

INTERNATIONAL LABOUR ORGANIZATION  
Sectoral Activities Programme

**Final report**

**Meeting of Experts to Examine Instruments,  
Knowledge, Advocacy, Technical Cooperation  
and International Collaboration as Tools with  
a view to Developing a Policy Framework  
for Hazardous Substances**

Geneva, 10–13 December 2007

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## Introduction

1. The Meeting of Experts to Examine Instruments, Knowledge, Advocacy, Technical Cooperation and International Collaboration as Tools with a view to Developing a Policy Framework for Hazardous Substances met at the ILO in Geneva from 10 to 13 December 2007.
2. The International Labour Office had prepared a background information paper<sup>1</sup> to serve as a basis for the Meeting's deliberations. It addressed the following major topics:
  - hazardous substances;
  - international labour standards and other instruments;
  - global, regional and national action;
  - social dialogue;
  - possible elements for developing an ILO policy framework and plan of action on hazardous substances.
3. The Governing Body had designated Dr András Békés, Senior Adviser in the Ministry of Social Affairs and Labour, Government of Hungary, to chair the Meeting. The three Vice-Chairpersons elected by the Meeting were: Ms Melody Sands from among the Government experts; Mr Erik Kjaergaard from among the Employers' experts; and Mr Thomas Nieber from among the Workers' experts. At the final plenary, Mr Michael Wolters replaced Mr Nieber in that function.
4. Government experts from 11 countries, as well as 12 Employer and 12 Worker experts participated in the Meeting.
5. Representatives from the following international non-governmental organizations also attended as observers: the European Chemicals Employers' Group (ECEG); the International Chemical Employers' Labour Relations Committee (LRC); the International Federation of Chemical, Energy, Mine and General Workers' Unions (ICEM); the International Organisation of Employers (IOE); and the International Trade Union Confederation (ITUC).
6. A list of participants is annexed to this report.

## Opening speeches

7. The Secretary-General of the Meeting, Ms Elizabeth Tinoco, Chief of the Sectoral Activities Branch, recalled the Meeting's purpose, which was to discuss how ILO instruments and other tools concerning occupational safety and health and hazardous substances could be best incorporated into a new policy framework and action plan. Among other purposes, the Meeting could also examine best practices and appropriate national legal frameworks to promote safe and healthy working environments; review the

<sup>1</sup> *Background information for developing an ILO policy framework for hazardous substances* (document MEPFHS/2007, Geneva, ILO, 2007).

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roles of governments, and employers' and workers' organizations; and examine ways of establishing tripartite consultation mechanisms on occupational safety and health, including means by which workers and their organizations participate in the consultation mechanisms and thereby build a preventative safety and health culture at work. The Meeting could also consider the impact of new and ongoing initiatives related to hazardous substances, including the United Nations' Strategic Approach to International Chemicals Management (SAICM) and the Globally Harmonized System for the Classification and Labelling of Chemicals (GHS). Furthermore, the Meeting could adopt recommendations that would be the basis of subsequent ILO action.

8. ILO standards and instruments concerned with occupational safety and health and individual hazardous substances played an important role in this area where approximately one quarter of occupational fatalities each year resulted from hazardous substances. The Governing Body had decided that many of the instruments developed over the years were outdated, however, so that one of the main agenda items of this Meeting was to discuss which approaches the ILO needed to pursue in addressing the future of such standards and instruments, in particular hazardous chemicals, and the actions that should be taken in order to promote a preventive approach to the management of hazardous substances.
9. The chemical industry was at the forefront of efforts in promoting social dialogue and has numerous contractual and voluntary initiatives to initiate dialogue with all stakeholders, including workers and their trade unions. Through "Responsible Care" programmes, the chemical industry worldwide was committed to continual improvement of all aspects of health, safety and environmental protection and to open communication about its activities and achievements. Similarly, the International Federation of Chemical, Energy, Mine and General Workers' Unions (ICEM) had negotiated global framework agreements (GFAs) with multinational chemical companies as a global dialogue mechanism in all operations of a multinational company, regardless of whether or not ILO standards have been implemented at the national level or existed in an individual country's legislation. Social dialogue could offer sustainable solutions to issues not only within labour relations but also in society at large. The conclusions of the Meeting would bolster social dialogue and have a positive impact on the management of hazardous substances, in particular chemicals, thereby promoting greater safety and health at work.
10. The Chairperson of the Meeting, Dr Békés, indicated that the convening of this Meeting, against a backdrop of major industrial accidents involving hazardous substances in recent years, was another positive follow-up to the *Global Strategy on Occupational Safety and Health* adopted by the Committee on Occupational Safety and Health as part of the International Labour Conference in 2003. One positive outcome was the adoption of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) and its accompanying Recommendation (No. 197). These standards were a new type of instrument, promotional rather than prescriptive, with a focus on setting up a promotional framework for occupational safety and health at the national level, rather than action at the company level, which was covered by existing ILO instruments.
11. Continuing in this vein, the purpose of this Meeting of Experts was to discuss a possible ILO policy framework and plan of action for hazardous substances. Five points were to be considered as the Meeting reflected on a new policy framework and a plan of action:
  - collaboration with the International Programme on Chemical Safety (IPCS) and the Inter-Organization Programme for the Sound Management of Chemicals (IOMC);
  - relevant ILO occupational safety and health standards and chemical safety instruments as a basis for national occupational safety and health and chemical safety programmes;

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- out of date standards, and instruments concerned with single chemicals;
  - international cooperation on promotion of ILO chemical safety standards, particularly Conventions Nos 170 and 174, the GHS and related international tools, through the SAICM; and,
  - joint employers' and workers' action in promoting ILO standards as the basis for national programmes.
12. Especially important were the issues of out of date standards and the importance of tripartite social dialogue to promote ratification of up to date ILO standards in the field. The implementation of the Chemicals Convention, 1990 (No. 170) and the GHS would allow chemicals to be managed without adverse effects on human health and the environment. The ILO *Guidelines on occupational safety and health management systems, ILO-OSH 2001* promoted collaborative efforts of employers and workers to improve occupational safety and health performance at the enterprise level, and to encourage national authorities to promote this systems approach. Tripartism played a pivotal role in the sound management of chemicals. The outcomes of the Meeting should further promote occupational safety and health at work and the sound management of chemicals.

## Part I – Introduction and report presentation

### Introduction

13. The Meeting devoted five sittings to the discussion of the agenda item. The spokesperson for the Employer experts was Mr Kjaergaard and the spokesperson for the Worker experts was Ms Murray.

### Composition of the Working Party

14. At its fourth sitting, the Meeting set up a Working Party to draw up draft conclusions reflecting the views expressed in the course of the Meeting's discussion of the background paper. The Working Party was composed of the following members:

#### *Government members*

<i>Mexico:</i>	Mr J. García
<i>Australia:</i>	Mr P. Haynes
<i>Germany:</i>	Mr H. Klein
<i>United Kingdom:</i>	Ms A. Michael
<i>India:</i>	Mr S. Saxena

#### *Employer members*

<i>Argentina:</i>	Mr J.M. Fumagalli
<i>Denmark:</i>	Mr E. Kjaergaard
<i>South Africa:</i>	Ms L. Lotter

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*Australia:* Ms K. Walton

*Germany:* Ms V. Wolf

*Worker members*

*Brazil:* Mr N. Freitas

*France:* Mr J.-P. Jegourel

*South Africa:* Ms S. Miller

*United Kingdom:* Ms S. Murray

*Germany:* Mr M. Wolters

## **Presentation of the background paper**

15. The background paper prepared for the Meeting was introduced by the ILO consultant, Mr Obadia. He noted the background and purpose of the Meeting as explained in the opening addresses, and highlighted the ILO's considerable experience and expertise in chemical safety. Due to time constraints, the Meeting's discussions would be limited to industrial chemicals, with references to "nanomaterials" as an example of how occupational safety and health (OSH) principles regarding implementation could be used to determine potential hazards before they became widespread. Precise data on the impact of hazardous substances on workers' safety and health was difficult to gather, but the impact was probably higher than ILO estimates. Worker and environment protection improved with better and more comprehensive assessment and regulation. The level of production and availability of hazard and risk assessment data were the decisive factors in the ability to develop and implement effective systems for the management of OSH and hazardous chemicals. Over time the ILO had developed a large number of instruments covering identification, assessment and control of occupational hazards and the management of national and enterprise OSH systems. The ILO Governing Body had decided that four of these instruments needed to be revised, possibly through a Protocol updating Convention No. 170 while preserving valid provisions. The extensive analytical and consultative work on the subject undertaken over the last eight years would facilitate the tripartite formulation and adoption of such a Protocol. The background paper also focused on global, regional and national actions over the 1972–2007 period during which the ILO played a major role in helping to develop many important tools. ILO initiatives included the International Programme on Chemical Safety (IPCS) in collaboration with the WHO and UNEP, which in turn had led to the Strategic Approach to International Chemicals Management (SAICM). The background paper summarized other major conferences, international cooperation mechanisms, standards, tools, strategies and relevant regional and national actions. A coherent global management framework on chemical safety and its use at the national level was needed now, as well as increased production of hazard and risk assessments, and development of more efficient hazard communication systems. Employers and workers had already developed and implemented a wide variety of chemical safety tools and initiatives. Their continuing and concerted efforts were essential to develop and apply tools within frameworks such as the IPCS, the Globally Harmonized System for the Classification and Labelling of Chemicals (GHS), and the *Guidelines on occupational safety and health management systems, ILO–OSH 2001*. Social dialogue could contribute to sound hazardous chemicals' management by promoting ILO–OSH instruments; joint participation in international, national and enterprise-level consultative processes; the extension of collective bargaining principles; provision of information and training; awareness raising; and the extension of assistance to



