PART 4

Occupational Safety and Health

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## Title 23: Occupational Safety and Health: (1) Measures of General Application

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OBLIGATIONS UNDER ILO INSTRUMENTS

1.23.01 Convention No. 155: Occupational Safety and Health¹,²

Part I. Scope and definitions

23.01.1³ This Convention applies to all branches of economic activity.

23.01.1.2 A Member ratifying this Convention may, after consultation at the earliest possible stage with the representative organisations of employers and workers concerned, exclude from its application, in part or in whole, particular branches of economic activity, such as maritime shipping or fishing, in respect of which special problems of a substantial nature arise.

23.01.1.3 Each Member which ratifies this Convention shall list, in the first report on the application of the Convention submitted under Article 22 of the Constitution of the ILO, any branches which may have been excluded in pursuance of 23.01.1.2, giving the reasons for such exclusion and describing the measures taken to give adequate protection to workers in excluded branches, and shall indicate in subsequent reports any progress towards wider application.

23.01.2⁴ This Convention applies to all workers in the branches of economic activity covered.

¹ 1981; entered into force in 1983.
² 31 ratifications.
³ Article 1 of Convention 155.
⁴ Article 2 of Convention 155.
23.01.2.2 A Member ratifying this Convention may, after consultation at the earliest possible stage with the representative organisations of employers and workers concerned, exclude from its application, in part or in whole, limited categories of workers in respect of which there are particular difficulties.

23.01.2.3 Each Member which ratifies this Convention shall list, in the first report on the application of the Convention submitted under Article 22 of the Constitution of the ILO, any limited categories of workers which may have been excluded in pursuance of 23.01.2.2, giving the reasons for such exclusion, and shall indicate in subsequent reports any progress towards wider application.

23.01.3 For the purpose of this Convention –

23.01.3.1 the term branches of economic activity covers all branches in which workers are employed, including the public service;

23.01.3.2 the term workers covers all employed persons, including public employees;

23.01.3.3 the term workplace covers all places where workers need to be or to go by reason of their work and which are under the direct or indirect control of the employer;

23.01.3.4 the term regulations covers all provisions given force of law by the competent authority or authorities;

23.01.3.5 the term health, in relation to work, indicates not merely the absence of disease or infirmity; it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work.

Part II. Principles of national policy

23.01.4.1 Each Member shall, in the light of national conditions and practice, and in consultation with the most representative organisations of employers and workers, formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment.

23.01.4.2 The aim of the policy shall be to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, by minimizing, so far as is reasonably practicable, the causes of hazards inherent in the working environment.

23.01.5 The policy referred to in 23.01.4 shall take account of the following main spheres of action in so far as they affect occupational safety and health and the working environment:

5 Article 3 of Convention 155.
6 Article 4 of Convention 155.
7 Article 5 of Convention 155.
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23.01.5.1 *design, testing, choice, substitution, installation, arrangement, use and maintenance of the material elements of work (workplaces, working environment, tools, machinery and equipment, chemical, physical and biological substances and agents, work processes)*;

23.01.5.2 *relationships between the material elements of work and the persons who carry out or supervise the work, and adaptation of machinery, equipment, working time, organisation of work and work processes to the physical and mental capacities of the workers*;

23.01.5.3 *training, including necessary further training, qualifications and motivations of persons involved, in one capacity or another, in the achievement of adequate levels of safety and health*;

23.01.5.4 *communication and co-operation at the levels of the working group and the undertaking and at all other appropriate levels up to and including the national level*;

23.01.5.5 *the protection of workers and their representatives from disciplinary measures as a result of actions properly taken by them in conformity with the policy referred to in 23.01.4*.

23.01.6 The formulation of the policy referred to in 23.01.4 shall indicate the respective functions and responsibilities in respect of occupational safety and health and the working environment of public authorities, employers, workers and others, taking account both of the complementary character of such responsibilities and of national conditions and practice.

23.01.7 The situation regarding occupational safety and health and the working environment shall be reviewed at appropriate intervals either over-all or in respect of particular areas, with a view to identifying major problems, evolving effective methods for dealing with them and priorities of action, and evaluating results.

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**Part III. Action at the national level**

23.01.8 Each Member shall, by laws or regulations or any other method consistent with national conditions and practice and in consultation with the representative organisations of employers and workers concerned, take such steps as may be necessary to give effect to 23.01.4.

23.01.9 The enforcement of laws and regulations concerning occupational safety and health and the working environment shall be secured by an adequate and appropriate system of inspection.

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8 Article 6 of Convention 155.
9 Article 7 of Convention 155.
10 Article 8 of Convention 155.
11 Article 9 of Convention 155.
23.01.9.2  The enforcement system shall provide for adequate penalties for violations of the laws and regulations.

