



## Governing Body

331st Session, Geneva, 26 October–9 November 2017

GB.331/INS/2(Add.)

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Institutional Section

INS

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### SECOND ITEM ON THE AGENDA

## Agenda of the International Labour Conference

### *Addendum*

### Proposal for the withdrawal of the Prevention of Industrial Accidents Recommendation, 1929 (No. 31)

1. The Governing Body has integrated into the decision-making process on the agenda of the International Labour Conference the follow-up to the recommendations made by the Standards Review Mechanism Tripartite Working Group (SRM TWG) as approved by the Governing Body.<sup>1</sup>
2. At its third meeting, held from 25 to 29 September 2017, the SRM TWG referred to the implications of its recommendations for the Conference agenda, emphasizing the need for such follow-up to be treated as a matter of institutional priority.<sup>2</sup> In this context, the SRM TWG recommended that the Prevention of Industrial Accidents Recommendation, 1929 (No. 31), be considered an outdated standard and that, accordingly, the Governing Body consider placing, at the earliest date possible, an item on the agenda of the International Labour Conference concerning the withdrawal of that Recommendation.<sup>3</sup>
3. It is recalled that, when the Conference adopted at its 85th Session (1997) an amendment to the ILO Constitution empowering the Conference to abrogate a Convention in force, the Conference also amended its Standing Orders to permit it to withdraw Conventions that had never entered or were no longer in force as well as Recommendations. In line with article 19, paragraph 9 of the Constitution, the Conference may abrogate or withdraw a Convention or a Recommendation “if it appears that it has lost its purpose or that it no longer makes a useful contribution to attaining the objectives of the Organization”. Abrogation and withdrawal are

<sup>1</sup> GB.331/INS/2, para. 22.

<sup>2</sup> GB.331/LILS/2, Appendix, para. 6.

<sup>3</sup> GB.331/LILS/2, Appendix, para. 14.

subject to the same procedural guarantees, in terms of Conference majority required, consultation process and timelines for submission to the Conference. An item on the abrogation or withdrawal does not require the establishment of a technical committee as the Conference may decide to examine this item either in a plenary sitting or by sending it to the Selection Committee.

4. The abrogation or the withdrawal of an international labour instrument results in the definitive elimination of all legal effects arising out of that instrument between the Organization and its Members. Abrogated and withdrawn instruments are removed from the ILO's body of standards and their full text is no longer reproduced in any official collection (printed or electronic) of ILO Conventions and Recommendations. All that remains is their full title and number, and the reference to the session and year of the Conference at which the decision of abrogation or withdrawal was taken.<sup>4</sup> The Office also stops publishing official information concerning the instrument.
5. To date, four Conventions have been abrogated and seven Conventions and 36 Recommendations have been withdrawn.<sup>5</sup> At its 107th Session (2018) the Conference will consider the abrogation of another six Conventions and the withdrawal of another three Recommendations.<sup>6</sup>
6. The procedure concerning the placing on the Conference agenda of an item on abrogation or withdrawal provides, among other things, that the Office places before the Governing Body a report containing all relevant information regarding the abrogation or withdrawal of the instrument(s) concerned.<sup>7</sup> As the SRM TWG,<sup>8</sup> building on the work of the Working Party on Policy regarding the Revision of Standards, has already conducted an examination of Recommendation No. 31, the appendix to the present document provides a summary of the information presented by the Office to the SRM TWG and the resulting recommendations and serves as the abovementioned report for the Governing Body.
7. With respect to timing, the SRM TWG recommended that the Governing Body consider placing, at the earliest date possible, an item on the agenda of the Conference concerning the withdrawal of Recommendation No. 31. Under article 45bis of the Standing Orders of the Conference, the Office is required to communicate to the governments, so that it reaches them at least 18 months before the session of the Conference at which the item is to be discussed, a short report and questionnaire inviting their views on the issue. Therefore, this item could be examined by the Conference at the earliest at its 108th Session (June 2019). Alternatively, should the Governing Body decide to dedicate the 2019 centenary session exclusively to the future of work, it might decide to place the item on the agenda of the 109th Session (2020).

<sup>4</sup> [GB.271/4/2](#), para. 10.

<sup>5</sup> International Labour Conference: *Provisional Record* No. 27, 88th Session (2000); *Provisional Record* No. 26, 90th Session (2002); *Provisional Record* No. 26, 92nd Session (2004); *Provisional Record* No. 10, 106th Session (2017).

<sup>6</sup> [Report VII\(1\)](#), *Abrogation of six international labour Conventions and withdrawal of three international labour Recommendations*, 107th Session (2018) of the International Labour Conference.

<sup>7</sup> See paras 5.4.1 and 5.4.2 of the Standing Orders of the Governing Body.

<sup>8</sup> GB.331/LILS/2 and Third meeting of the SRM Tripartite Working Group (25–29 September 2017), [Technical note 2: Instrument concerning the prevention of industrial accidents](#).

## **Revised draft decision concerning the agenda of the International Labour Conference**

**8. *The Governing Body may wish to:***

- (a) *place on the agenda of the [108th Session (2019)] / [109th Session (2020)] of the Conference an item on the withdrawal of the Prevention of Industrial Accidents Recommendation, 1929 (No. 31); and***
- (b) *provide guidance in relation to:***
  - (i) *the agenda of the centenary session (2019); and***
  - (ii) *the setting of the Conference agenda beyond 2019 both as regards the strategic approach and the seven subjects under consideration.***



## Appendix

### Prevention of Industrial Accidents Recommendation, 1929 (No. 31)

*Related instruments:* The Recommendation is autonomous. The principles contained in the Recommendation have since been addressed by subsequent instruments that reflect the evolution in regulatory approach to occupational safety and health including in particular the Occupational Safety and Health Convention, 1981 (No. 155), the Protocol of 2002 to the Occupational Safety and Health Convention, 1981, the Occupational Health Services Convention, 1985 (No. 161) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and the associated Recommendations.

*Remarks:* The Recommendation contains detailed guidelines on many issues for the prevention of occupational accidents, including: legislative and regulatory prescriptions for ensuring adequate standards of safety; the establishment of comparable occupational accident statistics at national level; and the education and training of workers. While the Recommendation does not employ the modern policy-oriented approach to prevention of industrial accidents, it takes the modern integrated approach to occupational safety and health. Since 1979, the Recommendation has been classified as “other instruments”, which “comprises instruments which are no longer fully up to date but remain relevant in certain respects”.<sup>1</sup>

*Recommendations:* At its third meeting, held from 25 to 29 September 2017, the SRM TWG recommended that the Recommendation be considered an outdated standard and that, accordingly, the Governing Body consider placing, at the earliest date possible, an item on the agenda of the International Labour Conference concerning the withdrawal of the Recommendation. Further, the SRM TWG recommended that within the activities to promote the ratification and implementation of the subsequent Conventions that reflect the evolution in regulatory approach to occupational safety and health, particular attention should be paid to the promotion of those instruments that address the principles contained in Recommendation No. 31. The SRM TWG also requested the Office to report at its next meeting on steps taken to plan and implement such promotional activities, and its actual and expected impact.<sup>2</sup>

<sup>1</sup> [GB.283/LILS/WP/PRS/1/2](#), para. 55 and Appendix II, Summary tables and [GB.277/LILS/WP/PRS/4](#), p. 3.

<sup>2</sup> GB.331/LILS/2, Appendix, paras 13–15.