



## Governing Body

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

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**Legal Issues and International Labour Standards Section**  
*International Labour Standards and Human Rights Segment*

**LILS**

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### SECOND ITEM ON THE AGENDA

## The Standards Initiative: Report of the third meeting of the Standards Review Mechanism Tripartite Working Group

### Report of the Officers, in accordance with paragraph 17 of the terms of reference of the Standards Review Mechanism Tripartite Working Group

#### Purpose of the document

In accordance with the terms of reference of the Standards Review Mechanism Tripartite Working Group (SRM TWG), the Governing Body is invited to note the report of the third meeting of the SRM TWG and to take decisions on recommendations concerning 19 instruments on occupational safety and health (general provisions and specific risks), including their classification, identification of gaps in coverage and practical and time-bound follow-up, and on arrangements for its fourth meeting in 2018 (see the draft decision in paragraph 5).

**Relevant strategic objective:** All.

**Main relevant outcome/cross-cutting policy driver:** Outcome 2: Ratification and application of international labour standards.

**Policy implications:** Implications arising from the decisions taken by the Governing Body on the recommendations submitted by the SRM TWG.

**Legal implications:** Possible withdrawal of one Recommendation.

**Financial implications:** At its 323rd Session (March 2015), the Governing Body approved a budgetary provision for 2016–17 which covers SRM TWG meetings. Recommendations of the SRM TWG requiring Office follow-up, as well as future meetings of the SRM TWG, are expected to require additional resources for the next biennium.

**Follow-up action required:** Implementation of Governing Body decisions.

**Author unit:** International Labour Standards Department (NORMES).

**Related documents:** GB.328/PV, paras 568–581; GB.328/LILS/2/1(Rev.); GB.326/PV, paras 503–514; GB.326/LILS/3/2; GB.325/PV, paras 597–612; GB.325/LILS/3; GB.323/PV, paras 51–84; GB.323/INS/5.



1. In accordance with the decision taken by the Governing Body at its 328th Session (October–November 2016),<sup>1</sup> the third meeting of the Standards Review Mechanism Tripartite Working Group (SRM TWG) took place from 25 to 29 September 2017 at the ILO headquarters in Geneva. Under paragraph 17 of the terms of reference “(t)he SRM Tripartite Working Group, through its Chairperson and two Vice-Chairpersons, shall report to the Governing Body”.
2. The third meeting was chaired by Mr Jan Farzan (Germany) and attended by the 32 members of the SRM TWG, as well as a limited number of advisers to support the Government members<sup>2</sup> and representatives of other international organizations,<sup>3</sup> as set out in the report of the discussion included in the appendix. Ms Sonia Regenbogen and Ms Catelene Passchier were appointed Vice-Chairpersons respectively by the Employers’ and Workers’ groups. In accordance with paragraph 19 of the terms of reference of the SRM TWG, its preparatory documents and other related materials were made public on a dedicated web page.<sup>4</sup>
3. As decided by the Governing Body in October 2016, during its third meeting, the SRM TWG reviewed 19 instruments concerning occupational safety and health (OSH) (general provisions and specific risks) and made corresponding recommendations in that regard. These recommendations are set out in the appendix and encapsulated in the following table.

**Table 1. Recommendations of the SRM TWG at its third meeting (September 2017)**

<b>(1) Classifications</b>	
<i>Standards classified as up to date</i>	C.161 and R.171 on occupational health services
	C.162 and R.172 on asbestos
	C.170 and R.177 on chemicals
	C.174 and R.181 on prevention of major industrial accidents
<i>Standards classified as requiring further action to ensure continued and future relevance</i>	C.13 on white lead
	C.119 and R.118 on guarding of machinery
	C.127 and R.128 on maximum weight
	C.136 and R.144 on benzene
	R.3 on anthrax
	R.4 on lead poisoning
<i>Standards classified as outdated</i>	R.6 on white phosphorous
	R.31 on prevention of industrial accidents
<b>(2) Gaps in coverage identified</b>	
<i>Gap in coverage identified in the context of the maximum weight instruments</i>	Ergonomics
<i>Gap in coverage identified in the context of the anthrax instrument</i>	Other biological hazards

<sup>1</sup> [GB.328/PV](#), para. 581(j).

<sup>2</sup> Para. 18 of the [terms of reference of the SRM TWG](#); [GB.328/LILS/2/1\(Rev.\)](#), appendix, para. 13.

<sup>3</sup> Para. 21 of the terms of reference of the SRM TWG; [GB.328/LILS/2/1\(Rev.\)](#), appendix, para. 13.

<sup>4</sup> See: [http://www.ilo.org/global/standards/international-labour-standards-policy/WCMS\\_528969/lang--en/index.htm](http://www.ilo.org/global/standards/international-labour-standards-policy/WCMS_528969/lang--en/index.htm).