23.01.10  

Measures shall be taken to provide guidance to employers and workers so as to help them to comply with legal obligations.

23.01.11  

To give effect to the policy referred to in 23.01.4, the competent authority or authorities shall ensure that the following functions are progressively carried out:

23.01.11.1  the determination, where the nature and degree of hazards so require, of conditions governing the design, construction and layout of undertakings, the commencement of their operations, major alterations affecting them and changes in their purposes, the safety of technical equipment used at work, as well as the application of procedures defined by the competent authorities;

23.01.11.2  the determination of work processes and of substances and agents the exposure to which is to be prohibited, limited or made subject to authorisation or control by the competent authority or authorities; health hazards due to the simultaneous exposure to several substances or agents shall be taken into consideration;

23.01.11.3  the establishment and application of procedures for the notification of occupational accidents and diseases, by employers and, when appropriate, insurance institutions and others directly concerned, and the production of annual statistics on occupational accidents and diseases;

23.01.11.4  the holding of inquiries, where cases of occupational accidents, occupational diseases or any other injuries to health which arise in the course of or in connection with work appear to reflect situations which are serious;

23.01.11.5  the publication, annually, of information on measures taken in pursuance of the policy referred to in 23.01.4 and on occupational accidents, occupational diseases and other injuries to health which arise in the course of or in connection with work;

23.01.11.6  the introduction or extension of systems, taking into account national conditions and possibilities, to examine chemical, physical and biological agents in respect of the risk to the health of workers.

23.01.12  

Measures shall be taken, in accordance with national law and practice, with a view to ensuring that those who design manufacture, import, provide or transfer machinery, equipment or substances for occupational use –

23.01.12.1  satisfy themselves that, so far as is reasonably practicable the machinery, equipment or substance does not entail dangers for the safety and health of those using it correctly;

12 Article 10 of Convention 155.
13 Article 11 of Convention 155.
14 Article 12 of Convention 155.
Occupational Safety and Health: (1) Measures of General Application

23.01.12.2 make available information concerning the correct installation and use of machinery and equipment and the correct use of substances, and information on hazards of machinery and equipment and dangerous properties of chemical substances and physical and biological agents or products, as well as instructions on how hazards are to be avoided;

23.01.12.3 undertake studies and research or otherwise keep abreast of the scientific and technical knowledge necessary to comply with 23.01.12.1 and 23.01.12.2.

23.01.13 A worker who has removed himself from a work situation which he has reasonable justification to believe presents an imminent and serious danger to his life or health shall be protected from undue consequences in accordance with national conditions and practice.

23.01.14 Measures shall be taken with a view to promoting in a manner appropriate to national conditions and practice, the inclusion of questions of occupational safety and health and the working environment at all levels of education and training, including higher technical, medical and professional education, in a manner meeting the training needs of all workers.

23.01.15.1 With a view to ensuring the coherence of the policy referred to in 23.01.4 and of measures for its application, each Member shall, after consultation at the earliest possible stage with the most representative organisations of employers and workers, and with other bodies as appropriate, make arrangements appropriate to national conditions and practice to ensure the necessary co-ordination between various authorities and bodies called upon to give effect to Parts II and III of this Convention.

23.01.15.2 Whenever circumstances so require and national conditions and practice permit, these arrangements shall include the establishment of a central body.

Part IV. Action at the level of the undertaking

23.01.16.1 Employers shall be required to ensure that, so far as is reasonably practicable, the workplaces, machinery, equipment and processes under their control are safe and without risk to health.

23.01.16.2 Employers shall be required to ensure that, so far as is reasonably practicable, the chemical, physical and biological substances and agents under their control are without risk to health when the appropriate measures of protection are taken.

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15 Article 13 of Convention 155.
16 Article 14 of Convention 155.
17 Article 15 of Convention 155.
18 Article 16 of Convention 155.
23.01.16.3 Employers shall be required to provide, where necessary, adequate protective clothing and protective equipment to prevent, so far as is reasonably practicable, risk of accidents or of adverse effects on health.

23.01.17 Whenever two or more undertakings engage in activities simultaneously at one workplace, they shall collaborate in applying the requirements of this Convention.

23.01.18 Employers shall be required to provide, where necessary, for measures to deal with emergencies and accidents, including adequate first-aid arrangements.

