exceptions may be necessary and should be based on the views provided by experts.

NATUC, NUBE: Expressed support, while emphasizing that all workers should be covered, including workers who are temporary, casual, on probation, contractual, independent contractors, platform workers and those in the informal sector.

ÖLAKT: Expressed support, provided that specificities of branches of activity are considered.

PSI: It should also cover the public sector.

TS: It should, as a general principle, apply to all workers.

UNTC-CS: It should apply to activities that involve biological risks.

Office commentary

The Office notes the support of an overwhelming majority of governments and workers' organizations and of a majority of employers' organizations, while 4 Governments, 10 employers' organizations and 3 workers' organizations are opposed. The Office concludes that the majority supports this proposal.

The Office also notes, however, that in their comments, an overwhelming majority of the respondents wish to couple this general rule with a number of exemptions and flexibility provisions – in some cases far-reaching exemptions. Given the fundamental status of Convention No. 155 and taking into account the majority support for questions 9 and 10 below, the Office proposes not to include additional flexibility in this point.

Question 9

Should the instrument, if it takes the form of a Convention, provide that Members may, after consultation with the representative organizations of employers and workers concerned, exclude from the scope of the Convention, 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?

Governments

Total number of replies: 81 Yes: 57 No: 23 Other: 1

Comments

Austria: A Recommendation is favoured, but if the majority favours adopting a Convention, exclusions should be possible, in whole or in part.

Belgium, Norway: Oppose the exclusion and propose a risk assessment as the basis for identifying specific risks and formulating targeted protective measures.

Brazil, Ecuador, Italy: Any exclusion should be based on the agreement of all parties concerned; the tripartite process is fundamental in this regard.

Brunei Darussalam: This matter is already covered by Conventions Nos 155 and 187.

Cyprus: As a Recommendation is favoured, this provision is not needed.

Ecuador: Consultations should be carried out regarding the applicability of the scope of the Convention to avoid problems.

Eswatini: Exclusions should not be permissible, as all branches of economic activity are important when it comes to biological hazards, as COVID-19 has shown.

Finland: Exclusions contribute to the ratification of a Convention.

Lesotho, Slovakia: Expressed opposition to any types of exclusions.

Netherlands: Exclusions should be permissible on the basis of objective criteria, such as working with biological agents in research and development or laboratory testing.

Portugal: It should take into consideration the armed forces, security forces and civil protection services.

Republic of Korea: Exclusions should be permissible only if an instrument is adopted in the form of a Convention.

Thailand: Exclusions should be permissible in order to allow a Member State to apply the Convention in accordance with the national level of development.

United Kingdom: Exclusions should be permissible only if they can be justified.

Employers

Total number of replies: 40 Yes: 18 No: 20 Other: 2

Comments

ANDI, BDA, BE, CIP, CIU, CCSU, IOE, SEV, SN, UCCAEP, UIA: Given the stated preference for a Recommendation, this provision is not needed.

CEOE, CEPYME: Exclusions should be permissible if the instrument is adopted in the form of a Convention.

Workers

Total number of replies: 90 Yes: 32 No: 58 Other: 0

Comments

ACTU, AKAVA, AFL-CIO, APE, BAK, CETU, CFDT, CGTP, CNV, DGB, FENTAP, FNV, GSEE, GWU, ITUC, IUF, JCTU, JTUC-RENGO, KCTU, NATUC, SAK, STTK, UGT, UGT-CEC, UGT-SP, PSI, TUCP, UFCW, VIDA: Exclusions should not be permitted, as the instrument must be comprehensive.

ALU-TUCP, ANMF-NSW, FENPRUSS, RCN, SUNEP-SAS: The instrument should ensure that it can respond to new and emerging hazards, which are not limited to specific branches of economic activity or categories of workers, such as in the event of pandemics or climate crises.

CGT (A), UGT (B): Exclusions should not be permitted, as they could result in loss of life and deterioration of health, including in uncontrolled epidemics and pandemics.

CGT(C), CGT-FO: Exclusions should not be permitted, given that they could exclude, for economic reasons, activities with a high level of risk for workers.

USE: The objective should be providing protection for all workers, regardless of the branch of activity to which they belong.

Office commentary

This proposal has wide support among governments but limited support among workers' and employers' organizations. However, the employers' organizations and two governments that oppose it noted that they do not support the proposed text contingent upon the assumption that the instrument

should take the form of a Recommendation, in which case this provision would be unnecessary. Workers' organizations contend that the scope of the instrument must be comprehensive, respond to new and emerging hazards and not be limited to specific branches of economic activity or categories of workers.

The Office notes that this provision is similar to Article 1(2) of Convention No. 155 and is intended to serve a similar purpose: to couple a broad and comprehensive scope, such as that provided in question 8 (point 7), with a degree of flexibility, which is also in line with the views expressed on question 1. The Office also draws attention to the fact that the identification of specific branches and categories of workers would be preceded by consultations with the representative organizations of employers and workers concerned.

In this context, the Office notes the comments from two governments that the best course of action would be to perform a risk assessment to identify the specific risks and the measures to be taken to protect workers in the sectors and categories excluded. A similar model was used in Article 1(2) of the Chemicals Convention, 1990 (No. 170).

Against this background, the Office has included wording to provide that exclusions from the application of the Convention should be subject to "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".

With reference to a comment from one government regarding situations where "force majeure may prevent the application of the instrument to a certain group of workers or an entire branch of economic activity", the Office would like to clarify that the exceptions proposed in this point are not of such an ad hoc nature and instead are general, but limited, exceptions governed by the provisions in the subsequent point.

Question 10

Should the instrument, if it takes the form of a Convention, provide that Members that avail themselves of the possibility of excluding from its scope particular branches of economic activity or limited categories of workers shall, in their first report on the application of the Convention under article 22 of the Constitution of the International Labour Organization, list any branches and categories of workers thus excluded, giving the reasons for such exclusion and describing any measures taken to provide adequate protection to excluded workers, and, in subsequent reports, indicate any progress made in applying the instrument more widely?

Governments

Total number of replies: 80 Yes: 59 No: 20 Other: 1

Comments

Belgium: Expressed support; exclusions should be justified thorough risk analyses and scientific data.

Belize, Brazil, Italy: Exclusions should be discussed by all interested parties.

Cuba, Ecuador: Since there are diverse activities that have different realities, it must be regulated that Members have the independence to define their policies and limitations.

Cyprus, Trinidad and Tobago: Given the stated preference for a Recommendation, this provision is not needed.

Finland: Exclusions would facilitate the ratification of an instrument.

Japan, Republic of Korea: If the instrument is in the form of a Convention, exclusions should be in accordance with occupational safety and health Conventions.

Namibia: Expressed opposition, as all workers should be equally protected, irrespective of the branch or category to which they belong.

Thailand: Expressed support; it provides for the application of a Convention in accordance with the level of development and context of the country.

Employers

Total number of replies: 38 Yes: 18 No: 20 Other: 0

Comments

BDA, BE, CIP, IOE, SEV, SN, UCCAEP, USCIB, UIA: Given the stated preference for a Recommendation, this provision is not needed.

CNI: Expressed support; the scope of application should include only situations where biological risks are an inherent part of the production process; other biological risks should be the responsibility of the health authorities.

Workers

Total number of replies: 90 Yes: 42 No: 46 Other: 2

Comments

ACTU, ALU-TUCP, ANMF-NSW, ASI, CAT, CGT(C): There must be no exclusions.

Akava, BAK, CETU, CFDT, CSC-AVC, CGTP, DGB, ETUF, FNV, FENTAP, GSEE, GWU, ITUC, IUF, JTUC-RENGO, KCTU, NATUC, Nezavisnost, PSI, RCN, SAK, STTK, TUCP, UGT (B), UGT-CEC, UGT-SP, VIDA: Expressed opposition to excluding either particular branches of economic activity and/or categories of workers.

CGT (A): Exclusions should not be permitted, given that they could exclude, for economic reasons, activities with a high level of risk for workers.

CIG: Expressed opposition to excluding any sector or economic activity; workers could be exposed regardless of the functions they perform.

FSC-CCOO: Expressed support in principle.

TS: Expressed support, providing that exclusions are limited and made after consultation with the social partners.

Office commentary

This proposal is widely supported by governments but has limited support from workers' and employers' organizations. However, as stated in their replies, the opposition of a large group of employers' organizations and two opposing governments is contingent upon the assumption that the instrument would take the form of a Recommendation. In their view, if a Recommendation is adopted, this specific provision on exclusions would be unnecessary.

Given this context and considering that, on the basis of the replies received, the proposed Conclusions take the form of a Convention supplemented by a Recommendation, the Office has retained this point, with minor linguistic changes for clarity.

Question 11

Should the scope of the instrument or instruments include any other elements? If so, please specify.

Governments

Total number of replies: 75 Yes: 19 No: 55 Other: 1

Comments

Armenia: The instrument should have an article concerning the representative organizations of workers and employers.

Belgium: A non-exhaustive list of biological agents which are known to cause harm to humans (including toxic and allergic potential) and their corresponding hazard classification should be included as an annex. The list of classified agents should be based on the effect of those agents on healthy workers, but should also take into account possible effects/risks for workers with underlying health conditions.

Botswana: The instrument should reflect and recognize the risks posed by all biological hazards at work, and the wide range of associated diseases, ill health and injuries. Biological risk assessments should also be introduced. Where insufficient data are available to determine risks, the precautionary principle should apply.

Germany: International reporting of serious accidents that may lead to the risk of infection of the population.

Montenegro: Include in the instrument the classification of biological materials known to cause human disease.

Tunisia: Occupational health services may broaden the scope of application through the identification of new branches of activity responsible for the emergence of biological risks.

Employers

Total number of replies: 35 Yes: 6 No: 29 Other: 0

Comments

CNI: The adoption of a new instrument is unnecessary; however, if there is a majority in favour of the adoption of a Convention, the scope of application should be clearly defined.

CNP: Scientific research and experiments, biological weapons.

CNS: A proposal on the correct use of personal protection equipment should be included.

CNT: Occupational exposure limits regarding the work environment should be included.

Workers

Total number of replies: 80 Yes: 49 No: 27 Other: 4

Comments

Akava, SAK, STTK: Protection for workers in the informal sector and precarious jobs.

ACTU, ALU-TUCP, ANMF-NSW, APE, CETU, CFTD, CGT-FO, CNV, DGB, FENPRUSS, FENTAP, FNV, GSEE, GWU, ITUC, JTUC-RENGO, IUF, KCTU, TUC, PSI, TUCP, UGT-CEC, UFCW, VIDA: OSH is a fundamental principle and right at work of the ILO, and the instrument should reflect the associated rights and duties. It should also recognize the risks posed by all biological hazards at work, and the wide range of associated diseases, ailments and injuries, including their sequelae. When insufficient data is available to determine the risks, the precautionary principle should be applied.

CAT: Legislative implementation guide for Members.

CFDT, FSC-CCOO: Include the gender perspective in risk measures and evaluation.

Office commentary

Several governments and employers' organizations and a majority of workers' organizations propose that further elements be included in the instrument or instruments.

In response to the request of several governments to classify biological agents that cause harm to humans and include such classification as an annex to the instrument, the Office proposes that this request be considered not in the instrument itself but in the context of its practical application.

In the light of the replies received, the Office notes that a number of proposals have been addressed in the Office commentary and included in the proposed Conclusions, as appropriate. Further proposals can be considered at a later stage of the proceedings.

General provisions

National policy

Question 12

Should the instrument or instruments provide that each Member should, in consultation with the most representative organizations of employers and workers, formulate, implement and periodically review a coherent and comprehensive national policy on the prevention of and protection from biological hazards in the working environment?

Governments

Total number of replies: 83 Yes: 71 No: 12 Other: 0

Comments

Australia, Austria, Bahrain, Bulgaria, Burkina Faso, Colombia, Cyprus, Finland, Jamaica, Trinidad and Tobago: It should be part of a broader national OSH policy.

Czechia: Certainly, as the biotechnology research and development in this area has been rapid in recent years.

Japan: Nationally, necessary measures against biological hazards in the working environment are taken based on individual national policies, not on comprehensive national policies.

Spain: It should be linked to the EU Directive on biological agents.

Switzerland: No, as the prevention of biological hazards covers numerous themes which could not necessarily all be included in the same coherent and global policy.

United Kingdom: A proportionate and pragmatic approach should be taken when reviewing national policy.

Employers

Total number of replies: 40 Yes: 37 No: 3 Other: 0

Comments

ANDI, BDA, BE, CIP, CIU, CCSU, COPARMEX, DA, EFP, IOE, SEV, SN, UCCAEP, UIA, USCIB: Yes, but as part of existing national policies and in consultation with employers' and workers' organizations.

CNI: No. Given the scope of Conventions Nos 155 and 187, there is no need for specific instruments on biological hazards.

CNS: Consultation needs to be carried out with technical bodies and not only representative political bodies so that the guidance has a scientific basis.

Workers

Total number of replies: 91 Yes: 90 No: 0 Other: 1

Comments

ACTU, ALU-TUCP, ANMF-NSW, APE, CETU, ČMKOS, CFDT, CNV, CTA-A, DGB, FNV, FENPRUSS, FENTAP, GSEE, GWU, IUF, ITUC, JTUC-RENGO, KCTU, UGT-CEC, PSI, SUNEP-SAS, TUCP, UFCW, VIDA: Yes, recognizing the requirement of Convention No. 187, a fundamental Convention, to "promote continuous improvement of occupational safety and health to prevent occupational injuries, diseases and deaths".

CAT: Yes, the national policy must be assessed by each member of the State, employer and worker representatives, and be based on a study by medical and occupational health and safety specialists.

CATP: The approach must be comprehensive and incorporated in the national occupational health and safety policy.

UGT-SP: Should be reviewed taking into account the advances of science.

Office commentary

This proposal is widely supported by all three respondent groups.

In response to comments from governments reflecting variations in law and practice concerning national policies on biological hazards in the working environment, and in view of the reference in Convention No. 155 to national conditions and practice in relation to the national policy, the Office has added the wording "consistent with national law and practice" to the text and has included it as point 10 of the proposed Conclusions.

Question 13

Should the instrument or instruments provide that when formulating, implementing and periodically reviewing the national policy, Members should take account of relevant international labour standards, including the Occupational Safety and Health Convention, 1981 (No. 155), and its Protocol of 2002, the Occupational Health Services Convention, 1985 (No. 161) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)?

Governments

Total number of replies: 83 Yes: 74 No: 8 Other: 1

Comments

Austria: No, a stand-alone policy for biological agents is not necessary.

Botswana: This point should include all relevant sectoral OSH Conventions and recognize the requirement of Convention No. 187 for the promotion of “continuous improvement” of standards.

Costa Rica: Reference should be made only to the fundamental Conventions (Nos 155 and 187); others are already included as relevant international standards.

Cyprus, Switzerland: The provision should only refer to the fundamental Conventions, Nos 155 and 187.

Finland, Germany, Lithuania: Mentioning standards other than Conventions Nos 155 and 187 might become an obstacle to ratification.

France: A distinction should be made between the fundamental Conventions (Nos 155 and 187) and the others.

Germany: The reference should be worded in such a way that it avoids becoming an obstacle to ratification.

Malaysia: In addition to the Conventions and Protocols, it is important to take into account the latest scientific data and research on biological hazards.

Mexico: No, as fundamental Conventions should be complied with, whether they are ratified or not.

Philippines: Yes, these Conventions will serve as the legal bases of the Recommendation.

United Kingdom: Yes, where Members have ratified the Convention.

United States: Any reference to Member States’ obligations relating to these Conventions should be qualified with “as appropriate”.

Employers

Total number of replies: 38 Yes: 21 No: 17 Other: 0

Comments

BDA, BE, CIP, CIU, CCSU, DA, IOE, KEF, MEDEF, SEV, SN, UCCAEP, UIA, USAM, USCIB: No, the provision should only refer to the fundamental Conventions, Nos 155 and 187.

COPARMEX: Convention No. 161 should definitely be taken into account.

FEDCOC: With due consideration for national laws and regulations.

MKB, VNO-NCW: The provision – in a Recommendation – should only refer to ILO Conventions Nos 155 and 187. “Relevant international standards” include the Protocol of 2002 and Convention No. 161.

Workers

Total number of replies: 89 Yes: 89 No: 0 Other: 0

Comments

ACTU, ALU-TUCP, ANMF-NSW, APE, CETU, CFTD, CGT (A), CGT-FO, CNT, CSTT, CNV, DGB, FNV, FENPRUSS, FENTAP, GSA, GSEE, GWU, ITUC, IUF, JTUC-RENGO, KCTU, PSI, SUNEP-SAS, TUCP, UGT-CEC, UNTC-CS, VIDA: Reference to these and to all relevant sectoral occupational safety and health Conventions, and the requirement of Convention No. 187 for the promotion of “continuous improvement” of standards.

Office commentary

The overwhelming majority of governments and all workers’ organizations support this proposal, while support from employers’ organizations is limited.

Several governments who support the proposal request that the fundamental status of Conventions Nos 155 and 187 be highlighted. However, some governments and employers’ organizations that oppose it state that references to international labour standards should include only these fundamental Conventions. While workers’ organizations propose that additional references to international labour standards be included, some governments indicate that inserting the references to standards other than the fundamental Conventions on occupational safety and health could create an obstacle to ratifying the instrument.

In the light of the replies received, the Office has deleted the references to Convention No. 161 and the Protocol of 2002 to Convention No. 155, added “as appropriate” and “relevant” to the reference to other international labour standards, and has included the text in point 11(b)(iii) of the proposed Conclusions.

The Office notes proposals under question 12 to highlight the importance of taking into account the latest scientific research; numerous comments under question 15 that “sound scientific criteria and established practice” may not be sufficient when developing guidelines and procedures relating to new and emerging hazards; calls under question 37 for coordination of national and international institutions responsible for emergency planning; and comments under questions 12 and 38 that preparedness plans or policies should be formulated in consultation with all relevant authorities and technical bodies, including those responsible for public health.

Consequently, the Office has incorporated the need for coordination and updated scientific information under point 11(b)(i) of the proposed Conclusions, which states that the national policy on biological hazards should take account of “the best available information concerning the management of occupational safety and health regarding biological hazards in the working environment”, and has included in the subsequent point an explanation of how such information should be obtained:

12. **With a view to obtaining the best available information, the competent authorities should, in consultation with the most representative organizations of employers and workers, make arrangements for exchanging information and coordinating action with relevant national authorities, including public health and occupational safety and health authorities, and scientific institutions as well as relevant international organizations.**

Question 14

Should the instrument or instruments provide that, where appropriate, the national policy on biological hazards should be integrated into the national occupational safety and health policy, where one exists?

Governments

Total number of replies: 83 Yes: 75 No: 8 Other: 0

Comments

Belgium: Yes, specifically the elements where the instrument further advances worker protection with regard to biological agents in the working environment.

