International Labour Conference

THIRTY-SIXTH SESSION
GENEVA, 1953

PROTECTION OF THE HEALTH OF WORKERS IN PLACES OF EMPLOYMENT

Fifth Item on the Agenda

GENEVA
International Labour Office
1953
# CONTENTS

## Introduction

Page 1

## Chapter I: Brief Analysis of the Replies from Governments

1. General Observations 4
2. Comments on the Proposed Sole Recommendation, concerning Protection of the Health of Workers in Places of Employment 15
3. Comments on the Proposed Convention concerning the Medical Examination of Workers 50
4. Comments on the Proposed Convention concerning the Notification of Occupational Diseases 56
5. Comments on the Proposed Recommendation concerning Protection of the Health of Workers in Places of Employment, to Supplement the Proposed Convention concerning the Medical Examination of Workers and the Proposed Convention concerning the Notification of Occupational Diseases 59

## Chapter II: Proposed Texts

1. Text for Consideration by the Conference Should it Decide to Adopt a Recommendation Alone 86
   - Proposed Recommendation concerning Protection of the Health of Workers in Places of Employment 86
2. Text for Consideration by the Conference Should it Decide to Adopt one or more Conventions, Supplemented by a Recommendation 98
   - Proposed Convention concerning the Medical Examination of Workers 98
   - Proposed Convention concerning the Notification of Occupational Diseases 102
   - Proposed Recommendation concerning Protection of the Health of Workers in Places of Employment 104
3. Proposed Resolutions 118
   - Proposed Resolution concerning an International List of Notifiable Diseases 118
   - Proposed Resolution concerning National Lists of Notifiable Diseases 118
INTRODUCTION

In accordance with the Standing Orders of the Conference, the International Labour Office prepared and despatched to Governments a report containing the text of a proposed Recommendation concerning protection of the health of workers in places of employment, to be submitted to the Conference if it should decide to adopt a Recommendation alone, and the text of a proposed Convention concerning the medical examination of workers, a proposed Convention concerning the notification of occupational diseases and a proposed Recommendation concerning protection of the health of workers in places of employment, to be submitted to the Conference if it should decide to adopt one or more Conventions supplemented by a Recommendation.¹ These texts were drafted on the basis of the Conclusions adopted by the International Labour Conference at its 35th Session (Geneva, June 1952).

The Governments were requested to send their amendments or comments in time to reach the Office not later than 1 December 1952, or to inform the Office by the same date whether they considered that the proposed texts constituted a suitable basis for discussion at the 36th Session of the Conference. By 10 January 1953 the Governments of the following 44 countries had replied to this request: Afghanistan, Australia, Austria, Belgium, Burma, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Egypt, Finland, France, the Federal Republic of Germany, Greece, Haiti, India, Ireland, Israel, Italy, Japan, Lebanon, Libya, Luxembourg, the Netherlands, New Zealand, Norway, Pakistan, the Philippines, Poland, El Salvador, Sweden, Switzerland, Syria, Thailand, Turkey, the Union of South Africa, the United Kingdom, the United States, Uruguay and Yugoslavia.

Chapter I of this report summarises briefly the comments submitted. Chapter II contains the proposed texts as amended in the light of the Governments’ replies. The amended texts will serve as a basis, at the 36th Session of the Conference, for the second discussion of the question of the protection of the health of workers in places of employment.

CHAPTER I

BRIEF ANALYSIS OF THE REPLIES FROM GOVERNMENTS

This chapter contains a brief analysis of the replies received from the Governments by 10 January 1953 on the subject of the proposed Recommendation and proposed Conventions supplemented by a Recommendation concerning protection of the health of workers in places of employment.

The following 23 Governments state that they have no comments to make or amendments to suggest and that, in their opinion, the proposed texts constitute a suitable basis for discussion by the Conference at its 36th Session: Afghanistan, Burma, Canada, Ceylon, Chile, China, Colombia, Cuba, Denmark, Haiti, Ireland, Japan, Libya, the Netherlands, Norway, Pakistan, the Philippines, El Salvador, Syria, Thailand, Turkey, the Union of South Africa and Uruguay. The Government of Austria considers the proposed texts a suitable basis for discussion, but points out that the workers' organisations had stated that they favoured the adoption of two Conventions and a Recommendation.