**(3) Practical and time-bound follow-up action**

<i>Follow-up involving promotional or technical assistance action</i>	Promotional campaign on C.155, P.155, C.161 and C.187 which would impact positively on implementation of issues covered by reviewed instruments.
	Specific promotion of C.161 on occupational health services, C.162 on asbestos, C.170 on chemicals, and C.174 on prevention of major industrial accidents.
	Improve awareness in relation to the 1991 code of practice on prevention of major industrial accidents. Technical assistance to member States on the implementation in practice of C.162 on asbestos, including through joint programmes with the WHO on the elimination of asbestos-related diseases.
	Technical assistance to member States on the implementation in practice of C.174 on prevention of major industrial accidents, including inter-agency collaboration.  Research on obstacles to ratification on C.174 on prevention of major industrial accidents.
<i>Follow-up involving standard-setting action</i>	Consolidation of chemicals instruments: C.13 on white lead; C.136 and R.144 on benzene; R.4 on lead poisoning; R.6 on white phosphorous; in the context of C.170 and R.177 on chemicals.
	Revision of R.3 on anthrax through a new instrument addressing all biological hazards.  Revision of C.119 and R.118 on guarding of machinery.
	Revision of C.127 and R.128 to regulate ergonomics and update approach to manual handling.
<i>Follow-up involving non-normative action</i>	Publication of technical guidelines on biological hazards.  Publication of technical guidelines on chemical hazards.
	Regular review of 2011 code of practice on safety and health in the use of machinery to ensure continued relevance.
<i>Follow-up involving the ILC's consideration of the withdrawal of an instrument</i>	Item concerning the withdrawal of R.31 on prevention of industrial accidents at the earliest date possible.
<i>Follow-up involving institutional arrangements</i>	Adoption of three classifications for its reviews.  Institutional prioritization of follow-up recommended by SRM TWG and Office proposals concerning options for follow-up to ensure prioritization.
	Office proposals concerning options for standards policy on OSH.

4. The SRM TWG decided that its fourth meeting would take place from 17 to 21 September 2018 and recommended to the Governing Body that at that meeting it could review the five instruments in the initial programme of work that concern OSH (specific branches of activity); and the four instruments in the initial programme of work that concern labour inspection and labour administration. Additionally, it could review the two outdated instruments concerning OSH (specific branches of activity) and labour administration that

were examined for the first time by the SRM TWG at its second meeting in October 2016;<sup>5</sup> at that time, the SRM TWG had decided to follow up their examination when the topics of OSH (specific branches of activity), labour inspection and labour administration were reviewed by the SRM TWG. The full list of these instruments is set out in its report included in the appendix.

## Draft decision

**5. *The Governing Body takes note of the report of the Officers concerning the third meeting of the SRM TWG and, in approving its recommendations:***

- (a) welcomes the steps taken by the SRM TWG to ensure the sustainability of its process, in the context of its impact on the broader institutional arrangements in the Organization, and looks forward to receiving recommendations from the SRM TWG at its next meeting on Office proposals on how to ensure follow-up to the SRM TWG is implemented as a matter of institutional priority, and how to ensure coherence and consistency in the standards policy framework in relation to OSH instruments;*
- (b) notes the work undertaken by the Office in follow-up to the recommendations of the SRM TWG at its second meeting in October 2016 and requests the Office to continue this follow-up as planned;*
- (c) notes that the SRM TWG has decided to adopt a three-classification system in relation to its work reviewing the standards and requests the Office to take the necessary follow-up in that regard, in particular as concerns the NORMLEX database;*
- (d) decides that the 19 instruments concerning OSH (general provisions and specific risks) reviewed by the SRM TWG should be considered to have the classifications it has recommended, and requests the Office to take the necessary follow-up action in that regard and in accordance with the time-bound elements of the recommendations;*
- (e) notes the SRM TWG's recommendation concerning the withdrawal of Recommendation No. 31, in relation to which it will consider placing an item on the agenda of the International Labour Conference at the earliest date possible (see GB.331/INS/2(Add.));*
- (f) requests the Office to prepare, for consideration for inclusion at the earliest dates possible in future agendas of the International Labour Conference, proposals for possible standard-setting items:*
  - (i) on biological hazards and ergonomics, recognizing the regulatory gaps identified in this regard;*

<sup>5</sup> The [Safety Provisions \(Building\) Convention, 1937 \(No. 62\)](#), and the [Convention concerning Statistics of Wages and Hours of Work, 1938 \(No. 63\)](#).

- (ii) on the consolidation of the instruments concerning chemical hazards;  
and*
- (iii) on the revision of the instruments concerning guarding of machinery;  
and requests to be kept up to date in this regard.*
- (g) requests the Office to commence work on technical guidelines on biological hazards and chemical hazards, and to consider the regular review of the 2011 code of practice on safety and health in the use of machinery at a later date;*
- (h) decides that the SRM TWG will examine the 11 instruments concerning OSH (specific branches of activity), labour inspection and labour administration, within sets of instruments 6, 11, 12 and 13 of the revised initial programme of work, in its fourth meeting; and*
- (i) convenes the fourth meeting of the SRM TWG from 17 to 21 September 2018.*

## Appendix

### Report of the third meeting of the SRM Tripartite Working Group established by the Governing Body (Geneva, 25–29 September 2017)

1. The third meeting of the Standards Review Mechanism Tripartite Working Group (SRM TWG) took place in Geneva from 25 to 29 September 2017. It was chaired by Mr Jan Farzan (Germany) and attended by its 32 members (see table 1).

**Table 1. Members attending the third meeting of the SRM TWG (September 2017)**

<b>Members representing Governments</b>
Brazil
Canada
Cameroon
China
Colombia
India
Islamic Republic of Iran
Kenya
Republic of Korea
Lithuania
Mali
Mexico
Namibia
Netherlands
Romania
Sweden
<b>Members representing Employers</b>
Ms S. Regenbogen (Canada), Vice-Chairperson
Mr F. Blasco de Luna (Spain)
Mr A. Echavarria Saldarriaga (Colombia)
Ms. M. Giuliatti (Argentina)
Mr J. Kloosterman (United States)
Mr M. Munthali (Malawi)
Mr P. O'Reilly (New Zealand)
Mr K. Weerasinghe (Sri Lanka)

**Members representing Workers**

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Ms C. Passchier (Netherlands), Vice-Chairperson

Mr P. Danquah (Ghana)

Mr H. Fonck (Belgium)

Mr B. Kohler (Switzerland)

Ms F. Murie (United Kingdom)

Mr R. O'Neill (United Kingdom)

Mr J. Sissons (New Zealand)

Ms M. Tepfer (Argentina)