Botswana, Netherlands, Poland, South Africa: For coherence and alignment.

Burundi: No, a general national occupational safety and health policy cannot contain the national policy relating to biological hazards, which is of a specific scope.

Finland: A separate national policy on biological hazards should not be required.

Germany: Yes, but a formulation should be used that is applicable to all countries, not only those that have a national occupational health and safety policy.

Hungary: No, the prevention and management of epidemics and pandemics is primarily an epidemiological issue, beyond the scope of OSH policies.

Republic of Korea: The national policy on biological hazards should be reflected in appropriate policies, such as the general national health policy or the occupational safety and health policy.

United Kingdom: Yes, so long as it does not conflict with existing requirements.

Employers

Total number of replies: 38 Yes: 32 No: 6 Other: 0

Comments

ALEB, SN: Yes, the policy on biological hazards should be incorporated into the existing national policies.

KEF: Depending on national circumstances, several relevant ministries or public agencies could be responsible for handling biological hazards and OSH policies. Therefore, integrating the national biological hazards policy into OSH policy could generate confusion and misunderstanding.

Workers

Total number of replies: 89 Yes: 89 No: 0 Other: 0

Comments

KCTU: It is important to integrate the national policy on biological hazards into the national OSH policy, and the competent authority should cooperate with other ministries in charge of general health policy and environmental policy and the disease control authority.

TS: Biological risks at work should be part of the occupational health and safety policy.

Office commentary

All three respondent groups largely agree that a national policy on biological hazards in the working environment should be integrated into the national occupational safety and health policy.

In response to the comments of employers' and workers' organizations that the management of biological hazards in the working environment may concern several national policies, and in particular OSH, health and environmental policies, the Office has amended the text and incorporated it as clause (a) of point 11:

[11. The national policy on biological hazards should:]

- (a) be integrated into existing national occupational safety and health policies, as appropriate, and be consistent with and complement other relevant policies, including on public health and the environment;**

Preventive and protective measures

Question 15

Should the instrument or instruments provide that the competent authority, in consultation with the most representative organizations of employers and workers, should establish preventive and protective requirements based on an occupational safety and health management systems approach and develop guidelines and procedures regarding exposure to biological hazards in the working environment based on sound scientific criteria and established practice?

Governments

Total number of replies: 84 Yes: 79 No: 5 Other: 0

Comments

Austria, Cyprus, Trinidad and Tobago: Competent authorities should adopt "national guidelines and procedures" rather than at the workplace level.

Belgium: Guidelines based on sound scientific studies/criteria should be developed.

Botswana: Consultation is essential, recognizing the need for the precautionary principle where insufficient adequate data are available to make a reliable assessment of risk. "Established practice" may be inadequate for new or emerging risks.

Costa Rica: Prevention and protection requirements should be on a case-by-case basis, and the provision should clarify that national authorities develop national, and not workplace, guidelines.

Germany: Clarification is needed on "occupational health and safety management systems approach". Reference to "sound scientific criteria" may be difficult; consider additional sources.

Japan: The ILO, along with the WHO, should proactively collect and analyse information before requiring Member States to take actions regarding biological hazards.

Lesotho: Consult ministries responsible for health and others with technical expertise when establishing preventive and protective requirements.

Malaysia: Workplace guidelines and procedures should be effective and sound in times of crises.

Mauritania: Business managers should limit worker exposure to biological hazards and take technical control measures when hazards are found.

Namibia: Preventive measures should be informed by a systematic, quantified risk-based approach.

Netherlands: Establishing a uniform approach in preventing biological hazards is essential.

Employers

Total number of replies: 37 Yes: 25 No: 12 Other: 0

Comments

BDA, BE, DA, CIU, CCSU, IOE, SEV, SN, UCCAEP, UIA, USCIB: The competent authorities should not adopt guidelines and procedures at the workplace level, and the provision should refer to the development of “national guidelines and procedures”.

COPARMEX: A management systems approach ensures that risk management is sustainable and maintains a focus on continuous improvement.

Workers

Total number of replies: 92 Yes: 90 No: 1 Other: 1

Comments

ACTU, APE, CNV, FENTAP, FNV, GSEE, GWU, ITUC, UGT(B), VIDA: The reference to “established” practice may be inadequate or insufficient to address new or emerging risks, or known risks experienced in new circumstances. The hierarchy of prevention must be applied.

AFL-CIO, ALU-TUCP, ANMF-NSW, CETU, DGB, FENPRUSS, IUF, JTUC-RENGO, KCTU, PSI, SUNEP-SAS, TUCP, UFCW, UGT-CEC add that consultation is essential and that the instruments must also recognize the need to invoke the precautionary principle where insufficient adequate data is available to make a reliable assessment of risk. “Established practice” may also be inappropriate or insufficient to deal with known risks experienced in new circumstances.

CAT: As a complement to regular tripartite consultations, exchanges must also be held with medical specialists, labour inspectors and the ministries of health, who can help clarify the hazards faced in each sector.

CFDT: The instruments should recognize the need to invoke the precautionary principle when there is a lack of sufficient adequate data.

CGT-FO: Risk assessment is the fundamental element in risk management but is not easy in terms of biological hazards with regard to pathogens.

CROM: It is necessary to have recourse to sound scientific criteria.

Office commentary

All three respondent groups largely support this proposal.

In response to the numerous comments that the competent authorities should not adopt guidelines and procedures at the workplace level, the Office has added the word “national” before “guidelines and procedures”.

In response to the request to clarify the “management systems approach”, the Office has added a reference to the *ILO Guidelines on occupational safety and health management systems* (ILO-OSH 2001) in the proposed Conclusions with a view to a Recommendation (point 37).

In response to several proposals from governments and workers' organizations to refer to guidelines and procedures to deal with new and emerging risks and times of crises, and to several comments from all three groups under question 20 highlighting the importance of developing plans or protocols on emergency preparedness and anticipation of hazards in the working environment, the Office has added that national guidelines should include "preparedness and response arrangements for the effective management of emergencies related to biological hazards in the working environment, taking into account new or emerging hazards and risks" and has incorporated the text as point 13 of the proposed Conclusions.

Question 16

Should the instrument or instruments provide that where information regarding exposure to biological hazards in the working environment is insufficient, the competent authority should, in consultation with the most representative organizations of employers and workers, consider developing precautionary measures?

Governments

Total number of replies: 83 Yes: 76 No: 7 Other: 0

Comments

Austria: Only if it is necessary as a result of known problems or shortcomings.

Belgium: Supports developing precautionary measures based on sound scientific studies.

Botswana: Advocates a precautionary approach to new and emerging risks, considering related employment and worker protection issues.

Brazil: Considers precautionary measures to be fundamental, especially in situations where existing measures are insufficient.

Burundi: The competent authority should, in consultation with the most representative organizations of employers and workers, consider establishing precautionary measures to break the chain of transmission.

Colombia: With the participation of all workers' organizations.

Costa Rica: Notes that there must be an adaptation period before imposing precautionary measures and emphasizes they should be appropriate and not unnecessary.

Cyprus: No; highlights the lack of international labour standards on precautionary measures and the varied interpretations of the concept.

Ecuador: No; precautionary measures should only be applied after investigating exposure to determine serious risk and not only a lack of sufficient information.

Eswatini: Prevention is better than cure and precautionary measures are the correct route to be taken.

Finland: While this provision is supported, further clarifications regarding the meaning of "precautionary measures" should be provided in future ILO work.

Germany: Yes; precautionary measures increase acceptance, create legal certainty and treat all companies equally.

Lesotho: Yes; sees prudence in having precautionary measures and suggests consulting stakeholders with technical expertise.

Lithuania: No; opposes binding measures without sufficient information, as it could cause unjustified burdens.

Mexico: No; such a provision must be subject to national law and practice.

Netherlands: This is a very important provision when biological hazards are unknown, as was the case with the SARS-CoV-2 virus.

South Africa: This will ensure acceptance of precautionary measures by all social partners.

Tunisia: The establishment of precautionary measures should be a recommendation and not an obligation.

Employers

Total number of replies: 40 Yes: 21 No: 17 Other: 2

Comments

ACOPI: While it is true that “the competent authority” must give guidelines, it is each employer who knows the particularities of the business environment.

ALEB: It is prudent to have precautionary measures where there is a need. Proposes consulting stakeholders with technical expertise.

BDA, BE, CIP, IOE, SEV, SN, UCCAEP, UIA, USCIB: No, given the lack of existing international labour standards on precautionary measures. Refer to the promotion of prevention measures provided in Convention No. 187.

CEOE, CEPYME: No; measures should be based on sound scientific criteria and existing practice.

CIU, CCSU: No consensus regarding the scope of the concept of precautionary measures.

CNI: Precautionary measures are covered in national laws, and the instrument has no competence in this issue.

COPARMEX: Sound and reliable information is essential to manage risks and hazards.

Workers

Total number of replies: 90 Yes: 89 No: 1 Other: 0

Comments

ACTU, APE, CETU, CFDT, CNV, CTA-A, DGB, FENTAP, FNV, GSEE, GWU, ITUC, JTUC-RENGO, VIDA: Yes; new and emerging risks, or known risks encountered in new environments or circumstances, require a precautionary approach.

ALU-TUCP, ANMF-NSW, FENPRUSS, IUF, KCTU, PSI, SUNEP-SAS, TUCP, UFCW add that the instrument must also recognize there are related employment and worker protection issues.

CGT-FO: The precautionary principle and the prevention principle aim to limit risk damage but differ in their adaptability to uncertain risks. Prevention acts on well-identified risks, while precaution anticipates scientifically unproven risks.

Office commentary

The overwhelming majority of governments and all workers' organizations support this proposal, while support from employers' organizations is limited.

The Office notes that the workers' organizations agree with the application of a precautionary "approach" or the precautionary "principle". Those opposed to the proposal to apply "precautionary measures" noted that this concept is still subject to various interpretations.

The Office explains that this proposal concerns specifically the measures to be considered when scientific evidence of risk is not available, including for new and emerging hazards or risks, and when the scientific criteria and established practice are insufficient to determine the appropriate preventive measures. In this regard, the competent authorities should, in consultation with the most representative organizations of employers and workers, develop guidelines and procedures on biological hazards, including on precautionary measures, based on the best available information, when they contribute to minimizing, so far as is reasonably practicable, the causes of hazards inherent in the working environment.

In the light of the replies received, the Office has included the wording "or as appropriate, precautionary measures" after the reference to preventive and protective measures covered under question 15 and has incorporated it as point 13 of the proposed Conclusions.

Question 17

Should the instrument or instruments provide that the competent authority should make available information on preventive and protective measures, where appropriate, regarding exposure to biological hazards?

Governments

Total number of replies: 82 Yes: 79 No: 3 Other: 0

Comments

Belgium, Brazil, Burundi: Yes, information of this kind, based on sound scientific studies/criteria, should be developed.

Germany: Equal basic data for all ensures transparency and prevents disadvantages for small and medium-sized enterprises.

Lesotho: Information should include details about occupational health services addressing biological hazards.

Netherlands: Providing information is crucial, especially during serious outbreaks; communication should be understandable for non-local language speakers.

United Kingdom: Providing that "appropriate" allows the competent authority discretion in determining what information to provide.

Employers

Total number of replies: 38 Yes: 37 No: 1 Other: 0

Comments

CNS: Information must be provided before supervision and the imposition of obligations to notify and sanction.

Workers

Total number of replies: 90 Yes: 89 No: 0 Other: 1

Comments

ACTU, ANMF-NSW, APE, CETU, CFDT, CGTP, CNV, DGB, FENTAP, FNV, GWU, ITUC, JCTU, JTUC-RENGO, UGT-CEC, VIDA: Yes, as provided in the fundamental Conventions. Specific information should also be included about personal protective equipment (PPE).

CGT-FO, FENPRUSS, IUF, PSI, SUNEP-SAS, TUCP: Yes, these are requirements established in the fundamental Conventions.

CNTT, CSTT, GSA: Strengthen the information and early warning system.

Office commentary

This proposal has overwhelming support from all three respondent groups.

To enhance the clarity of the text, the Office has combined the provision of information referred to under this question with the appropriate support referred to under question 18, to become point 14 of the proposed Conclusions. In response to one government's comment, the Office has also added in point 14 that information should be provided to employers, workers and their representatives "in a form which is accessible and language which is understandable".

Question 18

Should the instrument or instruments provide that the competent authority should provide appropriate support to employers, workers and their representatives regarding relevant public health and occupational health measures?

Governments

Total number of replies: 83 Yes: 78 No: 3 Other: 2

Comments

Algeria: Above all, occupational health.

Austria: No. Public health and occupational safety and health should remain separate.

Belgium: Yes, appropriate support based on sound scientific studies/criteria should be provided.

Bulgaria: It is not clear what kind of support.

Burundi: The competent authority should provide employers, workers and their representatives with appropriate support as part of its mission.

Finland: Yes, but the term "support" needs clarification in further work.

Germany: Support is useful but should be limited to generally applicable recommendations or specific requests. It should be in coordination with entities responsible for public health.

Indonesia: The ILO needs to clarify the extent of measures by the competent authorities for support.

Mexico: Yes, but it is necessary to specify the type of support.

Netherlands: Competent authorities have a responsibility to take action during the onset of infectious diseases.

Employers

Total number of replies: 38 Yes: 37 No: 1 Other: 0

Comments

CNI: No, as biological risks are a public health issue with regulations from health authorities.

CNP: It is an absolute necessity.

Workers

Total number of replies: 88 Yes: 86 No: 2 Other: 0

Comments

ACTU, APE, CETU, CFDT, CNV, DGB, FENTAP, FNV, GSEE, GWU, ITUC, JTUC-RENGO, UGT-CEC, VIDA: Competent authorities should provide necessary guidance, information and support.

CGT (A), CGTP: Yes, but the type of support should be specified.

UGT (P): The Convention should be accompanied by a Recommendation specifying the appropriate support, including guidance and directives on identifying, assessing and managing biological risks.

Office commentary

This proposal has overwhelming support from all three respondent groups.

In response to several replies seeking clarification on the intended support, the Office notes that, in accordance with the General Survey of 2009 on occupational safety and health instruments¹⁴ regarding the application of Article 10 of Convention No. 155, this support aims to assist employers and workers and their representatives in the implementation of the proposed Convention, taking into account national circumstances.

As stated above, the Office has included the reference to support alongside the reference to the provision of information under question 17, to become point 14 of the proposed Conclusions.

Question 19

Should the instrument or instruments provide that measures should be taken, in accordance with national law and practice and taking into account the *Globally Harmonized System of Classification and Labelling of Chemicals (GHS)*, with a view to ensuring that those who design, manufacture, import, provide or transfer biological substances for occupational use:

- (a) satisfy themselves that, so far as is reasonably practicable, such substances do not entail dangers for the safety and health of those using them correctly?
- (b) make available information concerning the correct use and dangerous properties of such substances, including in the form of safety and health data sheets if such are available, as well as instructions on how known hazards are to be avoided?

¹⁴ ILO, *General Survey concerning the Occupational Safety and Health Convention, 1981 (No. 155), the Occupational Safety and Health Recommendation, 1981 (No. 164), and the Protocol of 2002 to the Occupational Safety and Health Convention, 1981*, 2009 paras 109–117.

(c) undertake studies and research or otherwise keep abreast of the scientific and technical knowledge necessary to comply with subparagraphs (a) and (b)?

(d) comply with international requirements concerning the transport of hazardous goods?

Governments

(a)	Total number of replies: 74	Yes: 71	Other: 3
(b)	Total number of replies: 79	Yes: 76	Other: 3
(c)	Total number of replies: 72	Yes: 68	Other: 4
(d)	Total number of replies: 79	Yes: 75	Other: 4

Comments

Austria: These provisions concern the supply of biological agents, which is not within the scope of the instrument(s).

Botswana: On (a) and (b), the duties should not be limited to “users”; they should consider risks from exposure. On (c), research should be conducted or overseen by competent public authorities.

Bulgaria: There is no clear definition of “biological substances for occupational use”.

Cyprus: (d): Clarify which international requirements the provision is refers to.

Finland: The GHS addresses classification of chemicals and is irrelevant to biological hazards.

Germany: (d) might not be necessary due to existing international regulations.

Japan: (a), (b) and (c) are accepted if the GHS is considered for biological substances; (d) is beyond the scope of occupational safety and health.

Portugal: In (d), identify applicable international requirements.

United States: Delete the reference to the GHS. The reference to “international requirements” is unclear; (d) should therefore include the qualifier “as appropriate”.

Employers

(a)	Total number of replies: 36	Yes: 31	Other: 5
(b)	Total number of replies: 38	Yes: 32	Other: 6
(c)	Total number of replies: 38	Yes: 30	Other: 8
(d)	Total number of replies: 35	Yes: 29	Other: 6

Comments

BDA, CIP, CIU, CCSU, IOE, SEV, SN, UCCAEP, UIA, USCIB: In the chapeau, add “as appropriate” after “taking into account”. In (d), clarify which international requirements.

UPS: No added value given existing national and international rules regarding “biological substances”.

Workers

(a)	Total number of replies: 84	Yes: 81	Other: 3
(b)	Total number of replies: 87	Yes: 86	Other: 1
(c)	Total number of replies: 84	Yes: 80	Other: 4
(d)	Total number of replies: 86	Yes: 83	Other: 3

Comments

ACTU, APE, CETU, CFDT, CGT-FO, CNV, DGB, FENPRUSS, FENTAP, FNV, GSEE, GWU, ITUC, JTUC-RENGO, SUNEP-SAS, TUC, UGT-CEC, VIDA: The applicability of the GHS is questioned; the duties to consider potential related risks should apply to those who design, manufacture, import, provide or transfer biological substances or substances presenting a biological risk.

CGT-FO: (a) and (b): Obligations should not be limited to “users” but also include other persons at risk.

Office commentary

This proposal has overwhelming support from all three respondent groups.

In response to comments that the GHS is not applicable, the Office has removed this reference.

In response to comments that clauses (a) and (b) should take into account the fact that risks may emerge not only from use but also from exposure, the Office has replaced the words “for occupational use” with “to which workers could be exposed in the course of their work”.

In response to requests for clarification of “international requirements concerning the transport of hazardous goods”, the Office has replaced this wording with references 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. The amended text is included as point 15 of the proposed Conclusions.

Emergency preparedness and anticipation of hazards and risks

Question 20

Should the instrument or instruments provide that the national policy should include measures to ensure preparedness for and effective management of national health emergencies and anticipation of new or emerging biological hazards and risks in the working environment?

Governments

Total number of replies: 84 Yes: 74 No: 7 Other: 3

Comments

Austria, Switzerland: The areas of public health and occupational safety and health should be separate. A national policy on biological agents should include measures to ensure anticipation of new or emerging biological hazards in the working environment, but not preparedness for national health emergencies.

