



112th Session of the International Labour Conference (June 2024)

Agenda item IV

Briefing Note for Workers' Delegates

Protection against biological hazards

ILO context of the discussion

In accordance with the decision taken by the Governing Body at its 328th Session (October-November 2016), the third meeting of the Standards Review Mechanism Tripartite Working Group (SRM TWG) took place from 25 to 29 September 2017.

The SRM TWG is a subordinate body of the ILO Governing Body. It was established in 2015 to contribute to ensuring that the ILO has a clear, robust, and up-to-date body of international labour standards.

[The SRM TWG reviewed 19 instruments](#) concerning occupational safety and health (OSH) and made corresponding recommendations in that regard. It identified a gap in coverage in the context of the Anthrax instrument, ILO Recommendation No.3, and recommended the development of a new standard to address all biological hazards.

It also recommended the development of technical guidelines on biological hazards. The Covid-19 pandemic further increased the urgency of providing guidance to ILO constituents on this type of hazard.

At its 341st Session in March 2021, the Governing Body decided to place an item related to occupational safety and health protection against biological hazards on the agenda of the 112th (2024) and 113th (2025) Sessions of the International Labour Conference (ILC). The ensuing discussions, it decided, would confirm the regulatory gaps identified by the SRM TWG and the need to begin work on technical guidelines on the topic.

For these reasons, at its 343rd Session in November 2021, the Governing Body approved a meeting of experts, which examined and adopted [Technical guidelines on biological hazards in the working environment](#).

At the 110th Session (2022), the ILC decided to include a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work and declared that the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) would be considered as fundamental Conventions within the meaning of the ILO Declaration of Fundamental Principles and Rights at Work, 1998, as amended in 2022.

Further information on the process and next steps can be found in the ILO note here:

https://www.ituc-csi.org/IMG/pdf/cn_biological_hazards_en.pdf



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Outside the ILO, it is worth noting – as some governments did in their responses to the questionnaire – that there is a WHO Pandemic Accord currently under negotiation and due to be finalised at the World Health Assembly (WHA), which concludes on 1 June 2024. However, it does not have the same purpose or scope as the proposed ILO instrument, as it does not focus on the protection of all workers from biological hazards and deals only with pandemic preparedness, prevention and response. It does not include endemic infectious disease problems and nor does it have the broad scope of biological risks in the workplace.

What will we be negotiating at the 112th Session of the ILC?

Once the decision to place a standard-setting item was placed on the agenda, the ILO began work. Therefore, in December 2022, it published a [first report \(white report\)](#), which included a review of national law and practice, and a questionnaire concerning the proposed instrument or instruments on biological hazards in the working environment.

Based on the answers of employers, governments and workers, the ILO published a [second report \(yellow report\)](#) in February 2024. The report included responses to the questionnaire and proposed Conclusions, with a view to a possible Convention and Recommendation.

During the 112th ILC committee on standard setting, our work will focus on those Conclusions, which are the basis for a draft Convention and Recommendation.

Our collective work will entail amending the text to include all issues we consider relevant to improve the protection of workers from biological hazards in preparation for the second year of discussion (2025).

General overview of the Conclusions

First, we observe that the impressive number of responses from unions, as well as governments, showed the need for international labour standards, with a majority supporting a Convention and a Recommendation. Employers prefer a Recommendation only.

Among the positive points in the draft Conclusions we find:

- A broad definition covering all workers/sectors.
- A broad scope, covering infectious diseases, and other conditions caused by exposure to biological agents, hazards and substances, and including accidents and injuries.
- References to emergency response and preparedness language.
- Language on precautionary measures, and the inclusion of new and emerging hazards.
- Language that provides protection on vulnerable groups (for example, pregnant workers) and protection from discrimination.
- State compensation systems, with reference to C121 Employment Injury Benefits Convention and the associated Recommendation 194, the ILO List of Occupational Diseases.



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- Training requirements 'on paid work time' and, where possible, during usual working hours.

On the negative side the following elements are missing:

- Although the draft Conclusions call on Members to develop national policies, guidance and preventive and protective measures, the draft does not call for the development of binding regulations.
- The excessive double exclusion of workers, per sector and/or category contradicts the recommendation to ensure the broad coverage of all workers. This is not compatible with an effective approach to epidemic and pandemic prevention, nor with the recent decision to recognise Occupational Safety and Health as a fundamental principle and right at work.
- A credible gender dimension is missing, apart from in existing references to pregnant or breastfeeding women.
- The section on preparedness should be reinforced.
- The precautionary principle, as such, is missing.
- The list of sectors is limited and seems to be random, with certain high-risk sectors and occupations excluded.
- High-risk workers are mentioned several times, which could be interpreted as giving a lower priority to or excluding other groups of workers. Without a link to a precautionary principle, this could inadvertently leave certain categories of workers unprotected due to the inability to accurately determine risks in the context of an epidemic outbreak or pandemic related to an unanticipated risk or an exposure to a novel pathogen.
- The wording in some cases is weaker than in C155, with the use of "should" instead of "shall".
- There is no mention of psychosocial risks and hazards.
- There is limited reference to the right to withdraw from a dangerous situation with job and income protected.
- No attention is given to the need for supportive measures in employment and payment continuity in case of pandemics or major events requiring a shutdown of all or some economic sectors (income protection), or for furloughs and self-isolation/quarantine.
- Weak language in relation to the collection and use of data.
- No mention of the link between the climate crisis and the increased risk of exposure to biological hazards.
- Nothing on supply chain responsibility or human rights due diligence, despite significant legislative and other developments on this at national and international levels.

Elaborating our position and amendments

In order to elaborate our amendments to improve the text, we will have the existing ILO body of standards and guidelines as a baseline, as well as our own priorities in relation to biological hazards, which can be found here: https://www.ituc-csi.org/IMG/pdf/biohazards_briefing_en_v2.pdf



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Workers' delegates are invited to consider the following priorities when elaborating amendments to the text:

- Convention and recommendation. The Convention should include clauses calling on members to adopt laws and binding regulations.
- Contest sector and workers' exclusions.
- Improve the language on preparedness, including on climate change.
- Include specific language on gender, not just references to pregnancy and breastfeeding.
- Extend the list of sectors covered by the standard.
- Extend the existing scope of the instruments, to incorporate clauses on employment and wage protection. During the Covid-19 pandemic, any requirement to self-isolate and/or work from home often included – due to trade union demands – income support and employment stability measures. However, sanitary measures were also used to make labour conditions more precarious. Therefore, this discussion presents the workers' group with an opportunity to advocate for a comprehensive framework of employment and income protection in the event of health measures impacting the regular undertaking of work.
- Introduce the precautionary principle as an overarching approach to deal with biological hazards in the work environment. As the ILO is a member of the UN family, policy coherence with other UN agencies, particularly those dealing with environmental issues should be prioritised: the precautionary principle or approach is recognised language in other UN instruments.
- Extend employers' responsibilities in relation to the damage caused to the working environment and community when using biological hazards.
- Elaborate on the protection of workers along global supply chains, as well as on the responsibilities of employers and multinationals.