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2. In accordance with the decision taken by the SRM TWG at its second meeting, eight advisers attended the meeting to support the Government members. Representatives of three other international organizations – the Organisation for Economic Co-operation and Development (OECD), the United Nations Economic Commission for Europe (UNECE) and the World Health Organization (WHO) – attended to provide expert advice to the members of the SRM TWG in relation to the topics of prevention of industrial accidents and chemical substances.<sup>1</sup>

***Tripartite discussions leading to consensual recommendations***

3. The discussions of the SRM TWG at its third meeting were characterized by a constructive and committed approach on the part of its members, who were aware of the importance of their shared role in contributing to the common goal of an up-to-date and relevant body of standards. In that context, consensual decisions were reached on all matters under review and considerable effort was made to ensuring the sustainability of the SRM TWG process, mindful of its impact on the broader institutional arrangements in the Organization.
4. During its frank discussions, members of the SRM TWG commented on the helpfulness of the Office's preparatory documents, which facilitated its work, and its support during the course of the meeting to identify common ground. Some members indicated further information that could be included in technical notes that the Office prepared for future meetings, while understanding that this may have financial and other resource implications for the Office.
5. The Employers' group in particular suggested that consideration could be given to including more information and analysis concerning the nature of, and reasons for, implementation problems, reasons for non-ratification and prospects for ratification; that factual assessments could be made of the ability of instruments to contribute to modern requirements; that article-by-article analyses of instruments under review and information about related instruments could be included; and that alternative follow-up options could be presented for the way forward, including better combination and synchronization of standards, codes of practice, technical guidelines and other non-normative ILO means of action. The Workers' group indicated that some of the information requested was not missing from Office documents; and Government members, while agreeing that additional information could be helpful, questioned the feasibility of this for the Office within its existing resources.
6. In relation to follow-up options, the Employers' group considered that there was a need for a broader and integrated conceptualization of the regulatory approach to occupational safety and health (OSH), which could involve consolidation at varying levels, codes of practice,

<sup>1</sup> Mr Peter Kearns (OECD), Ms Franziska Hirsch (UNECE) and Ms Joanna Tempowski (WHO).

guidance material, or the adoption of easily updated annexes to instruments. Employer members particularly stressed the impact of such an integrated regulatory approach to OSH on the follow-up to the reviews of the 19 instruments it was called upon to examine. The Government group welcomed further information on potential options for such an integrated approach, while emphasizing the need to fill existing gaps and take into account the specific issues discussed. Some Government members referred to the Maritime Labour Convention, 2006, as one way to combine a set framework with more flexible provisions that may be adapted from time to time. The Workers' group indicated that it considered an integrated approach to subgroups of instruments, such as those dealing with biological or chemical hazards, to be more desirable than a broader integrated approach. In this regard, the SRM TWG requested the Office to provide, for its consideration at its next meeting in 2018, possible options to ensure coherence and consistency in the standards policy framework in relation to OSH instruments. The SRM TWG's consensually adopted recommendations in this regard are included in paragraph 4 of the annex to this report.

7. The SRM TWG also considered institutional arrangements, aiming to ensure that its recommendations did not lead to a "traffic jam" of standard-setting and non-normative action for the Office and agenda of the International Labour Conference. Members wished to ensure that the SRM TWG's recommendations were feasible and impactful, mindful of its crucial role in enhancing and implementing standards policy. In this regard, it paid particular attention to recommending time-bound and practical follow-up action in relation to the instruments that it reviewed, and requested the Office to report at its next meeting on the implementation of its recommendations, including resource implications, steps taken and its impact. To ensure the sustainability of its work, it requested the Office to propose, at its next meeting in 2018, options for how to ensure its follow-up was implemented as a matter of institutional priority. The SRM TWG's consensually adopted recommendations in this regard are included in paragraph 6 of the annex to this report.
8. Finally, the SRM TWG was astute to the need for a generally applicable campaign to promote the up-to-date instruments that reflect the evolution of the regulatory approach to OSH: the Occupational Safety and Health Convention, 1981 (No. 155), and its Protocol of 2002, the Occupational Health Services Convention, 1985 (No. 161), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). The SRM TWG believed that this promotional and technical assistance work would form a useful context for the implementation of all of its recommendations. The SRM TWG's consensually adopted recommendations in this regard are included in paragraph 7 of the annex to this report.

### ***Consideration of matters concerning the SRM TWG's review procedure***

9. The SRM TWG considered a number of matters impacting on its review procedure at the current and future meetings.
10. Notably, following discussions involving the information documents drafted by the Office, it was agreed that a new classification system should aim to simplify and streamline the present system.<sup>2</sup> Its resulting recommendations, consensually adopted in a tripartite process, are attached in paragraphs 9–10 of the annex to this report. After discussing terminology in relation to the classification of instruments that were neither "up to date" nor "outdated", the SRM TWG decided on a three-classification system of "up to date", "requiring further action to ensure continued and future relevance" and "outdated" instruments for the purposes of its work in reviewing standards.

<sup>2</sup> [Information document 4](#).

