

▶ Questionnaire concerning a proposed instrument or instruments on biological hazards in the working environment

At its 341st Session (March 2021), the Governing Body decided to place on the agenda of the 112th and 113th Sessions (2024 and 2025) of the International Labour Conference an item related to occupational safety and health protection against biological hazards (standard-setting – double discussion).¹

The Governing Body noted a regulatory gap in standards concerning biological hazards. The impact of the COVID-19 pandemic has highlighted the strategic relevance of closing this gap. Promoting international policy coherence in the prevention of diseases caused by biological hazards will promote workers' health and not only protect workers at risk of infection but also contribute to containing the spread of infection, including across borders, sustaining the key services on which societies and economies rely, and preventing business disruption during a pandemic.

The purpose of this questionnaire is to request the views of Member States on the scope and content of the possible future instrument or instruments. As set out in article 45(1) of the Standing Orders of the Conference, governments are requested to consult the most representative organizations of employers and workers before finalizing their replies, which should reflect the results of that consultation, and to indicate which organizations have been so consulted. Such consultations are mandatory in the case of Members that have ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). Governments are also reminded of the importance of ensuring consultations among all relevant departments when formulating their replies. The replies received should enable the International Labour Office to prepare a report for the Conference. In accordance with established practice, the most representative organizations of employers and workers may send their replies directly to the Office. Replies should reach the Office by 31 July 2023. Respondents are encouraged, where possible, to complete the questionnaire in electronic format and to submit their replies electronically to the following email address: BIOLOGICALHAZARDS@ilo.org. Respondents may also submit their replies in hard copy to the International Labour Organization, Labour Administration, Labour Inspection and Occupational Safety and Health Branch, Governance and Tripartism Department, Route des Morillons 4, 1211 Geneva, Switzerland.

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

I. Form of the international instrument or instruments

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

Yes No

Comments

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

(a) a Convention?

(b) a Recommendation?

(c) a Convention supplemented by a Recommendation, as two separate instruments?

(d) a Convention comprising both binding and non-binding provisions? ²

Comments

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II. Preamble

3. Should the instrument or instruments have a Preamble that:

(a) recalls the recent recognition of a safe and healthy working environment as a fundamental principle and right at work by the International Labour Conference at its 110th Session (2022)?

(b) emphasizes the need for improved emergency preparedness and anticipation of hazards and risks and comprehensive management of biological hazards in the working environment through coordinated efforts of all the actors in the world of work, as evidenced by the COVID-19 pandemic?

² This model was adopted for the first time for the Maritime Labour Convention, 2006 (MLC, 2006). The structure of the MLC, 2006 differs from that of other ILO Conventions and is organized in three main parts: the Articles, placed at the beginning, setting out broad principles and obligations, followed by a Code which contains mandatory Standards and non-mandatory Guidelines. It is the first time that an ILO instrument includes both mandatory and non-mandatory provisions. For more details, see the [Frequently asked questions on the MLC, 2006](#) (especially A9, A10, A11 and A12).

- (c) stresses the importance of promoting international policy coherence and cooperation in the prevention of communicable as well as non-communicable diseases caused by biological hazards in the working environment?
- (d) recognizes the particular relevance of the Occupational Safety and Health Convention, 1981 (No. 155), and its Protocol of 2002, the Occupational Health Services Convention, 1985 (No. 161) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), for the sound management of biological hazards in the working environment?
- (e) underlines the need to revise the Anthrax Prevention Recommendation, 1919 (No. 3), and to close the gap in coverage in relation to the regulation of other biological hazards in the working environment, notably in the light of scientific developments?
- (f) notes that the proposed instrument or instruments would constitute the first international instrument(s) comprehensively addressing biological hazards in the working environment?
- (g) addresses any other considerations? If so, please specify.

Comments

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III. Definitions

4. Should the instrument or instruments include a definition of the term “biological hazard” to read: “any microorganism, cell or other organic material that may be of plant, animal or human origin, including any which have been genetically modified, and which can cause harm to human health. This may include but is not limited to bacteria, viruses, parasites, fungi, prions, DNA materials, bodily fluids, and any other microorganisms and their associated allergens and toxins”?³

Yes No

Comments

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

Yes No

Comments

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

³ Technical guidelines on biological hazards in the working environment, adopted by the Meeting of Experts for the tripartite validation of the technical guidelines on biological hazards, Geneva, 20–24 June 2022, MEBH/2022/1, p. 6, Purpose and scope.

Yes No

Comments

Should the personal protective equipments (PPE) be included in definitions according to international standards?

IV. Purpose and scope

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

Yes No

Comments

Double click to type comments

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

Yes No

Comments

Double click to type comments

9. Should the instrument, if it takes the form of a Convention, provide that Members may, after consultation with the representative organizations of employers and workers concerned, exclude from the scope of the Convention, in part or in whole, particular branches of economic activity or limited categories of workers in respect of which its application would raise special problems of a substantial nature?