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informal economy workers and small and medium-sized enterprises (SMEs). A policy framework in this area should encompass an increase in the production of hazard and risk assessment and improved universal access to information and training; enhancing the global impact of ILO instruments by ensuring their coherence and relevance; transposing global instruments and tools into national and enterprise means of action; increasing the capacity of national OSH systems and programmes; and promoting social dialogue on OSH and chemical safety at all levels. Points for an ILO plan of action on chemical safety included: work with IPCS and the Inter-Organization Programme for the Sound Management of Chemicals (IOMC); extension of hazard assessment and management processes; promotion of core ILO–OSH standards as a basis for national OSH and chemical safety programmes; proposals for revising outdated instruments; focusing international cooperation on promotion of ILO chemical safety standards through the SAICM; and increasing joint action by employers and workers to promote ILO standards for use at national level.

## **Part II – General discussion**

16. The spokesperson for the Employer experts thanked the ILO and the Governing Body for the decision to convene the Meeting, and the opportunity to have a dialogue between experts from the governments and social partners on OSH issues in the chemical industry. The background paper prepared by the Office gave a comprehensive, informative and well-balanced perspective for the discussions with a view to enhancing the impact of a future ILO action plan dealing with hazardous substances in the chemical industry. This Meeting was extremely important to the industry, its customers and employees. Careful consideration would need to be given to means by which regulatory rules and provisions in this area could be harmonized and simplified. The Employers supported the many international initiatives and different instruments dealing with these matters, but in spite of many efforts, the level of ratification of, and knowledge about, these instruments remained low. The Meeting should therefore focus on a plan of action to increase awareness of the subjects and means to harmonize and simplify the existing instruments to the benefit of all stakeholders. In particular, the Employers considered that the SAICM was a very helpful instrument to cope with these issues, and it could be an important element in a future plan of action. The Employer experts looked forward to an open exchange of views about these very important issues with all stakeholders in the Meeting.
17. The spokesperson for the Worker experts also thanked the ILO and the Governing Body for convening the Meeting, and the Office for a balanced background document with a sound structure; it would be a good reference tool for the discussion. The Meeting provided a great opportunity to harmonize various international initiatives and carry them forward with the full involvement and engagement of workers. Prevention of exposure to hazardous substances was an absolutely central principle. Furthermore, all the ILO Conventions relevant to OSH should be ratified by all countries, awareness of them heightened, and full implementation of the Conventions must follow with the complete involvement of all stakeholders, including workers. The Worker experts emphasized that decent work must be safe work, as this was a position of the global strategy document. Equality issues also had to be at the centre of discussions, notably gender issues and the urgent need to address health and safety issues facing groups of vulnerable workers, including, but not limited to, migrant and older workers, child labourers and others. The rights of workers to freedom of association underpinned all of these issues. It was not only a question of rights, but of the centrality that such rights held for ensuring safe and good work in safe workplaces. In this sense, special attention must be given to social dialogue at the global level and in every country.
18. The Vice-Chairperson for the Government experts likewise thanked the ILO for making the Meeting and dialogue among the three constituent groups possible. The Government

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experts appreciated the background paper, which was a comprehensive and well-written document, clearly and accurately setting out the issues, and that was also timely in light of the GHS and other international efforts to promote safety and health in working environments.

19. The Government expert from Japan, also speaking on behalf of several other Government experts, noted that the ILO *Global Strategy on Occupational Safety and Health* (2003) highlighted the dispersed and fragmented nature of efforts to tackle OSH problems, whether at international or national levels, resulting in a lack of coherence necessary to produce effective impact. This situation called for an integrated and strategic approach to OSH. Based on the ILO Strategy, in 2006 the International Labour Conference adopted the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), which Japan ratified in 2007. Convention No. 187 provided for a national framework to promote OSH, strategically directed at national situations, and relying on a comprehensive management approach and a collaborative effort of the social partners. The promotion of Convention No. 187 was thus very important. In the field of hazardous substances there were sufficient numbers of ILO instruments, notably Conventions Nos 170 and 174, Recommendation No. 177, and the code of practice on safety in the use of chemicals at work. Among these, Convention No. 170 provided a comprehensive framework for national systems. The key issues to be addressed now were not the revision of outdated instruments nor the creation of new instruments covering single chemical substances, but how to better implement the existing up to date instruments globally and nationally, relying particularly on the framework provided by Convention No. 170. The ILO had to be actively involved in international initiatives on chemical safety such as the SAICM and GHS. The Meeting could play a vital role in efforts to harmonize and coordinate such global initiatives on chemical substances by providing inputs from a workplace perspective and ILO instruments.
20. The Government expert from the Russian Federation remarked that the background paper had brought to light the extremely important issue of modern technologies in the field of chemical safety, in particular the emerging role of nanotechnology, which had not been fully investigated to date. The effect of particles from such technologies on workers' health merited further consideration either during this tripartite Meeting of Experts or at another meeting. National nanotechnology programmes had become important, for example, in China, the Russian Federation, the United States and in other countries, justifying more attention to the technology and its impact.

## **Part III – Point by point discussion**

### **ILO plan of action, international cooperation and international labour standards**

21. The spokesperson for the Worker experts noted the close connection between international cooperation within existing initiatives and actions in the framework of international labour standards as the basis for designing a plan of action for future ILO activities in this field. The ILO should control the whole process of assessment and management of existing and new hazardous substances and link this to the ILO global strategy. The Worker experts agreed that there should be efforts to speed up and harmonize these processes, in line with the main ILO policy. All related international instruments should be complementary and not duplicative. States should be encouraged to ratify the relevant ILO Conventions. The Workers supported a proactive approach, including the primary use of the precautionary principle.

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22. The Worker expert from Brazil noted that in his country, a developing country that had ratified the ILO Conventions, coordination existed among the Government, Employers' and Workers' representatives. Many years ago the ILO had worked more actively with constituents in the field on issues related to the IPCS and the IOMC. Since then, ILO engagement on these issues had been reduced, and employers and workers therefore contributed less to the process. Governments, meanwhile, had continued to be involved through other organizations, such as UNEP. It was heartening that the ILO Programme and Budget for 2008–09 called for the Organization to provide more technical cooperation in the field. The Meeting could usefully recommend tripartite technical cooperation to promote ratification of the relevant Conventions, in particular Conventions Nos 170 and 174. In the 1990s, there had been a positive outcome in this regard in Latin America that could serve as an example for others. It was also crucial that the ILO's Decent Work Country Programmes (DWCPs), which were being developed for all ILO member States, gave safety and health matters priority. In his 2002 Report on decent work, the Director-General had stressed that decent work should be safe work, thereby providing the political context for locating safety and health issues in DWCPs, including management of hazardous substances.

23. The spokesperson for the Employer experts identified two main issues in relation to the points for consideration. First, the ILO was important to the whole process and should coordinate the different organizations involved. Second, the Employer experts had identified four cornerstones of an eventual plan of action. These were:

- a need to increase knowledge related to hazardous substances (cf. paragraph 92 of the background document);
- risk reduction;
- capacity building, notably in the context of the GHS; and
- good governance, which was essential to the implementation of an action plan at the national level.

All points should be applied throughout the entire life cycle and production chain of a substance.

24. Other Employer experts enlarged on these points. The Employer expert from Argentina noted that the role of the ILO was important because it was the only international organization in which employers and workers were constituent members. The Employer expert from Spain stated that chemical manufacturers generally practised risk reduction, but it was also important for all those in a chemical's chain of users. An Employers' adviser from Germany said that with respect to good governance, ratification of existing Conventions and implementation of existing Recommendations and codes constituted important considerations.

25. The Government expert from India underlined the importance of the ILO's work with the IPCS and IOMC. Support to national governments enabling them to speed up the process of assessment and management of hazardous substances, clarifying the names of chemicals and highlighting steps to be taken to develop appropriate training and awareness material also constituted valuable contributions. The ILO must therefore take a lead role and not simply remain a coordinator. With regard to standards, in some countries that had not ratified ILO Conventions, the issue of safety and health in relation to hazardous substances had been considered and dealt with in other ways.

26. The Government expert from the Russian Federation noted two issues. First, in his country the Government classified and managed the approval of substances, both compounds and

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pure chemicals. If rules were not respected, the result could be occupational accidents or disease, and one should bear in mind that related diseases might occur in later life. Second, the issue of nanomaterials should not be minimized. At present, more than 400 substances were on this list and some of these substances easily penetrated the lungs or skin, leading, for example, to cardiovascular problems. The ILO should study this issue, which perhaps might also be placed on the agenda of the ILO/WHO Committee on Occupational Health.