Belgium: A general monitoring system of the incidence of different biological agents/diseases per economic sector or subsector could be envisioned.

Bulgaria: Measures for emerging biological hazards and national emergencies should be separate in the instrument.

Cyprus, Portugal: The instrument should clearly differentiate societal emergency preparedness/public health and workplace biological hazards.

Finland: Public health and occupational safety and health should remain separate, but preparedness for health threats/emergencies could be addressed in the Recommendation. Account should be taken of the WHO instrument on pandemic prevention, preparedness and response.

Germany: Early detection of public health emergencies is the responsibility of the WHO. The instrument should refer specifically to reporting laboratory accidents that may trigger an outbreak.

Japan: National health emergencies are beyond the scope of occupational safety and health.

Netherlands: Pandemic preparedness and rapid response operational systems and infrastructure to combat unknown biological threats are important.

Poland: All ILO Member States should prepare for health emergencies and emerging biological hazards.

Spain: Setting national health emergency criteria corresponds to international, European or national public health policies.

Employers

Total number of replies: 40 Yes: 34 No: 4 Other: 2

Comments

ALEB: Collaborative efforts with relevant stakeholders are essential for developing measures that ensure preparedness for and effective management of national health emergencies. Guidelines should give clear direction on collaborative methods, and robust reporting systems should alert promptly the health/public health ministry about potential outbreaks.

BDA, CIP, CIU, CCSU, DA, IOE, SEV, SN, UCCAEP, USCIB, UIA: The instrument should clearly differentiate societal emergency preparedness/public health and workplace biological hazards.

CNI: Public health authorities should establish protocols for health emergencies to assist employers.

CNP: Implement a crisis management contingency plan in all companies.

CNS: The national authority must establish action protocols for emergencies, in collaboration with employers, workers and their representatives, applicable to the different government authorities responsible.

Workers

Total number of replies: 90 Yes: 88 No: 1 Other: 1

Comments

ACTU, APE, CETU, CFTD, CGT-FO, CNV, DGB, FENPRUSS, FENTAP, FNV, GSEE, GWU, ITUC, JTUC-RENGO, SUNEPSAS, UGT-CEC, VIDA: There should be a clear delineation of responsibilities of competent authorities and employers, and the rights of workers, as well as explicit requirements for emergency and pandemic preparedness.

BAK: Networking and cooperation at the national and international levels on research is a key priority for the anticipation of hazards and risks.

CNTT, CSTT, GSA: Implement a crisis management contingency plan in all companies, including small and medium-sized enterprises/industries.

Office commentary

This proposal has overwhelming support from all three respondent groups. However, the support of several governments and employers' organizations is accompanied by concerns regarding potential overlaps in the responsibilities of public health and occupational safety and health and the need to prevent conflicts between them. The Office considers that this concern is addressed in the proposed Conclusions, in particular points 3(g), 11(a), and 12.

In response to several comments from the three groups emphasizing the importance of giving due attention to emergency preparedness and anticipation of hazards related to biological hazards at the national policy level, the Office has incorporated this concept in a new subclause of point 11(b):

[The national policy on biological hazards should take account of]

- (b)(ii) the need to develop 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;**

Question 21

Should the instrument or instruments provide that such measures should include:

- (a) the preparation or updating of regulations for the management of such emergencies?**
- (b) the establishment of early warning systems?**
- (c) the establishment of measures to be taken at the workplace and in the working environment in case of outbreaks of biological agent pandemics or epidemics?**
- (d) the establishment of mechanisms of coordination and information with public health authorities?**
- (e) national and international collaboration on research?**
- (f) provision for appropriate emergency human resources?**
- (g) the effective operation of healthcare facilities and essential services?**
- (h) material preparedness?**
- (i) collaboration between relevant public health, water and waste, occupational health and veterinary health authorities, and other partners?**
- (j) rapid response systems in public health and real-time communication of expert advice to prepare for and manage outbreaks?**
- (k) training of occupational health service providers on potential biological hazards, supported by clinical or laboratory-based surveillance?**

Governments

- | | | | |
|-----|-----------------------------|---------|----------|
| (a) | Total number of replies: 75 | Yes: 71 | Other: 4 |
| (b) | Total number of replies: 76 | Yes: 71 | Other: 5 |
| (c) | Total number of replies: 77 | Yes: 73 | Other: 4 |

(d)	Total number of replies: 77	Yes: 74	Other: 3
(e)	Total number of replies: 75	Yes: 72	Other: 3
(f)	Total number of replies: 71	Yes: 65	Other: 6
(g)	Total number of replies: 71	Yes: 67	Other: 4
(h)	Total number of replies: 68	Yes: 63	Other: 5
(i)	Total number of replies: 77	Yes: 73	Other: 4
(j)	Total number of replies: 76	Yes: 71	Other: 5
(k)	Total number of replies: 72	Yes: 68	Other: 4

Comments

Australia: Incorporate measures on emergency preparedness in the instrument(s). In (d), clarify who is coordinating with and providing information to public health authorities.

Austria: Should remain the responsibility of the public health authorities alone, but OSH, public health and other relevant authorities should exchange information during crises.

Belgium: In (b), consider specific systems for high-risk sectors or occupations.

Bulgaria: (b) could concern early warning of emerging risks in the work environment, or of an emerging epidemic. (e) is outside the scope of OSH. In (k), "supported by clinical or laboratory observation" is redundant.

Finland: Should be in a Recommendation. Account should be taken of ongoing WHO negotiations.

Germany: From an OSH perspective: in (b), there is a need for a population-wide early warning system; (d) only makes sense if (i) is not adopted; (f) belongs to (c); (g) is the most relevant: occupational health and safety in critical infrastructure companies; (h) is important, but difficult due to limited storage capacity and lack of international regulation; (i) should designate an interface, not regulate cooperation; (j) is relevant if release of biomaterials requires immediate action to prevent spread.

Trinidad and Tobago: An important key partner would be the national disaster management agency.

Employers

(a)	Total number of replies: 36	Yes: 32	Other: 4
(b)	Total number of replies: 36	Yes: 33	Other: 3
(c)	Total number of replies: 36	Yes: 33	Other: 3
(d)	Total number of replies: 37	Yes: 34	Other: 3
(e)	Total number of replies: 35	Yes: 32	Other: 3
(f)	Total number of replies: 36	Yes: 33	Other: 3
(g)	Total number of replies: 31	Yes: 28	Other: 3
(h)	Total number of replies: 35	Yes: 32	Other: 3
(i)	Total number of replies: 35	Yes: 32	Other: 3
(j)	Total number of replies: 36	Yes: 33	Other: 3
(k)	Total number of replies: 35	Yes: 32	Other: 3

Comments

ALEB: Collaboration and coordination mechanisms should be clearly defined by national policies.

CNI: Pandemic measures fall under public health, not labour relations.

CNP: Need for good preparation, management and anticipation of the impact of biological hazards in health emergencies.

Workers

(a)	Total number of replies: 83	Yes: 81	Other: 2
(b)	Total number of replies: 82	Yes: 80	Other: 2
(c)	Total number of replies: 84	Yes: 83	Other: 1
(d)	Total number of replies: 82	Yes: 80	Other: 2
(e)	Total number of replies: 81	Yes: 79	Other: 2
(f)	Total number of replies: 81	Yes: 79	Other: 2
(g)	Total number of replies: 82	Yes: 81	Other: 1
(h)	Total number of replies: 80	Yes: 78	Other: 2
(i)	Total number of replies: 78	Yes: 76	Other: 2
(j)	Total number of replies: 81	Yes: 78	Other: 3
(k)	Total number of replies: 84	Yes: 82	Other: 2

Comments

ALU-TUCP, ANMF-NSW, ACTU, APE, CIG, CNV, FNV, FENTAP, GSEE, GWU, ITUC, UFCW, IUF, TUC, TUCP, PSI, UGT-CEC, VIDA: Should be in consultation with employers and workers and their organizations. Plans should ensure adequate and suitably trained and qualified experts and capabilities, including necessary equipment and staff, subject to a recognition of the right of workers to refuse unsafe work. Support should be provided for employers, workers and workers' organizations, as the great majority of workplaces have little or no access to occupational health service providers.

Akava, SAK, STTK: Need for an explicit mention of PPE. There should be no form of forcing healthcare professionals to work.

BAK: Need for standards on occupational safety and health to be already enshrined in law and for targeted, proven measures on hazard prevention that can be immediately applied in emergencies. Networking and cooperation at the national and international levels on research should be a key priority for the anticipation of hazards and risks.

CGT-FO, FENPRUSS, SUNEPS-SAS: (a): The definition of emergencies should be broad. (c): Employers and workers and their organizations should be consulted. (f): Clarify what resources, by whom and for what purpose. (g): Require fundamental rights of workers to apply to healthcare and essential services. In (k), add support for employers, workers and workers' organizations. Establish the relevance of these measures to the world of work and clarify the role of the different actors.

UGT (P): Defining measures, including emergency plans and training, for the preparation and management of health emergencies is essential to deal with unexpected situations involving biological risks.

Office commentary

The three respondent groups largely support all proposals under question 21.

In the light of the replies received, the Office notes that a number of comments have been addressed in the Office commentary and included in the proposed Conclusions, as appropriate. The Office recalls that further proposals can be considered at a later stage of the proceedings.

On the basis of a comment from one government that these proposals are better suited for a proposed Recommendation, the Office has moved them to point 34 of the proposed Conclusions.

Measures for specific sectors and groups of workers

Question 22

Should the instrument or instruments provide that Members should develop, in consultation with the most representative organizations of employers and workers, specific measures and guidance for workers in sectors, occupations and work arrangements in which they are more exposed to biological hazards, such as:

- (a) workers in healthcare and laboratories;
- (b) agricultural workers (including in the animal, vegetable and grain sectors);
- (c) workers in the waste sector;
- (d) cleaners and maintenance workers;
- (e) humanitarian workers;
- (f) platform workers;
- (g) temporary workers;
- (h) workers in the informal economy;
- (i) migrant workers?

Governments

(a)	Total number of replies: 82	Yes: 77	Other: 5
(b)	Total number of replies: 80	Yes: 73	Other: 7
(c)	Total number of replies: 82	Yes: 76	Other: 6
(d)	Total number of replies: 78	Yes: 71	Other: 7
(e)	Total number of replies: 72	Yes: 62	Other: 10
(f)	(Total number of replies: 66	Yes: 46	Other: 20
(g)	Total number of replies: 72	Yes: 62	Other: 10
(h)	Total number of replies: 69	Yes: 52	Other: 17
(i)	Total number of replies: 72	Yes: 57	Other: 15

Comments

Algeria, Belgium, Mexico: All workers at risk should be included.

Australia: Supportive of (a)–(e), but (f)–(i) should be removed.

Bulgaria: Workers under (f)–(i) are not exposed to greater risks of biohazards but may be more vulnerable due to a lack of or insufficient awareness or inadequate protection.

Cyprus: (a)–(e): The actual exposure depends on the outcome of the risk assessments and preventive measures taken. Strongly opposes the inclusion of (f)–(i).

Finland: (f)–(g): High-risk categorization not clear.

Germany: (a)–(d) should be listed in a Convention, but (e)–(i) could be listed in a Recommendation as “persons with an increased risk of infection compared to the general population”.

Poland: (a), (c), (d) and (e): Specific measures coupled with a risk analysis. (b): There should be an emphasis on industrial animal husbandry. (f) and (g): Access provided to the same system of healthcare as those under other types of contracts. (h): Specific guidance will be ineffective because of the inability to supervise compliance. (i) Special guidance must consider linguistic barriers.

Portugal: Special measures should depend on the sector, not the employment relationship.

Trinidad and Tobago: Opposes (f)–(i).

Employers

(a)	Total number of replies: 40	Yes: 37	Other: 3
(b)	Total number of replies: 36	Yes: 33	Other: 3
(c)	Total number of replies: 39	Yes: 36	Other: 3
(d)	Total number of replies: 37	Yes: 34	Other: 3
(e)	Total number of replies: 33	Yes: 29	Other: 4
(f)	Total number of replies: 29	Yes: 12	Other: 17
(g)	Total number of replies: 30	Yes: 13	Other: 17
(h)	Total number of replies: 29	Yes: 11	Other: 18
(i)	Total number of replies: 29	Yes: 11	Other: 18

Comments

ANDI: Opposed to including (f), (g), (h) and (i), as exposure is not linked to employment or contractual agreements, but to the nature of the work.

BDA, BE, CIP, CIU, CCSU, EV, IOE, KEF, MKB, SN, UCCAEP, VNO-NCW: (a)–(e): Actual exposure depends on risk assessments including prevention measures taken. (f)–(i): Strong opposition, as exposure is not linked to any work/contractual arrangement.

DA: In the chapeau, the reference to “guidance” is sufficient; delete “specific measures”.

Workers

(a)	Total number of replies: 88	Yes: 86	Other: 2
(b)	Total number of replies: 87	Yes: 83	Other: 4
(c)	Total number of replies: 89	Yes: 86	Other: 3
(d)	Total number of replies: 86	Yes: 81	Other: 5
(e)	Total number of replies: 86	Yes: 81	Other: 5
(f)	Total number of replies: 82	Yes: 74	Other: 8
(g)	Total number of replies: 83	Yes: 77	Other: 6
(h)	Total number of replies: 82	Yes: 76	Other: 6
(i)	Total number of replies: 83	Yes: 77	Other: 6

Comments

ACTU, ANMF-NSW, APE, CAT, CGT-FO, CNV, FENTAP, FENPRUSS, FNV, GSEE, GWU, ITUC, IUF, LO, KCTU, PSI, RCN, SACO, SUNEP-SAS, TCO, TUCP, UFCW, UGT-CEC, UGT-SP, VIDA: Yes, but the instrument applies to all workers in all sectors. Several high-risk sectors are missing.

Akava, SAK, STTK: This should not be a closed list.

CGT (A): Temporary workers, workers in the informal economy and migrant workers are not economic activities.

CGTP: Workers not usually exposed only need special measures in general health emergencies.

Office commentary

The three respondent groups overwhelmingly support proposals (a)–(e), but there is very limited support from employers' organizations for (f)–(i).

Workers' organizations made a number of proposals to extend the list to include other categories of workers; however, in the absence of substantial justification, the Office has not included them in the proposed Conclusions at this stage. The Office recalls that further proposals can be considered at a later stage of the proceedings.

In the light of the replies received and in response to several comments from governments and employers' organizations underscoring the need for well-executed risk assessments and tailored preventive measures, and several comments from workers' organizations that the priority is that all at-risk workers are covered, the Office has included the chapeau of question 22 in point 16 of the proposed Conclusions with a view to a Convention, complemented by a point in the proposed Conclusions with a view to a Recommendation (point 35) with a list of the sectors and occupations proposed in (a)–(f) of question 22.

Question 23

Should the instrument or instruments provide that Members should develop guidance addressing the needs of specific groups, such as pregnant and breastfeeding women; young workers; older workers; workers with disabilities; and workers medically predisposed to infections or allergies, including immunosuppressed workers?

Governments

Total number of replies: 83 Yes: 73 No: 8 Other: 2

Comments

Australia: Identifies the importance of individual risk assessment and suggests managing risks accordingly.

Austria: Primarily for pregnant and breastfeeding women and young workers, otherwise only where necessary.

Costa Rica: It is necessary to prepare guidelines based on education levels and vulnerable groups such as pregnant women, breastfeeding women and young workers.

Cyprus: Specific groups should be a factor in risk assessment.

Finland: This provision could be made more flexible by adding “where appropriate”.

Germany: Useful, but expand to include disadvantaged groups and people at risk from their social situation (such as migrants and women) and people particularly at risk from infections (immunocompromised, chronically ill and disabled people).

Greece: Yes, and individual risk assessments should consider medical recommendations.

Poland: Yes, particularly important for those ILO Member States lacking appropriate healthcare for these groups. Expand to include workers with chronic diseases.

United States: Guidance should not result in discrimination against specific groups.

Employers

Total number of replies: 40 Yes: 29 No: 8 Other: 3

Comments

ANDI, BDA, BE, CIU, CCSU, IOE, SEV, SN: Prefer not to list specific groups to ensure exhaustiveness, but they can be referred to as factors in risk assessments.

CEOE, CEPYME: Guidance must be based on sound scientific criteria. “Medically predisposed” represents a tendency, not a certainty, and the instrument must be developed within the framework of legal certainty.

KEF: Yes, but subject to national law and practice.

USCIB: The text should only refer to specific groups as a factor for risk assessment.

Workers

Total number of replies: 91 Yes: 87 No: 1 Other: 3

Comments

ACTU, ALU-TUCP, ANMF-NSW, APE, CETU, CFDT, CNV, DGB, FENPRUSS, FENTAP, FNV, GSEE, GWU, ITUC, IUJ, JTUC-RENGO, KCTU, PSI, SUNEP-SAS, TUCP, UFCW, UGT-CEC, VIDA: Protection is needed for at-risk groups, but privacy and employment protections are necessary to avoid discrimination, disadvantaging or exclusion of affected workers.

Akava, SAK, STTK: Workers with chronic diseases or conditions should be included.

BAK: Include pre-existing illnesses, medications or a weakened immune system.

IUF: Protections are required for at-risk groups but must be associated with employment and privacy protections to prevent discriminatory practices on the grounds of health/disability, gender or race.

UGT-SP: Provided that they are effective and do not contribute to discrimination.

Office commentary

This proposal has overwhelming support among governments and workers' organizations, but limited support from employers' organizations. While the majority of governments and workers' organizations agree that guidance and special measures may be necessary for certain at-risk categories of workers, there is less agreement on which categories should be included. Employers' organizations and one government express a preference not to include a list of specific groups as it might not be exhaustive, and instead propose to refer to specific groups as factors to consider in risk assessments; one government proposes to consider medical recommendations from healthcare professionals in the assessment.

In view of the replies received and acknowledging that health services, both occupational and general, vary in development across countries, the Office has included a general provision in the proposed Conclusions, as a clause of the previous point, to read:

- (b) workers with certain conditions who may require special protection, taking into account the need to ensure that such measures should not result in discrimination or contribute to occupational segregation.**

The Office has also complemented this provision with a point in the proposed Conclusions with a view to a Recommendation (point 36) containing a non-exhaustive list of the categories of workers with certain conditions that may require special protection referred to in question 23, with the addition of "workers in need of protection due to their social situation and multiple disadvantages".

Question 24

Should other sectors or groups of workers be mentioned? If so, please specify.

Governments

Total number of replies: 81 Yes: 40 No: 39 Other: 2

Comments

Argentina: Funeral services, burial and exhumation workers, and morgues.

Armenia: Work in metal-processing, the mining industry and high humidity.

Azerbaijan: Fishing, forestry, food industry.

Belgium: Social assistance work; emergency assistance and penal institutions; office workers; workers who come into frequent and close contact with other persons.