Yes No

Comments

All workers are to be protected in all branches of economic activity

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

Yes No

Comments

We would like to emphasize that we do not support possibility to exclude particular branches of economic activity and/or categories of workers from the scope of the Convention

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

Yes No

Comments

We would like to emphasize the importance of protection for workers in informal sector and precarious jobs

V. General provisions

National policy

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

Yes No

Comments

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

Yes No

Comments

Double click to type comments

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

Yes No

Comments

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Preventive and protective measures

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

Yes No

Comments

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

Yes No

Comments

Double click to type comments

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

Yes No

Comments

Double click to type comments

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

Yes No

Comments

Double click to type comments

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

(a) satisfy themselves that, so far as is reasonably practicable, such substances do not entail dangers for the safety and health of those using them correctly?

(b) make available information concerning the correct use and dangerous properties of such substances, including in the form of safety and health data sheets if such are available, as well as instructions on how known hazards are to be avoided?

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

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

Comments

Double click to type comments

Emergency preparedness and anticipation of hazards and risks

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

Yes No

Comments

Double click to type comments

21. Should the instrument or instruments provide that such measures should include:
- (a) the preparation or updating of regulations for the management of such emergencies?
 - (b) the establishment of early warning systems?
 - (c) the establishment of measures to be taken at the workplace and in the working environment in case of outbreaks of biological agent pandemics or epidemics?
 - (d) the establishment of mechanisms of coordination and information with public health authorities?
 - (e) national and international collaboration on research?
 - (f) provision for appropriate emergency human resources?
 - (g) the effective operation of healthcare facilities and essential services?
 - (h) material preparedness?
 - (i) collaboration between relevant public health, water and waste, occupational health and veterinary health authorities, and other partners?
 - (j) rapid response systems in public health and real-time communication of expert advice to prepare for and manage outbreaks?

- (k) training of occupational health service providers on potential biological hazards, supported by clinical or laboratory-based surveillance?

Comments

PPEs should be mentioned explicitly in point (h) and we support the point (f) but the implementation must not include any form of forcing healthcare professionals to work.

Measures for specific sectors and groups of workers

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

- (a) workers in healthcare and laboratories;

- (b) agricultural workers (including in the animal, vegetable and grain sectors);

- (c) workers in the waste sector;

- (d) cleaners and maintenance workers;

- (e) humanitarian workers;

- (f) platform workers;

- (g) temporary workers;

- (h) workers in the informal economy;

- (i) migrant workers?

Comments

This shouldn't be closed list.

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

Yes No

Comments

Workers with chronic diseases or conditions should be widely noticed

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

Yes No

Comments

See above 22 and 23

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

Yes No

Comments

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Occupational health and occupational health services

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

(a) take due account of the need to promote occupational health?

(b) progressively extend occupational health services to all workers, in all branches of economic activity and all undertakings, in line with the Occupational Health Services Convention (No. 161) and Recommendation (No. 171), 1985?

(c) ensure the coordination and efficient use of national health and labour infrastructures, expertise and resources for the provision of occupational health services to workers?

Comments

Point c should be clarified for example replasing the word "provision" by a word providing.

Data collection, recording and notification of occupational accidents and diseases

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

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

Comments

Double click to type comments

28. Should the instrument or instruments provide that Members should:

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

Comments

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Employment injury benefits

29. Should the instrument or instruments provide that workers who have been injured or incapacitated by biological hazards in the working environment, or have contracted illnesses or diseases caused, impacted or exacerbated by such biological hazards, should be entitled to employment injury benefits or compensation, in accordance with national law and practice?
- Yes No

Comments

If there`s not any national workers compensation system concerning occupational diseases, member states should ensure employment injury/occupational diseases benefits for workers exposed by biological hazards.

Enforcement of laws and regulations

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

Yes No

Comments

Double click to type comments

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

Yes No

Comments

Double click to type comments

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

Yes No

Comments

Double click to type comments

33. Should the instrument or instruments provide that Members should apply adequate penalties for violations of national laws and regulations concerning biological hazards in the working environment?

Yes No

Comments

Double click to type comments

VI. Duties and responsibilities of employers

General duties and responsibilities

34. Should the instrument or instruments provide that employers should, so far as is reasonably practicable, take appropriate and necessary preventive and protective measures to ensure that biological substances and agents under their control are without risk to health?

Yes No

Comments

Double click to type comments

35. Should the instrument or instruments provide that employers' duties and responsibilities with respect to biological hazards in the working environment should include preventive and protective measures, based on an occupational safety and health management systems

approach, that take due account of nationally and internationally recognized instruments, codes and guidelines, and, where appropriate, collective agreements, and that include:

- (a) adequate and appropriate systems to identify biological hazards in the working environment, in consultation with workers and their representatives?
- (b) requirements to have systems in place to conduct, review and, where necessary, update, assessments of the risks to the safety and health of workers arising from biological hazards, taking due account of specific sectors and groups of workers?
- (c) requirements to take all reasonable and practicable measures to eliminate, or if this is not possible, control and minimize, biological hazards in the working environment, taking due account of the hierarchy of controls provided for in relevant ILO guidelines?
- (d) the provision of adequate and appropriate personal protective equipment, free of charge for workers, where a residual biological hazard cannot be controlled through other measures?
- (e) requirements to arrange for the periodic review of the effectiveness and efficiency of personal protective equipment, regular surveillance of the working environment and of workers' health, and adequate and competent supervision of work processes?
- (f) requirements to ensure the provision of information, instruction and training, at suitable and regular intervals, to managers, supervisors and workers, as well as to workers' safety and health representatives, on biological hazards in the working environment?
- (g) requirements to make the necessary arrangements to ensure that all workers are suitably informed of the biological risks associated with the tasks assigned to them and the measures to be taken to prevent damage to their health, before they start any work involving such risks, when there are changes in working methods and materials, when new risks appear, and at regular intervals thereafter, as necessary?
- (h) the investigation of occupational accidents, diseases and dangerous occurrences, in cooperation with occupational safety and health committees or workers' representatives, in order to identify all causes and take the necessary measures to prevent recurrences of similar events?

Comments

Double click to type comments

36. Should the instrument or instruments provide that whenever two or more employers engage in activities simultaneously at one workplace, they should collaborate on applying the provisions regarding occupational safety and health and the working environment, including with respect to

the management of biological hazards, without prejudice to the responsibility of each employer for the health and safety of its workers?

Yes No

Comments

Double click to type comments

Emergency preparedness and anticipation of hazards and risks

37. Should the instrument or instruments provide that employers' duties and responsibilities with respect to biological hazards in the working environment should include taking measures to ensure preparedness for effective management of health emergencies related to biological hazards in the working environment, including outbreaks of infectious diseases?

Yes No

Comments

Double click to type comments

38. Should the instrument or instruments provide that such workplace measures should:

(a) be aligned and coordinated with public health preparedness and response plans?

(b) include the preparation or updating of workplace regulations on the management of emergencies related to biological hazards?

(c) provide for chemoprophylaxis and self-testing possibilities?

Comments

We support the point c, but we would like to emphasize that these possibilities should not create any kind of obligations for the workers.

VII. Rights and responsibilities of workers and their representatives

39. Should the instrument or instruments provide that workers, in line with national conditions and practice, have the right to:

(a) be informed of the biological hazards to which they are exposed in the working environment, and appropriate preventive and protective measures and their application?

(b) be consulted on the identification of biological hazards and assessments of risks to biological hazards that are conducted by the employer or the competent authority?

(c) be consulted on measures to be taken to control any biological hazards in their working environment?

-
- (d) be involved in the implementation of preventive and protective measures to protect themselves and other workers against biological hazards in the working environment?
-
- (e) participate in investigations of accidents, occupational diseases and dangerous occurrences?
-
- (f) receive, subject to the confidentiality rules for personal and medical data, reports on health surveillance and medical examinations, including as regards biological hazards?
-
- (g) appeal to the competent authority if they consider that the measures taken and the means used are inadequate for the purpose of ensuring a safe and healthy working environment?
-
- (h) remove themselves from a work situation without any undue consequences, where they have reasonable justification to believe that there is an imminent and serious danger to their safety and health due to exposure to biological hazards, and should inform without delay their immediate supervisor and the workers' representative?
-
- (i) request a full investigation and remedial action before they begin or continue their work, where they have reasonable justification to believe that a work situation presents an imminent and serious danger to their lives or health due to exposure to biological hazards?
-
- (j) be transferred to alternative work, where continued employment in a particular job is contraindicated for health reasons due to exposure to biological hazards and under the advice of the occupational health services, if such work is available and if they have the qualifications or can reasonably be trained for such alternative work?
-
- (k) receive rehabilitation in the event of an injury, illness or disease caused, impacted or exacerbated by biological hazards in the working environment?
-

Comments

Point f should be more specific, now it's too unclear and various interpretations can be made. Personal data of individuals must be protected.

40. Should the instrument or instruments provide that workers' representatives have the right to enquire into, and be consulted by the employer on, all aspects related to exposure to biological hazards in the working environment, receive adequate information on measures taken by the employer and be provided with appropriate training?

Yes No

Comments

Double click to type comments

41. Should the instrument or instruments provide that workers, in the light of national conditions and practice, have the responsibility to:
- (a) comply, in accordance with their training and the instructions and means provided by their employers, with prescribed occupational safety and health measures on the prevention of and protection from biological hazards to themselves and others, including through the proper care and use of the protective clothing, facilities and equipment made available to them for this purpose?
 - (b) report promptly to their immediate supervisor or safety and health representative any working conditions which they believe could present a biological hazard or risk to their safety or health or that of others?
 - (c) cooperate with the employer and other workers to adequately identify and implement occupational safety and health measures addressing biological hazards, following an occupational safety and health management system approach?

Comments

First and foremost responsibility and cooperation lies on the employers side.

VIII. Methods of application

42. Should the instrument, if it takes the form of a Convention, provide that it could be applied by means of national laws and regulations, as well as through collective agreements or other measures consistent with national practice?
- Yes No

Comments

Double click to type comments

IX. Other issues

43. Are there any other aspects not covered by the present questionnaire that ought to be taken into consideration when drafting the instrument or instruments? If so, please specify.
- Yes No

Comments

Double click to type comments