

## ILO biohazards questionnaire

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

#### General comment on the scope of the instrument

All health impacts associated with exposure to biological hazards at work, not just infections, should be within the scope of a new ILO Convention on Biological Hazards in the Working Environment and any associated recommendations, codes and guidance. Its provisions should apply to all workers. Measures should include employment protection for those whose health is impacted by biological hazards at work or whose employment is affected by actions to address biological risks at work.

## 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.**

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? <sup>1</sup>

#### Comments

## 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)?

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<sup>1</sup> 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

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- (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?
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- (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?
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- (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?
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- (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?
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- (f) notes that the proposed instrument or instruments would constitute the first international instrument(s) comprehensively addressing biological hazards in the working environment?
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- (g) addresses any other considerations? If so, please specify.
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### Comments

On (b), we support the 'comprehensive management' of biohazards, which includes all related risks, not just infection risk.

Pandemic and emergency preparedness must also include the impact of the climate crisis/climate change and of natural disasters.

On (c), we support the recognition that the scope should be broader than infections, and should also acknowledge the health impact of biological hazards extends beyond 'diseases', and including but not limited to injuries, poisonings, and asphyxiations.

On (e), while some of the language on R3 on anthrax is useful – for example on ports of entry – the recommendation is out of date and its provisions need revision. The risks for example extend beyond handling of wool (for example to work with hides, and related manufacture and possibly use of musical instruments etc).

The instrument should also reflect the broad scope of other instruments, ie the HIV/AIDS recommendation R200 – which broaden the scope and include sectors that might otherwise consider the issue is less directly relevant to them, eg transport workers.

The instrument should be explicit in stating its provisions apply to all workers, not just employees, and should include those on temporary, insecure or zero hours contracts and informal and unpaid workers.

### 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”? <sup>2</sup>

Yes    No

#### Comments

The term ‘organic materials’ is important, reflecting the non-infection occupational health risks associated with exposures, for example to organic dusts.

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

Yes    No

#### Comments

The instrument should be comprehensive, but must also recognise and require the related employment protections. A person with an infection could be a vector or a transmitter so would need concomitant human rights, privacy and employment protections, for example.

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

Yes    No

#### Comments

There must be clarity about related duties, responsibilities and rights. The instrument should also be clear on the need to adopt a hierarchy of controls prioritising elimination of risks. Where there is insufficient data available to make an informed decision, then the precautionary principle should be followed. A glossary of terms would be useful, if comprehensive.

The instrument language should be clear its scope encompasses all risks associated with biological hazards at work, recognising many of the classic occupational diseases associated with 'biological hazards' or 'biological agents' are not infections, for example the biological dust related diseases byssinosis or bagassosis. Others include sensitisation to flour/bean dust/wheat/hay, shellfish, tea and coffee dust, conditions related to the use of biological agents in manufacturing (b subtilis in biological detergents), food production (fungus used in meat-

<sup>2</sup> 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.

substitute foodstuffs or product manufacture eg plastic substitutes). Others include biological hazard related extrinsic allergic alveolitis (farmers' lung); latex allergy/anaphylaxis; green tobacco sickness; and Organic Dust Toxic Syndrome. Wider problems which should be included in the scope include other poisonings and reactions (poison oak/ivy/hogweed), injuries (pilinoidal sinus in barbers, puncture wounds in cotton pickers), contact with venomous/poisonous animals/snakes/insects.

#### 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

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

Yes    No

##### 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

The instrument must be comprehensive. It must also recognise new and emerging threats may pose new and urgent challenges, for example novel infections, which need a structured response where roles, responsibilities, duties and rights are clearly articulated. One purpose of the instrument must be to provide a system to recognise and respond to new and emerging hazards, for example pandemics or climate crisis/change related risks. It is not possible to determine where or in which circumstances all these risks will occur.

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

There must not be exclusions.

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

Yes    No

**Comments**

OHS is an ILO fundamental principle and right at work. The language of the instrument must reflect and respect the associated rights and duties. It should also recognise the risks posed by all biological hazards at work, and the wide range of associated diseases, ill-health and injuries, including their sequelae (eg post-infection fatigue, psychosocial disorders, and other harms arising from injuries and diseases associated with exposure to biological hazards at work, including associated cancers and conditions like Q fever endocarditis). Where insufficient data are available to determine risks, the precautionary principle should apply.

## 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**

This is important and should recognise the requirement in one of the fundamental safety conventions, Convention 187, requires ILO member states to “promote continuous improvement of occupational safety and health to prevent occupational injuries, diseases and deaths.”

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**

This is important, and should also include all relevant sectoral safety conventions, including C167 (construction), C176 (mining) and C184 (agriculture). It should also recognised the C187 requirement for the promotion of ‘continuous improvement’ of standards.

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**

## 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

Consultation is essential and required by ILO fundamental safety conventions. It must also recognise the need to invoke the precautionary principle where sufficient adequate data are not available to make a reliable assessment of risk.