Cuba: Workers who work in basements, false ceilings.

Czechia: Pharmaceutical and wastewater treatment sectors.

Germany: Critical infrastructure where workers must remain operational during crises.

Greece: Animal handlers and veterinary clinics; research facilities; emergency responders and fire fighters; paramedics.

Indonesia: Construction, manufacturing, agriculture, plantations, transportation and apprentices.

Italy: Slaughterhouses.

Mauritius: Workers in the tourism sector.

Netherlands: Students and trainees, self-employed workers and cross-border workers.

Portugal: Self-employed workers and other workers such as courier or delivery services, public transport and so on.

Republic of Korea: Workers exposed to moulds or microorganisms, construction labourers and wood processing workers, workers who provide in-person services, workers working in a closed, crowded space or multi-use facilities.

Türkiye: Recycling sector; employees and academics working in biological sciences.

United States: Emergency response workers, workers in correctional facilities, homeless shelters, drug treatment programmes, some transport workers as well as workers in coroners' offices, medical examiners and mortuaries.

Employers

Total number of replies: 36 Yes: 5 No: 28 Other: 3

Comments

KPP: Employers of workers classified in occupational risk groups should carry out specific occupational risk assessments and take preventive measures regardless of the occurrence of local/national/worldwide epidemiological risk states.

Workers

Total number of replies: 79 Yes: 60 No: 17 Other: 2

Comments

ACTU, ANMF-NSW: Specific needs of women should be considered, due to the lack of appropriately fitting PPE for healthcare workers, who are predominantly women.

APE, AKAVA, CETU, CFDT, DGB, FENPRUSS, FENTAP, FNV, GSEE, GWU, ITUC, IUF, JTUC-RENGO, PSI, SAK, STTK, SUNEP-SAS, TUCP, UGT-CEC, UFCW, VIDA: The highest priority is that the instrument applies to all workers in all sectors.

BAK: All workers who come into intensive contact with customers, clients and schoolchildren.

CGT-FO: Protections for at-risk groups must be combined with employment and privacy protections to prevent discriminatory practices based on health/disability, gender or ethnicity.

NATUC: Workers in the informal sector and workers who are unregulated should be mentioned.

NUBE: Frontline workers in the service industry.

Office commentary

This proposal is largely supported by workers' organizations, while governments expressed mixed support and employers' organizations largely oppose it. Several governments and workers' organizations propose including references to additional sectors or groups of workers.

In response to the replies received, the Office notes that the non-exhaustive list in point 35 in the proposed Conclusions with a view to a Recommendation already allows for the introduction of additional specific sectors and occupations where workers are at a higher risk of exposure as necessary, and has therefore not introduced any further regulation on this point.

Question 25

Should the instrument or instruments provide that, in developing specific measures and guidance, Members should take due account of available, internationally agreed technical and practical guidance developed by the International Labour Organization and other international organizations regarding the management of biological hazards?

Governments

Total number of replies: 84 Yes: 82 No: 2 Other: 0

Comments

Australia: Guidance should be principle-based and adaptable to the industry and Member States. Measures should be evidence-based and responsive to new information.

Belgium: Yes, if these measures increase worker protection above the (minimal) standards already in place.

Botswana: Focus on ILO instruments, as opposed to private standards or certification systems or vague references to "other international organizations".

Finland: Yes, but limiting it to non-legally binding guidance in the Recommendation.

Germany: List it in the present context to avoid checking in different documents.

Netherlands: There is need for a uniform international approach, given the nature of biological agents.

United Kingdom: Yes, if "take due account" means the same as "consider".

Employers

Total number of replies: 40 Yes: 34 No: 4 Other: 2

Comments

COPARMEX: All technical standards are strengthened by international conventions that are drawn up with the participation of experts from each Member State.

MEDEF: Yes, as long as we are within the framework of a Recommendation.

Workers

Total number of replies: 90 Yes: 88 No: 0 Other: 2

Comments

ACTU, ALU-TUCP, ANMF-NSW, APE, CETU, CFDT, CNV, DGB, FENTAP, FNV, GSEE, GWU, ITUC, IUF, JTUC-RENGO, KCTU, NATUC, PSI, SUNEP-SAS, UGT-CEC, UGT-SP, UFCW, VIDA: Focus on ILO instruments, as opposed to private standards or certification systems or vague references to “other international organizations”.

FENPRUSS: Instruments should primarily focus on ILO guidelines; others can be soft alternatives for specific sectors.

Office commentary

All three groups overwhelmingly support this point. However, most workers’ organizations and one government request that the focus should be on ILO instruments rather than private standards or certification systems.

In the light of the replies received, and taking into account the comment made under question 7 regarding ILO-OSH 2001, the Office has included the following amended text in the proposed Conclusions with a view to a Recommendation:

37. When developing measures and guidance for the management of occupational safety and health regarding biological hazards in the working environment, Members should take due account of relevant internationally agreed technical and practical guidance developed by the International Labour Organization and other competent organizations and promote a management systems approach to occupational safety and health, such as the approach set out in the Guidelines on occupational safety and health management systems (ILO-OSH 2001).

Occupational health and occupational health services

Question 26

Should the instrument or instruments provide that, in taking preventive and protective measures regarding biological hazards in the working environment, Members should:

- (a) take due account of the need to promote occupational health?
- (b) progressively extend occupational health services to all workers in all branches of economic activity and all undertakings, in line with the Occupational Health Services Convention (No. 161) and Recommendation (No. 171), 1985?
- (c) ensure the coordination and efficient use of national health and labour infrastructures, expertise and resources for the provision of occupational health services to workers?

Governments

- (a) Total number of replies: 78 Yes: 76 Other: 2
- (b) Total number of replies: 77 Yes: 71 Other: 6
- (c) Total number of replies: 77 Yes: 75 Other: 2

Comments

Namibia: It is essential to extend occupational health services to all economic branches to promote medical surveillance and coordinate efficient resource mobilization and service delivery with the national system.

Poland: (b) is particularly crucial for ILO Member States where certain groups of workers lack access to occupational health services.

Finland, Jamaica, Japan, Lesotho, United States: (b) is acceptable in a non-binding instrument or with the qualifier “as appropriate”.

Netherlands: These are necessary provisions, especially in cases of unknown biological hazards.

Employers

(a)	Total number of replies: 38	Yes: 22	Other: 16
(b)	Total number of replies: 33	Yes: 16	Other: 17
(c)	Total number of replies: 34	Yes: 17	Other: 17

Comments

ANDI, BDA, BE, CIP, CCSU, CIU, CNI, DA, IOE, SEV, SN, UCCAEP, UIA: These elements are redundant, as the instrument should only cover elements directly related to biological hazards.

MKB, VNO-NSW: These elements apply to all hazards, not specifically to biological hazards.

Workers

(a)	Total number of replies: 84	Yes: 83	Other: 1
(b)	Total number of replies: 87	Yes: 86	Other: 1
(c)	Total number of replies: 83	Yes: 82	Other: 1

Comments

ACTU, ALU-TUCP, ANMF-NSW, APE, CETU, CFDT, CNV, DGB, FENPRUSS, FENTAP, FNV, GSEE, GWU, ITUC, IUF, JTUC-RENGO, KCTU, PSI, SUNEP-SAS, TUCP, UGT-CEC, UFCW, VIDA: In (a), add “and safety” after “occupational health”.

Office commentary

This proposal has overwhelming support from governments and workers’ organizations, but divided support from employers’ organizations.

In response to comments from several governments, the Office clarifies that while the obligation to implement Convention No. 161 pertains exclusively to Members that have ratified that instrument, all Members have an obligation to promote the principles of Convention No. 187, as it is a fundamental Convention, including progressively developing their national occupational safety and health systems.

Taking into account the replies received, the Office has removed the text under (a) as it is implicit in clause (b). It has also deleted the references to ILO instruments and provided that particular attention should be given to the needs of the groups of workers referred to in the previous point and complemented by points 35 and 36. The Office has also emphasized the promotional aim of clause (c) by replacing the word “ensure” with “facilitate”, and has added “in

relation to biological hazards in the working environment” at the end of clause (c). It has included the amended text as point 17 of the proposed Conclusions.

Data collection, recording and notification of occupational accidents and diseases

Question 27

Should the instrument or instruments provide that the competent authority should establish, implement and regularly review, in the light of national conditions and in consultation with the most representative organizations of employers and workers, procedures for:

- (a) the reporting, recording, notification and investigation of occupational diseases, accidents and, as appropriate, dangerous occurrences, caused by biological hazards in the working environment?
- (b) the production and publication of annual statistics on occupational diseases, accidents and, as appropriate, dangerous occurrences, caused by biological hazards in the working environment?
- (c) the holding of inquiries for cases of serious occupational accidents, occupational diseases or any other injuries to health caused by exposure to biological hazards in the working environment?
- (d) the annual publication of information on measures taken under the national occupational safety and health policy which address exposure to biological hazards in the working environment?

Governments

- | | | | |
|-----|-----------------------------|---------|-----------|
| (a) | Total number of replies: 83 | Yes: 81 | Other: 2 |
| (b) | Total number of replies: 77 | Yes: 74 | Other: 3 |
| (c) | Total number of replies: 77 | Yes: 73 | Other: 4 |
| (d) | Total number of replies: 74 | Yes: 64 | Other: 10 |

Comments

Austria: In (c), a separate system for inquiries into such accidents and occupational diseases is unnecessary.

Australia: Clause (c) should include the caveat “if deemed preventable”, as not all biological exposures are. Clarify the term “inquiries” and the extent to which this would include diseases caused by biohazards. For (d), further consideration may be required regarding the value of, and ability for Member States to meet, annual reporting of data that specifies particular biological hazards.

Belgium: A general monitoring system of the incidence of different biological agents/diseases per economic sector or subsector could be envisioned to inform occupational safety and health policy.

Germany: In (b), if the countries can do so, this informs the necessary protective measures. For (c), if (b) is not possible, the investigations should be carried out at least for severe cases.

Norway: Yes, but it should not be a separate system.

Poland: Measures should be taken to ensure appropriate post-exposure treatment and to observe possible delayed health effects.

Türkiye: Consideration should be given to the need to keep health records for many years due to the latency periods of some diseases.

Employers

- | | | | |
|-----|-----------------------------|---------|-----------|
| (a) | Total number of replies: 37 | Yes: 18 | Other: 19 |
| (b) | Total number of replies: 36 | Yes: 18 | Other: 18 |
| (c) | Total number of replies: 36 | Yes: 18 | Other: 18 |
| (d) | Total number of replies: 35 | Yes: 16 | Other: 19 |

Comments

BDA, BE, CCSU, CIP, CIU, CNI, DA, IOE, SEV, SN, UCCAEP, UIA, UPS, USAM, USCIB: These requirements are in the Protocol of 2002 to Convention No. 155. There is no need to have them in an instrument specific to biological hazards.

Workers

- | | | | |
|-----|-----------------------------|---------|----------|
| (a) | Total number of replies: 89 | Yes: 89 | Other: 0 |
| (b) | Total number of replies: 84 | Yes: 84 | Other: 0 |
| (c) | Total number of replies: 83 | Yes: 82 | Other: 1 |
| (d) | Total number of replies: 84 | Yes: 83 | Other: 1 |

Comments

ACTU, ALU-TUCP, ANMF-NSW, APE, CEN-SUNPAS, CETU, CFDT, CGT-FO, CGTP, CNV, DGB, FENTAP, FNV, GSEE, GWU, ITUC, IUF, JTUC-RENGO, KCTU, UGT-CEC, PSI, TUCP, VIDA: Introduce an explicit reference to the Protocol of 2002 to Convention No. 155, a fundamental Convention. Data collection, recording and notification of occupational accidents and diseases should be included in the Convention.

BAK: Every worker must be granted access to the data and records that concern them. National authorities should store data for at least 40 years.

AFL-CIO: A biological disease surveillance system would make a significant difference in identifying and controlling biological hazards.

CGT(C): Monitoring and evaluation mechanisms should be established in companies for compliance with this measure.

CNTT, CSTT, GSA: Need to strengthen the health information system in terms of occupational safety and health. Provide support for monthly or annual declaration of workplace accidents.

FENPRUSS: The competent authority must have the obligation to keep the information updated so that preventive measures are improved.

Office commentary

This proposal is largely supported by governments and workers' organizations but has limited support from employers' organizations.

In response to the comment from a large group of employers' organizations that these provisions are already regulated in the Protocol of 2002 to Convention No. 155, the Office notes that the Protocol has so far been ratified by only a limited number of ILO Member States, and that this subject matter is of particular relevance to biological hazards in the working environment.

In response to the proposal from a large group of workers' organizations to include an explicit reference to the relevance of the Protocol of 2002 to Convention No. 155, the Office notes that a reference has been included in point 3(d) of the proposed Conclusions.

In response to individual proposals from governments and workers' organizations for additional monitoring and surveillance systems, the Office invites the proponents to resubmit their proposals at a later stage of the proceedings with clarifications on their intended purpose and function in the context of the instruments.

In response to the comments from several governments questioning the need to have a separate reporting system for infectious diseases or for workplaces, the Office notes that the objective is to integrate the production and publication of annual statistics on occupational diseases, accidents and, where appropriate, dangerous occurrences, caused by biological hazards in the working environment with the production and publication of other national statistics.

In the light of the replies received, the Office has included the text as point 18 of the proposed Conclusions, with minor adjustments for clarity.

In response to comments from several governments and one workers' organization regarding the particular importance not only of recording occupational accidents and diseases, but also of maintaining such records over time, as provided in Article 3 of the Protocol of 2002, the Office has included the following point in the proposed Conclusions with a view to a Recommendation:

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

Question 28

Should the instrument or instruments provide that Members should:

- (a) include occupational diseases caused by exposure to biological hazards in their national list of occupational diseases?**
- (b) periodically review the list in the light of recent scientific developments?**
- (c) take into consideration relevant international standards, including the List of Occupational Diseases Recommendation, 2002 (No. 194)?**

Governments

- | | | | |
|-----|-----------------------------|---------|----------|
| (a) | Total number of replies: 82 | Yes: 79 | Other: 3 |
| (b) | Total number of replies: 81 | Yes: 78 | Other: 3 |
| (c) | Total number of replies: 76 | Yes: 73 | Other: 3 |

Comments

Germany: This is desirable, but should not result in an obstacle to ratification.

Namibia: It is important to provide for regular review and update of the list of occupational diseases to include new or emerging biological hazards.

Philippines: All are essential in the mapping of biological hazards.

United States: (c) should include the qualifier “as appropriate”.

Employers

- | | | | |
|-----|-----------------------------|---------|-----------|
| (a) | Total number of replies: 33 | Yes: 14 | Other: 19 |
| (b) | Total number of replies: 37 | Yes: 19 | Other: 18 |
| (c) | Total number of replies: 33 | Yes: 15 | Other: 18 |

Comments

BE, CIP, CIU, CNI, DA, IOE, SEV, SN, UCCAEP, UIA: There is no need to have these requirements in an instrument regarding biological hazards.

CEOE, CEPYME: In accordance with national law and practice and in consultation with the social partners.

Workers

- | | | | |
|-----|-----------------------------|---------|----------|
| (a) | Total number of replies: 87 | Yes: 85 | Other: 2 |
| (b) | Total number of replies: 82 | Yes: 80 | Other: 2 |
| (c) | Total number of replies: 83 | Yes: 82 | Other: 1 |

Comments

ACTU, ANMF-NSW, APE, CATP, CETU, CFDT, CGT (A), CGT-FO, CNTT, CSTT, CNV, DGB, FENPRUSS, FENTAP, FNV, GSA, GSEE, GWU, ITUC, IUF, JTUC-RENGO, KCTU, PSI, SUNEP-SAS, TUCP, UGT-CEC, UGT-SP, UNTC-CS, VIDA: These systems should allow for the timely updating of lists to recognize new or emerging risks.

CGTP: These provisions should be mandatory.

Office commentary

This proposal is largely supported by governments and workers' organizations but has limited support from employers' organizations.

In response to comments from several workers' organizations and one government that these systems should allow for the timely updating of lists to recognize new or emerging risks, and the comments from several employers' organizations that the updating of such lists should be carried out in consultation with the most representative organizations of employers and workers in accordance with national conditions and practice, the Office has amended the point 28 to refer to the updating of the lists and the necessary consultations. The reference to relevant international standards has been retained, but the specific reference to Recommendation No. 194 has now been placed in a new point 39 in the proposed Conclusions with a view to a Recommendation.

The following amended text has been included as point 19 of the proposed Conclusions:

19. The competent authorities should, in keeping with relevant international standards and scientific developments and in consultation with the most representative organizations of employers and workers:
- (a) periodically review the national lists of occupational diseases for the purposes of prevention, recording, notification and, if applicable, compensation;
 - (b) update these lists, as may be necessary, to include any disease where a direct link is established scientifically, or determined by methods appropriate to national conditions and practice, between the exposure to biological hazards in the working environment and the disease.

Employment injury benefits

Question 29

Should the instrument or instruments provide that workers who have been injured or incapacitated by biological hazards in the working environment, or have contracted illnesses or diseases caused, impacted or exacerbated by such biological hazards, should be entitled to employment injury benefits or compensation, in accordance with national law and practice?

Governments

Total number of replies: 83 Yes: 79 No: 3 Other: 1

Comments

Australia: The instrument(s) should make clear there needs to be a causal connection between injury/illness and work.

Belize: The instrument should include a provision for the submission and review of medical history.

Botswana: Introduce an explicit reference to the Employment Injury Benefits Recommendation, 1964 (No. 121).

Burundi: The instrument(s) should provide that governments or social insurance bodies, in collaboration with social partners, should recognize and progressively extend coverage for diseases and health problems resulting from workplace exposure to biological hazards.

Colombia: Include continuous support during required treatment or isolation.

Cuba: Define governmental powers in deciding treatment methods to protect against violations by the parties.

Cyprus: No, as provided in the Technical Guidelines, a clear and direct causal link between illness/disease and exposure at work needs to be drawn.

France, Germany, Namibia, Netherlands: Subject to national law and practice.

Hungary: Yes, if the occupational origin can be proven (causal relationship).

Mexico: Yes, this measure is relevant for repairing often irreversible damage.

Switzerland: Yes, but regardless of the cause, workers should be entitled to benefits or compensation. It is redundant to provide for a specific legal basis.

Employers

Total number of replies: 40 Yes: 20 No: 18 Other: 2

Comments

BDA, BE, CIP, CIU, CCSU, DA, IOE, MEDEF, MKB, SEV, SN, UCCAEP, UIA, UPS, USCIB, VNO-NCW: No, as provided in the Technical Guidelines, there is a need for a clear and direct causal link between illness/disease and exposure at work.

COPARMEX: Yes, but restricted to diseases contracted in the workplace (for example, silicosis in mines), and not elsewhere, such as in markets or public transportation.