11. The SRM TWG discussed the broader implications of adopting a new classification system. In particular, the SRM TWG reflected on whether or not the terminology developed by the Governing Body following the recommendations of the Cartier Working Party should be maintained alongside the new three-classification system recommended. In the context of differing views on these issues, the SRM TWG decided to postpone any decision of whether this classification system would retrospectively replace the existing classifications previously designated by the Governing Body after the Cartier Working Party completed its work. It requested the Office to take the necessary steps with regard to NORMLEX to reflect its classification decisions, which it recognized would involve a change to the current manner in which the information is accessible.
12. In the course of the discussion, the Employers' group stressed that while the instruments previously classified as "no conclusions reached" (i.e. the Termination of Employment Convention, 1982 (No. 158), and the Termination of Employment Recommendation, 1982 (No. 166)) were active instruments, they cannot be considered to be "up to date". The Workers' group argued that these instruments must maintain their current classification as up to date, until the Governing Body, following the recommendations of the SRM TWG, decided otherwise. The Workers' group emphasized that given that a revision process could take years to be placed on the Conference agenda, promotional activities should not be limited to up-to-date standards and should also be available for standards requiring further action to ensure continued and future relevance. A number of Government members stressed that the classifications of instruments must not impact on their authoritativeness for member States considering ratification or implementation.
13. Further, the SRM TWG agreed to the proposed methodological approach to the review of instruments,<sup>3</sup> while expecting to refine it in the future on the basis of ongoing experience. The Employers' group particularly requested the Office to propose, for discussion at the 2018 meeting, objective parameters for determining whether an instrument was outdated. The Workers' group stressed that information that was provided should be directly relevant to the review and, together with some Government members, emphasized the need for flexibility in the review of instruments.
14. Providing guidance to the Office on how the usefulness of information documents prepared for the meeting could be improved, the SRM TWG welcomed the information contained in the internal workplan for the SRM TWG's initial programme of work,<sup>4</sup> the Office's report on its implementation plan to follow-up the SRM TWG's 2016 recommendations,<sup>5</sup> the document setting out synergies between the SRM TWG's work and other ILO initiatives,<sup>6</sup> and the mapping exercise on the application of standards to non-metropolitan territories.<sup>7</sup> In relation to the implementation of its 2016 recommendations and in particular to information concerning denunciation windows appearing on the NORMLEX database, the Workers' group indicated that it did not support the Office's actions in adding this information for up-to-date instruments, as well as outdated instruments. The Employers' group considered that denunciation information should be provided for Protocols as well as for Conventions and stated that, in relation to member States unable or unwilling to ratify

<sup>3</sup> [Information document 3.](#)

<sup>4</sup> [Information document 1.](#)

<sup>5</sup> [Information document 2.](#)

<sup>6</sup> [Information document 5.](#)

<sup>7</sup> [Information document 8.](#)

related up-to-date Conventions, the Office should point out the possibility of denouncing an outdated instrument.

### **Review of three instruments on occupational safety and health (general provisions)**

15. In accordance with the decision taken by the Governing Body in October–November 2017, the SRM TWG reviewed the three instruments concerning OSH (general provisions) contained in the initial programme of work. Its resulting recommendations, consensually adopted in a tripartite process, are attached in paragraphs 11–15 of the annex to this report.
16. In relation to the *occupational health services instruments*,<sup>8</sup> the SRM TWG considered that the instruments reflected a modern approach to OSH and were relevant to the world of work. The Workers' group raised the question of gaps in practice in relation to, for example, workers in non-standard forms of employment. Government members requested further information on the reasons for its relatively low rate of ratification and noted that this did not necessarily mean that the instruments were not taken into account when developing a national framework for OSH. The Employers' group considered that additional material could have been helpfully included in the Technical Note including on the relatively low ratification rate of only 33 ratifications of Convention No. 161 after more than 30 years and considered that the possibility of consolidating the two instruments with related instruments should have been raised. The Workers' group considered that the instrument was moderately well-ratified and believed that governments had identified this instrument as a priority for ratification in response to the 2017 General Survey on OSH. Following discussion, the SRM TWG agreed that the instruments should be classified as up to date and promoted within the general campaign to promote the up-to-date instruments that reflect the evolution of the regulatory approach to OSH.
17. In its discussion of the instrument concerning the *prevention of industrial accidents*,<sup>9</sup> the SRM TWG noted that as most of the principles contained in the Prevention of Industrial Accidents Recommendation, 1929 (No. 31), were taken up in later instruments, its withdrawal would not result in any gap of coverage. Following discussion, the SRM TWG agreed that the instrument should be classified as outdated and accordingly steps should be taken towards its withdrawal.

### **Review of 16 instruments on OSH (specific risks)**

18. In accordance with the decision taken by the Governing Body in October–November 2017, the SRM TWG reviewed the 16 instruments concerning OSH (specific risks) contained in the initial programme of work. Its resulting recommendations, consensually adopted in a tripartite process, are attached in paragraphs 16–32 of the annex to this report.
19. In relation to the instrument concerned with *anthrax*,<sup>10</sup> the SRM TWG considered that the instrument had not lost its purpose, but that it was undesirably narrow in scope both in terms of protection against anthrax in particular and in terms of biological hazards in general, in relation to which there was a gap in coverage. The Employers' group was of the view that

<sup>8</sup> [Convention No. 161](#) and [Recommendation No. 171](#), discussed in [Technical Note 1](#); recommendations contained in paras 11–12 of the annex to this report.

<sup>9</sup> [Recommendation No. 31](#), discussed in [Technical Note 2](#); recommendations contained in paras 13–15 of the annex to this report.

<sup>10</sup> [Recommendation No. 3](#), discussed in [Technical Note 3](#); recommendations contained in paras 16–17 of the annex to this report.

while the issue of anthrax prevention at work was still relevant and should be addressed in a suitable and appropriate manner, the Anthrax Prevention Recommendation, 1919 (No. 3), only dealt with a very narrow aspect of anthrax prevention, that is, disinfection of wool intended for export. The Employers' group considered that Recommendation No. 3 should, for various reasons, be classified as outdated. Following discussion, the Employers agreed to classify Recommendation No. 3 as an instrument requiring further action to ensure continued and future relevance and highlighted that any standard-setting activity should only take place after a broader regulatory approach to OSH was conceptualized, and that a code of practice could most appropriately deal with the gap in coverage concerning other biological hazards. The Workers' group stated that calling an instrument outdated in a situation in which there is general agreement that it has not lost its purpose would not be appropriate and a code of practice would not sufficiently replace an instrument. Government members agreed that the Recommendation still had relevance and indicated their support for standard setting addressing biological hazards in general. Following discussion, the SRM TWG agreed that the instrument should be classified as requiring further action to ensure continued and future relevance. Accordingly, follow-up action should be taken to revise Recommendation No. 3 through an instrument addressing all biological hazards, and to publish technical guidelines on biological hazards.