23.01.19 There shall be arrangements at the level of the undertaking under which:

23.01.19.1 workers, in the course of performing their work, co-operate in the fulfilment by their employer of the obligations placed upon him;

23.01.19.2 representatives of workers in the undertaking co-operate with the employer in the field of occupational safety and health;

23.01.19.3 representatives of workers in an undertaking are given adequate information on measures taken by the employer to secure occupational safety and health and may consult their representative organisations about such information provided they do not disclose commercial secrets;

23.01.19.4 workers and their representatives in the undertaking are given appropriate training in occupational safety and health;

23.01.19.5 workers or their representatives and, as the case may be, their representative organisations in an undertaking, in accordance with national law and practice, are enabled to enquire into, and are consulted by the employer on, all aspects of occupational safety and health associated with their work; for this purpose technical advisers may, by mutual agreement, be brought in from outside the undertaking;

23.01.19.6 a worker reports forthwith to his immediate supervisor any situation which he has reasonable justification to believe presents an imminent and serious danger to his life or health; until the employer has taken remedial action, if necessary, the employer cannot require workers to return to a work situation where there is continuing imminent and serious danger to life or health.

23.01.20 Co-operation between management and workers and/or their representatives within the undertaking shall be an essential element of organisational and other measures taken in pursuance of 23.01.16 to 23.01.19.

19 Article 17 of Convention 155.
20 Article 18 of Convention 155.
21 Article 19 of Convention 155.
22 Article 20 of Convention 155.
23.01.21 Occupational safety and health measures shall not involve any expenditure for the workers.

Additional elements

23.02 Recommendation No. 164: Occupational Safety and Health

I. Scope and definitions

23.02.1 To the greatest extent possible, the provisions of Title 23.01, hereinafter referred to as the Convention, and of this Recommendation should be applied to all branches of economic activity and to all categories of workers.

23.02.2 Provision should be made for such measures as may be necessary and practicable to give self-employed persons protection analogous to that provided for in the Convention and in this Recommendation.

23.02.3 For the purpose of this Recommendation –

23.02.3.1 the term branches of economic activity covers all branches in which workers are employed, including the public service;

23.02.3.2 the term workers covers all employed persons, including public employees;

23.02.3.3 the term workplace covers all places where workers need to be or to go by reason of their work and which are under the direct or indirect control of the employer;

23.02.3.4 the term regulations covers all provisions given force of law by the competent authority or authorities;

23.02.3.5 the term health, in relation to work, indicates not merely the absence of disease or infirmity; it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work.

II. Technical fields of action

23.02.4 As appropriate for different branches of economic activity and different types of work and taking into account the principle of giving priority to eliminating hazards at their source, measures should be taken in pursuance of the policy referred to in 23.01.4, in particular in the following fields:

23.02.4.1 design, siting, structural features, installation, maintenance, repair and alteration of workplaces and means of access thereto and egress therefrom;

23.03.2 Article 21 of Convention 155.
24 1981.
25 Paragraph 1 of Recommendation 164.
26 Paragraph 2 of Recommendation 164.
27 Paragraph 3 of Recommendation 164.
Recommendation No. 164: Occupational Safety and Health

23.02.3.2 lighting, ventilation, order and cleanliness of workplaces;
23.02.3.3 temperature, humidity and movement of air in the workplace;
23.02.3.4 design, construction, use, maintenance, testing and inspection of machinery and equipment liable to present hazards and, as appropriate, their approval and transfer;
23.02.3.5 prevention of harmful physical or mental stress due to conditions of work;
23.02.3.6 handling, stacking and storage of loads and materials, manually or mechanically;
23.02.3.7 use of electricity;
23.02.3.8 manufacture, packing, labelling, transport, storage and use of dangerous substances and agents, disposal of their wastes and residues, and, as appropriate, their replacement by other substances or agents which are not dangerous or which are less dangerous;
23.02.3.9 radiation protection;
23.02.3.10 prevention and control of, and protection against, occupational hazards due to noise and vibration;
23.02.3.11 control of the atmosphere and other ambient factors of workplaces;
23.02.3.12 prevention and control of hazards due to high and low barometric pressures;
23.02.3.13 prevention of fires and explosions and measures to be taken in case of fire or explosion;
23.02.3.14 design, manufacture, supply, use, maintenance and testing of personal protective equipment and protective clothing;
23.02.3.15 sanitary installations, washing facilities, facilities for changing and storing clothes, supply of drinking water, and any other welfare facilities connected with occupational safety and health;
23.02.3.16 first-aid treatment;
23.02.3.17 establishment of emergency plans;
23.02.3.18 supervision of the health of workers.

III. Action at the national level

23.02.4 With a view to giving effect to the policy referred to in 23.01.4, and taking account of the technical fields of action listed in 23.02.3, the competent authority or authorities in each country should –

23.02.4.1 issue or approve regulations, codes of practice or other suitable provisions on occupational safety and health and the working environment, account being taken of the links existing between safety and health, on the one hand, and hours of work and rest breaks, on the other;

28 Paragraph 4 of Recommendation 164.