Nine Governments indicate that they favour the adoption of a Recommendation only: Australia, Costa Rica, Greece, India, Lebanon, New Zealand, Switzerland, the United Kingdom and the United States.

The Governments of France, the Federal Republic of Germany, Israel, Italy, Luxembourg and Yugoslavia support the adoption of two Conventions and a supplementary Recommendation. Belgium, Egypt and Sweden are in favour of adopting one Convention and a supplementary Recommendation, while the Polish Government suggests the adoption of three Conventions together with a supplementary Recommendation.

Some paragraphs appear, identically worded, in more than one of the four proposed texts. In order to facilitate the study of the present report, the Office has repeated the comments relating to such paragraphs wherever they appear, indicating in each case the text to which the comments refer in the reply of the Government concerned.

The Office has submitted comments relating to the proposed sole Recommendation and to the two proposed Conventions. For the supplementary Recommendation reference is made to the corresponding comments on the general Recommendation.
1. General Observations

In addition to the comments relating to various points of the proposed texts, certain Governments have submitted general observations, which are summarised below.

AUSTRALIA

The Government of Australia favours the adoption of a Recommendation and considers that the proposed text on pages 18 to 23 of Report V (1) provides an adequate basis for discussion by the Conference.

AUSTRIA

The Government of Austria is in agreement with the proposals made by the Office, in case it is decided that the regulations should take the form of a Convention, that two Conventions supplemented by one Recommendation should be adopted. On the other hand, the adoption of a Recommendation only will provide better guidance to countries where legal requirements have not yet been fully developed in this field, and will give more elasticity to their legislation. The workers' organisations, however, have expressed their opinion in favour of two Conventions, supplemented by a Recommendation.

It is understood that the proposed regulations will apply only to industrial undertakings. This is not clear from the proposed texts; the scope of the proposed regulations should be clearly indicated.

BELGIUM

The Government of Belgium does not agree that the questions of the notification of occupational diseases and the medical examination of workers should be treated in two separate Conventions, because it considers these two subjects to be closely related in the whole problem of occupational health. Furthermore, the Government considers that certain principles in connection with the prevention of risks to the health of the workers are of such general value that they could be accepted and applied by all countries, and therefore should be incorporated in a Convention.

These provisions might be worded as follows:

Article 1

Appropriate methods shall be applied in all workplaces to reduce or eliminate risks to health, including methods of health protection applicable, as required, in cases of special risk to the health of the workers.

(N.B. This text would no doubt gain in precision and clarity if it were simply to read "... including particular methods of protection applicable in cases of special risk to the health of workers ", or "... including particular methods of protection against special risks to the health of workers ")
Article 2

National laws or regulations shall provide for measures to be taken in all workplaces to ensure that—

(a) workrooms, outbuildings and other installations are maintained in a good state of repair and cleanliness, and dirt and refuse removed regularly in order to avoid their accumulation so as to cause risk of injury to health;

(b) the floor space and height of workrooms are sufficient to prevent overcrowding of workers, or congestion of machinery, materials or products;

(c) there is provided natural or artificial lighting, or both, of sufficient intensity and of a type appropriate to the nature of the work, except in cases where the processes can be carried out only in darkness or under special lighting conditions;

(d) a healthy atmosphere and suitable temperature are maintained so as to avoid insufficient air supply, vitiated air, harmful draughts, excessive humidity, excessive heat or cold, sudden variations in temperature, and objectionable odours;

(e) dusts, fumes, gases, vapours and in general all harmful agents produced in the course of work are suppressed as efficiently as possible;

(f) the workers are provided with, and use, suitable personal protective clothing and equipment such as will shield them from the effects of harmful agents when other measures to eliminate these risks are impracticable or are not sufficient to ensure adequate protection of the workers' health. This personal protective clothing and equipment shall be provided, cleaned, repaired and replaced by the employer, and at his expense, when it is used exclusively for the purpose of work. All necessary instructions shall be given to the workers on the use of the equipment;

(g) hygienic facilities, drinking water facilities and washing facilities are provided in sufficient numbers and in compliance with prescribed health standards.

Other provisions relating to the technical measures of health protection are of a less general nature or are only explanatory, and should figure in the supplementary Recommendation.