20. In relation to the instruments concerned with *chemical hazards*,<sup>11</sup> the members of the SRM TWG considered that a different approach was needed to the Chemicals Convention, 1990 (No. 170), and the Chemicals Recommendation, 1990 (No. 177), compared to the other older instruments. During the course of the discussion on chemical hazards, the Workers' group suggested that the follow-up to the older instruments should be through the adoption of a Protocol to Convention No. 170. The Employers' group considered that classifying the White Lead (Painting) Convention, 1921 (No. 13), the Lead Poisoning (Women and Children) Recommendation, 1919 (No. 4), and the White Phosphorus Recommendation, 1919 (No. 6), for example, as outdated would not exclude follow-up action to address the hazards with which they dealt in a wider standard-setting context. In the Employers' view, alternatives could include the adoption of an easily updated annex to Convention No. 170; the consolidation of all instruments dealing with chemical hazards either into a new Convention, a new Recommendation, or as a Protocol to Convention No. 187; the consolidation of all instruments on OSH into one Convention with individually ratified annexes; and/or the revision of the 1992 code of practice on chemical hazards. A number of Government members pointed to the continuing relevance of these instruments at the national level, and were concerned at the thought of the gap that could exist if they were classified as outdated while a revision was underway. Governments considered that non-normative action, such as expert guidelines, could be developed either before or at the same time as standard-setting action.
21. Following discussion, the SRM TWG agreed that Convention No. 170 and Recommendation No. 177 should be classified as up to date, while Convention No. 13, the Benzene Convention, 1971 (No. 136), the Benzene Recommendation, 1971 (No. 144), and Recommendations Nos 4 and 6, required further action to ensure continued and future relevance. Accordingly, follow-up action should be taken to promote Convention No. 170; to consolidate the chemical instruments through placing an item to this effect on the agenda of the International Labour Conference; and to publish technical guidelines on chemical hazards.

<sup>11</sup> Conventions Nos 13, 136 and 170, and Recommendations Nos 144, 4, 6 and 177, discussed in [Technical Note 4](#); recommendations contained in paras 18–20 of the annex to this report.

22. In relation to the instruments concerning *asbestos*,<sup>12</sup> the SRM TWG considered that the instruments were up to date and relevant to the world of work. Government members noted the need to ensure more effective application at national level, acknowledging that the instruments did not regulate synthetic fibres. The Workers' group recalled the importance of the 2006 Conference resolution on asbestos. It further suggested that follow-up action could build on joint WHO–ILO work to eliminate asbestos-related diseases through the development of national programmes on OSH. The Employers' group supported the approach of the instruments on risk management and the in-built flexibility. Following discussion, the SRM TWG agreed that the instruments should be classified as up to date. Follow-up action should promote ratification and aim to give practical effect to the instruments at national level.
23. In relation to the instruments concerning prevention of *major industrial accidents*,<sup>13</sup> the SRM TWG considered that the instruments were up to date and relevant to the world of work. Both the Employers' and Workers' groups emphasized the importance of understanding the obstacles to ratification of the Prevention of Major Industrial Accidents Convention, 1993 (No. 174), in light of its low rate of ratification, and recalled the existence of the 1991 code of practice on prevention of major industrial accidents. Government members emphasized the importance of the principles contained in the Convention at national level, and indicated that guidelines on application could be helpful. Following discussion, the SRM TWG agreed that the instruments should be classified as up to date. Follow-up action should involve promoting ratification; increasing understanding of the obstacles to ratification; raising awareness of the 1991 code of practice on prevention of major industrial accidents; and providing technical assistance to support the implementation of the principles in the instruments, including through collaborations with other international organizations.
24. In relation to the instruments concerning *guarding of machinery*,<sup>14</sup> the SRM TWG considered that the instrument had not lost its purpose, but that it was not consistent with the evolution in regulatory approach to OSH, up-to-date technological and scientific knowledge, nor changes in the world of work. The Employers' group was of the view that a major flaw of the Guarding of Machinery Convention, 1963 (No. 119), was the fact that the Convention was partly unduly detailed. The Employers' group considered that any standard-setting activity should take into account a broader conceptualization of the optimal regulatory approach to OSH, and referred to the need to regularly update the 2011 code of practice. The Workers' group did not agree that the level of detail was the main driver behind possible non-ratification and was in fact considered by many in the world of work to be necessary. It agreed that the code of practice was useful and could guide standard-setting on this subject; and further raised the possibility of standard-setting through a Protocol to Convention No. 119. Government members agreed that updating the code of practice was necessary and, while supporting a revision of the instruments, considered it to be too soon to say whether this should be through a Protocol or otherwise. Following discussion, the SRM TWG agreed that the instrument should be classified as requiring further action to ensure continued and future relevance. Accordingly, follow-up action should involve the revision of Convention No. 119 and the Guarding of Machinery Recommendation, 1963 (No. 118), at the earliest

<sup>12</sup> [Convention No. 162](#) and [Recommendation No. 172](#), discussed in [Technical Note 5](#); recommendations contained in paras 21–22 of the annex to this report.

<sup>13</sup> [Convention No. 174](#) and [Recommendation No. 181](#), discussed in [Technical Note 6](#); recommendations contained in paras 23–25 of the annex to this report.

<sup>14</sup> [Convention No. 119](#) and [Recommendation No. 118](#), discussed in [Technical Note 7](#); recommendations contained in paras 26–29 of the annex to this report.

date possible and the regular updating of the 2011 code of practice on safety and health in the use of machinery.