KEF: There should be industrial accident insurance or compensation when there is a clear and direct link between illness/disease and exposure at work, aligned with national laws.

Workers

Total number of replies: 91 Yes: 89 No: 2 Other: 0

Comments

ALU-TUCP, ACTU, ANMF-NSW, APE, CETU, CFDT, CGT-FO, CNV, DGB, FENTAP, FNV, GSEE, GWU, ITUC, IUF, JTUC-RENGO, KCTU, SUNEP-SAS, TUCP, UGT-CEC, VIDA: Refer explicitly to ILO Convention No. 121.

Akava, SAK, STTK: If there is no national workers' compensation system for occupational diseases, Member States should ensure that employment injury/occupational diseases benefits are provided for workers exposed to biological hazards.

BAK: This should apply to all branches of economic activity and jobs without exceptions. It is necessary to relax the burden of proof in procedures concerning the determination of an occupational disease if it is probable that it was contracted at work.

CNTT, CSTT, GSA: There is a need for universal access to benefits and compensation for injuries or illnesses of occupational origin in the country.

FENPRUSS: It should be an obligation to compensate the worker.

NATUC: Benefits must be mandatory and compensate based on disability. The coverage should be extended to take care of the total injury and, more importantly, payments should continue until the worker is fit to return to work.

Office commentary

This proposal is overwhelmingly supported by governments and workers' organizations but has limited support from employers' organizations. The majority of the employers' organizations that oppose it propose to use the terminology of the Technical Guidelines to limit entitlement to employment injury benefits or compensation to illnesses recognized as occupational diseases. Several governments and employers' organizations call for the need for a causal link between illness/disease and exposure at work.

In view of the replies received, the Office has amended this point to read:

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

In response to comments from several workers' organizations that an explicit reference to Convention No. 121 should be included, the Office has included a reference to it and to Recommendation No. 121, along with the reference to Recommendation No. 194 discussed under question 28, in the proposed Conclusions with a view to a Recommendation as point 39.

Enforcement of laws and regulations

Question 30

Should the instrument or instruments provide that Members should ensure the enforcement of national laws and regulations concerning biological hazards in the working environment through an adequate and appropriate system of inspection and, where applicable, other mechanisms for ensuring compliance?

Governments

Total number of replies: 83 Yes: 81 No: 2 Other: 0

Comments

Eswatini: There is a preference for enforcement arrangements over self-regulation.

Mexico: Non-mandatory alternative mechanisms for regulatory compliance could be also considered, including self-assessment.

Netherlands: Supports enforcement by the authorities in accordance with the enforcement of other hazards, such as chemical hazards.

Poland: Expressed support, provided that the phrase "adequate and appropriate system of inspection" is clarified.

Employers

Total number of replies: 38 Yes: 18 No: 18 Other: 2

Comments

BDA, BE, CCSU, CIP, CIU, CNI, DA, IOE, MKB, SEV, SN, UIA, UCCAEP, USCIB, VNO-NCW: The instrument should only cover elements directly related to biological hazards.

Workers

Total number of replies: 90 Yes: 89 No: 0 Other: 1

Comments

ACTU, ALU-TUCP, ANMF-NSW, APE, CETU, CFDT, CGT-FO, CNV, DGB, FENTAP, FNV, GSEE, GWU, ITUC, IUF, JTUC-RENGO, KCTU, PSI, SUNEP-SAS, TUCP, UGT-CEC, VIDA: Inspection, enforcement and measures to secure compliance are requirements under Convention No. 155 and should be included.

CATP: The inspection system should be adequate and appropriate, with technical and economic autonomy and sufficient resources.

CGT-FO: Pursuant to ILO Convention No. 81, labour inspectors are permitted to take samples for pathogenic agents; however, this does not happen often in practice, as there are no laboratories certified to conduct this type of testing.

Office commentary

This proposal is overwhelmingly supported by governments and workers' organizations but has divided support from employers' organizations. The majority of the employers' organizations that oppose it propose that the instrument should only cover elements directly related to biological hazards.

In the light of the majority of replies received, the Office has included this text as point 21 of the proposed Conclusions.

In response to one comment requesting clarification of the meaning of "adequate and appropriate" labour inspection systems, the Office has included the following point in the proposed Conclusions with a view to a Recommendation mirroring Paragraph 5 of the Occupational Safety and Health Recommendation, 1981 (No. 164):¹⁵

40. The system of inspection provided for in the Convention should be guided by the provisions of the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129), without prejudice to the obligations thereunder of Members which have ratified these instruments.

Question 31

Should the instrument or instruments provide that the competent authority should ensure that labour inspectors and other competent officials, as appropriate, undergo specific training on biological hazards in the working environment?

Governments

Total number of replies: 83 Yes: 79 No: 4 Other: 0

Comments

Algeria, Namibia, Netherlands, Poland: Expressed support for specific training on biological hazards.

Brunei Darussalam, Jamaica: Propose that the ILO assist Member States in identifying and providing the training on biological hazards.

Bulgaria: The phrase "undergo specific training" should be replaced by "have the necessary training".

Japan, Mexico: Specific trainings on biological hazards could impose an excessive burden on those involved.

Employers

Total number of replies: 38 Yes: 20 No: 16 Other: 2

¹⁵ See also the 2009 General Survey, paras 96–104.

Comments

BDA, BE, CCSU, CIU, CNI, IOE, MEDEF, MKB, VNO-NCW, SEV, SN, UIA, UCCAEP, USCIB: Considering that a Recommendation is preferable, the issue under consideration is redundant.

Workers

Total number of replies: 90 Yes: 90 No: 0 Other: 0

Comments

ACTU, ANMF-NSW: In Australia during the COVID-19 pandemic, inspectors faced challenges as they often deferred safety decisions to the Department of Health. This resulted in a lack of decisive action to ensure the safety of healthcare workers, particularly when employers failed in their duties.

PSI: Public investments in terms of staff could help to ensure that inspections on biological hazards are properly conducted.

Office commentary

This proposal is overwhelmingly supported by governments and workers' organizations but has divided support from employers' organizations. Several workers' organizations emphasize the importance of addressing this issue within the instrument, drawing on experiences from events such as the COVID-19 pandemic. Two governments highlighted the potential need for ILO technical assistance in this regard. However, several employers' organizations oppose it, arguing that the instrument should exclusively cover elements directly related to biological hazards.

In the light of the majority of replies received, the Office has included this text as point 22 of the proposed Conclusions, with an adjustment to clarify that "as appropriate" refers to "other officials".

Question 32

Should the instrument or instruments provide that, in discharging their duties, labour inspectors should assess compliance with national laws and regulations requiring that effective occupational safety and health management systems regarding biological hazards in the working environment are in place?

Governments

Total number of replies: 83 Yes: 79 No: 3 Other: 1

Comments

Austria: Expressed support, provided that the phrase "occupational safety and health management systems" is replaced by "systematic organization of occupational safety and health".

Azerbaijan: The development and implementation of training manuals and training will improve the quality of assessment and verification of biological hazards in the workplace and reduce the likelihood of accidents and work-related injuries associated with biological hazards.

Bulgaria: Proposes to replace "occupational safety and health management systems" by "effective risk management", as the former term could be confused with existing standards and OSH management systems requiring certification.

Finland: Proposes to replace “occupational safety and health management systems” with “occupational safety and health management systems approach”.

Japan: Making occupational safety and health management systems compulsory at this stage may impose an excessive burden on those involved.

Netherlands: Expressed support, but only for situations where biological risks are high, and not in general.

Employers

Total number of replies: 38 Yes: 17 No: 18 Other: 3

Comments

BDA, BE, CCSU, CIP, CIU, CNI, IOE, MEDEF, MKB, SEV, UCCAEP, UIA, USCIB, VNO-NSW: The instrument should only cover elements directly related to biological hazards.

DA: The question presumes that national laws and regulations always require “effective occupational safety and health management systems”, which is often not the case, in particular with regard to small and micro companies. Also, referring to systems for health and safety management should be avoided, as they can easily be confused with actual management systems such as ISO 45001.

Workers

Total number of replies: 89 Yes: 89 No: 0 Other: 0

Comments

ACTU, ALU-TUCP, ANMF-NSW, APE, CETU, CFDT, CGT-FO, CNV, DGB, FENTAP, FNV, GSEE, GWU, ITUC, IUF, JTUC-RENGO, KCTU, PSI, SUNEP-SAS, TUC, TUCP, UGT-CEC: This provision should include a reference to the ILO occupational safety and health management systems.

Office commentary

This proposal is overwhelmingly supported by governments and workers’ organizations but has divided support from employers’ organizations. Several employers’ organizations oppose it based on their overall stance that the instrument should only cover elements directly related to biological hazards.

In response to several governments’ comments regarding “occupational safety and health management systems” and in line with the Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197), the Office proposes that a management systems approach should be promoted rather than required, and has therefore included the following text as a point in the proposed Conclusions with a view to a Recommendation:

- 41. In assessing compliance with national laws and regulations concerning biological hazards in the working environment, labour inspectors should promote a management systems approach to occupational safety and health.**

Question 33

Should the instrument or instruments provide that Members should apply adequate penalties for violations of national laws and regulations concerning biological hazards in the working environment?

Governments

Total number of replies: 83 Yes: 77 No: 5 Other: 1

Comments

Algeria: Proposes to start with training and information rather than penalties.

Australia: Penalties for violations of national laws should be in accordance with Member States' existing penalty and compliance frameworks.

Cyprus, Germany, Netherlands: This requirement should not be included in the instrument.

Eswatini: Expressed support, as penalties promote compliance.

Employers

Total number of replies: 40 Yes: 14 No: 22 Other: 4

Comments

BDA, BE, CCSU, CIP, CIU, CNI, DA, IOE, MEDEF, MKB, SEV, UCCAEP, UIA, USCIB, VNO-NCW: The instrument should only cover elements directly related to biological hazards.

CEOE, CEPYME, KEF: According to national law and practice.

Workers

Total number of replies: 88 Yes: 88 No: 0 Other: 0

Comments

ACTU, ALU-TUCP, ANMF-NSW, APE, CETU, CFDT, CNV, DGB, FENTAP, FNV, GSEE, GWU, ITUC, IUF, UGT-CEC, PSI, TUCP, UNTC-CS, VIDA: This requirement is envisaged in the Convention No. 155.

CATP: Sanctions to be applied must be dissuasive, both in amount and execution.

Office commentary

This point has overwhelming support from governments and workers' organizations. However, employers' organizations hold divided views, with a majority opposing. The opposition from several employers' organizations is rooted in their overall stance that the instrument should exclusively address elements directly associated with biological hazards. A large group of workers' organizations draws attention to similar provisions in Convention No. 155. Another workers' organization emphasizes the significance of penalties in the current context.

In the light of the majority of replies received, the Office has included this text as point 23 of the proposed Conclusions.

Duties and responsibilities of employers

General duties and responsibilities

Question 34

Should the instrument or instruments provide that employers should, so far as is reasonably practicable, take appropriate and necessary preventive and protective measures to ensure that biological substances and agents under their control are without risk to health?

Governments

Total number of replies: 84 Yes: 82 No: 2 Other: 0

Comments

Belgium: Yes, based on a risk assessment.

Botswana: Yes, but “reasonably practicable” may not always be sufficient and “all practicable measures” will be required.

Cyprus: The focus should be on the specific duties and responsibilities of employers regarding biological hazards.

France: National legislation provides for taking “appropriate and necessary” preventive and protective measures to ensure that biological substances and agents do not present a risk to health.

Mexico: The terms “so far as is reasonably practicable” should be maintained because there are unpredictable events beyond the control of the actors in the world of work.

Namibia: The instrument should ensure that employers have precautionary measures for biological hazards.

Netherlands: In accordance with employers’ responsibilities concerning risks other than biological risks.

Poland: Employers should always take “appropriate and necessary preventive and protective measures” to ensure that harmful biological agents pose no hazard. The expression “so far as is reasonably practicable” can be used to evade actions in this area and should be deleted.

Togo: Provide a personal liability clause for managers to prevent negligence.

United States: Clearer standards are proposed in question 35 below, particularly in 35(c), which may render this point unnecessary.

Employers

Total number of replies: 39 Yes: 19 No: 15 Other: 5

Comments

BDA, BE, CCSU, CIP, CIU, CNI, IOE, MKB, SEV, SN, UCCAEP, UIA, VNO-NCW: The focus should be on the specific duties and responsibilities of employers regarding biological hazards.

DA: Replace “biological substances”, which is too broad a term, with “biological agents”.

USCIB: Clearer standards are proposed in question 35 below, particularly in 35(c), which may render this point unnecessary.

Workers

Total number of replies: 90 Yes: 77 No: 2 Other: 11

Comments

ACTU: The phrase “under their control” should be removed.

ACTU, APE, CFDT, CETU, CGT (A), CGT-FO, CNV, DGB, FENTAP, FNV, GSEE, GWU, TUC, JTUC-RENGO, SUNEP-SAS, UGT-CEC, VIDA: The instrument should require employers to take “appropriate and necessary” preventive and protective measures to ensure that biological substances and agents under their control are without risk to health. In some cases, “reasonably practicable” will not be sufficient, and all practicable measures to address risks will be needed.

BAK: The phrase “so far as is reasonably practicable” should be deleted, as measures have to be suitable for practical use in all aspects.

CNTT, CSTT, GSA: Provide a personal liability clause for managers to prevent negligence.

FENPRUSS: The imperative to take measures must be made clear.

UGT-SP: After “employers”, replace “should” with “must”.

Office commentary

The overwhelming majority of governments and workers’ organizations support this proposal, while support from employers’ organizations is limited.

Several governments and workers’ organizations consider that the employers’ obligations should go beyond those that are reasonably practicable.

In response to comments that the term “biological substances” is too broad, the Office has replaced “biological substances and agents” with “biological hazards”. In addition, the Office has reworded the text so that it refers to the working environments, not the biological hazards, under the employers’ control, and has made the absence of risk to safety and health conditional on the appropriate and necessary preventive and protective measures being taken.

Taking into account the replies received, the Office has included the following reworded text as point 24 of the proposed Conclusions:

- 24. Employers should ensure that, so far as is reasonably practicable, the working environments under their control are without risk to safety and health due to exposure to biological hazards provided that the appropriate and necessary preventive and protective measures are taken.**

Question 35

Should the instrument or instruments provide that employers’ duties and responsibilities with respect to biological hazards in the working environment should include preventive and protective measures, based on an occupational safety and health management systems approach, that take due account of nationally and internationally recognized instruments, codes and guidelines, and, where appropriate, collective agreements, and that include:

- (a) adequate and appropriate systems to identify biological hazards in the working environment, in consultation with workers and their representatives?
- (b) requirements to have systems in place to conduct, review and, where necessary, update, assessments of the risks to the safety and health of workers arising from biological hazards, taking due account of specific sectors and groups of workers?
- (c) requirements to take all reasonable and practicable measures to eliminate, or if this is not possible, control and minimize, biological hazards in the working environment, taking due account of the hierarchy of controls provided for in relevant ILO guidelines?
- (d) the provision of adequate and appropriate personal protective equipment, free of charge for workers, where a residual biological hazard cannot be controlled through other measures?
- (e) requirements to arrange for the periodic review of the effectiveness and efficiency of personal protective equipment, regular surveillance of the working environment and of workers' health, and adequate and competent supervision of work processes?
- (f) requirements to ensure the provision of information, instruction and training, at suitable and regular intervals, to managers, supervisors and workers, as well as to workers' safety and health representatives, on biological hazards in the working environment?
- (g) requirements to make the necessary arrangements to ensure that all workers are suitably informed of the biological risks associated with the tasks assigned to them and the measures to be taken to prevent damage to their health, before they start any work involving such risks, when there are changes in working methods and materials, when new risks appear, and at regular intervals thereafter, as necessary?
- (h) the investigation of occupational accidents, diseases and dangerous occurrences, in cooperation with occupational safety and health committees or workers' representatives, in order to identify all causes and take the necessary measures to prevent recurrences of similar events?

Governments

(a)	Total number of replies: 79	Yes: 77	Other: 2
(b)	Total number of replies: 79	Yes: 77	Other: 2
(c)	Total number of replies: 77	Yes: 75	Other: 2
(d)	Total number of replies: 80	Yes: 78	Other: 2
(e)	Total number of replies: 80	Yes: 76	Other: 4
(f)	Total number of replies: 77	Yes: 75	Other: 2
(g)	Total number of replies: 82	Yes: 80	Other: 2
(h)	Total number of replies: 78	Yes: 76	Other: 2

Comments

Austria: On (e): contains various aspects, not all of which are supported equally. The effectiveness and efficiency of PPE should be reviewed periodically. Regular surveillance of the working environment may be required if it appears to be a reasonable measures (clause (c)) in line with the identification (clause (a))

and assessment of risks (clause (b)), otherwise it is of limited use. Likewise, this is also a prerequisite for regular surveillance of workers' health, and is not supported if not for preventive purposes. On (f): should be adapted to take account of new or changed hazards and be repeated periodically if necessary. On (h): should be considered together with clauses (a)–(c). Occupational diseases and dangerous occurrences are an opportunity to identify and assess risks and take protective measures.

Botswana: (d): Expand to include training on the use and maintenance of PPE, paid time for putting it on and removing it, decontaminating it and storing it adequately and so on – all essential where PPE is required. (f): Training should be on paid work time, where possible during usual working hours, and with a right for unions to undertake their own training of workers' representatives on paid work time. (h): Should include periodic reviews, to identify trends and include "near misses", which could give valuable information on risks.

Eritrea: (d): Specify how and by whom a determination is made that there is a residual biological hazard that cannot be controlled by other means.

Finland: References to non-binding instruments should not be included in a provision destined for a Convention.

Germany: Clarification is required on whether clauses (e)–(g) are destined for a Convention or Recommendation. (e): Refer to correct use of protective equipment, training/instruction, and testing of functionality of technical measures. Education and training should be included as an additional item. For the implementation, the transfer of necessary knowledge, both for decision-makers and in the technical application, should be considered.

Lesotho: (e): Ensuring health surveillance and medical examination of workers should be part of the obligation of employers.

Namibia: No need to refer to collective agreements.

Netherlands: Distinguish between "intentionally working with" biological agents and possible exposure during work.

Poland: Identification is important but sometimes difficult; needs a team with representatives of the employer, workers and occupational medicine service. (a): Supplemented by an indication of the systems that employers can use to assess the type of biological factors that may be present.

United States: As this section does not specify the certain "nationally and internationally recognized instruments, codes and guidelines", it is unclear what, if any, obligations employers would have. Accordingly, the chapeau should include the qualifier "as appropriate".