27. The Government expert from the United States considered that the questions on international cooperation constituted an excellent set of recommendations. The process of assessing and managing substances should indeed be accelerated. More information was needed on new chemicals and their uses, but it was equally important to disseminate information on prevention and protection.
28. The Vice-Chairperson for the Worker experts noted that all three expert groups had called for the strengthening of the ILO's role. To do so through an action plan, the ILO would need an appropriate context to assume that role, notably enhanced ratification of ILO Conventions by member States, in particular Conventions Nos 170 and 174. An Employer expert from Argentina agreed with this point. Convention No. 170 had only 16 ratifications, of which only five or six States were major producers of chemicals. It was important to identify why the ratification rate was so low. The action plan should then contemplate activities to increase ratification as a foundation for strengthening hazard management.
29. The spokesperson for the Employer experts reiterated the views on the cornerstones of an action plan, and the importance of risk reduction. The Employer expert from South Africa underlined the point that the Employer experts' cornerstones for an action plan had stressed the importance of knowledge and information (including access to information and identifying gaps in knowledge); of risk reduction (the ILO already had instruments in this area, as did other organizations); and the importance of a strategy to make improvements.
30. An Employers' adviser from Germany made additional suggestions regarding international cooperation and application of international labour standards, including use of the discussions and results of the World Summit on Sustainable Development held in South Africa. The SAICM should provide the ILO with an opportunity to strengthen its role as a tripartite forum for social dialogue concerning hazardous substances. The SAICM would be key to strengthening and promoting implementation of Conventions Nos 170 and 174, as well as other international instruments. Concerning the IOMC, ILO participation was important to ensure that the ILO was not working in isolation, a point that should be taken into account in the action plan.
31. In response to a question from the Government expert from Australia on the role of the United Nations Institute for Training and Research (UNITAR) as a collaborative partner, the Office noted that since UNITAR was part of the IOMC, it was not specifically listed as a partner in the background documentation. Furthermore, the ILO had adopted the SAICM recently, and was committed to the IOMC goals set out in Johannesburg.
32. At the Chairperson's request, the spokesperson for the Worker experts elaborated on the concept of a precautionary approach, which implied that one should avoid the use of hazardous chemicals and therefore make use of non-hazardous substitutes as the first line of defence rather than rely on personal protective equipment to address health hazards. There should be a consensus on how to assess risks; in this connection there was a need to discuss the correct way of undertaking a risk-assessment exercise, which should not be based on assumptions but on results and on principles that would be defined before the process. The whole life cycle of products should be examined. For example, in the United

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States, lead components were used in electronic products, which could then be recycled in China and incorporated in toys and other products that could eventually be sent back to the United States. In one known case, an item produced in China using such recycled substances proved to have 24 per cent of a lethal substance. It was important that the management of hazardous chemicals should not be done in ways that would create problems for others.

33. The Worker expert from Egypt, referring to both points for consideration regarding international cooperation and international labour standards, contended that there were far-reaching consequences posed by the use of dangerous chemicals that affected all governments, employers and workers. As such dialogue was needed among all three groups, with each group doing its best, workers should be helped to spread awareness and governments should be responsible for the application of the relevant Conventions.
34. The Government expert from the United Kingdom observed that it would be better to refer to hazardous substances rather than hazardous chemicals as there were other non-chemical substances at the workplace that were hazardous to the health of workers, such as wood and flour dust that could cause respiratory problems. Under the REACH system, manufacturers and suppliers should produce safety data sheets and these would provide more information but also could be used for training.
35. The Government expert from Mexico expressed the opinion that there was a gap between the needs of large companies and SMEs in the assessment and management of hazardous substances. This called for more intervention by the ILO to support SMEs, which often carried out work for the larger companies. This matter should be placed at a higher level in the policy agenda in order to address more effectively the challenges facing workers in SMEs.
36. Following an outline by the Chairperson of his understanding of the four cornerstones presented by the Employer experts, the spokesperson for the Employer experts emphasized the need for the ILO to coordinate the required work within the context of these four cornerstones. The Government expert from the United Kingdom supported this position.
37. The Office responded to requests for clarification and provided additional information on certain points. Concerning the Strategic Approach to International Chemicals (SAICM, the Governing Body at its November 2006 session actually adopted the SAICM; a mistake in the record of decisions implied that it had merely noted it. The means by which standards were taken into account in DWCPs were referred to in a Governing Body document.<sup>2</sup> At the 91st Session of the ILC, a general discussion was held on ILO standards-related activities in the area of OSH, resulting in the adoption of a Global Strategy. As a follow-up thereto, the ILC adopted the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) and Recommendation No. 197. Concerning references to the development and marketing of chemicals but not their use in the workplace as set out in the Meeting's point for discussion (a), the question reflected the fact that important information on hazardous chemicals was usually prepared "upstream" before the chemicals were marketed. This information would be employed to facilitate risk assessments in different settings, as the chemicals were not always utilized in the same manner. Information on the hazardous properties of chemicals was not usually available; therefore, point for discussion (a) had been framed in such a way as to emphasize the question of accelerating the dissemination of information as needed for measures to eliminate the hazardous properties. The ILO did not have the technical capacity for testing, etc. This

<sup>2</sup> GB.300/LILS/6: "Improvements in the standards-related activities of the ILO: Possible approaches and an interim plan of action to enhance the impact of the standards system".

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capacity was mostly possessed by governments and specialized institutes. The ILO's role should be to provide coordination and primarily guidance on policy.

38. Continuing on this point, the Government expert from Germany indicated that he participated in the IPCS and that everyone depended on the information supplied by producers. Application of REACH could improve the information flow.
39. The Worker expert from Germany stressed the fundamental role of the ILO in the generation of information, meaning in the first place how the knowledge would reach the user industry's workplace. There were shortcomings in this respect and the Worker experts supported the initiation of joint processes in which governments and employers would be involved, making it possible for knowledge to go from producers to the last user in the production chain so as to better protect workers. In developed countries sufficient data was available but the application of the knowledge was not effective. The ILO had to play a leading role in this matter. Shortcomings were mainly due to the fact that governments, employers and workers did not work together.
40. The Government expert from the Russian Federation said that his country supported ILO policies but also the involvement of other international organizations in this field such as UNITAR and the United Nations Educational, Scientific and Cultural Organization (UNESCO). Special information should be provided to vulnerable workers. National regulations on OSH conditions were produced every year in the Russian Federation and the information provided by the Government to employers.
41. An Employers' adviser from Germany emphasized the need to speed up the use and integration of information on hazardous substances throughout their life cycle. Paragraph 3 of the Dubai Declaration on Responsible Care had described two new initiatives: the Responsible Care Global Charter and the Global Product Strategy, which would provide information and risk characteristics on marketed chemicals across the value chain.
42. The spokesperson for the Worker experts stated that opportunities should be seized to build on existing standards and develop special protection measures for vulnerable workers, for example, in agriculture, and to investigate in more detail than did the current Conventions issues such as the use of pesticides.
43. In a similar vein, the Workers' adviser from Germany stressed the need to look at the plan of action. There should be support for such a plan from all three groups even if each group had a different perspective. Emphasis should be given to the protection of vulnerable workers, the strengthening of capacity based on the four cornerstones proposed by the Employer experts and tripartite consultations on safety provision.
44. The Government expert from Japan pointed out that the de facto application of ILO Conventions did not necessarily reflect their ratification rates. Often, barriers to ratification were created by one specific provision that was incompatible with national legislation. In such cases, countries would often practically comply with 99 per cent of the Convention's substance, despite its non-ratification. On the other hand, some countries had ratified Conventions with no intention of complying with the provisions. Given these realities, ratification rates were very poor indicators of Conventions' real influence and importance. Conventions Nos 170 and 174 should be used as a comprehensive and coherent basis for the sound management of chemicals, as suggested in the point for consideration.
45. The Government expert from India agreed that Conventions Nos 170 and 174 formed a comprehensive and coherent basis for action. In order for countries to successfully conduct national programmes, it was crucial for the ILO and its member States to work together to ensure that awareness-raising and training materials were available in the languages that

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were spoken in the workplace. While countries should conduct their own programmes, the ILO needed to provide technical and financial assistance during the initial stages.