The Belgian Government observes that the separation of the various subjects runs the risk of creating an unnecessary division as between several drafts of international instruments, at least so far as Conventions are concerned, because this separation is in fact not maintained when the same questions are dealt with in the form of a Recommendation. On the other hand, the title of the Recommendations (both for the Recommendation alone and for the Recommendation intended to supplement the Conventions) would seem to be unsuitable, because it is difficult to consider the notification of occupational diseases as a direct measure for the protection of the health of workers in places of employment. The Belgian Government therefore proposes to combine all these drafts in one Convention supplemented by a Recommendation, with a title such as: "Convention (or Recommendation) concerning industrial hygiene and occupational health ".

The Belgian Government further points out that during the 35th Session of the Conference a Belgian Government representative submitted an amendment, which was supported by the Government representatives of the Federal Republic of Germany, Italy, the Netherlands and Yugoslavia, to include first aid and emergency treatment in case of accident, poisoning or sudden illness.
Even though this amendment was rejected, on the ground that it concerned a special question which had not been placed on the agenda of the Conference, the Belgian Government feels that this question is connected with the protection of the health of workers in places of employment. Therefore it is obvious, in its opinion, that in order to establish complete and logical regulations, the Convention or the Recommendation on industrial hygiene and occupational health should include a chapter covering first aid and emergency treatment.

These provisions might be worded as follows:

Article ...

The means of providing first aid and emergency treatment in case of accident, poisoning or sudden illness shall be provided in all workplaces.

Article ...

National laws and regulations shall provide that in every place of employment; measures shall be taken to ensure that—

(a) workers who are the victims of an accident, of poisoning or of sudden illness may be transported as quickly as possible and under the best conditions possible to a room or suitable shelter, or, if necessary, to a hospital, a clinic or their home;

(b) wounded or sick workers may receive first aid and emergency treatment as soon as possible by a doctor, nurse or first-aid worker, or, if these are not available, by any other sufficiently qualified person;

(c) dressings and essential medicaments are placed in appropriate spots and in sufficient quantities, and are maintained in good condition;

(d) there are provided, in all cases where there is special risk of accident, for example, of electrocution, asphyxia, drowning, explosion, etc., those extra facilities for first aid and emergency treatment which are essential in such circumstances, together with the nursing or first-aid personnel qualified to give effective aid to the victims of accidents which the aforementioned hazards may provoke.

Article ...

National laws and regulations shall prescribe the manner in which the provisions of the preceding Article shall be applied.

The necessity for putting these measures into practice in all workplaces and in all countries is so obvious that provisions on this subject might be included as a whole in a Convention.

Canada

The Government of Canada considers that the proposed texts form a suitable basis for discussion at the 36th Session of the Conference. The Government points out, however, that the inclusion of a minimum list of notifiable diseases is not a practical method for attaining the important objective set forth in paragraph 2 of the Conclusions adopted by the Conference at its 35th Session. The inclusion of certain diseases or categories of diseases would result in a flood of misleading or useless notifications.
Costa Rica

The Council of Occupational Safety and Health, which forms part of the Ministry of Labour and Social Welfare, has expressed the following opinion:

Because of the small extent of industrial development in our country, where the economy is essentially agricultural, industrial safety and hygiene have made slow progress, and the bodies responsible for these matters are not in a position to furnish the Government with the means necessary for the application of the provisions of the proposed Conventions. For the same reason it would not be possible to carry out satisfactorily the notification of occupational diseases, since this would undoubtedly require laboratory research and reliable statistics. The Council of Occupational Safety and Health, the National Insurance Institute and the Costa Rican Social Security Fund have scarcely begun their work in this direction. Moreover, as regards the Convention concerning medical examination, we lack an adequate organisation and the public has not the necessary education. For all these reasons, we do not recommend the second text proposed as a basis for discussion at the next session of the Conference.

Since, however, the Government of Costa Rica intends to promote the scientific development and the application of methods which will assure a relative degree of safety and hygiene, we are prepared to accept the text of the Recommendation, as it is of a less obligatory character and allows the gradual attainment of these ends.

Egypt

The Government of Egypt is of the opinion that a Convention supplemented by a Recommendation would be more appropriate.

Finland

The Government of Finland has no comments to make on the technical details of the proposed Conventions and Recommendations. Although the Finnish Government is, in principle, in favour of the adoption of the proposed instruments, the Conventions could not be ratified without changes in the legislation since this contains neither provisions for medical examination in relation to admission to employment nor provisions for the notification of occupational diseases.

