



Governing Body

323rd Session, Geneva, 12–27 March 2015

GB.323/LILS/3

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

LILS

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THIRD ITEM ON THE AGENDA

Choice of Conventions and Recommendations on which reports should be requested under article 19 of the Constitution in 2016

Report form for preparing the General Survey concerning occupational safety and health instruments

Purpose of the document

In the present document, the Governing Body is invited to request governments to submit in 2016, under article 19 of the Constitution, reports on certain occupational safety and health instruments with a view to the preparation of the General Survey by the Committee of Experts on the Application of Conventions and Recommendations in 2016 and its discussion by the Conference Committee on the Application of Standards in 2017; and to approve the corresponding report form (see the draft decision in paragraph 3).

Relevant strategic objective: Enhance the coverage and effectiveness of social protection for all.

Policy implications: None.

Legal implications: None.

Financial implications: The usual implications related to the preparation of a General Survey.

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

Author unit: International Labour Standards Department (NORMES).

Related documents: Constitution of the International Labour Organisation; GB.322/LILS/4; GB.322/PV/Draft.

1. It will be recalled that at its 322nd Session (November 2014), the Governing Body had before it a paper on the choice of Conventions and Recommendations on which reports should be requested under article 19 of the ILO Constitution in 2016, with a view to the preparation of the annual General Survey by the Committee of Experts on the Application of Conventions and Recommendations (CEACR).¹ The Governing Body decided that the General Survey to be prepared by the CEACR and submitted to the International Labour Conference in 2017 should be devoted to certain occupational safety and health instruments.² In this regard, it requested the Office to prepare, for consideration at this session, a draft report form for the General Survey concerning the Safety and Health in Construction Convention, 1988 (No. 167), the Safety and Health in Mines Convention, 1995 (No. 176), and the Safety and Health in Agriculture Convention, 2001 (No. 184), and their respective Recommendations in the context of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and its corresponding Recommendation taking into account the conclusions of the Committee of Experts on the Application of Conventions and Recommendations in its General Survey of 2009 concerning the Occupational Safety and Health Convention, 1981 (No. 155), the Occupational Safety and Health Recommendation, 1981 (No. 164), and the Protocol of 2002 to the Occupational Safety and Health Convention, 1981, as well as the related discussion and conclusions of the Committee on the Application of Standards of the International Labour Conference at its 98th Session (2009).
2. Accordingly, the present document proposes such a report form (see the appendix) to the Governing Body for its consideration and approval.

Draft decision

3. The Governing Body:

- (a) *requests governments to submit reports for 2016, under article 19 of the Constitution, on the Safety and Health in Construction Convention, 1988 (No. 167), and Recommendation (No. 175), 1988, the Safety and Health in Mines Convention (No. 176), and Recommendation (No. 183), 1995 the Safety and Health in Agriculture Convention (No. 184), and Recommendation (No. 192), 2001 and the Occupational Safety and Health Convention (No. 187), and Recommendation (No. 197), 2006; and*
- (b) *approves the report form concerning these occupational safety and health instruments contained in the appendix.*

¹ GB.322/LILS/4.

² GB.322/PV/Draft, paragraph 526.

Appendix

Appl. 19
C.187, C.167, C.176 and C.184

INTERNATIONAL LABOUR OFFICE
REPORTS ON
UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

*(article 19 of the Constitution of the
International Labour Organisation)*

REPORT FORM FOR THE FOLLOWING INSTRUMENTS:

**PROMOTIONAL FRAMEWORK FOR OCCUPATIONAL SAFETY AND HEALTH
CONVENTION, 2006 (No. 187)**

**PROMOTIONAL FRAMEWORK FOR OCCUPATIONAL SAFETY AND HEALTH
RECOMMENDATION, 2006 (No. 197)**

SAFETY AND HEALTH IN CONSTRUCTION CONVENTION, 1988 (No. 167)

SAFETY AND HEALTH IN CONSTRUCTION RECOMMENDATION, 1988 (No. 175)

SAFETY AND HEALTH IN MINES CONVENTION, 1995 (No. 176)

SAFETY AND HEALTH IN MINES RECOMMENDATION, 1995 (No. 183)

SAFETY AND HEALTH IN AGRICULTURE CONVENTION, 2001 (No. 184)

SAFETY AND HEALTH IN AGRICULTURE RECOMMENDATION, 2001 (No. 192)

Geneva

2015

INTERNATIONAL LABOUR OFFICE

Article 19 of the Constitution of the International Labour Organisation relates to the adoption of Conventions and Recommendations by the Conference, as well as to the obligations resulting therefrom for the Members of the Organization. The relevant provisions of paragraphs 5, 6 and 7 of this article read as follows:

5. In the case of a Convention:

...