'Established practice' may be inappropriate or insufficient to deal with new or emerging risks, or known risks experienced in new circumstances – for example, the impact of climate change on patterns of risk and the measures required to address them. The instrument must take account of this. The hierarchy of prevention should apply.

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

New and emerging risks, or known risks encountered in new settings or circumstances, require a precautionary approach. The instrument must also recognise there are related employment and worker protection issues. For example, closures of workplaces after an infection outbreak have implications for jobs and incomes, so these should have explicit related protections in the instrument. Individuals or groups considered at high risk – for example, pregnant workers, those with conditions like Thalassaemia or sickle cell disease that are prevalent in certain racial groups, and other workers with pre-existing health conditions or disabilities – should also have employment protections, recognising the need to ensure there is not discrimination based on gender, race or other grounds.

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

Yes, these are requirements under fundamental conventions. Where information is insufficient, there has to be a precautionary approach.

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

Competent authorities should provide necessary, guidance (C155 article 10), information and support.

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

We have questions about the application of GHS, a chemicals instrument, to biological hazards. However, duties to consider and address potential related risks should apply to those who design, manufacture, import, provide or transfer biological substances or substances presenting a biological risk - which may be inherent to the product/process or known to be an associated risk, for example aflatoxin contamination on crops/nuts etc, or discovered to be an associated risk.

On (a) and (b), the duties should not be limited to 'users', but to others potentially at risk, including workers, clients and members of the public. It should also consider other risks arising out of their use. For example, if exhaust ventilation vents outside the building or into other parts of the building. Some products are hazardous when no-one is 'using' them, for example mould development on damp hay or stored biological substances leading to toxic or anoxic environments - no-one is using them, but there is an occupational risk nonetheless.

Sewer workers are a clear example of this type of risk. There are unfortunately regular reports of sewer workers, including manual scavengers, being asphyxiated after entering enclosed spaces with limited oxygen or high levels of noxious gases, the hazardous environment arising from the presence of a biological hazard (human waste).

Other occupational risks not obviously related to 'use', include transport and storage. The instrument should be clear the risk arises from exposure, as opposed to just use.

On (c), research should be conducted or overseen by competent public authorities.

## 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

The instrument should be clear about where the duties and responsibilities lie, explicitly the role of national authorities, competent authorities and employers, and the rights of workers. It should include explicit requirements related to emergency preparedness and pandemic preparedness.

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

On (a), we would support a broad definition of emergency, and it should recognise are some are ongoing (for example, the climate emergency) and some related to traumatic or catastrophic events (for example, a disease outbreak or a natural disaster).

On (c), this should be in consultation with employers and workers and their organisations.

On (f), the language on provision of human resources is unclear. Provision of what resources and by whom for what purpose? There should be a plan to ensure adequate and suitably trained and qualified experts and emergency response capabilities, including necessary equipment and staff.

On (g), the requirement the effective operation of health care facilities and essential services must respect the fundamental rights of workers, as defined by ILO.

On (k), there must also be support for employers, workers and workers' organisations, as the great majority of workplace have little or no access to occupational health service providers.

The section should establish the relevance of these measures to the world of work, rather than just broader public health approaches. It should be clear about the role of governments and competent authorities, the duties of employers, and the rights of workers and their representatives. It should recognise risks arising in the course of employment, and measures necessary to address them.

## 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 section is concerning as it suggests the named areas are a higher priority or greater risk. The single highest priority is that it is clear the provisions of the instrument apply to all workers in all sectors.

Several high risk sectors are missing from this list, for example the social care sector, education, transport, construction, hospitality, performing arts, sports and leisure etc. It should also cover all work arrangements, including contingent/platform/temporary/migrant/vulnerable/shiftworkers etc.

**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

There should be protections for at risk groups, but this must be associated with employment and privacy protections to prevent discriminatory practices on grounds of health/disability, gender or race. The focus should be on accommodation, not exclusion, and should not lead to disadvantage for the affected workers.

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

Yes  No

### Comments

See comments in response to Q22.

**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

'Other international organisations' is too vague and not acceptable. The focus should be on ILO instruments, as opposed to private standards or certification systems, which may be preferred as soft alternatives to normative measures.

## 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

On (a), it should promote 'occupational health *and* safety'.

## 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

This should make explicit reference to the relevance of P155, the protocol to C155, a fundamental convention.

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**

There should be a requirement for these systems to be responsive to allow for the timely updating of lists to recognise new or emerging risks.

### **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**

This should make an explicit mention to ILO Convention 121 on employment injury benefits.

### **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**

Inspection, enforcement and measures to secure compliance are existing requirements under C155, a fundamental convention, and must be included in the instrument.

**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**

**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**

This should include a reference to ILO Occupational safety and health management (OSHMS) systems.

- 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**

This is a requirement of C155, a fundamental convention.

## 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**

The instrument should require employers to take appropriate and necessary preventive and protective measures to ensure that biological substances and agents under their control are without risk to health.

It should be noted that in some instances, however, 'reasonably practicable' will not be sufficient, for example where there are exposures to Ebola and other haemorrhagic diseases, smallpox and certain pathogenic or carcinogenic exposures, and will require all practicable measures to address risks.