25. In relation to the instruments concerning *maximum weight*,<sup>15</sup> the SRM TWG considered that the instruments had not lost their purpose but were limited in scope, notably including a gap in coverage on ergonomics. The Workers' group considered that a comprehensive and up-to-date standard on manual handling was needed. The Employers' group considered that the two instruments did not reflect the more modern regulatory approach involving a national policy and the recognition of the role of employers and workers in managing occupational safety and health at the workplace. The Employers' group shared its concern with the low level of ratifications and considered that any standard-setting activity should take place only after the conceptualization of a broader regulatory approach to OSH and, in the meantime, a code of practice or updating of a 1996 manual on ergonomics checkpoints would suit the topic well. Government members, agreeing with the Workers' group, indicated that a code of practice or guidelines could not replace a binding Convention; and raised the question of whether revision or consolidation would be more desirable in relation to this topic.
26. Following discussion, the SRM TWG agreed that the Maximum Weight Convention, 1967 (No. 127) and the Maximum Weight Recommendation, 1967 (No. 128), should be classified as requiring further action to ensure continued and future relevance. Follow-up action should involve their revision to take into account the need to both regulate ergonomics, and to update the regulatory approach to manual handling. The SRM TWG considered that the revision process in this regard could usefully involve a meeting of experts on how to modernize the existing instruments in the context of the broader issue of ergonomics and manual handling.

### ***Preparation for the fourth meeting***

27. Taking into account other official meetings of the ILO scheduled for 2018, it was established that the fourth meeting of the SRM TWG would take place from 17 to 21 September 2018.
28. In determining which instruments it should review at its next meeting, the SRM TWG took into account the need for institutional coherence with other relevant ILO initiatives and discussions, including particularly the new cycle and sequencing of the recurrent discussions adopted by the Governing Body in October 2016. It further took into account both its own capacity to conclude complex reviews of instruments and the capacity of the Office to prepare the necessary documents to facilitate its discussions.
29. In that context, the SRM TWG considered it important to review the remaining subgroup to be examined in the set of instruments on OSH, and to follow the recurrent discussion in the International Labour Conference on the strategic objective of social dialogue and tripartism. Accordingly, it agreed that at its fourth meeting it would review 11 instruments in the initial programme of work (see table 2): the instruments concerning OSH (specific branches of activity), within the strategic objective of social protection, and the instruments concerning labour inspection and labour administration, within the strategic objective of social dialogue and tripartism. The SRM TWG agreed that this would necessarily include two outdated instruments that had been examined for the first time by the SRM TWG at its second meeting in October 2016 and which it had undertaken to follow up when the topics of OSH (specific branches of activity), labour inspection and labour administration were reviewed by the SRM TWG.

<sup>15</sup> [Convention No. 127](#) and [Recommendation No. 128](#), discussed in [Technical Note 8](#); recommendations contained in paras 30–32 of the annex to this report.

30. In line with its terms of reference, the SRM TWG decided to authorize the attendance of eight advisers to assist the Government members at its fourth meeting in September 2018. The SRM TWG Chairperson and Vice-Chairpersons may decide at a later date whether representatives of relevant international organizations and other ILO bodies should be invited to attend the meeting.

**Table 2. Instruments proposed for examination at the fourth meeting of the SRM TWG (September 2018)**

<b>Occupational safety and health: Specific branches of activity</b>
Underground Work (Women) Convention, 1935 (No. 45)
Safety and Health in Construction Convention, 1988 (No. 167)
Safety and Health in Mines Convention, 1995 (No. 176)
Safety and Health in Construction Recommendation, 1988 (No. 175)
Safety and Health in Mines Recommendation, 1995 (No. 183)
<b>Occupational safety and health (specific branches of activity): Outdated instrument</b>
Safety Provisions (Building) Convention, 1937 (No. 62)
<b>Labour inspection</b>
Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85)
Labour Inspection Recommendation, 1923 (No. 20)
<b>Labour administration</b>
Labour Statistics Convention, 1985 (No. 160)
Labour Statistics Recommendation, 1985 (No. 170)
<b>Labour administration: Outdated instrument</b>
Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63)

## Annex

### **Recommendations adopted by the SRM TWG at its third meeting, submitted to the Governing Body at its 331st Session (October–November 2017) pursuant to paragraph 22 of the terms of reference of the SRM TWG**

1. In formulating the recommendations set out below, the SRM TWG reiterates its mandate to contribute to the overall objective of the SRM to ensure the ILO has a clear, robust and up-to-date body of international labour standards that respond to the changing patterns of the world of work, for the purpose of the protection of workers and taking into account the needs of sustainable enterprises.
2. The SRM TWG recalls that in its 2016 resolution on Advancing Social Justice through Decent Work (the 2016 resolution), the International Labour Conference states that more work is needed to improve the implementation and ratification of standards.
3. In carrying out the review of the international labour standards during its third meeting, the SRM TWG's primary objective was to fulfil the mandate given to it by its terms of reference to review standards with a view to making recommendations to the Governing Body on:<sup>1</sup>
  - (a) the status of the standards examined, including up-to-date standards, standards in need of revision, outdated standards and possible other classifications;
  - (b) the identification of gaps in coverage, including those requiring new standards;
  - (c) practical and time-bound follow-up action, as appropriate.
4. Further, in this first thematic approach to the standards contained in its initial programme of work, the SRM TWG has taken account of paragraph 11 of its terms of reference, which provides that the review of standards shall be organized according to the ILO's four strategic objectives. With the aim of ensuring coherence and consistency in the standards policy framework, including through consideration of consolidation and methods to allow easier updating in response to changes in the world of work, the intention of the SRM TWG has been to review the 19 international labour standards on occupational safety and health (OSH) (general provisions and specific risks)<sup>2</sup> within the broader context of both other OSH instruments, and other instruments falling within the strategic objective of social protection.