- (e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.

6. In the case of a Recommendation:

...

- (d) apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.

7. In the case of a federal State, the following provisions shall apply:

- (a) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;
- (b) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent states, provinces or cantons rather than for federal action, the federal Government shall:

...

- (iv) in respect of each such Convention which it has not ratified, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise;
- (v) in respect of each such Recommendation, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as have been found or may be found necessary in adopting or applying them.

In accordance with the above provisions, the Governing Body of the International Labour Office examined and approved the present report form. This has been drawn up in such a manner as to facilitate the supply of the required information on uniform lines.

REPORT

to be made no later than 29 February 2016, in accordance with article 19 of the Constitution of the International Labour Organisation by the Government of, on the position of national law and practice in regard to matters dealt with in the instruments referred to in the following questionnaire.

Article 19 report form concerning occupational safety and health instruments

Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197)

Safety and Health in Construction Convention, 1988 (No. 167), and Safety and Health in Construction Recommendation, 1988 (No. 175)

Safety and Health in Mines Convention, 1995 (No. 176), and Safety and Health in Mines Recommendation, 1995 (No. 183)

Safety and Health in Agriculture Convention, 2001 (No. 184), and Safety and Health in Agriculture Recommendation, 2001 (No. 192) ¹

The following questions relate to issues covered by Conventions Nos 167, 176, 184 and 187 and Recommendations Nos 175, 183, 192 and 197. **As appropriate, please give a specific reference (Web link) or include information relating to the provisions of the relevant legislation, regulations and policies, as well as electronic copies thereof.**

PART I. LEGAL AND POLICY FRAMEWORK	
<p>1. Please indicate whether a coherent national policy has been formulated with respect to occupational safety and health in:</p> <p>(a) general;</p> <p>(b) mining;</p> <p>(c) agriculture.</p> <p>If so, please provide detailed information in this regard, indicating if measures have been taken to implement and periodically review such policies.</p>	<p>Arts 1(a) and 3 of C.187; Para. 1 of R.197; Art. 3 of C.176; Para. 3(1) of R.183; Art. 4 of C.184; Para. 3 of R.192</p>
<p>2. Please provide information on measures taken, if any, to establish, maintain, progressively develop and periodically review a national system for occupational safety and health.</p>	<p>Art. 4 of C.187; Paras 2–6 of R.197.</p>

¹ Governments of countries which have ratified one or several of the Conventions and from which a report is due under article 22 of the Constitution will use the present form only with regard to the Conventions not ratified, if any, and the Recommendations. It will not be necessary to repeat information already provided in connection with the Conventions ratified. Part VII of the report form contains questions that are addressed to all member States.

<p>3(i) Please indicate any relevant provisions of existing national laws and regulations related to occupational safety and health in:</p> <ul style="list-style-type: none"> (a) general; (b) construction; (c) mining; (d) agriculture. <p>(ii) Please indicate if this legislation excludes from its scope of application:</p> <ul style="list-style-type: none"> (a) branches or particular undertakings with respect to construction, mining or agriculture; (b) categories of workers with respect to agriculture. <p>If so, please indicate the reasons for these exclusions.</p> <p>In addition, with respect to mining and agriculture, please provide information on any plans for progressively covering all branches and categories of workers.</p>	<p>Art. 4(2)(a) of C.187; Art. 4 of C.167; Art. 4 of C.176; Art. 4(2) of C.184.</p> <p>Art. 1(2) of C.167; Art. 2(2) of C.176; Art. 3(1) of C.184.</p>
<p>4. Please indicate if collective agreements or other measures have been adopted, including technical standards, guidelines and codes of practice, related to occupational safety and health in:</p> <ul style="list-style-type: none"> (a) general; (b) construction; (c) mining; (d) agriculture. 	<p>Art. 4(2)(a) of C.187; Art. 5(1) of C.167; Art. 4(2) of C.176; Art. 8(3) of C.184.</p>
<p style="text-align: center;">PART II. CONSULTATION AND COOPERATION</p>	
<p>5. Please provide information on consultations undertaken, if any, at the national level with the most representative organizations of employers and workers with respect to the possible:</p> <ul style="list-style-type: none"> – formulation, implementation and periodic review of a national policy; – establishment, and progressive development of a national system; – formulation, implementation, monitoring, evaluation and periodic review of a national programme on occupational safety and health. <p>Please also provide information on consultations with representative organizations of employers and workers at both the national and sectoral levels on matters related to occupational safety and health in:</p> <ul style="list-style-type: none"> (a) construction; (b) mining; (c) agriculture. 	<p>Arts 3(1) and (3), 4(1) and 5(1) of C.187.</p> <p>Art. 3 of C.167; Art. 3 of C.176; Para. 3 of R.183; Art. 4(1) of C.184; Para. 3(1) of R.192.</p>