France

The French Government points out that during the 35th Session of the Conference, the French Government delegation expressed the wish to see a Convention and a Recommendation adopted in preference to a Recomme
tion alone, while allowing that the final decision should be taken only at the 36th Session. The Government still holds this opinion and is therefore in favour of the adoption of two Conventions and a Recommendation.

However, it wishes to formulate certain reservations concerning the texts drafted by the Office, which seem to show certain omissions and could be completed as suggested below.

As regards the proposed Convention concerning the medical examination of workers, the French Government is surprised to note that the principle contained in paragraph 16 of the Conclusions relating to medical examination adopted by the Conference has been dropped from the text, on the grounds that it "was felt to be too general for inclusion". This paragraph reads as follows:

The proposed international regulations to include provisions concerning the medical examination of workers engaged in occupations involving risks to their health.

It would seem, on the contrary, that this principle, on account of its general nature, should have been maintained in the text proposed by the Office and that the Recommendation should have been limited to specifying the methods of application of the principles defined in the Convention.

Moreover, it is regrettable that, since the provisions of paragraph 16 have been dropped from the proposed Convention, the scope of this instrument is singularly reduced, for it will apply only to workers exposed to "special risks", that is, to those employed on work liable to cause occupational diseases.

The French Government thinks that, in addition to examinations for the detection of these diseases, the Convention should provide for a systematic yearly examination of all workers which would make it possible—

(a) to recognise new occupational diseases at an early stage;

(b) to show the possible harmful effects on the individual's health of the general working conditions and, in particular, of the rate and rhythm of working;

(c) to discover those workers who, on account of their state of health, may constitute a danger to their fellow workers because they are suffering from a communicable disease or because they have a physiological inaptitude for an occupation which might cause others to be involved in serious accidents.

In order to institute effective preventive measures and to ensure action in the wide sense defined above, the factory doctor must be able to influence actual working conditions in all the workshops.

On account of the importance of these questions, which are dealt with to a greater or less extent in various labour laws and regulations, the French Government would like the question of occupational medicine to be placed on the agenda of an early session of the Conference, with a view to the adoption of a Convention or of a Recommendation.

The text of the proposed Convention concerning the notification of occupational diseases reproduces only partially the Conclusions adopted by
the Conference and does not include the principle stated in paragraph \((a)\) of point 2 of the Conclusions adopted by the Committee on Workers' Health at the 35th Session, which relates to the adoption of measures of protection and prevention and the checking of their effective application. The question of occupational diseases has already been dealt with in the Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42), and the text drawn up by the Office tends to make it obligatory for the persons concerned to notify the cases of disease; only prevention has been left out of the general regulations, although the Conference desired, on the contrary, to remedy this omission.

In addition, it would appear useful to give a definition of the expression "occupational disease", experience having shown that these words have not always the same meaning for employers and workers, nor for jurists and doctors.

The text of the proposed Recommendation concerning the protection of the health of workers in places of employment as a whole falls far short of the French regulations. The observations to which it may give rise have already been made in the reply of the French Government which is reproduced in Report VIII (2) submitted by the Office to the 35th Session of the Conference. However, subparagraph \((b)\) of Paragraph 21 is subject to the same reservations as are formulated above in respect of Article 2 of the proposed Convention concerning the notification of occupational diseases.

The measures dealt with in the two proposed Conventions already mentioned are of less importance to the health of the workers than the measures included in this proposed Recommendation, which is of a general nature. The Recommendation, in fact, covers all industrial establishments, it concerns all workers and it will prevent or reduce as far possible every type of risk.

In consequence, the French Government is of the opinion that these provisions should be made the subject of a Convention.

In conclusion, the French Government believes that it would be advisable—

1. on the one hand, to restore in the first Convention the principle stated in paragraph 16 of the Conclusions of the Committee on Workers' Health, and, on the other hand, to make it obligatory, in the second Convention, for national laws or regulations to prescribe the adoption of measures of protection and prevention and the checking of their effective application;

2. to include in a Convention, and not in a Recommendation, the measures which form the subject of text C in Report V (1), after modifying its wording accordingly.

The French Government transmitted to the Office a statement made by the French Confederation of Christian Workers expressing the wish that the

---

Convention should also request the various Governments to promulgate laws and regulations establishing an industrial medical service. More detailed methods concerning medical examinations should be included.