46. The Government expert from the Russian Federation agreed that Conventions Nos 170 and 174 were of great importance for developing national programmes and policy. However, Convention No. 170 was based on the knowledge available in the 1980s and did not encompass a number of methods to protect the public from hazardous substances. In addition, many new chemicals were now in use that had not undergone proper testing. Finally, the Convention did not cover the issue of large accidents. Therefore, the Convention should be revised or supplemented by a Protocol to make it more comprehensive and up to date.
47. The Government expert from Germany agreed on the continued validity of Conventions Nos 170 and 174 as a good basis for action, but wondered how awareness raising and technical cooperation were to be best conducted. How could member States help each other in developing and implementing national systems, and what activities did the Office envisage in relation to awareness raising and technical cooperation?
48. The Employer experts stressed key points that would enhance the success of national programmes. An Employers' adviser from Germany insisted that every national programme needed to build on two cornerstones: capacity building and good governance. In relation to enforcement, the discussions held in the context of the SAICM had concluded that it was imperative to ensure that chemical safety became a major part of public policy to guarantee that the issue would be tackled. The Employer expert from South Africa agreed that ratification rates did not provide an adequate picture of whether Conventions Nos 170 and 174 were suitable to form a basis for a national programme. It was therefore crucial to examine to what extent countries had de facto based their national systems on the Conventions. A different approach away from ratification and towards a focus on creating enabling legal frameworks needed to be a part of the action plan. At the same time, the Employer expert from Argentina noted that the question of ratification could not simply be replaced by declarations. It was important that Conventions were widely supported if they were to have effect, and companies needed clear rules, as provided only by legal instruments.
49. The Worker expert from Brazil agreed with the view that small details often prevented ratification, but also believed that the lack of submission of the instruments to the national competent authority was at the root of low levels of ratification. In his country, a number of Conventions had not been ratified for these reasons since the 1960s. Now, as outlined by the Employer expert from Argentina, joint investigations of these disregarded Conventions would possibly allow for the difficulties to be overcome. In addition to the general provisions for new instruments that existed in the ILO Constitution, employers, workers and governments should work together to consider new instruments in a concerted way.
50. The Chairperson pointed out that the gap between ratification and implementation was at the heart of the new approach focusing on promotional work for standards, which had led to the adoption of Convention No. 187. All speakers had supported the second point for consideration discussed in the Meeting, with some qualifications regarding the issue of low ratification rates. Since recent developments had enhanced the importance of promotional elements, should not this element be included in the plan of action? An Employers' adviser from Germany agreed, suggesting to emphasize with regard to this point that awareness raising should be conducted by the ILO, workers and employers, in particular in collaboration with IOMC organizations.
51. In response to a question by the spokesperson for the Worker experts, the Office clarified that Convention No. 170 covered all chemicals and therefore also encompassed new developments in the area of agro-pesticides.

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## **Plan of action, international standards, awareness raising and national programmes**

52. The spokesperson for the Employer experts affirmed basic agreement among the Employer experts on the proposed direction for action set out in point for discussion (b). The low level of ratification of the relevant ILO Conventions highlighted the need for this issue to be addressed in an action plan, preferably as the first step. The ILO should examine the reasons why many member States did not ratify the Conventions. The reasons could be due to existing legislation that was already deemed adequate, or to a lack of capacity to apply the Conventions. The Employer experts reiterated that the cornerstones of knowledge, awareness and dissemination of information were relevant to the current discussion. The Employer expert from South Africa supported the desirability of understanding the reasons for the low ratification levels prior to addressing these problems. The Employer expert from Argentina felt that employers and workers could be instrumental in facilitating the ratification of ILO Conventions by their national governments.
53. The spokesperson for the Worker experts also noted their agreement with the thrust of the proposals in discussion point (b). The ILO should be the main body to facilitate such action. All parties should act together very quickly to increase the ratification rate of the relevant ILO Conventions, especially Nos 170 and 174, as well as their implementation. More specifically, there was an urgent need for relevant awareness raising and technical cooperation through ILO projects to assist constituents. Emphasizing the ILO's special role to assist developing countries, the Worker expert from Egypt outlined the situation in Africa where risks were shifted from other countries to African workers. They were exposed to hazardous substances included in items imported from Asia and elsewhere.
54. The Office provided additional information on the discussions and outcomes of the integrated approach to OSH which took place at the ILC in 2003. The relevant conclusions emphasized the need to raise awareness as regards OSH. The ILO's OSH standards contained technical solutions to many challenges, but the lack of awareness of these standards inhibited effective management. The agreed focus was to devise a promotional framework for OSH, similar to the approach taken at the European level. This Meeting was also part of the follow-up to the ILC discussion, with a specific focus on actions regarding chemicals. In response to questions from the Worker expert from Brazil, the speaker noted that, in preparation for the discussions at the ILC in 2003, a global survey was carried out among ILO member States on how ILO standards were used in practice.<sup>3</sup> ILO standards appeared to be more widely applied than was reflected in the ratification levels. Although most ILO Conventions were adopted with strong support from all three groups, ratification did not always follow. Standards are one among many competing issues to be considered in the DWCPs, which were frameworks of collaboration between the Office and ILO member States. Member States did not always give high priority to OSH on their national agendas. Current efforts were focused on the promotion of Convention No. 187 as ratification of this instrument would lead to the ratification of other OSH Conventions. In line with these points, the Chairperson underlined the role of the ILO in promotional work so as to address what appeared to be a lack of political will by member States to ratify the Conventions.

<sup>3</sup> Information on the result of the survey is included in the report to the Conference, which includes a CD-ROM. It is available on request.



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## Plan of action and outdated international standards

55. The spokesperson for the Employer experts noted that the Employer experts considered many of the Conventions relating to single chemicals to be old and outmoded. Remedial action was already mapped out in paragraph 9 of the *Global Strategy on Occupational Safety and Health* adopted by the ILC in 2003. The Employers strongly supported the views expressed in the relevant paragraph, did not see the need for new instruments, and emphasized the focus on key principles of the Global Strategy.
56. An Employers' adviser from Germany suggested that such key principles could be used to build bridges between the ILO's work and the SAICM. Stress was laid on the risk-based decision-making process, the socio-economic aspects of risk assessments, and the objectives for risk reduction, knowledge and information promotion, capacity building and technical cooperation. Attempts should be made to ensure policy coherence with the WHO and UNEP on the management of risk with regard to certain chemicals, and with the Stockholm Convention on Persistent Organic Pollutants and the Rotterdam Convention for Prior-Informed Consent, both of which came into force in 2004.
57. The spokesperson for the Worker experts stated the Worker experts' belief that the relevant ILO Conventions set minimum standards with a degree of flexibility for conditions prevailing in specific countries. There was no excuse for governments not to ratify such standards. Although the issue addressed by point for discussion (c) related to single chemical standards, the key Conventions for this discussion were Conventions Nos 170 and 174. Targets should be set for the next five years with the goal of increasing the number of ratifications of these Conventions each year, in line with the 2003 *Global Strategy on Occupational Safety and Health*. Ratification and implementation of these two key Conventions should be a priority with or without updating and revision. Nanotechnology should be the subject of a new ILO instrument. Article 2 of Convention No. 187 provided important guidelines, for example the adoption of national policies, systems and programmes in consultation with representative organizations of employers and workers, taking into account principles set out in ILO Conventions relevant to the promotional framework for OSH, and adoption of measures to ratify relevant ILO Conventions on OSH. The Worker experts were not here to reject decisions made by the Conference. The protocol was part of a decision made by the Conference. The Worker expert's suggestion was to go ahead with the proposal and put it on the agenda for a future session of the International Labour Conference.
58. Several Worker experts emphasized the continued relevance of certain ILO Conventions and means to update others. The Worker expert from Germany felt that although Conventions Nos 170 and 174 did not cover single chemicals, there was value in reassessing the single chemicals standards in relation to them, and considering what to do with those that were found to be obsolete. The Workers' adviser from Germany reiterated the importance that the Worker experts attached to ratification of Conventions Nos 170 and 174. The Governments had said that it was difficult to ratify Convention No. 170, but at the same time wanted more ratification of Conventions, positions that appeared to be contradictory. The Worker expert from Brazil remarked that paragraph 7 of the 2003 *Global Strategy on Occupational Safety and Health* had been clear in defining the main issues, notably that priority should be given to the revision of Conventions Nos 13, 119, 136, and accompanying or related Recommendations Nos 4, 6, 118 and 144, in a consolidated manner by a Protocol to Convention No. 170. The ILO should maintain and strengthen those earlier standards by consolidating the various single chemicals standards in such a Protocol. The Worker expert from Egypt confirmed that for single chemicals, the Worker experts favoured a strategy that would use Conventions Nos 170 and 174 as a starting point, and work towards developing a Protocol to Convention No. 170, ratification and updating to cover relevant issues.