<p>6. Please provide information on possible cooperation, including consultations, at the level of the undertaking between management, workers and their representatives, on safety and health matters in:</p> <ul style="list-style-type: none"> (a) general; (b) construction; (c) mining; (d) agriculture. <p>Please also provide information on the establishment and functioning of occupational safety and health committees, if any.</p>	<p>Arts 3(3) and 4(2)(d) of C.187; Para. 5(e) of R.197; Art. 6 of C.167; Para. 6. of R.175; Arts 5(2)(f) and 15 of C.176; Paras 5(b)(iii) and 31 of R.183; Art. 8(2) of C.184.</p> <p>Para. 5(f) of R.197; Para. 6(a) of R. 175; Para. 31(a) of R.183; Art. 8(1)(b) of C.184.</p>
PART III. RESPONSIBILITIES, DUTIES AND RIGHTS OF EMPLOYERS AND WORKERS	
<p>7(i) Please describe employers' duties and responsibilities in the field of occupational safety and health, indicating the nature and extent of this responsibility in:</p> <ul style="list-style-type: none"> (a) general; (b) construction; (c) mining; (d) agriculture. <p>(ii) Please indicate if these duties and responsibilities also apply to contractors and subcontractors with respect to construction and mining.</p>	<p>Art. 1(d) of C.187; Para. 1 of R.197; Art. 7 of C.167; Para. 4 of R.175; Arts 6–11 of C.176; Paras 11–13 of R.183; Arts 6(1) and 7 of C.184; Para. 10 of R.192.</p> <p>Art. 2(e)(ii) of C.167; Para. 2(f)(ii) of R.175; Art. 1(2) of C.176.</p>
<p>8. With respect to situations where two or more employers undertake activities at one work site:</p> <p>(i) Please provide information on measures taken, if any, to ensure cooperation between the employers on health and safety matters in:</p> <ul style="list-style-type: none"> (a) construction; (b) mining; (c) agriculture. <p>(ii) Please also provide information on measures taken, if any, to ensure the allocation, among the employers, of primary responsibility for the application of safety and health measures at the work site in:</p> <ul style="list-style-type: none"> (a) construction; (b) mining. 	<p>Art. 8(1) of C.167; Para. 5 of R.175; Art. 12 of C.176; Art. 6(2) of C.184.</p>