Employers

(a)	Total number of replies: 27	Yes: 19	Other: 8
(b)	Total number of replies: 26	Yes: 17	Other: 9
(c)	Total number of replies: 25	Yes: 17	Other: 8
(d)	Total number of replies: 26	Yes: 18	Other: 8
(e)	Total number of replies: 27	Yes: 18	Other: 9
(f)	Total number of replies: 22	Yes: 14	Other: 8
(g)	Total number of replies: 36	Yes: 30	Other: 6
(h)	Total number of replies: 26	Yes: 19	Other: 7

Comments

ALEB: Health surveillance should be part of the obligations of employers.

BE, UCCAEP: The focus should be on the specific duties and responsibilities of employers regarding biological hazards.

COPARMEX: A management systems approach ensures sustainable risk management and continuous improvement.

KPP: Identification tools to support employers in the event of an unintentional exposure to harmful biological agents should be indicated.

SPČR: The detailed regulation of employers' obligations should be left to the national level.

Workers

(a)	Total number of replies: 84	Yes: 84	Other: 0
(b)	Total number of replies: 81	Yes: 81	Other: 0
(c)	Total number of replies: 87	Yes: 87	Other: 0
(d)	Total number of replies: 83	Yes: 81	Other: 2
(e)	Total number of replies: 82	Yes: 82	Other: 0
(f)	Total number of replies: 81	Yes: 81	Other: 0
(g)	Total number of replies: 82	Yes: 82	Other: 0
(h)	Total number of replies: 79	Yes: 79	Other: 0

Comments

ACTU, ALU-TUCP, ANMF-NSV, APE, BAK, CETU, CFDT, CGT-FO, CNV, DGB, FENPRUSS, FENTAP, FNV, GSEE, GWU, ITUC, IUF, JTUC-RENGO, KCTU, PSI, SUNEP-SAS, TUC, TUCP, UGT-CEC, UFCW, VIDA: (d): Include training on the use and maintenance of PPE, paid time to put it on and take it off, training on decontaminating and storing it properly and so on – all essential when PPE is required. (f): Training must be carried out during paid work time, whenever possible during normal working hours, and with the right for unions to carry out their own training of workers' representatives on paid work time. (h) Include periodic reviews, not just incident reviews, to identify trends. "Near misses" should be included, which could provide valuable information about risks. A comprehensive list of risks related to biohazards and associated health impacts is required.

RCN: (f) Training of staff should be paid, during working hours. Ongoing monitoring of the effectiveness of preventive measures seems to be missing; it should not just be after an incident.

Office commentary

The overwhelming majority of governments and workers' organizations support this proposal, while the support from employers' organizations is mixed.

In response to the comments from several governments that a Convention should not refer to non-binding instruments, the Office moved such references to the proposed Conclusions with a view to a Recommendation (point 42).

In view of the fact that the identification of biological hazards is part of a risk assessment process, the Office has merged **clauses (a) and (b)**.

In response to the request from one government and several workers' organizations that PPE should not only be provided, but also maintained and replaced, at no cost to workers, the Office has amended **clause (d) (the new clause (c))** accordingly.

In response to the request of one government for clarification of the term "residual risks", the Office has amended the clause to refer to the use of personal protective equipment "where risks due to biological hazards cannot be controlled through other measures". In addition, the Office notes that the necessary assessment and control of risks are covered in the new clauses (a) and (b), and the guidance is covered in a new point of the proposed Conclusions with a view to a Recommendation (point 43).

In response to the comment of one government that it is difficult to measure the efficiency of PPE and that the clause concerning supervision and regular review should be amended, the Office has replaced the wording "effectiveness and efficiency of personal protective equipment" with "effectiveness of preventive and control measures", and has replaced "periodic" with "regular" in relation to the review.

In response to the comment of one government that conducting regular surveillance of the working environment and of workers' health should be based on the risk assessment process, the Office has amended the wording by adding the phrase "that is adequate and appropriate to the occupational risks of the undertaking" and placed this provision as a **new stand-alone clause (d)**.

In response to comments from several governments and a large majority of workers' organizations, the Office has amended **clause (f)** to include a reference to training "at suitable and regular intervals, on paid work time, and, where possible, during usual working hours".

In the light of the replies received, the Office has included the words "as appropriate" before the reference to "dangerous occurrences", consistent with point 18(a) of the proposed Conclusions.

Taking into account the replies received and the comments above, the Office has included this amended text as point 25 of the proposed Conclusions.

The Office has also included the following points in the proposed Conclusions with a view to a Recommendation:

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

Question 36

Should the instrument or instruments provide that whenever two or more employers engage in activities simultaneously at one workplace, they should collaborate on applying the provisions regarding occupational safety and health and the working environment, including with respect to the management of biological hazards, without prejudice to the responsibility of each employer for the health and safety of its workers?

Governments

Total number of replies: 84 Yes: 79 No: 4 Other: 1

Comments

Botswana: The overall responsibility of the main contractor should be stated more clearly.

Türkiye: The responsibility of each employer should be defined in writing.

United States: Supported on the condition that this point is amended to include a reference that the two or more employers should “communicate to share information about actual or potential hazards on-site, including biological hazards”.

Employers

Total number of replies: 40 Yes: 19 No: 14 Other: 7

Comments

EFF: Amend by adding “In appropriate cases, the competent authority should prescribe general procedures for this collaboration”.

USCIB: Amend to provide for an obligation to “communicate to share information about actual or potential hazards on-site, including biological hazards”.

Workers

Total number of replies: 87 Yes: 83 No: 3 Other: 1

Comments

ACTU, ALU-TUCP, ANMF-NSW, APE, CETU, CFTD, CGT-FO, CNV, DGB, FENTAP, FNV, GSEE, GWU, ITUC, IUF, JTUC-RENGO, KCTU, PSI, TUCP, UGT-CEC, UFCW, VIDA: The overall responsibility of the main contractor, including throughout the supply chain, should be stated more clearly. **KCTU** adds that on construction sites, the main contractor is the only party that has effective control over the place, facilities and equipment, and so is required to provide PPE and preventive measures for the subcontracting workers and dependent contractors. **SUNEP-SAS** adds that account should be taken of the ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct. **FENPRUSS** adds that reference should be made to the importance of the Labour Clauses (Public Contracts) Convention, 1949 (No. 94), as a measure to stipulate safety and work standards.

NUBE: The responsibility should ultimately rest upon the primary employer.

Office commentary

The overwhelming majority of governments and workers’ organizations support this proposal, while support from employers’ organizations is limited.

In response to the comment of one government and a large majority of workers’ organizations that the overall responsibility of the main contractor should be clearly stated, and a request from several employers’ organizations that employers’ responsibilities should be defined, the Office notes that this point concerns collaboration among employers and does not define their responsibilities.

In response to the comments received from several employers' organizations that the instrument should be specific in relation to biological hazards, the Office has replaced the wording [they should collaborate on] "applying the provisions regarding occupational safety and health and the working environment, including with respect to the management of biological hazards" with "how to ensure workers' safety and health related to biological hazards in the working environment". It has also removed "the health and safety of" before "its workers".

In the light of the replies received, the Office has included the amended text as point 26 of the proposed Conclusions.

Emergency preparedness and anticipation of hazards and risks

Question 37

Should the instrument or instruments provide that employers' duties and responsibilities with respect to biological hazards in the working environment should include taking measures to ensure preparedness for effective management of health emergencies related to biological hazards in the working environment, including outbreaks of infectious diseases?

Governments

Total number of replies: 84 Yes: 75 No: 6 Other: 3

Comments

Australia, Austria, Cyprus: A differentiation is required between public health preparedness and emergency response.

Austria: For normal circumstances, there should only be a general obligation to take emergency measures for hazards linked to work procedures and biological agents that can be expected in the workplace.

Belgium: It is appropriate to coordinate national and international institutions responsible for emergency planning.

Costa Rica: A protocol for emergencies such as outbreaks of infectious diseases both in the workplace and in any sphere of human development is needed.

Cyprus: Different management processes apply depending on the origin of the outbreak.

Finland: Employers should be required to prepare for serious dangerous situations and accidents and to provide first aid, but provisions regarding the management of outbreaks of infectious disease should be included in the Recommendation.

France: National legislation provides for preventive measures for all risks, including biological risks.

Japan: International standards for national health emergencies are beyond the scope of occupational safety and health.

Lesotho: Responsible public health authorities and employers should collaborate in sharing information and expertise.

Malaysia: Regular exercises of the emergency protocol by the government with community and industries must be conducted.

Netherlands: Especially important when biological hazards are unknown.

Philippines: Need for a government response plan developed prior to a pandemic, adaptable to discoveries in medical and scientific fields.

Republic of Korea: Provisions regarding health emergencies should be provided in the rules on safety and health.

United States: Yes, employers should take reasonable and appropriate preparedness measures for health emergencies related to biological hazards, considering variations in employers and hazards.

Employers

Total number of replies: 41 Yes: 20 No: 14 Other: 7

Comments

ALEB: No, the duty should not be wholly placed on employers, but should be on a ministry that is responsible for health, which will then have a duty to make employers aware, and to determine how to address the emergency.

BDA, BE, CCSU, CEOE, CEPYME, CIP, CIU, IOE, KEF, MEDEF, MKB, SEV, SN, UCCAEP, UIA, USCIB, VNO-NCW: A differentiation is required between public health preparedness and emergency response, and different management processes apply depending on the origin of the outbreak.

Workers

Total number of replies: 89 Yes: 89 No: 0 Other: 0

Comments

CAT: Before COVID-19, we were not prepared in terms of employment, social security, preventive measures or public health measures and processes. These provisions give us crucial basic measures for activating prevention and protecting workers in similar events.

CSC-AVC: A biological hazards scenario should be added to the internal emergency plans required by certain national laws.

Office commentary

The overwhelming majority of governments and workers' organizations support this proposal, while support from employers' organizations is mixed.

Several governments and employers' organizations that oppose it argue that it is necessary to differentiate between public health preparedness and emergency response, and that national health emergencies are beyond the scope of occupational safety and health. The Office clarifies that the objective of this provision is not to regulate public health issues but to ensure that employers are ready to respond to emergencies involving biological hazards by developing or updating their emergency plans to cover emergencies related to biological hazards, as outlined under question 38.

The Office has amended this provision to make it clearer that it refers to preparedness and response arrangements for the effective management of emergencies specifically related to biological hazards in the working environment and to include, after "Employers should", the wording "based on guidance from the competent authorities, establish preparedness and response arrangements". The amended text has been included as point 27 of the proposed Conclusions.

Question 38

Should the instrument or instruments provide that such workplace measures should:

- (a) be aligned and coordinated with public health preparedness and response plans?
- (b) include the preparation or updating of workplace regulations on the management of emergencies related to biological hazards?
- (c) provide for chemoprophylaxis and self-testing possibilities?

Governments

- | | | | |
|-----|-----------------------------|---------|-----------|
| (a) | Total number of replies: 77 | Yes: 71 | Other: 6 |
| (b) | Total number of replies: 77 | Yes: 72 | Other: 5 |
| (c) | Total number of replies: 61 | Yes: 51 | Other: 10 |

Comments

Australia: (a): "Coordinated" should not imply that all employers communicate directly with public health authorities on emergency response plans. (b): Replace "workplace regulations" with "workplace policies or regulations". (c) While self-testing, such as rapid antigen testing, may be appropriate, "chemoprophylaxis" should only be undertaken with medical supervision and guidance.

Austria: (a) and (b): Such occupational safety and health measures are appropriate only for deliberate-use activities. (c): Too detailed, particularly as there may be possible side effects of chemoprophylaxis.

Azerbaijan: Implementation of the measures specified in (c) should be free of charge.

Belize: (c): Designated/certified laboratories should do the necessary testing.

Botswana: (c): Workers should have access – without charge – to preventive and post-exposure treatments.

Brazil: (c): The availability of chemoprophylaxis and self-tests should be seen as a public and governmental health measure, possibly shared with employers.

Bulgaria: (b): Should consider both individual employer emergency preparedness to manage local "incidents" or "epidemic outbreaks", and emergency preparedness of all employers in case of an emergency health situation related to an epidemic/pandemic.

Colombia: (c): Taking national public health specifications and endorsement into account.

Czechia: (c): The decision on the need for chemoprophylaxis and self-testing measures should be based on a specialist assessment.

Finland: (c): Due to the level of detail, suitable for the Recommendation. It should be clear that the different points are only possible examples of measures.

Germany: (a): Desirable, but possibly too complex for a Convention. (c): Depends on the pathogen – whether available and useful.

Indonesia: Provision of chemoprophylaxis can be done in cooperation with first-level health facilities.

Poland: Yes to (a) and (b). (c): Yes, but effective implementation of such a provision requires a definition of the chemoprophylactic measures and self-testing.

Portugal: (b): A differentiation is required between public health preparedness and emergency response. (c): As long as it is not mandatory and workers cannot be penalized for refusing.

Spain: (c) would depend on the emergency management provisions established by the health authorities.

United States: Supportive of these provisions in the case of a Recommendation, but they are too specific for a Convention.

Employers

- | | | | |
|-----|-----------------------------|---------|-----------|
| (a) | Total number of replies: 33 | Yes: 14 | Other: 19 |
| (b) | Total number of replies: 36 | Yes: 18 | Other: 18 |
| (c) | Total number of replies: 29 | Yes: 11 | Other: 18 |

Comments

ALEB: Emergency preparedness plans should be formulated in collaboration and consultation with all relevant authorities, including health and public health.

BDA, BE, CCSU, CIU, IOE, SEV, SN, UCCAEP, UIA, USCIB: (a) and (b): A differentiation is required between public health preparedness and emergency response. (c): Too detailed.

CEPYME, CEOE: The responses to (b) and (c) will depend to a certain extent on the type of biological hazard.

COPARMEX: The instrument must be aligned with the applicable regulations.

KEF: Emergency measures regarding biological hazards should be implemented through national laws and regulations, rather than making descriptive and regulative contents in the instrument.

SPČR: If appropriate and in accordance with national law, practices and collective agreements.

Workers

- | | | | |
|-----|-----------------------------|---------|----------|
| (a) | Total number of replies: 79 | Yes: 76 | Other: 3 |
| (b) | Total number of replies: 87 | Yes: 86 | Other: 1 |
| (c) | Total number of replies: 77 | Yes: 75 | Other: 2 |

Comments

CGT-FO, SUNEP-SAS: (c): Workers should have the right to free access to preventive and post-exposure treatments. The scope of testing should also include health surveillance and testing provided by employers, in consultation with workers and their representatives, for example when healthcare workers suffer puncture wounds. It should refer to the ILO *Technical and ethical guidelines for workers' health surveillance*.

RCN: This is critical and preparedness for future pandemics is essential.

UGT(B): It is by obligation and what is most recommended.

Office commentary

The overwhelming majority of governments and workers' organizations support this proposal, while support from employers' organizations is limited.

In response to the comments from several governments and employers' organizations that a differentiation is required between public health preparedness and emergency response, the Office has deleted clause (a).

In response to several comments from governments that emergency measures should also consider the need to control the transmission of risk from the workplace to the public, and have plans to manage "local incidents" or "epidemic outbreaks", the Office has amended clause (b) (the new clause (a)) to add the wording "taking into account possible public health impacts".

In response to the many comments from both governments and employers' organizations suggesting that the proposed requirement under question 38(c) is too specific for a proposed Convention and that further details were needed on how to apply it, making it more suitable for the proposed Recommendation, the Office clarifies that preventive measures at the workplace, such as providing adequate and appropriate immunization, chemoprophylaxis and testing options, can contribute significantly to preventing potential harm from biological hazards in the working environment, as well as to public health preparedness and response.

The Office has amended the clause to state that the provision of appropriate and adequate preventive measures should be in accordance with national law and based on a risk assessment. Moreover, based on further comments received, it has specified that the measures should be made available to all workers free of charge and on a voluntary basis, and has added a reference to immunization as an effective preventive measure. The amended text has been included as point 28 of the proposed Conclusions.

Rights and duties of workers and their representatives

Question 39

Should the instrument or instruments provide that workers, in line with national conditions and practice, have the right to:

- (a) be informed of the biological hazards to which they are exposed in the working environment, and appropriate preventive and protective measures and their application?**
- (b) be consulted on the identification of biological hazards and assessments of risks to biological hazards that are conducted by the employer or the competent authority?**
- (c) be consulted on measures to be taken to control any biological hazards in their working environment?**
- (d) be involved in the implementation of preventive and protective measures to protect themselves and other workers against biological hazards in the working environment?**
- (e) participate in investigations of accidents, occupational diseases and dangerous occurrences?**
- (f) receive, subject to the confidentiality rules for personal and medical data, reports on health surveillance and medical examinations, including as regards biological hazards?**
- (g) appeal to the competent authority if they consider that the measures taken and the means used are inadequate for the purpose of ensuring a safe and healthy working environment?**
- (h) remove themselves from a work situation without any undue consequences, where they have reasonable justification to believe that there is an imminent and serious**

danger to their safety and health due to exposure to biological hazards, and should inform without delay their immediate supervisor and the workers' representative?

- (i) request a full investigation and remedial action before they begin or continue their work, where they have reasonable justification to believe that a work situation presents an imminent and serious danger to their lives or health due to exposure to biological hazards?**
- (j) be transferred to alternative work, where continued employment in a particular job is contraindicated for health reasons due to exposure to biological hazards and under the advice of the occupational health services, if such work is available and if they have the qualifications or can reasonably be trained for such alternative work?**
- (k) receive rehabilitation in the event of an injury, illness or disease caused, impacted or exacerbated by biological hazards in the working environment?**

Governments

(a)	Total number of replies: 82	Yes: 80	Other: 2
(b)	Total number of replies: 76	Yes: 73	Other: 3
(c)	Total number of replies: 76	Yes: 73	Other: 3
(d)	Total number of replies: 79	Yes: 77	Other: 2
(e)	Total number of replies: 75	Yes: 70	Other: 5
(f)	Total number of replies: 72	Yes: 66	Other: 6
(g)	Total number of replies: 79	Yes: 75	Other: 4
(h)	Total number of replies: 77	Yes: 73	Other: 4
(i)	Total number of replies: 77	Yes: 72	Other: 5
(j)	Total number of replies: 79	Yes: 73	Other: 6
(k)	Total number of replies: 79	Yes: 74	Other: 5

Comments

Australia: (i): Should clearly specify the situations that it covers.

Austria: (e): Should indicate that investigations of accidents, occupational diseases and dangerous occurrences should be carried out by employers, prevention specialists and the authorities. (f) should specify that workers should only have access to data that concerns them personally. (j) should focus on establishing clear obligations for employers to take measures for the prevention of hazards, rather than on assigning employees to another job at their request.

Botswana: (f): Should highlight that anonymized results could identify both incident patterns and preventive opportunities. (j): Should ensure that alternative work may not involve a loss of pay or seniority or other disadvantage.

Bulgaria: (f) should clarify that it covers only receiving information about personal medical data.