<sup>1</sup> Para. 9 of the terms of reference.

<sup>2</sup> The Occupational Health Services Convention, 1985 (No. 161); the Prevention of Industrial Accidents Recommendation, 1929 (No. 31); the Occupational Health Services Recommendation, 1985 (No. 171); the White Lead (Painting) Convention, 1921 (No. 13); the Guarding of Machinery Convention, 1963 (No. 119); the Maximum Weight Convention, 1967 (No. 127); the Benzene Convention, 1971 (No. 136); the Asbestos Convention, 1986 (No. 162); the Chemicals Convention, 1990 (No. 170); the Prevention of Major Industrial Accidents Convention, 1993 (No. 174); the Anthrax Prevention Recommendation, 1919 (No. 3); the Lead Poisoning (Women and Children) Recommendation, 1919 (No. 4); the White Phosphorus Recommendation, 1919 (No. 6); the Guarding of Machinery Recommendation, 1963 (No. 118); the Maximum Weight Recommendation, 1967 (No. 128); the Benzene Recommendation, 1971 (No. 144); the Asbestos Recommendation, 1986 (No. 172); the Chemicals Recommendation, 1990 (No. 177); and the Prevention of Major Industrial Accidents Recommendation, 1993 (No. 181).

The SRM TWG would welcome proposals from the Office on options for follow-up action based on these recommendations, for discussion at its next meeting in 2018.

5. In its review of those 19 OSH instruments, the SRM TWG has been mindful of the need for the ILO's regulatory framework to reflect the critical importance of this topic to the current world of work. The SRM TWG has also been mindful of the need to recommend specified time-bound and practical follow-up actions, taking into account lessons learned from the challenges faced in implementing the conclusions of previous reviews of the standards.
6. Highlighting the urgency of effective follow-up action being taken in that context, the SRM TWG emphasizes the need for its consensually agreed recommendations concerning follow-up action – including both standard-setting and non-normative follow-up – as adopted by the Governing Body to be treated as a matter of institutional priority and refers to its decision to include time-bound aspects to its recommendations. In particular, the SRM TWG has become aware that it is recommending standard-setting activities and non-normative follow-up, both of which impact on the human and financial resources of the Office and on the agenda of the Conference. It would welcome proposals from the Office on options to address these issues, so that it may make practical and time-bound recommendations to the Governing Body in this regard at its next meeting.
7. The SRM TWG also emphasizes the importance of enhancing the ongoing promotional activities in relation to the up-to-date ILO instruments on OSH, which it considers would have the effect of impacting positively on the implementation of the issues covered by the instruments it has been called upon to review. It requests the Office to take the necessary steps in this regard, including in particular implementing innovative activities to promote the ratification and effective implementation of the Conventions establishing a general framework: the Occupational Safety and Health Convention, 1981 (No. 155), and its Protocol of 2002, the Occupational Health Services Convention, 1985 (No. 161), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).
8. In line with its terms of reference, the SRM TWG submits its recommendations as set out below to the Governing Body for decision and follow-up action.

### **Matters concerning the SRM TWG's review procedure**

9. With a view to simplifying and streamlining the current system of classifying standards, the SRM TWG recommends to the Governing Body that a system composed of three classifications is adopted for its review of the standards contained in its initial programme of work: (i) up-to-date standards; (ii) standards requiring further action to ensure continued and future relevance; and (iii) outdated standards. The SRM TWG stresses its clear understanding that all international labour standards are active in terms of legal status until any time that the Conference takes the decision to abrogate, withdraw or juridically replace them.
10. Further, the SRM TWG is of the opinion that a simplification of the classification system would require a change to the current manner in which the information is accessible on the NORMLEX database and requests the Office to take the necessary steps in this regard.

### **Occupational health services <sup>3</sup>**

11. The SRM TWG recommends to the Governing Body that Convention No. 161, and the Occupational Health Services Recommendation, 1985 (No. 171), are considered to have the classification of up-to-date standards.

<sup>3</sup> See [Technical Note 1](#).

12. Accordingly, within activities to promote the ratification and effective implementation of the OSH instruments referred to in paragraph 7, the SRM TWG considers that particular attention should be paid to the promotion of Convention No. 161, particularly in regions in which the instrument has received no or few ratifications. The SRM TWG requests the Office to report at its next meeting on steps taken to plan and implement such promotional activities, and its actual and expected impact.

#### **Prevention of industrial accidents <sup>4</sup>**

13. The SRM TWG recommends to the Governing Body that the Prevention of Industrial Accidents Recommendation, 1929 (No. 31), is considered to have the classification of an outdated standard, as the principles it contains have largely been addressed by other, more up-to-date instruments on OSH including in particular Convention No. 155 and its Protocol of 2002, Convention No. 161 and Convention No. 187 and the associated Recommendations.
14. Accordingly, the SRM TWG recommends that the Governing Body consider placing, at the earliest date possible, an item on the agenda of the International Labour Conference concerning the withdrawal of Recommendation No. 31.
15. Further, the SRM TWG recommends that within the activities to promote the ratification and implementation of the Conventions referred to in paragraph 7, particular attention should be paid to the promotion of those instruments that address the principles contained in Recommendation No. 31. In this regard, the SRM TWG requests the Office to report, at its next meeting, on steps taken to plan and implement such promotional activities, and its actual and expected impact.