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59. The Government expert from India suggested that the constituents should look thoroughly and comprehensively at outdated standards, and focus their efforts on updating and revising Conventions Nos 170 and 174 to take account of technological developments, for example, nanotechnology.
60. The Government expert from Germany felt that pages 43–44 of the background paper prepared by the ILO provided a good overview of the relevant instruments to be examined. As well as Conventions Nos 170 and 174, the constituents should also look especially at the subject of asbestos. Other Conventions should be withdrawn. Updating should take account of the GHS and norms on the transport of dangerous goods, which were revised every five years and ratified by 130 countries.
61. The Office provided additional information to help clarify the respective roles of the ILO and constituents, as well as means to revise or dispense with outdated instruments. The ILO was not a legislative body; it elaborated standards through the ILC that were adopted (or not) by the tripartite constituents. Standards became international law through ratification by governments, not the actions of the ILO. Any revisions of ILO standards had to follow the same procedure. The process of developing ILO Conventions, as well as the process of ratifying them, was a lengthy process. Replacing an outdated instrument with a new Convention through a process of revision coupled with a denunciation of the old instrument and ratification of the new one was also a lengthy process. Conventions were created at a specific point in time, but as the subject they covered evolved over time, some issues needed to be revisited. It should be recalled that by an amendment to the Standing Orders of the Conference, the ILO can withdraw instruments that are not legally binding (i.e. Recommendations and Conventions which have not entered into force). Pursuant to the “Constitution of the International Labour Organization Instrument of Amendment, 1997”, Conventions that have lost their purpose or no longer make a useful contribution to attaining the objectives of the Organization could be abrogated according to the specified procedure. To date (December 2007), this amendment has been ratified by 102 member States and will enter into force only when an additional 19 member States have ratified it. In the present context, the White Lead (Painting) Convention, 1921 (No. 13) and the Benzene Convention, 1971 (No. 136) and its related Recommendation No. 144, have been considered to require revision as the exposure levels and specific norms relating to women were outmoded. A proposal to revise these instruments together with Recommendations Nos 4 and 6 has been submitted to the Governing Body for consideration but has not been taken up.
62. The spokesperson for the Employer experts remarked that the Office’s explanations showed the complexity of dealing with out of date standards and instruments. The Employer experts agreed on the need to look at those instruments dealing with single chemicals. The role of the ILO should be to develop a methodology for a systematic updating of codes of practice and technical guidelines in relation to such standards based on point 9 of the *Global Strategy on Occupational Safety and Health*. The Employer expert from Argentina accepted that some single chemical instruments had become obsolete, and therefore more technical guidance should be provided on how to deal with this situation. In fact, the *Global Strategy on Occupational Safety and Health* offered various ways to improve the existing system, notably through the development of criteria and principles to identify factors of toxicity and risk, in particular for new products that combined several substances. The Rotterdam Convention mentioned earlier could also be cited as an example of how to address these issues. The Employer expert from the Bolivarian Republic of Venezuela pointed to the difficulties associated with ratification of the Safety and Health in Mines Convention, 1995 (No. 176) and the means by which the obstacle to practical application of its provisions had been overcome through the development and use of ILO codes of practice, including the most recent one in 2006.

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63. The Worker expert from Germany argued for priority to be given to the updating of Convention No. 170 in relation to the possible revision of existing instruments, and the adoption of a plan of action. The Meeting could propose to put on the agenda of a future ILC the revision of Convention No. 170. This would ensure a higher level of ratification, and was in line with point 7 of the *Global Strategy on Occupational Safety and Health*, which clearly indicated that existing instruments should be updated.
  64. The Chairperson noted that there seemed to be a consensus about the revision of obsolete instruments, and that one way of doing so would be the formulation of a Protocol to Convention No. 170 for consideration at a future ILC, in line with point 7 of the Global Strategy.
  65. The spokesperson for the Employer experts stressed that the Employer experts did not support the proposal for a Protocol to Convention No. 170. The Employer expert from Argentina urged that resources not be wasted on trying to revise out of date standards, whether concerning benzene or others.
  66. An Employer expert adviser from Germany indicated that a plan of action should be in line with point 9 of the Global Strategy, which emphasized that instruments should focus on key principles. A number of instruments already existed under the UN umbrella, notably through the SAICM, and technical guidelines should be developed for the updating of these instruments.
  67. The Government expert from Japan said that the focus of efforts should be on the implementation of Convention No. 170 which covers all chemicals in a comprehensive manner. He was not in favour of the adoption of an additional Protocol on single chemicals.
  68. The Workers' adviser from Germany argued that a new Protocol could allow outdated instruments to be brought up to date. Point 9 of the Global Strategy required the ILO to develop a methodology for a systematic updating of codes and guidelines. Regulations could also be developed within the SAICM framework on hazardous substances. There was clearly a need to adopt a global plan of action that increased the role of the ILO at various levels – national, regional and international – in line with previous ILC decisions.
  69. The Chairperson summarized the discussion by indicating that there was a consensus that the outdated instruments no longer served a useful purpose and that elements of the Global Strategy adopted in 2003, notably points 7 and 9, pointed the way forward, but that there was no consensus in the Meeting on the utility of adopting a Protocol to Convention No. 170.

### **Plan of action, international standards, strategies and cooperation**

70. The spokesperson for the Worker experts indicated that the ILO should be at the centre of international cooperation, initiatives and action in relation to chemical safety, as recognized in the Global Strategy. Conventions Nos 170 and 174 were central to this. SAICM and GHS were important tools for workers' OSH. Tripartite collaboration on these questions should be the driving element of future actions, a principle that the Meeting should endorse.
71. The spokesperson for the Employer experts stated that the Employer experts supported the proposal contained in point for discussion (d). The ILO should focus its future activities

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around the four cornerstones mentioned earlier: knowledge dissemination; risk reduction; capacity building; and good governance.

72. The Employer experts clarified their views on risk reduction and prevention. The Employer expert from South Africa observed that a preventive approach would be the most constructive. An Employers' adviser from Germany recalled that the precautionary approach that was included in the Dubai Declaration was based on a risk assessment that was key for the safe management of chemicals at the workplace. The Employer expert from Spain added that precautionary measures were defined in the SAICM.
73. The Chairperson also recalled that risk reduction implied a preventive approach and indicated that there was a consensus on this point.
74. The Government expert from Germany argued that, with the support of employers and workers organizations, the ILO should play a key role in the implementation of the SAICM, in particular in relation to workplace protection, as the SAICM focused largely on environmental issues. The spokesperson for the Employer experts recalled that the SAICM had received the support of all the parties concerned.
75. The Worker expert from Germany agreed on this point. The SAICM could contribute to the improvement of working conditions. For this to happen, the plan of action that the Meeting could adopt should envisage how to better associate the workers with improved implementation of the SAICM. Among the pilot countries identified for the implementation of the SAICM, however, the inclusion of Belarus raised concern, due to lack of adherence in that country to ILO standards, especially freedom of association and respect for independent trade unions.
76. The Worker expert from Brazil seconded these points. Experiences with the SAICM showed that it was not well implemented or respected at the workplace level, and one way to remedy this would be to promote worker participation at all levels of risk prevention. With joint employer and worker action, greater efforts on prevention could be achieved. The 1992 United Nations Conference on Environment and Development focused on joint action in prevention, and the social partners needed to re-emphasize this basic concept.
77. The Employer expert from South Africa noted that the OSH elements of the SAICM should be extracted and then coupled with the principles of tripartism as a means to emphasize and promote the SAICM within the action plan and within workplaces. The Employer expert from Argentina agreed with the comments of the Worker expert from Brazil, but added that examining the number of workplace accidents would not necessarily highlight the amount of logistical support provided in support of risk prevention; such support should also be evaluated.
78. The Chairperson affirmed that there were clear endorsements from Worker and Employer experts on the value of tripartism in the plan of action.
79. The Government expert from the Russian Federation contended that workers' and employers' organizations often failed to seek the advice and guidance of government ministries on OSH, and this failure could undermine effective risk prevention. To fully understand and define workplace safety and the prevention of professional risk it was necessary for those involved in formulating the plan of action to understand the experiences in many countries. In this respect, in the Russian Federation the system of prevention involved a joint committee set up at workplace level, with the participation also of local OSH authorities to advise and assist. An inspectorate that could certify the degree of occupational safety of a workplace complemented this consultative mechanism.

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80. The Worker expert from Brazil stated that the first element of risk prevention was tripartite participation in OSH management. However, it was also essential that those government ministries involved in giving effect to the SAICM policy focused on ensuring that the policy reached the workplace level. This required education and training of both employers and workers. Furthermore, nanomaterials posed inherent risks but a lack of knowledge and available information about these risks persisted, despite the increasing use of nanomaterials. Again, this information must reach the workplace level, not just the level of government where policy was developed.
81. The Office presented information compiled for the 2003 ILC covering a range of ILO Conventions relating to OSH. The chart showed how ILO member States used OSH Conventions, according to whether they had ratified the Conventions; used it as a guidance for national action; intended to ratify it; or both used the Convention as guidance and intended to ratify it. Few countries responded that whereas they had not ratified a Convention and did not intend to do so, they nonetheless used the Convention for guidance. It would therefore appear that ratification and implementation went hand in hand.

### **Plan of action, social dialogue and joint actions on OSH**

82. The spokesperson for the Employer experts referred to his own country, Denmark, where the principles embodied in ILO OSH Conventions are implemented by way of legislation and practice without the country having ratified the relevant Conventions. The important issue is implementation of a Convention's principles by a country, not ratification. The Employer experts supported the point for discussion (e). In the context of the four cornerstones already proposed for an action plan and its relationship to global action as outlined in the ILO background paper (section 5.3), the Employer experts endorsed the comments that the SAICM was a "remarkable" tool and that "strengthening of ILO participation, including employers' and workers' representatives in the SAICM activities, should therefore be a high priority". The major points from the SAICM that relate to the four cornerstones should be identified and then developed within the action plan. The Dubai Declaration on the SAICM contained references to the ILO's core mandate, such as eradicating the worst forms of child labour, and points 7 and 9 of that document should go into the action plan.
83. The spokesperson for the Worker experts stated that Conventions were minimum standards, which allowed flexibility in implementation; they were not prescriptive. Social dialogue must be a key element of the action plan: without the participation of workers and unions it would be very difficult to effectively implement OSH principles. Where appropriate, regional-level social dialogue as a complement to national dialogue was beneficial, for example European dialogue on REACH. Global social dialogue was also crucial. A mature and constructive industrial relations system was necessary for institutionalized social dialogue. This required:
- freedom of association and collective bargaining rights based on Conventions Nos 87 and 98;
  - respect for the relevant aspects of the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration); and
  - attention to contract labour issues and gender issues.