Under the Convention the factory doctor would be obliged to visit workshops, offices, shops, basements, stores and all premises on which workers carry on an occupation, and to suggest to the employer, the management and the supervisory staff the changes which should be made from a medical and hygienic point of view in the organisation of the work and in the layout of premises, with a view to protecting effectively the health of the workers.

As regards the supplementary Recommendation, the Confederation wishes provisions to be made for the practical organisation of industrial medical services, especially as concerns the training of doctors, the creation of chairs of occupational medicine in the medical faculties of the various countries and the institution of an industrial medical officer's certificate which it would be necessary for all factory doctors to hold.

The French Government also transmits the opinion of the National Council of French Employers, which favours a Recommendation and not a Convention.

FEDERAL REPUBLIC OF GERMANY

The Government of the Federal Republic of Germany is in favour of the adoption of two Conventions supplemented by a Recommendation. The medical examination and the compulsory notification of occupational diseases seem to be so important that they should be made obligatory in all countries that ratify the Conventions. The reply states in detail the extent to which German legislation is in conformity with the provisions of the proposed regulations. The only divergence from the proposed international regulations is that the German regulations combine the notification and the examination, in order to determine whether compensation is payable in regard to the effects of the disease. The present schedule of occupational diseases comprises 40 diseases, with the corresponding occupations.

GREECE

The Government of Greece considers that the measures prescribed in the proposed Recommendation constitute a sound basis for discussion at the 36th Session of the Conference. The Government gives its favourable opinion with regard to the proposed technical measures concerning the prevention of the risks threatening the workers' health, since the Greek laws make provision for such measures.

The question of the medical examination of workers is also covered by Greek legislation. According to an Act of 1912, as subsequently amended, all young persons seeking employment, including those of 16 years of age,
must be provided with medical certificates which they receive after they have undergone a medical examination.

The provisions of the proposed Conventions and Recommendations are wider than those laid down by Greek legislation. As, however, it is quite likely that the laws on this subject will be supplemented and amended the Greek Government approves these draft texts also.

In regard to the question of occupational diseases the Government states that, by virtue of a recent Ordinance, No. 24,699, a new and complete list of occupational diseases was drawn up which, in accordance with Article 40 of the Regulations of the Social Insurance Institute relating to diseases, was communicated to that Institute. On the basis of this list increased sickness benefits are paid to insured persons. On this point, too, Greek legislation is fairly complete, and the Greek Government is therefore able to agree on this text.

**INDIA**

The Government of India is in favour of the adoption of a Recommendation alone.

**ISRAEL**

The Government of Israel is of the opinion that two Conventions supplemented by a Recommendation would be the best solution and considers the proposed texts a suitable basis for discussion.

**ITALY**

The Italian Government is at present of the opinion that the regulations on the protection of the health of workers in places of employment should be adopted in the form of Conventions supplemented by a Recommendation.

**JAPAN**

The Government of Japan states that in its opinion the text of the proposed general Recommendation is preferable to the text of the proposed Conventions and the supplementary Recommendation. It adds that certain provisions covering technical measures of prevention and medical examination of workers and notification of occupational diseases are already prescribed in the national legislation.

**LEBANON**

The Government of Lebanon states that it favours the adoption of a Recommendation only.
The Government of Luxembourg states that it has already expressed its views on the necessity of international regulations in its previous replies. The texts prepared by the Office seem to constitute a suitable basis for discussion by the Conference. The Government prefers the adoption of two Conventions supplemented by a Recommendation. It states that the revision of the national legislation on this subject is well advanced and deals with the subjects under consideration for international regulations.

New Zealand

The Government of New Zealand considers that the subject should be embodied in a Recommendation, but accepts both forms as a suitable basis for discussion at the Conference.

Poland

The Government of Poland notes that the proposed texts do to some extent take into account the proposals which it had previously expressed and which were to the effect that the regulations should take the form of a Convention.

The two proposed texts, concerning respectively the medical examination of workers and the notification of occupational diseases, may serve as a basis for discussion at the 36th Session of the Conference.

On the other hand, the most important measures for safeguarding the health of workers in places of employment have been embodied only in a proposed Recommendation.

The Office, in justifying these proposals, states in the report that the provisions relating to the protection of the health of workers are more suited to a Recommendation than a Convention, without giving any reason for this statement. However, apart from the medical examination and notification of occupational diseases, certain questions of primary importance, relating to the arrangement of workplaces from the point of view of the protection of the health of workers, should be regulated by a Convention.