#### **Anthrax <sup>5</sup>**

16. The SRM TWG recommends to the Governing Body that the Anthrax Prevention Recommendation, 1919 (No. 3), is considered to have the classification of a standard requiring further action to ensure continued and future relevance, taking into account that the issue of addressing anthrax has not lost its purpose, but the standard has a narrow focus as it does not fully cover all workers potentially exposed to anthrax. Also, a gap in coverage exists in relation to regulation of other biological hazards in the workplace.
17. Accordingly, the SRM TWG recommends that the Governing Body consider follow-up action at the earliest possible date to take into account the limited scope of Recommendation No. 3 and the gap in coverage of other biological hazards. Such follow-up action would include: (i) the revision of Recommendation No. 3 through the development of an instrument addressing all biological hazards; and (ii) the publication of technical guidelines on biological hazards. The SRM TWG requests the Office to report, at its next meeting, on its strategy to give effect to this recommendation, including resource implications and any steps already taken to ensure its priority implementation.

#### **Chemical substances <sup>6</sup>**

18. The SRM TWG recommends to the Governing Body that:

<sup>4</sup> See [Technical Note 2](#).

<sup>5</sup> See [Technical Note 3](#).

<sup>6</sup> See [Technical Note 4](#).

- (i) the Chemicals Convention, 1990 (No. 170), and the Chemicals Recommendation, 1990 (No. 177), are considered to have the classification of up-to-date standards; and
  - (ii) The White Lead (Painting) Convention, 1921 (No. 13), and the Benzene Convention, 1971 (No. 136), the Benzene Recommendation, 1971 (No. 144), the Lead Poisoning (Women and Children) Recommendation, 1919 (No. 4), and White Phosphorus Recommendation, 1919 (No. 6), are considered to have the classification of standards requiring further action to ensure continued and future relevance.
19. Accordingly, the SRM TWG recommends that the Governing Body consider follow-up action involving, at the earliest possible date:
- (i) the promotion of the ratification of Convention No. 170;
  - (ii) the consolidation of the chemical instruments through placing an item to this effect on the agenda of the International Labour Conference; and
  - (iii) the publication of technical guidelines on chemical hazards.
20. The SRM TWG requests the Office to report, at its next meeting, on its strategy to give effect to this recommendation, including resource implications and any steps already taken to ensure its priority implementation.

## **Asbestos**<sup>7</sup>

21. The SRM TWG recommends to the Governing Body that the Asbestos Convention, 1986 (No. 162), and the Asbestos Recommendation, 1986 (No. 172), are considered to have the classification of up-to-date standards.
22. Accordingly, complementary to activities to promote the ratification and effective implementation of the OSH instruments referred to in paragraph 7, the SRM TWG considers that particular attention should be paid to: (i) the promotion of Convention No. 162, particularly in regions in which the instrument has received few ratifications; and (ii) intensifying efforts to give practical effect to its implementation in practice, including through building on successful joint programmes with the World Health Organization on the elimination of asbestos-related diseases. The SRM TWG requests the Office to report, at its next meeting, on steps taken to plan and implement such promotional activities, and its actual and expected impact.

## **Prevention of major industrial accidents**<sup>8</sup>

23. The SRM TWG recommends to the Governing Body that the Prevention of Major Industrial Accidents Convention, 1993 (No. 174), and the Prevention of Major Industrial Accidents Recommendation, 1993 (No. 181), are considered to have the classification of up-to-date standards.
24. Accordingly, complementary to activities to promote the ratification and effective implementation of the OSH instruments referred to in paragraph 8, the SRM TWG considers that the Office should take particular steps to:

<sup>7</sup> See [Technical Note 5](#).

<sup>8</sup> See [Technical Note 6](#).

- (i) promote the ratification of Convention No. 174, including undertaking research to increase understanding of the obstacles to ratification by member States, and drawing the necessary lessons;
  - (ii) increase awareness of the 1991 code of practice on prevention of major industrial accidents; and
  - (iii) offer technical assistance to member States in relation to the implementation of the principles in the instruments, including by sharing good practices identified through inter-agency collaborations such as the Inter-Agency Coordination Group for Industrial and Chemical Accidents.
25. The SRM TWG requests the Office to report, at its next meeting, on steps taken to plan and implement such follow-up activities, and their actual and expected impact.

### **Guarding of machinery**<sup>9</sup>

26. The SRM TWG recommends to the Governing Body that the Guarding of Machinery Convention, 1963 (No. 119), and Guarding of Machinery Recommendation, 1963 (No. 118), are considered to have the classification of standards requiring further action to ensure continued and future relevance. While noting that the standards have not lost their purpose, they are not fully consistent with scientific developments and changes in the world of work.
27. Accordingly, the SRM TWG recommends that the Governing Body consider follow-up action involving the revision of Convention No. 119 and Recommendation No. 118 at the earliest date possible.
28. The SRM TWG considers that the 2011 code of practice on safety and health in the use of machinery is currently up to date but should be reviewed from time to time to ensure its continued relevance.
29. The SRM TWG requests the Office to report, at its next meeting, on its strategy to give effect to this recommendation, including resource implications and any steps already taken to ensure its priority implementation.

### **Maximum weight**<sup>10</sup>

30. The SRM TWG recommends to the Governing Body that the Maximum Weight Convention, 1967 (No. 127), and the Maximum Weight Recommendation, 1967 (No. 128), are considered to have the classification of standards requiring further action to ensure continued and future relevance as, while the standards have not lost their purpose, they are limited in scope and not fully consistent with scientific developments in ergonomics. A gap in coverage exists in relation to regulation of ergonomics in the workplace.
31. Accordingly, the SRM TWG recommends that the Governing Body consider follow-up action involving the revision of Convention No. 127 and Recommendation No. 128 to take into account the need for regulation of ergonomics and to update the regulatory approach to manual handling, including through a meeting of experts, at the earliest date possible.
32. The SRM TWG requests the Office to report, at its next meeting, on its strategy to give effect to this recommendation, including resource implications and any steps already taken to ensure its priority implementation.

<sup>9</sup> See [Technical Note 7](#).

<sup>10</sup> See [Technical Note 8](#).