<p>9. Please describe any employers' obligations in situations of imminent and serious danger to safety and health, indicating if this includes an obligation to stop operations and evacuate workers, particularly in:</p> <ul style="list-style-type: none"> (a) construction; (b) mining; (c) agriculture. 	<p>Art. 12(2) of C.167; Art. 7(i) of C.176; Art. 7(c) of C.184.</p>
<p>10(i) Please describe, in law and practice, as far as it exists, the right and duty of workers with regard to participation in the application and review of safety and health measures, including with respect to:</p> <ul style="list-style-type: none"> – complying with prescribed health and safety measures; – selecting health and safety representatives; – the immediate reporting of situations which they believe could present a risk to safety and health. <p>(ii) Please provide information on any national laws, regulations or other measures relating to the right of workers to remove themselves from danger when they have reasonable justification to believe there is an imminent and serious risk to their safety and health.</p>	<p>Art. 1(d) of C.187; Arts 10 and 11 of C.167; Paras 6(a) and 11 of R.175; Arts 13 and 14 of C.176; Paras 26–28 and 31(a) of R.183; Art. 8 of C.184.</p> <p>Art. 12(1) of C.167; Art. 13(1)(e) of C.176; Art. 8(1)(c) of C.184.</p>
<p>PART IV. PREVENTION AND PROTECTION MEASURES</p>	
<p>11(i) Please describe any measures taken to develop a national preventative safety and health culture, including:</p> <ul style="list-style-type: none"> – measures taken to provide adequate occupational safety and health education and training to workers; – measures that seek to ensure that workers are informed of safety and health hazards associated with their work, indicating the relevant provisions in laws and regulations. <p>(ii) Please provide, in particular, information on such measures taken in:</p> <ul style="list-style-type: none"> (a) construction; (b) mining; (c) agriculture. <p>(iii) In addition, please provide information on occupational safety and health education and training for management, supervisors and government officials responsible for safety and health.</p>	<p>Arts 1(d), 3(3) and 4(3)(c) of C.187; Para. 5 of R.197; Art. 33 of C.167; Para. 44 of R.175; Arts 9(a), 10(a) and 13(1)(c) of C.176; Paras 8(d) and (j), 19, 26 and 30(2) of R.183; Arts 7(b), 8(1)(a), 9(2) and (3) and 12(b) of C.184; Paras 3(2)(c), 5(b)(iii), 7(2)(e), 8(j) of R.192.</p> <p>Para. 5(b) of R.197.</p>
<p>12. Please indicate any measures taken to ensure that safety and health is taken into account in the:</p> <ul style="list-style-type: none"> – design and planning of a construction project; – design and construction of mines. 	<p>Art. 9 of C.167; Para. 7 of R.175.</p> <p>Art. 7(a) of C.176.</p>

13. Please provide information on any safety and health requirements related to the design, maintenance and use of machinery and equipment, indicating the relevant provisions in laws and regulations, particularly in: (a) construction; (b) mining; (c) agriculture.	Arts 15, 16 and 17 of C.167; Para. 8 of R.175; Para. 7 of R.183; Art. 9 of C.184.
14. Please describe any measures taken to promote the assessment of occupational risks and hazards in: (a) general; (b) construction; (c) mining; (d) agriculture.	Art. 3(3) of C.187; Art. 4 of C.167; Art. 6 of C.176; Para. 12 of R.183; Art. 7(a) of C.184; Paras 4(2) and 5(b) of R.192.
15(i) Please provide information on any measures taken, in law and practice, aimed at minimizing or eliminating risks to workers. (ii) Please also provide this information specifically concerning risks arising from exposure to physical, chemical and biological hazards in: (a) construction; (b) mining; (c) agriculture.	Art. 5(2)(b) of C.187; Art. 28(1) of C.167; Paras 41 and 48 of R.175; Art. 9(b) of C.176; Para. 20 of R.183; Arts 11–14 of C.184; Paras 7 and 8 of R.192.
16. Please describe any existing health and safety requirements related to the handling and disposal of hazardous substances and waste in: (a) construction; (b) mining; (c) agriculture.	Art. 28(4) of C.167; Para. 41(3) of R.175; Art. 5(4)(d) of C.176; Paras 6(c) and 20(l) of R.183; Arts 12(c) and 13 of C.184; Paras 7(2)(c) and 8(h) and (i) of R.192.
17. Please indicate whether employers are required to provide workers with personal protective equipment and clothing, and if so, please provide information concerning the implementation in practice of this requirement. Please also indicate whether: – such equipment and clothing shall be provided at no cost to the worker; – employers are required to provide and maintain adequate self-rescue respiratory devices for workers in underground mines.	Art. 30(1) of C.167; Para. 14 of R.175; Arts 5(4)(b), 6(d) and 9(c) of C.176; Paras 21(b) and 22 of R.183; Art. 9(1) of C.184; Para. 7(2)(a) of R.192.
18. Please describe any requirements related to accidents and emergencies including: – first aid facilities and access to medical attention for workers who have suffered from an injury or illness; – with respect to mining, emergency response plans and measures related to mine rescue, indicating any relevant legislative provisions.	Art. 31 of C.167; Paras 49 and 50 of R.175; Arts 5(4)(a), 8 and 9(d) of C.176; Para. 8 of R.183; Para. 5(c) of R.192.