Consequently, the Government of Poland proposes to supplement the two proposed Conventions prepared by the Office by a third Convention, dealing particularly with the two following matters: (1) the obligation to arrange and maintain the workplaces so as to ensure effective protection of the workers; and (2) the obligation to ensure special protection of workers employed in occupations that are especially dangerous to health.

This Convention should be supplemented by a Recommendation that might contain the essential points proposed in the Office report.

1 See Report VIII (2), op. cit., p. 10.
Sweden

The Swedish Government would prefer an international regulation in the form of one single Convention, covering medical examinations and notification of occupational diseases, and a supplementary Recommendation. One single Convention seems preferable in view of the fact that the required notification is of importance, among other things, for estimating the needs of periodical medical examinations "where appropriate". The connection between medical examinations and notification would emerge still more clearly if the physician concerned also had the obligation to notify or at least to satisfy himself that notification is duly made by the employer.

If medical examinations are to be regulated by a Convention, it seems desirable to exempt certain workplaces from such a regulation. Thus it seems hardly reasonable to extend the scope of the international regulation to cover work which is executed in the home of the employee or elsewhere under such conditions that the employer cannot be held responsible for supervising the arrangement of the work, nor work which is mainly executed by a member of the employer's family, if it takes place in the home of the employer. If only a Recommendation should be adopted, this point would be of less importance.

Switzerland

The Government of Switzerland states that, in its opinion, the regulations should take the form of a Recommendation only and suggests certain amendments to the proposed text.

Union of South Africa

The Government of the Union of South Africa considers that the proposed drafts form a suitable basis for discussion at the 36th Session of the Conference, with the exception of certain points on which it submits amendments.

United Kingdom

The United Kingdom Government considers that the proposed international regulations should take the form of a single Recommendation only. In its view the proper function of international regulations based on provisions of the kind envisaged in the Conclusions adopted by the 35th Session of the Conference is to indicate lines of action to be followed by those concerned with the protection of the health of workers in places of employment, rather than to prescribe precise rules as to what should be done or what minimum standards should be achieved. For this purpose it is considered that the provisions to be included in the proposed international regulations should be treated as a whole and that the more flexible form of a Recom-
Recommendation would be more appropriate than that of a Convention. The United Kingdom Government considers that the Conclusions adopted by the 35th Session of the Conference cover so broad a field and deal with problems of such complexity that they cannot be made the basis for the formulation of precise legal obligations capable of attracting general ratification. This is borne out by a study of the proposed Conventions. These texts are in very general terms, and the precise nature of the obligations which they would impose on ratifying Governments is not clear.

It is noted that the order of the Conclusions adopted by the Conference at its 35th Session has been altered. There was no suggestion by the Conference that this should be done, and the suggestion on page 15 of Report V (1) that the new order is perhaps more logical is open to question. It would seem indeed that no order could be altogether logical, because the proposals are interrelated, forming as a whole a scheme of action for health protection which, as suggested above, might well be the subject of a single Recommendation. It is true that (as contemplated on pages 5 and 6 of Report VIII (1) the scheme falls broadly under the three heads of (A) collecting information as to where and to what extent various health hazards arise, (B) applying protective counter-measures accordingly, and (C) checking the efficiency of the protective measures. The three groups, however, into which the proposals are divided in the text do not correspond with this: notification of diseases relates to (C) as well as (A); initial medical examinations relate to (B); while periodic testing of atmosphere in workrooms as well as periodic medical examinations relate to (C).

**UNITED STATES**

The United States Government supports the adoption of regulations on this subject in the form of a Recommendation and does not favour a Convention or a Convention and a supplementary Recommendation. The comments are, therefore, limited to the proposed text for a Recommendation alone.

The United States employers' organisations have stated that they favour the adoption of a Recommendation.

**YUGOSLAVIA**

The Government of Yugoslavia is of the opinion that the question of the protection of the health of workers should be regulated by a Convention. It therefore declares itself in favour of the proposed texts of the Convention concerning the medical examination of workers, the Convention concerning

---

the notification of occupational diseases and the Recommendation on the protection of the health of workers in places of employment to supplement the two Conventions previously mentioned.