Finland: "Workers or their representatives" should be added to the chapeau.

Indonesia: The right to be informed of the biological hazards must be granted to everyone in the workplace.

Lesotho: Receiving training is crucial for the proper participation in the risk assessments on biological hazards.

Poland: (h): Should have limited application with regard to certain professional groups.

Tunisia: (h) and (i): Could entail difficulties for Member States that do not have regulations on the right for workers to remove themselves.

Employers

(a)	Total number of replies: 37	Yes: 18	Other: 19
(b)	Total number of replies: 35	Yes: 13	Other: 22
(c)	Total number of replies: 35	Yes: 14	Other: 21
(d)	Total number of replies: 37	Yes: 18	Other: 19
(e)	Total number of replies: 36	Yes: 14	Other: 22
(f)	Total number of replies: 34	Yes: 13	Other: 21
(g)	Total number of replies: 36	Yes: 15	Other: 21
(h)	Total number of replies: 37	Yes: 18	Other: 19
(i)	Total number of replies: 36	Yes: 15	Other: 21
(j)	Total number of replies: 35	Yes: 14	Other: 21
(k)	Total number of replies: 36	Yes: 18	Other: 18

Comments

ANDI, BDA, BE, CCSU, CIP, CIU, DA, IOE, MKB, SEV, SN, UCCAEP, UIA, USCIB, VNO-NCW: The entire section should focus on the specific rights and responsibilities of workers and their representatives in relation to biological risks.

MEDEF: (f): Should specify that workers should only have access to data that concerns them personally.

Workers

(a)	Total number of replies: 88	Yes: 85	Other: 3
(b)	Total number of replies: 85	Yes: 81	Other: 4
(c)	Total number of replies: 82	Yes: 77	Other: 5
(d)	Total number of replies: 83	Yes: 80	Other: 3
(e)	Total number of replies: 84	Yes: 80	Other: 4
(f)	Total number of replies: 80	Yes: 74	Other: 6
(g)	Total number of replies: 82	Yes: 78	Other: 4
(h)	Total number of replies: 86	Yes: 83	Other: 3
(i)	Total number of replies: 84	Yes: 80	Other: 4
(j)	Total number of replies: 85	Yes: 81	Other: 4
(k)	Total number of replies: 86	Yes: 86	Other: 0

Comments

ACTU, ALU-TUCP, ANMF-NSW, APE, CETU, CFDT, CNV, DGB, FENTAP, FNV, GSEE, GWU, ITUC, IUF, JTUC-RENGO, PSI, TUCP, UGT-CEC, VIDA: The entire section is already regulated in Convention No. 155. (f): Should highlight that anonymized results could identify both incident patterns and preventive opportunities. (i): Should ensure that alternative work may not involve loss of pay or any other disadvantages.

Akava, SAK, STTK: (f): Should specifically provide that personal data of individuals must be protected.

CGT(C): Arrangements to be established for workers to obtain information or file complaints with the competent authority for non-compliance in relation to biological risks.

KCTU: (f): Should highlight that anonymized results could identify both incident patterns and preventive opportunities.

NUBE, RCN: (j): Should clarify that alternative work arrangements should not be at the expense of the workers' employment security nor should they result in a diminution in wages and benefits.

Office commentary

This proposal is largely supported by governments and workers' organizations, while the majority of employers' organizations do not support it.

In the **chapeau**, in response to the comments received, the Office has added a reference to workers' representatives, deleted the reference to "in line with national conditions and practice", specified that the rights are "with respect to biological hazards in the working environment" and added "that include" to indicate that the list is not exhaustive.

In response to comments from governments, the Office has reformulated **(a)** to read "receiving information and training on biological hazards and risks in the working environment and on appropriate preventive and protective measures and their application".

In view of the overlap in the content of **(c)** and **(d)**, the Office has merged them to read: "**(c)** being consulted on preventive and protective measures to protect themselves and other workers and being involved in their implementation".

As the chapeau now includes a reference not only to workers' rights but also to those of their representatives, the Office has included the content of question 40 as a new clause: "**(d)** enquiring into and being consulted by the employer on all aspects related to exposure to biological hazards in the working environment".

In **(k)** (new clause (j)), the Office has added "medical treatment" before "rehabilitation" for clarity, and has added "in accordance with national law and practice".

In response to comments received under question 5 concerning the need for provisions regarding non-discrimination, the Office has introduced a new clause: "**(k)** being protected against any discrimination on account of contracting or transmitting a disease caused by biological hazards".

The Office has included the amended text as point 29 of the proposed Conclusions.

As the content of (h) and (i) comprises both a right and a duty of workers, the Office has moved it into the following separate point:

- 31. Workers should have the right to remove themselves from a work situation without undue consequences, where they have reasonable justification to believe that there is an imminent and serious danger to their life or health due to exposure to biological hazards and should inform their immediate supervisor of the situation without delay.**

In response to the comment of one government that provisions concerning workers' right to remove themselves could potentially cause difficulties for countries that do not have regulations concerning such a right, the Office recalls that these provisions are based on Articles 13 and 19(f) of Convention No. 155, and notes that they are overwhelmingly supported by governments and workers' organizations.

Question 40

Should the instrument or instruments provide that workers' representatives have the right to enquire into, and be consulted by the employer on, all aspects related to exposure to biological hazards in the working environment, receive adequate information on measures taken by the employer and be provided with appropriate training?

Governments

Total number of replies: 84 Yes: 80 No: 4 Other: 0

Comments

Australia: Expressed support, provided that the phrase "and be provided with appropriate training", which extends beyond the Australian domestic legal framework, is removed.

Finland: The phrase "all aspects" is unclear and broad and should be replaced by "appropriate aspects".

Employers

Total number of replies: 40 Yes: 20 No: 18 Other: 2

Comments

SPČR: The phrase "all aspects" should be replaced by "relevant aspects".

Workers

Total number of replies: 89 Yes: 88 No: 0 Other: 1

Comments

CSC-AVC: The issue of how workers should be informed and through which mandatory means should also be addressed.

FENPRUSS: It is essential that the information is provided to workers' representatives, so that any violation of the right to a safe and healthy work environment is avoided.

Office commentary

As noted above, the content of question 40 has been included as point 29 of the proposed Conclusions.

Question 41

Should the instrument or instruments provide that workers, in the light of national conditions and practice, have the duty to:

- (a) **comply, in accordance with their training and the instructions and means provided by their employers, with prescribed occupational safety and health measures on the**

prevention of and protection from biological hazards to themselves and others, including through the proper care and use of the protective clothing, facilities and equipment made available to them for this purpose?

- (b) report promptly to their immediate supervisor or safety and health representative any working conditions which they believe could present a biological hazard or risk to their safety or health or that of others?
- (c) cooperate with the employer and other workers to adequately identify and implement occupational safety and health measures addressing biological hazards, following an occupational safety and health management system approach?

Governments

- (a) Total number of replies: 82 Yes: 79 Other: 3
- (b) Total number of replies: 80 Yes: 78 Other: 2
- (c) Total number of replies: 81 Yes: 78 Other: 3

Comments

Austria: In (a), the wording “proper care” of protective clothing, facilities and equipment should be replaced by “proper handling”.

Botswana: National conditions and practices should only apply when consistent with ILO fundamental Conventions.

Hungary: The employer must take care of cleaning the protective clothing.

Malaysia: In (c), “occupational safety and health management system” should be replaced by “systematic organization of occupational safety and health in the enterprise”.

Employers

- (a) Total number of replies: 27 Yes: 24 Other: 3
- (b) Total number of replies: 27 Yes: 24 Other: 3
- (c) Total number of replies: 26 Yes: 22 Other: 4

Comments

KEF: Provisions on workers’ own responsibilities regarding biological hazards could help them to secure their safety and health in the workplace.

Workers

- (a) Total number of replies: 90 Yes: 88 Other: 2
- (b) Total number of replies: 88 Yes: 86 Other: 2
- (c) Total number of replies: 86 Yes: 83 Other: 3

Comments

ACTU, ALU-TUCP, ANMF-NSW, APE, CETU, CFDT, CNV, DGB, FENTAP, FNV, GSEE, GWU, ITUC, IUF, JTUC-RENGO, KCTU, PSI, SUNEP-SAS, TUCP, UGT-CEC, VIDA: National conditions and practices should only apply when consistent with ILO fundamental Conventions.

Akava, SAK, STTK: Emphasis should be placed on the primary responsibility of employers, including with regard to cooperation.

BAK: Workers should only have the responsibility envisaged under (a); (c) should emphasize that the responsibility for identifying and implementing protective measures on biological hazards lies with the employer, with the involvement of workers' representatives.

CGT-FO: Non-compliance by employees with the measures on occupational safety and health should not relieve the employer of its respective responsibilities.

Office commentary

All three respondent groups overwhelmingly support this proposal.

In the **chapeau**, in response to comments from one government and a large group of workers' organizations that national conditions and practices should only apply when consistent with ILO fundamental rights and are accompanied by the related rights and protections conferred in Convention No. 155, the Office has removed the words "in the light of national conditions and practice".

In **(a)**, in response to the comment from one government that the wording "proper care" could imply that workers are responsible for washing their work clothing or disinfecting their protective equipment, whereas that should be the responsibility of the employer, the Office has replaced "care" with "handling". It has also replaced "protective clothing" with "personal protective equipment" and has added "instructions received" before the reference to the training and means provided by employers.

The Office has included the amended text as point 30 of the proposed Conclusions.

Methods of application

Question 42

Should the instrument, if it takes the form of a Convention, provide that it could be applied by means of national laws and regulations, as well as through collective agreements or other measures consistent with national practice?

Governments

Total number of replies: 83 Yes: 76 No: 5 Other: 2

Comments

Belgium: The instruments should set (minimal) standards. Additional protective measures tailored to specific sectors could be developed and formalized in collective agreements without undermining the basic minimum standards set for all workers.

Germany: The corresponding implementation leads to an expansion of the domestic implementation options of a possible Convention, so that other measures – in particular collective agreements and company agreements – can also be considered for implementation in addition to domestic legislation.

Netherlands: No. It should be applied by means of national laws and regulations to create a clear policy and to provide a standard level of protection for all workers. However, additional provisions to increase the standard level of protection in certain situations/sectors can possibly be applied through collective agreements.

Employers

Total number of replies: 38 Yes: 17 No: 20 Other: 1

Comments

CCSU, CIP, CIU, CNI, DA, EFP, IOE, KEF, MKB, SEV, SN, UCCAEP, UIA, USCIB, VNO-NCW: The instrument should take the form of a Recommendation; therefore the method of application should be left to the discretion of each Member State. **USCIB** adds that if the instrument does take the form of a Convention, it could be applied by the means and measures referenced.

Workers

Total number of replies: 89 Yes: 89 No: 0 Other: 0

Comments

CNTT: The Convention should also include provisions to prevent the concept of “in accordance with national practice” from being able to restrict the quality of implementation of the Convention at the national level.

CTA-A: It must be applied through national legislation and can be applied through collective agreements.

Office commentary

This point is overwhelmingly supported by governments and workers’ organizations, but support from employers’ organizations is limited.

In response to the comment from one workers’ organization that the Convention should also include provisions to prevent the concept of “consistent with national practice” from restricting the quality of implementation of the Convention at the national level, the Office clarifies that referring to national conditions or national practice is a well-established practice in ILO instruments to provide for a degree of flexibility. The application of these provisions is subject to the general provisions regarding tripartite negotiations, for example in the context of the periodic review of the national occupational safety and health policy.

In the light of the replies received, the Office has aligned the wording with Article 8 of Convention No. 155.

The Office has included the amended text as point 32 of the proposed Conclusions.

Other issues

Question 43

Are there any other aspects not covered by the present questionnaire that ought to be taken into consideration when drafting the instrument or instruments? If so, please specify.

Governments

Total number of replies: 76 Yes: 17 No: 57 Other: 2

Comments

Algeria: Methods for processing and eliminating biological hazard waste.

Australia: The instrument(s) should differentiate between societal emergencies and workplace hazards.

Azerbaijan: Develop a unified register of biological substances or elements hazardous to workers' health, to be updated with newly identified biological hazards.

Belgium: A clear, non-exhaustive list of agents affecting humans should be annexed to the instrument(s).

Botswana: The Convention should cover all health impacts from workplace biological hazards, not just infections. Health response should be accompanied by employment and economic protections.

Cyprus: OSH instruments should be consolidated into one Convention with ratifiable annexes. The ILO should integrate ratified standards with non-normative actions, such as codes of practice.

Germany, Japan, Philippines: The ILO should collaborate with agencies such as the WHO with regard to the proposed instrument(s) to avoid duplication and align efforts.

Italy: Define key indicators for compliance.

Jordan: Employers should be required to manage waste and promote health education on biological hazards.

Poland: Workers' protection against biological agents requires comprehensive solutions, including a modern definition of harmful agents, concentration limits and allergen recognition. Classify agents for risk assessments, noting antibiotic-resistant microorganisms and maintaining a worker exposure register. Mandatory notifications of biological agent use, vaccination requirements for certain agents, addressing fungi, and specific risk assessment methods are crucial.

Portugal: The instruments should provide that if vaccination is not mandatory, employers should not dismiss or sanction appropriately informed workers who opt not to be vaccinated.

Togo: The consequences of biological hazards exacerbating other risks in the professional environment (professional stress, ergonomic risks) should be regulated.

Employers

Total number of replies: 35 Yes: 8 No: 26 Other: 1

Comments

ANDI, BDA, BE, CCSU, CIU, IOE, MKB, SEV, SN, UIA, USCIB, VNO-NCW: Support a non-binding instrument for flexibility in diverse national OSH systems, focusing on biological hazards without duplicating other OSH instruments.

BDA, IOE, SEV, SN, UIA, USCIB: Consolidation of OSH instruments into one Convention with ratifiable annexes. The ILO should integrate ratified standards with non-normative actions, such as codes of practice.

BE, MKB, VNO-NCW: Attach the Recommendation to Convention No. 187. The instrument should differentiate between societal emergencies and workplace hazards.

Workers

Total number of replies: 74 Yes: 35 No: 38 Other: 1

Comments

ACTU, ALU-TUCP, ANMF-NSW, APE, CFDT, CETU, CGT-FO, CNV, DGB, FENPRUSS, FENTAP, FNV, GSEE, GWU, ITUC, IUF, JTUC-RENGO, PSI, SUNEP-SAS, TUC, TUCP, UFCW, UGT-CEC, VIDA: The Convention should cover all health impacts from workplace biological hazards, not just infections. This includes diseases such as lung disorders and cancers, and risks such as injuries, skin reactions, animal exposures, poisonings, allergic alveolitis, byssinosis and organic dust toxic syndrome, as well as long-term effects and sequelae of infections. The instrument should emphasize that the health response should be accompanied by employment and economic protections to sustain industries and jobs. **CGT-FO** adds that cooperation between the ILO and the WHO is essential in addressing biological hazards in the workplace, as these risks not only affect workers but also public health and the environment.

CFDT, IUF, UFCW: Address the fact that biological hazards may disproportionately impact women.

CNTT, CSTT, GSA: The consequences of biological hazards exacerbating other risks in the working environment (professional stress, ergonomic risks).

UGT (P): This ILO initiative to create a Convention on biological hazards is commendable for several reasons: it reaffirms the ILO's commitment to safeguarding workers' health and safety worldwide by setting standards and guidelines for dealing with biohazards, ensuring a safer work environment, and upholding the right to a safe and healthy working environment. As biological hazards can affect not only workers but also public health, this initiative will promote global health and the prevention of occupational diseases related to biological hazards. An ILO Convention will also assist governments by providing a reference framework to formulate policies and regulations regarding biological risks in the workplace, facilitating the development of legislation and occupational health protection measures. It will also contribute to awareness-raising and capacity-building among employers, workers and occupational health professionals, fostering a safety culture in the workplace and ensuring an effective management of biological risks.

Office commentary

Nearly all governments and employers' organizations agree that the instrument covers the relevant aspects of biological hazards. The views of workers' organizations were divided.

The majority of employers' organizations and several governments emphasized that the instrument should specifically concern biological hazards in order to avoid redundancy, given the existence of, in particular, Conventions Nos 155 and 187, which are fundamental Conventions.

Other government respondents emphasized the need to collaborate and coordinate with relevant international organizations such as the WHO, to include provisions for waste management methods, and to annex a non-exhaustive classification list of biological hazards to this report. With reference to comments regarding the particular relevance of the work of the WHO in the present context, the Office notes that the two organizations have had an ongoing cooperation agreement since 1948¹⁶ and that, pursuant to article 47 of the Standing Orders of the International Labour Conference, “[w]here an item placed on the agenda of the Conference with a view to the adoption of a Convention or a Recommendation relates to matters which are of direct interest to the United Nations or one or more specialized agencies, the Office shall consult with the organization or organizations concerned”.¹⁷

In response to comments from the majority of workers’ organizations stressing that the instrument should not exclusively address communicable diseases but also encompass injuries and non-communicable diseases, the Office notes that point 6 of the proposed Conclusions states that “harm to human health caused by biological hazards in the working environment includes communicable and non-communicable diseases and injuries”.

In light of the replies received, the Office has identified several recurring themes and invites the respondents to resubmit any proposals not included in the proposed Conclusions at a later stage of the proceedings with clarifications on their intended purpose and function in the context of the instruments.

Proposed Conclusions with a view to a Recommendation

The Office has formulated points 33 to 44 as proposed Conclusions with a view to a Recommendation.

Point 33 provides: “The Recommendation should include a preamble indicating that the provisions of the Recommendation should be considered in conjunction with and supplement those of the Convention”.

Point 34 is addressed under question 21.

Point 35 is addressed under questions 22 and 24.

Point 36 is addressed under question 23.

Point 37 is addressed under questions 25 and 15.

Point 38 is addressed under question 27.

Point 39 is addressed under questions 28 and 29.

Point 40 is addressed under question 30.

Point 41 is addressed under question 32.

Points 42 and 43 are addressed under question 35.

In line with point 3(e) of the proposed Conclusions, point 44 provides: **“The Recommendation supersedes the Anthrax Prevention Recommendation, 1919 (No. 3)”**.

¹⁶ Agreement Between the International Labour Organisation and the World Health Organization.

¹⁷ Standing Orders of the International Labour Conference (as amended).

► Proposed Conclusions

The following are the proposed Conclusions that have been prepared on the basis of the replies received, which are summarized and commented on in this report. They have been drafted in the usual form and are intended to serve as a basis for discussion by the International Labour Conference of the fourth item on the agenda of its 112th Session (2024).

A. Form of the instruments

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

B. Proposed Conclusions with a view to a Convention

Preamble

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

authorities and employers' and workers' organizations, in their respective areas of responsibility.