- 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

On (d), the Code of Practice on biological hazards expands on this to include training in use, maintenance, paid time for donning and doffing, training in and provision for decontamination and adequate storage etc, which are all essential measures where PPE is required. The provisions of C155 article 21 are broader in scope, noting: "Occupational safety and health measures shall not involve any expenditure for the workers." This could include other protections, including prophylaxis after potential occupational exposure to Hepatitis B, HIV etc.

On (f), training should be in paid work time, where possible during usual working hours, and with a right for unions to undertake their own related training of workers' representatives in paid work time.

On (h), should also include periodic reviews, not just incident reviews, to identify trends. Should also include 'near misses', which might not be considered 'dangerous occurrences' but could give valuable information on risks.

A comprehensive list of biological hazards related risks and associated health impacts is necessary, which could be included an associated Recommendation, and should include infectious diseases, non-infectious diseases, injury, allergy, irritation and poisoning risks, and all associated physical and other risks, including asphyxiations and explosions.

- 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

This needs to state more clearly the overall responsibility of the main contractor. There is also a need for the instrument to require responsibility throughout the supply chain, with related due diligence, in line with the ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UNGP and the OECD guidelines for Multinational Enterprises on Responsible Business Conduct. There should also be a reference to the importance of ILO Convention 94, on labour standards in public contracts, as a measure to stipulate safety and labour standards.

### 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

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

On (c), the instrument should recognise the right of workers to access without charge preventive and post-exposure treatments. The scope of testing should not be limited to self-testing, but should include health surveillance and testing provided by employers, in consultation with workers and their representatives, for example when health workers suffer sharps injuries. It should reference the ILO Technical and ethical guidelines for workers' health surveillance.

## 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**

These rights are ILO fundamental rights, spelled out in ILO Convention 155. It should be noted the rights are binding on member states, even when those in national laws are weaker.

On (f), where results can be anonymised, these findings can be used to review incident patterns and identify preventive opportunities.

On (i), alternative work should involve no loss of pay or seniority or other disadvantage.

- 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**

- 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**

National conditions and practices should only apply when consistent with ILO fundamental rights and are accompanied by the related rights and protections conferred in ILO Convention 155.

**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**

## 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

**All health impacts associated with exposure to biological hazards at work should be within the scope of the ILO Convention and any associated recommendations, codes, guidance etc.**

**The introduction to this questionnaire focuses on infection risks only, whereas the convention must include all biological related occupational risks in its scope. This includes non-communicable and non-infection related diseases like obstructive lung diseases and cancer, and wider hazards including injuries, explosions, asphyxiations and poisonings.**

**The case for this wider application of the “proposed instrument or instruments on biological hazards in the working environment” is undeniable.**

**Byssinosis (cotton lung) is a classic occupational disease caused by a biological exposure at work, but is not an infection, it is a dust disease. Others include bagassosis (from work with sugar cane) and extrinsic allergic alveolitis (work involving exposure to mould, fungal spores - farmers' lung) are not the result of infections, but are directly related to biological hazards encountered at work. Others include Organic Dust Toxic Syndrome.**

**Sensitisation and irritation are other prominent occupational health problems related to biological hazard exposures at work- eg skin allergies and reactions (sugar itch, dermatitis or other reactions related to contact with plants, including poison ivy, poison oak, hog weed). Latex allergy/anaphylaxis is a well reported and serious occupational health problem related to natural rubber exposures.**

**Biological hazards encountered in the course of work can also be poisonous, notably certain plants, leading to recognised occupational diseases including Green Tobacco Sickness. Work with animals comes with well recorded infection and non-infection risks, as does inadvertent exposure to animals in the course of work, eg snake bites, insect stings etc. These can be the principle biological hazards encountered at work in some occupations and countries.**

**Cancer is another non-communicable, non-infection risk associated with biological exposures at work. Work-related associations include cancer of the nose or nasopharynx related to wood or leather dust exposures and liver cancer related to work with nuts/crops as a result of aflatoxin contamination.**

**There are also liver cancers occurring as a sequelae to Hepatitis, a common occupational risk. Other sequelae of infections should also be within the scope including infection-related heart problems, eg Q fever endocarditis, and post-exposure associated health issues, for example post-viral fatigue, Long Covid and other conditions, ill-health, injury or associated psychosocial impacts.**

**It should be noted the health and economic cost of Covid did not end with the pandemic. Many workers are still ill and unable to work because of post-infection health effects, with serious additional costs and consequences to both employers and the public purse.**

**A comprehensive, protective standard is necessary to minimise these harms and should recognised the full range of biological hazards encountered at work and the associated risks and health impacts.**

**Recognising responses to biological hazards may include the partial or total closure of workplaces or sectors – as has happened with outbreaks including Covid, Bovine Spongiform Encephalopathy, Bovine TB and Avian Flu - this instrument should emphasise the health response should be accompanied by employment and economic protections to ensure industries and jobs remain viable.**