The action plan should promote the ratification of Conventions Nos 170 and 174, and cooperation on the GHS and the SAICM. The action plan should also set targets for the

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number of countries to ratify Conventions Nos 170 and 174, such as 25 countries within four years. Developments should be monitored by a joint committee. Projects on OSH through social dialogue, training and capacity building should also be included in the action plan.

- 84.** The Worker experts contributed additional points for consideration in defining an action plan. The Worker expert from South Africa reiterated the importance of worker involvement at the early stages of projects or plans to introduce the use of chemicals in workplaces, including the development of the plan, its implementation and its monitoring. Safe work was a fundamental element of decent work, and the context of decent work must be developed in the drafting of the action plan. Proposals by the Employer experts for a “Voluntary Initiative of Responsible Care” should be considered, but voluntary initiatives could not be used as a substitute for regulatory frameworks. The Worker expert from Brazil advocated the use of a model of effective social dialogue developed over many years at International Labour Conferences to underpin frameworks for chemical safety in the context of OSH. Governments faced financial and technical constraints to the successful use of mechanisms for risk prevention, but social dialogue was an effective tool to complement government mechanisms by ensuring that the social partners were jointly committed to implementing OSH principles and practices. Constituents increasingly engaged in national dialogue on decent work, and this should include discussions on the principles embodied in fundamental ILO Conventions. OSH and chemical safety should also feature highly within the national Decent Work Agenda defined by social dialogue and fundamental labour rights.
- 85.** The Government expert from Australia noted that the Government experts strongly supported social dialogue as a means of ensuring sound OSH management. Concerning the question of ratification of ILO Conventions and its role within the action plan, key issues to be considered were:
- the existence of sophisticated OSH machinery in many countries, perhaps dispensing with the need for ratification of relevant OSH Conventions;
  - the decreasing tendency of countries to ratify Conventions; and
  - the increasing promotional role of the ILO.
- 86.** These issues raised the question as to whether there were inherent problems with Conventions and/or the process or obligations associated with their ratification. If countries were not ratifying Conventions this should invite the ILO to ask whether and how Conventions and the process of ratification should be altered to encourage member States to ratify relevant standards.
- 87.** The Government expert from the United States echoed these comments. Government experts suggested that the action plan should perhaps focus on the term “recognition” rather than “ratification”. This would allow countries to acknowledge the role of the ILO and the principles and standards within Conventions, without the need to formally ratify them. The approach would also be consistent with the ILO’s promotional role.
- 88.** The Chairperson summarized the discussion, which focused on three core elements:
- general agreement that social dialogue should have an increased role;
  - ILO standards should be the basis for national OSH programmes; and
  - views diverged as to whether the appropriate approach to ILO standards by countries should be to ratify, implement or “recognize” them.

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89. The spokesperson for the Employer experts suggested that the emphasis in the action plan should be on recognition and implementation as complementary approaches to ILO standards.
90. The Worker experts took issue with the idea that ratification should not be emphasized. The Worker expert from Germany contended that relevant ILO Conventions established fundamental human rights in the realm of OSH. Ratification of ILO Conventions was therefore an important impetus for governments to implement laws. This key relationship should also be viewed in the context whereby some countries did not recognize fundamental rights. Limiting the focus to guidelines for action missed the point: the need to set out obligations through legal acts. Recommendations and a plan of action should support the ratification process and social dialogue should be used to discuss difficulties in implementing ILO standards. The ratification of Conventions Nos 170 and 174 should be the final stage. The Worker experts from Egypt and the Russian Federation concurred: the goal of ILO standards work was ratification of Conventions. Workers suffered from a lack of social dialogue and therefore needed standards to be established as essential elements for government and employer action. The Worker expert from South Africa found it difficult to accept the questions raised about ratification of Conventions, as these were adopted by a two-thirds majority at the ILC.
91. The Office pointed out that one of the issues before the Meeting related to the use of updated standards in national contexts. ILO Conventions and Recommendations had been reviewed in the context of the work of the Cartier Working Party (1995–2002). The ILO Governing Body had endorsed this review. Conventions Nos 170 and 174 were considered up to date instruments as they had been adopted after 1985.
92. The Chairperson reminded the Meeting that the discussion focused on the promotion of the up to date Conventions Nos 170 and 174. There was a consensus on strengthening social dialogue, joint action and the use of up to date safety standards and principles within national programmes. Questions remained concerning implementation, recognition and/or ratification of the Conventions.
93. The Government experts continued to insist on the difficulties posed for ratification and possible alternatives. The Government expert from Germany pointed to the relative ease by which employers and workers agreed on Conventions whereas governments had difficulties not so much with their content but with their ratification, especially legal obstacles in the ratification process. The case of Australia was illustrative of some of the challenges faced by federal states. OSH awareness and implementation had increased in the past through other institutions and instruments and the question was whether the ILO continued to have the same role in relation to standards as it did in 1920. The Government expert from South Africa agreed that governments recognized the work of the ILO but had problems in ratifying Conventions. In view of declining ratification trends, recognition of key principles in standards had become the key issue.
94. The spokesperson for the Worker experts wished to make clear that the discussion should focus on ratification and overcoming obstacles in the process, as this was linked to social dialogue. Convention No. 187 spoke of ratification, notably its provision (Article 2.3) underpinning the tripartite nature of consultations in the process. The Workers' adviser from Germany also stressed the importance of ratification for an instrument such as Convention No. 170, which had the support of all parties. In the case of Denmark where the Convention had not been ratified, an agreement existed among all stakeholders that its implementation had been achieved. Implementation was better than recognition in terms of national-level action.
95. The Employer experts supported the ideas of jointly agreed actions related to adoption, ratification and implementation. The Employer expert from Argentina recalled that the

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tripartite process should lead to agreement on Conventions. National implementation was desirable, and this might be achieved by a tripartite agreement that a standard was being implemented even if the Convention had not been ratified. The Employer expert from South Africa reiterated that the focus should be on joint action to promote ratification and implementation of standards and to overcome obstacles in this regard.

96. The Government experts generally agreed but expressed different views on ratification and implementation. The Government expert from the Russian Federation mentioned that ratification of Conventions remained an important goal, but in his country there were two levels of legislative decision-making. The Government expert from Egypt noted that implementation constituted a greater commitment than ratification. The Government expert from the United Kingdom again raised the issue of different legal problems faced by countries. Work carried out to fulfil a Convention's obligations should be recognized even if the Convention was not ratified. The Government expert from South Africa stated that if a government was not able to ratify a Convention, it should nevertheless be able to implement it.
97. The Workers' adviser from Germany considered that there was progress towards an understanding of the key goals of an action plan on these points. Awareness of OSH standards and principles in countries would reflect the first essential step. If a Convention was not ratified, its implementation at national level could be achieved through a tripartite agreement. The Chairperson considered that consensus existed on these points.
98. The Office pointed out that a focus on implementation in the absence of ability to ratify would be acceptable from the ILO's point of view if this was so mentioned in the Convention, as was the case for Conventions Nos 170 and 174.
99. A discussion ensued over whether the action plan should include the phrase "the ratification or implementation of ILO Conventions and chemical safety standards, as appropriate", or "the ratification and implementation" of such standards, or some combination of the two expressions, such as "ratification and/or implementation". As there was no consensus on this point, the Chairperson proposed that the decision be left to the Working Party.
100. In response to requests for clarification from the Employer and Worker experts respectively, the Office explained that ratification and implementation were two separate concepts. Upon ratification, a Convention would create a binding obligation for the ratifying member State to implement its provisions. Ratification obliged countries to implement, but did not per se create compliance. ILO Conventions targeted member States. The MNE Declaration mentioned earlier was addressed to multinational enterprises.
101. In the absence of further interventions, the Chairperson closed the plenary discussion, during which the five points for consideration had been fully debated. The Working Party had a sizeable task ahead.

## **Consideration and adoption of the draft recommendations by the Meeting**

102. The Working Party on Recommendations submitted its draft recommendations to the Meeting at the fifth sitting.
103. The Meeting unanimously adopted the draft recommendations, after having agreed to changes in paragraphs 1 and 9 of the draft and the addition of a new paragraph 12.



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- 104.** In response to a question on the effect to be given to the recommendations, the Secretary-General informed the Meeting that the recommendations would first need to be endorsed by the Governing Body of the ILO before circulation to all member States. They would then be incorporated into the ILO's future programme of work. The Office furthermore announced that the draft report of the discussions would be finalized and sent to participants for their comments, then published in final form in early 2008.