Definition and scope

4. For the purposes of the Convention the term "biological hazards" refers to any microorganisms, cells or other organic materials of plant, animal or human origin, including those which have been genetically modified, which can cause harm to human health, such as bacteria, viruses, parasites, fungi, prions, DNA materials, bodily fluids and any other microorganisms and their associated allergens and toxins.
5. Biological hazards in the working environment include biological vectors or transmitters of disease.
6. Harm to human health caused by biological hazards in the working environment includes communicable and non-communicable diseases and injuries.
7. The Convention should apply to all workers in all branches of economic activity.
8. A Member ratifying the Convention may, after consultation with the representative organizations of employers and workers concerned, and on the basis of an assessment of the biological hazards involved and of the preventive and protective measures to be applied, exclude from its application, in part or in whole, particular branches of economic activity or limited categories of workers in respect of which its application would raise special problems of a substantial nature.
9. Each Member which avails itself of the possibility afforded in the preceding point should list, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organization, the particular branches of economic activity or categories of workers thus excluded, giving the reasons for such exclusion and describing any measures taken to provide adequate protection to excluded workers, and indicate in subsequent reports any progress towards wider application.

National policy

10. Each Member should, consistent with national law and practice and in consultation with the most representative organizations of employers and workers, formulate, implement and periodically review a coherent and comprehensive national policy on biological hazards in the working environment.
11. The national policy on biological hazards should:
 - (a) be integrated into existing national occupational safety and health policies, as appropriate, and be consistent with and complement other relevant policies, including on public health and the environment;
 - (b) take account of:
 - (i) the best available information concerning the management of occupational safety and health regarding biological hazards in the working environment;
 - (ii) the need to develop 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;

- (iii) relevant provisions of the Occupational Safety and Health Convention, 1981 (No. 155), the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and, as appropriate, other relevant international labour standards.

12. With a view to obtaining the best available information, the competent authorities should, in consultation with the most representative organizations of employers and workers, make arrangements for exchanging information and coordinating action with relevant national authorities, including public health and occupational safety and health authorities, and scientific institutions as well as relevant international organizations.

Preventive and protective measures

13. The competent authorities should, in consultation with the most representative organizations of employers and workers, develop national guidelines for preventive and protective, or as appropriate, precautionary measures for the management of biological hazards in the working environment, including preparedness and response arrangements for the effective management of emergencies related to biological hazards in the working environment, taking into account new or emerging hazards and risks.
14. The competent authorities should provide information and support to employers, workers and their representatives concerning preventive and protective measures for the management of biological hazards in the working environment in a form which is accessible and language which is understandable.
15. Each Member should take measures, in accordance with national law and practice, with a view to ensuring that those who design, manufacture, import, provide or transfer biological substances to which workers could be exposed in the course of their work:
 - (a) satisfy themselves that, so far as is reasonably practicable, such substances do not entail dangers for the safety and health of those using them correctly;
 - (b) make available information concerning the correct use and dangerous properties of such substances, including in the form of safety and health data sheets if such are available, as well as instructions on how known hazards are to be avoided;
 - (c) undertake studies and research or otherwise keep abreast of the scientific and technical knowledge necessary to comply with clauses (a) and (b);
 - (d) take due account of the United Nations Recommendations on the Transport of Dangerous Goods and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.
16. Each Member should, in consultation with the most representative organizations of employers and workers, develop national guidance and preventive and protective measures for:
 - (a) sectors and occupations where workers are at a higher risk of exposure to biological hazards;
 - (b) workers with certain conditions who may require special protection, taking into account the need to ensure that such measures should not result in discrimination or contribute to occupational segregation.

Occupational health and occupational health services

- 17.** In taking preventive and protective measures regarding biological hazards in the working environment, each Member should seek to:
- (a) progressively extend occupational health services to all workers in all branches of economic activity, in particular to workers and occupations at a higher risk of exposure and workers with certain conditions who may require special protection;
 - (b) facilitate the coordination and efficient use of national health and labour infrastructures, expertise, and resources for the provision of occupational health services to workers in relation to biological hazards in the working environment.

Data collection, recording and notification of occupational diseases and accidents

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

Employment injury benefits

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

Enforcement of laws and regulations

21. Each Member should ensure the enforcement of national laws and regulations concerning biological hazards in the working environment through an adequate and appropriate system of inspection and, where applicable, other mechanisms for ensuring compliance.
22. The competent authorities should ensure that labour inspectors and, as appropriate, other officials undergo specific training on biological hazards in the working environment.
23. Each Member should apply adequate penalties for violations of national laws and regulations concerning biological hazards in the working environment.

Duties and responsibilities of employers

24. Employers should ensure that, so far as is reasonably practicable, the working environments under their control are without risk to safety and health due to exposure to biological hazards provided that the appropriate and necessary preventive and protective measures are taken.
25. Employers' duties and responsibilities with respect to biological hazards in the working environment should include adopting preventive and protective measures consistent with national law and applicable collective agreements, in particular:
 - (a) establishing, in consultation with workers and their representatives, adequate and appropriate systems to conduct, review and, where necessary, update, assessments of the risks to the safety and health of workers arising from biological hazards, taking due account of sectors and occupations at a higher risk of exposure and workers with certain conditions who may require special protection;
 - (b) taking all reasonable and practicable measures to eliminate, or when not possible, control and minimize, the risks due to biological hazards in the working environment, taking due account of the hierarchy of controls;
 - (c) providing, maintaining and replacing, as necessary, at no cost to the workers, adequate personal protective equipment as appropriate, where risks due to biological hazards cannot be controlled through other measures;
 - (d) conducting regular surveillance of the working environment and of workers' health that is adequate and appropriate to the occupational risks of the undertaking;
 - (e) supervising work processes and regularly reviewing the effectiveness of preventive and control measures, including the availability of appropriate personal protective equipment;
 - (f) providing information, instruction and training on biological hazards in the working environment and applicable preventive and protective measures to managers, supervisors and workers, as well as to workers' safety and health representatives, at suitable and regular intervals, on paid work time and, where possible, during usual working hours;
 - (g) ensuring that all workers are suitably informed of the risks due to exposure to biological hazards and of the applicable preventive and protective measures before they start any tasks involving such risks, when there are changes in working methods and materials or new risks appear and, as necessary, at regular intervals thereafter;
 - (h) investigating occupational diseases, accidents and, as appropriate, dangerous occurrences, 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.

26. Whenever two or more employers engage in activities simultaneously at one workplace, they should collaborate on how to ensure workers' safety and health related to biological hazards in the working environment, without prejudice to the responsibility of each employer for its workers.
27. Employers should, based on guidance from the competent authorities, establish preparedness and response arrangements for the effective management of emergencies related to biological hazards in the working environment, such as outbreaks of communicable diseases.
28. These preparedness and response arrangements should include:
 - (a) the preparation or updating of workplace policies and guidelines on the management of emergencies related to biological hazards, taking into account possible public health impacts;
 - (b) the provision of appropriate and adequate preventive measures, in accordance with national law and practice and on the basis of a risk assessment, which could include immunization, chemoprophylaxis and testing to all workers free of charge and on a voluntary basis.

Rights and duties of workers and their representatives

29. Workers and their representatives should have rights with respect to biological hazards in the working environment that include:
 - (a) receiving information and training on biological hazards and risks in the working environment and on appropriate preventive and protective measures and their application;
 - (b) being consulted on the identification of hazards and risk assessments conducted by the employer or the competent authority;
 - (c) being consulted on preventive and protective measures to protect themselves and other workers and being involved in their implementation;
 - (d) enquiring into and being consulted by the employer on all aspects related to exposure to biological hazards in the working environment;
 - (e) participating in investigations of occupational diseases, accidents and, as appropriate, dangerous occurrences;
 - (f) receiving reports on health surveillance and medical examinations, subject to confidentiality rules for personal and medical data;
 - (g) appealing to the competent authorities if they consider that the measures adopted and the means used are not sufficiently effective to ensure adequate protection;
 - (h) requesting a full investigation and remedial action before they begin or continue their work, where they have reasonable justification to believe that a work situation presents an imminent and serious danger to their life or health;
 - (i) being transferred to alternative work, under the advice of the occupational health services, where continued employment in a particular job is contraindicated for health reasons, if such work is available and if they have the qualifications or can be trained for such work;
 - (j) receiving medical treatment and rehabilitation, in accordance with national law and practice, in the event of an illness, disease or injury caused or exacerbated by biological hazards in the working environment;
 - (k) being protected against any discrimination on account of contracting or transmitting a disease caused by biological hazards.

- 30.** Workers should have duties with respect to biological hazards in the working environment that include:
- (a) complying, in accordance with the instructions received, and the training and means provided by their employers, with prescribed occupational safety and health measures on the prevention of and protection from biological hazards to themselves and others, including through the proper handling and use of the personal protective equipment, facilities and other equipment made available to them for this purpose;
 - (b) reporting promptly to their immediate supervisor or safety and health representative any working conditions which they believe could present a biological hazard or risk to their safety or health or that of others;
 - (c) cooperating with the employer and other workers to adequately identify and implement occupational safety and health measures addressing biological hazards, following an occupational safety and health management systems approach.
- 31.** Workers should have the right to remove themselves from a work situation without undue consequences, where they have reasonable justification to believe that there is an imminent and serious danger to their life or health due to exposure to biological hazards, and should inform their immediate supervisor of the situation without delay.

Methods of application

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

C. Proposed Conclusions with a view to a Recommendation

Preamble

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

Preventive and protective measures

- 34.** The preparedness and response arrangements to be established under the Convention for the effective management of emergencies related to biological hazards in the working environment should include:
- (a) the preparation or updating of regulations for the management of such emergencies;
 - (b) the establishment of early warning systems;
 - (c) the establishment of measures to be taken in the working environment in the event of outbreaks, epidemics or pandemics;
 - (d) the establishment of mechanisms of coordination and information with public health authorities;
 - (e) national and international collaboration on research;
 - (f) provision for appropriate emergency human resources;

- (g) the effective operation of healthcare facilities and essential services;
 - (h) material preparedness;
 - (i) collaboration between relevant public health, water and waste, occupational health and veterinary health authorities, and other partners;
 - (j) rapid public health response systems and real-time communication of expert advice to prepare for and manage outbreaks;
 - (k) training of occupational health service providers on potential biological hazards, supported by clinical or laboratory-based surveillance.
- 35.** The sectors and occupations where workers are at a higher risk of exposure to biological hazards and for which specific preventive and protective measures should be developed under the Convention should include:
- (a) the healthcare sector;
 - (b) agricultural work, including in the animal, vegetable and grain sectors;
 - (c) the waste sector;
 - (d) cleaning and maintenance work;
 - (e) humanitarian work;
 - (f) laboratory work.
- 36.** The categories of workers with certain conditions that may require special protection should include:
- (a) pregnant and breastfeeding women;
 - (b) young workers;
 - (c) older workers;
 - (d) workers with disabilities;
 - (e) workers medically predisposed to infections or allergies, including immunocompromised workers;
 - (f) workers in need of protection due to their social situation and multiple disadvantages.
- 37.** When developing measures and guidance for the management of occupational safety and health regarding biological hazards in the working environment, Members should take due account of relevant internationally agreed technical and practical guidance developed by the International Labour Organization and other competent organizations and promote a management systems approach to occupational safety and health, such as the approach set out in the Guidelines on occupational safety and health management systems (ILO-OSH 2001).

Recording of occupational diseases

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

Employment injury benefits

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

Enforcement of laws and regulations

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

Duties and responsibilities of employers

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

► Appendix

Y: Yes | N: No | O: Other | C: Convention | R: Recommendation | C-R: Convention and Recommendation | CBNB: Convention with binding and non-binding provisions

[illegible]

		I. Form of the international instrument or instruments		II. Preamble						III. Definitions			IV. Purpose and Scope					V. General provisions			V. General provisions										V. General provisions																									
Respondent	Member State	1	2	3A	3B	3C	3D	3E	3F	3G	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19A	19B	19C	19D	20	21A	21B	21C	21D	21E	21F	21G	21H	21I	21J	22A	22B	22C	22D	22E	22F	22G	22H	22I	23	24	25				
Government	Namibia	Y	C-R	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Government	Netherlands	Y	C-R	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
Government	Nicaragua	Y	R	Y	Y	Y	Y		Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y				
Government	Norway	Y	O	Y	Y	Y		Y		Y	Y	Y	N	Y	Y	N	N	N	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	O	O	O	Y	Y	Y	Y				
Government	Pakistan	Y	R	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y					Y	Y	O	Y							
Government	Panama	Y	C-R	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y				
Government	Philippines	Y	R	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
Government	Poland	Y	CBNB	Y	Y	Y	Y	Y	Y		N	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	O	O	O	Y	Y	Y	Y	Y	Y				
Government	Portugal	Y	C-R	Y	Y	Y	Y			Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	O	O	O	O	Y	Y	Y	Y	Y	Y				
Government	Qatar	Y	R	Y	Y	Y	Y		Y		Y	N	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y		
Government	Republic of Korea	Y	R	Y	Y	Y	Y	Y	Y		Y	Y	N	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Government	Republic of Moldova	Y	CBNB	Y</																																																				

[illegible]

		V. General provisions			V. General provisions								V. General provisions	V. General provisions						VI. Duties and responsibilities of employers							VI. Duties and responsibilities of employers				VII. Rights and responsibilities of workers and their representatives																			VIII. Methods of application		IX. Other issues
		Occupational health and occupational health services			Data collection, recording and notification of occupational accidents and diseases								Employment injury benefits	Enforcement of laws and regulations						General duties and responsibilities							Emergency preparedness and anticipation of hazards and risks																									
Respondent	Member State	26A	26B	26C	27A	27B	27C	27D	28A	28B	28C	29	30	31	32	33	34	35A	35B	35C	35D	35E	35F	35G	35H	36	37	38A	38B	38C	39A	39B	39C	39D	39E	39F	39G	39H	39I	39J	39K	40	41A	41B	41C	42	43					
Government	Namibia	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O					
Government	Netherlands	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y					
Government	Nicaragua	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y							
Government	Norway	Y	O	Y	Y	Y	O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N					
Government	Pakistan	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	O						
Government	Panama	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y								Y	Y	Y	Y	Y	Y	Y	N							
Government	Philippines	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y						
Government	Poland	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y						
Government	Portugal	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y						
Government	Qatar	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			Y			Y	Y	Y	Y	Y	Y	Y	N						
Government	Republic of Moldova	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N						
Government	Senegal	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y							
Government	Serbia	Y	Y	Y	Y	Y																																														

Respondent	Member State	Abbreviation	I. Form of the international instrument or instruments		II. Preamble						III. Definitions			IV. Purpose and scope						V. General provisions	V. General provisions	V. General provisions											V. General provisions																		
			National policy	Preventive and protective measures										Emergency preparedness and anticipation of hazards and risks										Measures for specific sectors and groups of workers																											
1	2	3A	3B	3C	3D	3E	3F	3G	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19A	19B	19C	19D	20	21A	21B	21C	21D	21E	21F	21G	21H	21I	21J	21K	22A	22B	22C	22D	22E	22F	22G	22H	22I	23	24	25
Employers	Colombia	ACOPI	Y	R	Y	Y				Y	Y	N	Y	Y	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	
Employers	Lesotho	ALEB	Y	CBNB	Y	Y	Y	Y	Y		Y	Y	N	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Employers	Colombia	ANDI	Y	R	Y	Y	Y	Y			Y	N	N	Y	Y	N	N	N	Y	N	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	O	O	O	Y	N	Y
Employers	Germany	BDA	Y	R	Y	Y	Y	Y	Y	O	Y	Y	O	N	N	Y	N	N	N	Y	N	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	O	O	O	Y	N	Y		
Employers	Eswatini	BE	Y	R	Y	Y	Y	Y	Y	Y	Y	O	N	N	Y	N	N	N	Y	N	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	O	O	O	Y	N	Y		
Employers	Portugal	CCP	Y	R																																															
Employers	Uruguay	CCSU	N	O	Y	Y	Y				Y	Y	N	N	Y	N	N	N	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
Employers	Spain	CEOE		O							O	O			O	O					O				O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O		
Employers	Spain	CEPYME		O							O	O			O	O					O			O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O			
Employers	Portugal	CIP	Y	R	Y	Y	Y	Y	Y	O	Y	Y	N	N	Y	N	N	N	Y	N	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	O	O	O	Y	N	Y		
Employers	Uruguay	CIU	N	O	Y	Y	Y				Y	Y	N	N	Y	N	N	N	N	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	O	O	O	N	N	Y	
Employers	Brazil	CNC	Y	R	Y	Y	Y	Y	Y	Y	O	Y	Y	N	Y	N	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
Employers	Brazil	CNI	N	O	O	O	O	O	O	O	N																																								

Appendix

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			V. General provisions			V. General provisions			V. General provisions			VI. Duties and responsibilities of employers												VI. Duties and responsibilities of employers				VII. Rights and responsibilities of workers and their representatives																VIII. Methods of application		IX. Other issues							
			Occupational health and occupational health services			Data collection, recording and notification of occupational accidents and diseases						Employment injury benefits	Enforcement of laws and regulations		General duties and responsibilities												Emergency preparedness and anticipation of hazards and risks																										
Respondent	Member State	Abbreviation	26A	26B	26C	27A	27B	27C	27D	28A	28B	28C	29	30	31	32	33	34	35A	35B	35C	35D	35E	35F	35G	35H	36	37	38A	38B	38C	39A	39B	39C	39D	39E	39F	39G	39H	39I	39J	39K	40	41A	41B	41C	42	43					
Workers	Australia	ACTU	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Workers	United States	AFL-CIO	Y	Y	Y	Y	Y	Y	Y	Y	O	O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
Workers	Finland	Akava	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
Workers	Philippines	ALU-TUCP	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
Workers	Chile	ANEF	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	O	O	O	O	O	O	O	O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
Workers	Australia	ANMF-NSW	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Workers	Paraguay	APE	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Workers	Iceland	ASI	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Workers	Pakistan	ASLHWEU	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Workers	Czechia	ASO	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
Workers	Austria	BAK	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	N		
Workers	Albania	BSPSH	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
Workers	Romania	Cartel Alfa	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
Workers	Mexico	CAT	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y		
Workers	Peru	CATP	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
Workers	Venezuela, Bolivarian Rep.	SUNEP-SAS	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Workers	Ethiopia	CETU	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Workers	France	CFDT	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Workers	Argentina	CGT (A)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
Workers	Colombia	CGT (C)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
Workers	Portugal	CGTP	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Workers	Spain	CIG	O	O	O																									O	O	O																			Y		
Workers	Czechia	ČMKOS	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Workers	Togo	CNTT	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
Workers	Dominican Republic	CNUS	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O		
Workers	Netherlands	CNV	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Workers	Sri Lanka	COPSITU	Y							Y	Y		Y					Y										Y					Y																	Y	Y	Y	Y
Workers	Kenya	COTU	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y																																						

[illegible]