19. Please provide information on any measures taken to ensure the provision of an adequate supply of safe drinking water and adequate welfare facilities at workplaces, including facilities for taking meals, sanitary facilities and facilities for changing (indicating if separate facilities are provided for women and men), particularly in: (a) construction; (b) mining; (c) agriculture.	Art. 32 of C.167; Paras 51 and 52 of R.175; Art. 5(4)(e) of C.176; Para. 25 of R.183; Art. 19(a) of C.184; Para. 10 of R.192.
20. Please describe any measures taken to provide temporary and seasonal workers in agriculture the same safety and health protection as those accorded to comparable permanent workers.	Art. 17 of C.184.
21. Please indicate any measures that take into account the special needs of women agricultural workers, in relation to pregnancy, breastfeeding and reproductive health.	Art. 18 of C.184; Paras 4(3) and 11 of R.192.
PART V. RECORDING, NOTIFICATION AND STATISTICS	
22. Please provide information on any existing system for the notification and recording of occupational accidents and diseases.	Art. 4(3)(f) of C.187; Art. 34 of C.167; Arts 5(2)(c) and 10(e) of C.176; Paras 3(2)(b) and 5(d) of R.192.
23. Please describe any mechanisms for the collection, analysis and exchange of data on occupational injuries and diseases.	Art. 4(3)(f) of C.187; Para. 5(d) of R.197.
24. Please provide any available statistical data on occupational safety and health, including with specific reference to the construction, mining and agricultural sectors, such as information on the number and nature of contraventions reported and <i>the resulting action taken as well as the number, nature and cause of occupational accidents and diseases reported.</i>	C.187; C.167; C.176; C.184.

PART VI. ENFORCEMENT	
<p>25. Please describe any measures taken to ensure compliance with national laws and regulations on occupational safety and health in:</p> <ul style="list-style-type: none"> (a) general; (b) construction; (c) mining; (d) agriculture. <p>In this regard, please provide specific information on the:</p> <ul style="list-style-type: none"> – functioning of a labour inspection system for the effective protection of workers; – provision of penalties and application thereof; – provision and application of corrective measures (indicating, with respect to only (c) and (d) if this includes the suspension of activities on safety and health grounds). 	<p>Art. 4(2)(c) of C.187; Art. 35 of C.167; Para. 4 of R.183; Arts 5(2)(b), 5(2)(e), 6(a) and 16 of C.176; Arts 4(3) and 5 of C.184; Para. 1 of R.192.</p>
PART VII. IMPACT OF ILO INSTRUMENTS	
<p>26. Please indicate whether any modifications have been made to national legislation or practice with a view to giving effect to all or some of the provisions of the Conventions or of the Recommendations. Please state also whether it is intended to adopt measures to give further effect to the provisions of the Conventions or of the Recommendations, including ratification.</p>	
<p>27. Please identify any obstacles impeding or delaying ratification of the Conventions. Please indicate any measures taken or envisaged to overcome these obstacles.</p>	
<p>28. If your country is a federal State:</p> <ul style="list-style-type: none"> (a) please indicate whether the provisions of the Conventions or of the Recommendations are regarded by the federal government as appropriate, under the constitutional system, for federal action or as appropriate, in whole or in part, for action by the constituent states, provinces or cantons, rather than for federal action; (b) where federal action is appropriate, please provide the information specified in Parts I–VII of this form; (c) where action by the constituent unit is regarded as appropriate, please supply general information corresponding to Parts I–VII of the form. Please indicate also any arrangements that it has been possible to make within the federal State, with a view to promoting coordinated action to give effect to all or some of the provisions of the Conventions and the Recommendations, giving a general indication of any results achieved through such action. 	
<p>29. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the ILO.</p>	

30. Please state whether you have received from the organizations of employers and workers concerned any observations concerning the effect given, or to be given, to the instruments to which the present report relates. If so, please communicate a copy of the observations received together with any comments that you may consider useful.	
POSSIBLE NEEDS FOR STANDARD-RELATED ACTION AND FOR TECHNICAL COOPERATION	
31. What suggestions would your country wish to make concerning possible standard-related action, including consolidation, pertaining to occupational safety and health to be taken by the ILO?	
32. Has there been any request for policy support or technical cooperation support provided by the ILO to give effect to the instruments in question? If this is the case, what has been the effect of this support? If not, how could the ILO best provide appropriate assistance within its mandate to support country efforts in the area of occupational safety and health, including in the construction, mining and agriculture sectors? What are your country's needs for future policy advisory support and technical cooperation to give effect to the objectives of the instruments in question?	