## **Closing remarks**

- 105.** The spokesperson for the Worker experts considered that the Meeting had addressed matters of direct importance to the people of the world and to the global environment. All parties had a huge responsibility to ensure implementation of the recommendations, all the more so since chemical substances had a direct impact on human factors. The ILO's role to ensure that the work of the Meeting did not remain a paper exercise would largely involve empowerment of workers as social partners. One of the major outcomes of the Meeting had been to stress the importance of both social dialogue, to which workers attached great importance, and tripartism, which nurtured the process through freedom of association and collective bargaining. Decent work meant safe work. In addition to promoting international framework agreements (IFAs), workers' priorities included the ratification and implementation of specific international labour standards, namely Conventions Nos 155, 170, 174 and 187. The Worker experts thanked the Chairperson, the Employer and Government experts and the ILO secretariat for their support in successfully concluding the Meeting's work.
- 106.** The spokesperson and the Vice-Chairperson for the Employer experts also extended thanks to the Chairperson for his excellent conduct of the proceedings and skill in generating consensus, and expressed appreciation to the secretariat of the International Organisation of Employers (IOE), to the Worker and Government experts and to the ILO secretariat for their support throughout the Meeting. Participants had engaged in an important debate, which had major implications for the future of the industry. The Employer experts, as well as other experts in the Working Party, had shown flexibility in shaping a set of balanced, concrete and effective recommendations. All parties could declare that they were partially satisfied with the outcome of the Meeting. The implementation of the recommendations would depend on practising tripartite social dialogue. The Meeting had been a demonstration of social dialogue and good will.
- 107.** The Vice-Chairperson for the Government experts likewise extended thanks to the Chairperson for guiding the Meeting to a successful outcome, and for the work of the Employer and Worker experts. The Government experts also expressed appreciation for the supportive documents and information provided by the Office, and in general the work of the secretariat. In this Meeting, the energies of all players had been harnessed towards producing recommendations for a plan of action to address safely and thoroughly the problems posed by the use of hazardous substances. Hopefully the plan of action would be effectively put into practice.
- 108.** The Government expert from the Russian Federation was pleased that reference had been made to nanotechnologies in paragraph 7 of the recommendations, as had been the case in other ILO meetings. It would also be advisable for the ILO to revive the practice of organizing international councils of experts on OSH and protection of the environment. Recent accidents in the coal industry, for instance in China and Ukraine, argued for the convening of a panel of experts to deal with safety issues in this industry. Another ILO tradition worth reviving was to send experts on conditions of work to look into the causes of occupational accidents and to circulate findings. The former ILO programme, PIACT, had actively provided assistance to member States in improving conditions of work; he had

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personally participated in expert missions to Cuba and the Bolivarian Republic of Venezuela. Finally, the ILO should consider the theme of “No alcohol and narcotics at the workplace” on the occasion of a future World Day for Safety and Health at Work.

- 109.** The Secretary-General declared that it was impressive to observe the seriousness of purpose and willingness with which experts had sought consensual and pragmatic answers to problems, despite occasionally divergent views. This was the basis for effective tripartite negotiation and social dialogue. The result was a set of recommendations, which would provide thoughtful and substantial guidance to the ILO as well as to government policy-makers, employers’ and workers’ organizations for implementing sound management of hazardous substances. The recommendations would also act as a road map for the Governing Body and the entire Office in formulating the ILO’s future programme of work in this field. The Sectoral Activities Programme looked forward to continuing its service to the constituents as they worked to promote health and safety and the sound management of hazardous substances. Heartfelt thanks should go to the Meeting’s Chairperson, Dr Békés, for his skilful chairing, to the Vice-Chairpersons and spokespersons for the experts, members of the Working Party on Recommendations and all experts for their hard work and invaluable contributions to the Meeting’s success. A special word of thanks as well goes to members of the secretariat for their dedication and efficiency.
- 110.** The Chairperson noted that the Meeting was significant in many ways. To begin with, it was very timely, organized as it was in the wake of important events concerning the sound management of hazardous substances, notably significant global initiatives in the area of protecting workers and the environment. This was a positive sign that the ILO tried to best serve constituents’ needs. In addition, the Meeting outcome was positive and forward looking. Its results should be widely accepted by all ILO member States. Implementation of the Meeting’s recommendations would further OSH and chemical safety in ILO member States by promoting the up to date core ILO standards on OSH. In that sense, the Meeting’s recommendations helped to ensure that the ILO remained in the forefront of global OSH and chemical safety management. The recommendations would no doubt lead the ILO to implement fully the SAICM and continue its work in support of the goals of Chapter 19 of Agenda 21. The Meeting also underscored the importance of tripartite social dialogue, the proof being the unanimously adopted recommendations. This Meeting provided a clear example of how social dialogue could address important workplace issues such as OSH and sound management of hazardous substances. The experts were to be thanked for their high-quality contributions on the agenda items. Special thanks went to the Vice-Chairpersons and spokespersons for the experts, as well as the Secretary-General and all members of the ILO secretariat, for their support to the smooth organization of the Meeting. On behalf of the experts, he invited the Office to take the necessary action before the ILO Governing Body so that it authorized implementation of the action plan. He then declared the Meeting closed.

Geneva, 13 December 2007.

Dr András Békés,  
Chairperson.

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## Recommendations

The Meeting of Experts to Examine Instruments, Knowledge, Advocacy, Technical Cooperation and International Collaboration as Tools with a view to Developing a Policy Framework for Hazardous Substances,

Having met in Geneva from 10 to 13 December 2007,

Adopts this thirteenth day of December 2007 the following recommendations:

## Introduction

1. Chemicals are widely used throughout society, with both positive and negative effects on health, well-being and socio-economic aspects. Significant but still insufficient progress has been made in international chemicals management and regulations. Serious incidents still occur and there are still negative impacts on both human health and the environment. Workers who are directly exposed to hazardous substances should have the right to work in a safe and healthy environment, as well as to be properly trained, informed and protected. Governments, employers and workers continue their efforts to minimize the negative effects of the use<sup>1</sup> of hazardous substances through appropriate and efficient regulations and management systems.
2. Decent work must be safe work. Occupational safety and health (OSH) has always been a central issue for the ILO. ILO Conventions such as the Occupational Safety and Health Convention, 1981 (No. 155), the Chemicals Convention, 1990 (No. 170), and the Prevention of Major Industrial Accidents Convention, 1993 (No. 174), have contributed to the development of a coherent approach to chemical safety respecting concerns both for workers and human health and the environment. Those instruments, as well as the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), also serve as a good basis for employers', workers' and governments' work on OSH. There is an obvious need to promote all these ILO instruments.

<sup>1</sup> Convention No. 170, Article 2(c) states: "... the term 'use of chemicals at work' means any work activity which may expose a worker to a chemical, including:

- (i) the production of chemicals;
- (ii) the handling of chemicals;
- (iii) the storage of chemicals;
- (iv) the transport of chemicals;
- (v) the disposal and treatment of waste chemicals;
- (vi) the release of chemicals resulting from work activities;
- (vii) the maintenance, repair and cleaning of equipment and containers for chemicals;"

- 
3. The principles and rights embodied in chemical safety instruments have had a significant influence on the development of global OSH and chemical safety management frameworks through, for example, the Globally Harmonized System for the Classification and Labelling of Chemicals (GHS), the International Chemical Safety Cards (ICSCs), implementation strategies such as Chapter 19 of Agenda 21 on environmentally sound management of toxic chemicals, and more recently, the Strategic Approach to International Chemicals Management (SAICM). As mentioned in the *Global Strategy on Occupational Safety and Health*,<sup>2</sup> given its tripartite participation and recognized global mandate in the area of OSH, the ILO is particularly well equipped to make a real impact in the world of work. Furthermore, factors such as continuous scientific and technological progress, global growth in chemicals production and changes in the organization of work, which may result in different types of atypical employment, call for an ongoing, coherent global response.
  4. A relevant, coherent and effective approach is to use a management systems approach based on the general ILO principles on OSH and social dialogue. It should aim at the continuous harmonization, integration and improvement of preventative and protective systems and tools, encompassing both the workplace and the environment. It is a fact that the sound management of hazardous substances in the workplace is an essential element in reducing their impact on the environment, workers and industry. The SAICM's Dubai Declaration on International Chemicals Management recognizes the importance of the ILO's two key chemical safety standards namely, Conventions Nos 170 and 174, in promoting the sound management of hazardous substances throughout their life cycle.

## Plan of action

5. In order to obtain synergies and a multiplier effect in this area, the ILO should proactively provide a higher level of input in the implementation of the SAICM regarding OSH issues. The Meeting of Experts recommends a plan of action based on the following fundamental pillars: information and knowledge; preventative and protective systems aimed at reduction of risks; capacity building; social dialogue; and good governance. The plan of action should be implemented through a variety of instruments, including ILO standards and joint actions, and be based on the principles of the 2003 *Global Strategy on Occupational Safety and Health* and the SAICM, and in partnership with workers, employers and governments. It should address the following areas.

## Social dialogue

6. The joint support from employers and workers and their participation are essential for successfully achieving the goals of the Organization with regard to the global management of hazardous substances. Such joint support and participation should include:
  - the promotion of the ratification or implementation, as appropriate, of the corpus of up to date ILO OSH instruments, with a particular focus on Conventions Nos 170, 174 and 187;
  - the promotion of a wide implementation of the ILO *Guidelines on occupational safety and health management systems, ILO-OSH 2001* and the 2003 Global Strategy at the national, sectoral and enterprise levels;

<sup>2</sup> Conclusions adopted by the International Labour Conference at its 91st Session, 2003.

- 
- in cooperation with the ILO and other appropriate intergovernmental organizations, the mobilization of resources to improve OSH training and information, and building and implementing a preventative safety and health culture;
  - encouraging and taking part in all aspects of the development, implementation and management of national OSH systems and programmes;
  - a contribution to the implementation of the SAICM and promoting the use of ILO instruments and resources relevant to OSH and chemical safety, through the promotion of a partnership approach. Global framework agreements can be one example of this approach; and
  - construction of close cooperation on knowledge and information development, good governance, awareness raising and capacity building.

### ***Information and knowledge***

7. The acquisition, management and dissemination of information and knowledge related to hazardous substances need to be continuous and integrated in the process of developing and marketing chemicals. Universal access to this information and knowledge is essential to the development of prevention and protection tools. This includes:

- assessing the hazardous properties of chemicals and strengthening screening and evaluation systems for new chemicals entering the market;
- supporting efforts to harmonize chemical hazard identification, assessment and management methods at an international level;
- promoting universal access to reliable information on hazardous substances such as classification and labelling and material safety data sheets in as many languages as possible;
- taking into account the needs of all workers, particularly vulnerable and precarious workers;
- supporting the development and implementation of international standards and technical guidelines on the prevention of exposure to, and the sound management of, hazardous substances, including occupational exposure limits (OELs) and lists of occupational diseases;
- raising awareness about the strong links between the environment and the world of work and the fact that any workplace improvements in managing hazardous substances will contribute to the protection of the environment; and
- monitoring national and international activities related to safety in the use of new technologies such as nanotechnologies and possibly contributing to them through ILO participation in relevant intergovernmental coordination groups.

The contributions of all social partners to this process are vital.

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8. In this context the ILO should focus its action, in cooperation with employers, workers and governments, on:

- promoting the adoption by member States and the implementation and use by industry of the GHS;
- increasing its input in the development, updating, translation, dissemination and overall promotion of the International Programme on Chemical Safety (IPCS) ICSCs, as well as promoting the use of internationally recognized hazardous chemicals assessments such as the IPCS Environmental Health Criteria (EHC) and the Concise International Chemical Assessment Documents (CICAD); and
- promoting the development of global networks to facilitate the sharing of good practices, methodologies, interventions, approaches and results of research to improve the sound management of hazardous substances, and making full use of the wide network of the ILO CIS national centres.

### ***Implementation through ILO instruments***

9. The principles and rights in the corpus of the up to date ILO general OSH and chemical safety standards and related codes of practice and guidelines constitute a current, comprehensive and sound basis for developing coherent national OSH systems that include elements necessary for the sound management of chemicals at the workplace. As a priority, the ILO should assign central importance to the promotion of the Occupational Safety and Health Convention, 1981 (No. 155), the Chemicals Convention, 1990 (No. 170), and the Prevention of Major Industrial Accidents Convention, 1993 (No. 174), as well as the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and related Recommendations.
10. The Meeting of Experts agreed that the five instruments<sup>3</sup> regulating a single chemical substance were obsolete and in need of revision. However, no consensus was reached on how to address this. OSH is an area which is in constant technical evolution. High-level instruments to be developed should therefore focus on key principles. The ILO should develop a methodology for a systematic updating of codes and guidelines on hazardous substances.

### ***International cooperation***

11. In order to contribute fully to the implementation of the SAICM, the ILO should continue to:
- actively collaborate with other IOMC members as this is an effective mechanism for policy coordination for chemical management;
  - strengthen ILO tripartite participation in SAICM activities and use the SAICM mechanisms to build technical cooperation synergies for the promotion of ILO instruments, guidelines and programmes related both to OSH and hazardous substances; and

<sup>3</sup> The White Lead (Painting) Convention, 1921 (No. 13), the Benzene Convention, 1971 (No. 136), and Recommendation (No. 144), the Lead Poisoning (Women and Children) Recommendation, 1919 (No. 4), and the White Phosphorus Recommendation, 1919 (No. 6).

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- strengthen the technical collaboration with the United Nations Institute for Training and Research (UNITAR) in developing chemical safety training tools for the GHS and guidance for the implementation of national chemical safety programmes.
12. The plan of action should be the basis for the ILO's contribution to the second session of the International Conference on Chemicals Management (ICCM2), May 2009.

### ***Awareness raising and capacity building***

13. In order to promote an effective implementation of relevant instruments on the sound management of chemicals, the ILO should, in the context of the Decent Work Country Programmes (DWCPs), mobilize internal and external resources to include chemical safety components in its technical cooperation projects related to the building and strengthening of national OSH systems and programmes. In doing so, the ILO, in collaboration with other members of the IOMC, should cooperate closely with employers, workers and governments with a view to improving the sound management of chemicals at national and global levels, particularly within small and medium-sized enterprises (SMEs). This could include:
- providing capacity building targeted at constituents with a view to promoting awareness and knowledge on sound management of chemicals;
  - providing information and training and technical assistance for the implementation of the GHS; and
  - assisting countries in developing and maintaining national OSH information centres, such as the CIS national centres.

### ***Good governance and knowledge dissemination***

14. As provided by the Dubai Declaration, sound management of hazardous substances requires effective and efficient governance through transparency, public participation, and accountability involving all stakeholders. The application of a systems approach to the sound management of chemicals is essential, both at national and enterprise levels, in particular for SMEs. Thus, the ILO should:
- promote, in collaboration with other members of the Inter-Organization Programme for the Sound Management of Chemicals (IOMC), and in the implementation of the SAICM, the ratification of Conventions Nos 170, 174 and 187, and the establishment of national OSH systems, programmes and profiles;
  - promote the implementation of the OSH management systems approach, based on the *ILO-OSH 2001* as an effective method for the continuous improvement and updating of OSH systems and the building of a preventative safety and health culture; and
  - ensure that specific needs of all workers, particularly vulnerable and precarious workers, are taken into account.

### ***Preventative and protective systems aimed at risk reduction***

15. Prevention entails implementation of preventative and protective systems. In this context the ILO should focus its action in cooperation with employers, workers and governments, and other IOMC members, on:

- 
- promoting the implementation of preventative and protective measures according to the hierarchy of controls as contained within section 3.10 of *ILO-OSH 2001*;
  - ensuring that the needs of all workers, particularly vulnerable and precarious workers, subject to exposure to chemicals that may pose a hazard/risk are taken into account and protected in making decisions on chemicals;
  - implementing transparent, comprehensive, efficient and effective risk-management strategies based on appropriate scientific understanding of health effects, hazard/risk elimination, including detailed safety information on chemicals, to prevent unsafe or unnecessary exposures to chemicals at the workplace;
  - applying appropriately the precautionary approach, as set out in Principle 15 of the Rio Declaration on Environment and Development, while aiming to achieve that chemicals are used and produced in ways that lead to the minimization of adverse effects on the health of workers; and
  - enhancing the effectiveness of risk-management systems through social dialogue.



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## **Evaluation questionnaire**



A questionnaire seeking participants' opinions on various aspects of the Meeting was distributed before the end of the Meeting. Items were rated on a five-point scale. The following table gives the number of respondents who assigned each rating score on each item evaluated.

**1. How do you rate the Meeting as regards the following?**

	Excellent	Good	Satisfactory	Poor	Unsatisfactory
The choice of agenda item (subject of Meeting)	8	8	6	1	0
The points for discussion	3	12	4	2	0
The quality of the discussion	8	7	5	2	0
The Meeting's benefits for the sector	3	12	5	1	0
The recommendations	3	16	2	1	0
Opportunity for networking	11	10	1	0	0

**2. How do you rate the quality of the report in terms of the following?**

	Excellent	Good	Satisfactory	Poor	Unsatisfactory
Quality of analysis	6	13	5	0	0
Objectivity	6	12	5	0	0
Comprehensiveness of coverage	3	14	5	0	0
Presentation and readability	7	12	3	0	0
Amount and relevance of information	4	16	3	0	0

**3. How do you consider the time allotted for discussion?**

	Too much	Enough	Too little
Discussion of the report	3	20	0
Presentations	3	16	3
Group meetings	2	15	5
Working Party on Recommendation	4	16	1

**4. How do you rate the practical and administrative arrangements (secretariat, document services, translation, interpretation)?**

Excellent	Good	Satisfactory	Poor	Unsatisfactory
16	5	2	0	0

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**Web site of the Sectoral Activities Branch**  
**(www.ilo.org/sector)**

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**5. Are you aware that the Sectoral Activities Branch has a web site that provides information on its meetings and activities?**

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Yes	No
17	6

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**6. If yes, please indicate how you would rate the design and content of the web site?**

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Excellent	Very Good	Good	Needs Improvement	Unsatisfactory
3	7	4	3	0

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**7. If you consulted the web site, did you download any of the documents available from it?**

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Yes	No	Viewed but did not download
15	2	1

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**8. Would you choose to register and obtain information about a meeting via an electronic registration form on the web site?**

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Yes	No
15	3

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**List of participants**  
**Liste des participants**  
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