* * *

Several States have expressed doubts about the desirability of adopting two separate Conventions supplemented by a Recommendation. After detailed examination of the question the Office considered that it should maintain its proposals on the matter. The general principles of notification of occupational diseases and the general principles of medical examination of workers are not directly connected with each other, and it would be artificial to include them in one instrument. Moreover, there may be some difficulty with regard to the ratification of Conventions relating to one or other of these questions in different countries. It would be unfortunate if the application of these two sets of principles were imperilled by difficulties relating only to one of them. Such a danger is avoided by the adoption of two separate instruments. Should the Conference, however, wish to emphasise the connection between the two questions by placing the principles relating thereto in one instrument, it would at least be desirable to make it possible to ratify the Convention in respect of one of its parts only.

Belgium, France and Poland proposed that some provisions concerning technical measures for the control of health hazards should be dealt with in a Convention. In view of the fact that the great majority of States support the view that these provisions would be more suitably treated in a Recommendation, the Office has not felt justified in altering its original proposals in the matter.

The proposals concerning first aid and emergency treatment put forward by the Belgian Government are outside the scope of the present Recommendation.

2. Comments on the Proposed Sole Recommendation, concerning Protection of the Health of Workers in Places of Employment

PART I. TECHNICAL MEASURES FOR THE CONTROL OF HEALTH HAZARDS

Paragraph 1

The proposed text read as follows:

1. National laws or regulations should provide for methods of reducing or eliminating risks to health in places of employment, including methods of protecting the health of workers which may be applied, as necessary and appropriate, in connection with special risks of injury to health.
Comments on Paragraph 1.

Costa Rica: In the text dealing with technical measures for the control of health hazards we would suggest the inclusion of methods of preventing fatigue and nervous diseases, as, for example, the reduction of working hours, the provision of rest breaks and the introduction of shift-work in specified types of occupation.

The measures suggested by the Government of Costa Rica were also suggested by some countries in their replies to the questionnaire sent to Governments before the first discussion by the Conference. In reply to these suggestions, the Office observed that "the International Labour Organisation has always maintained as a general policy the principle that efforts to protect the health of the workers should concentrate on reducing or eliminating hazards for all workers... Although the adoption of such measures may prove necessary on a temporary basis until health hazards have been eliminated, there is a definite risk in unduly prolonging this arrangement." This attitude was satisfactory to the Governments who originally made this suggestion, and matters of this kind were not raised during the first discussion.

Paragraph 2

The proposed text read as follows:

2. All appropriate and necessary measures should be taken to ensure that the general working environment of places of employment is so maintained as to provide adequate protection to the health of the workers concerned, and in particular that—

(a) dirt and refuse do not accumulate so as to cause risk of injury to health;
(b) the floor space and height of workrooms are sufficient to prevent overcrowding of workers, or congestion of machinery, materials or products;
(c) adequate and suitable lighting, natural or artificial, or both, is provided;
(d) suitable atmospheric conditions are maintained so as to avoid insufficient air supply, vitiated air, harmful draughts, excessive humidity, excessive heat or cold, sudden variations in temperature, and objectionable odours;
(e) sanitary conveniences, drinking water facilities and washing facilities complying with prescribed health standards are provided on an adequate scale, are properly located, and are maintained in good working order and in a state of cleanliness;
(f) measures are taken to eliminate or reduce as far as possible noise and vibrations which constitute a danger to the health of workers.

Comments on Paragraph 2.

United Kingdom: It is considered that the opening words should (as in paragraph 3) be "All appropriate and practicable measures". Measures which would be necessary to ensure completely adequate protection would often be impracticable.

1 Report VIII (2), op. cit., p. 99.
United States: The United States Government concurs in this proposal. It is suggested, however, that in this connection there be added after the enumeration of methods of protection outlined in clauses (a) to (f) a statement regarding the responsibility of the employer for such measures.

The deletion of the words "and necessary" might meet the views of the United Kingdom Government without substantially changing the import of the paragraph.

The proposal of the United States Government to add a new paragraph regarding the responsibility of the employer for the measures enumerated in this paragraph was not considered by the Conference during the first discussion. This suggestion could be given effect to by inserting the words "by the employer" after the word "taken" in the first sentence of the paragraph, which would then read:

2. All appropriate measures should be taken by the employer to ensure that the general working environment of places of employment is so maintained as to provide adequate protection to the health of the workers concerned, and in particular that—

The attention of the Conference is drawn to the alteration in the proposed text.

Clause (b).

Ceylon: The Government of Ceylon proposes the inclusion of the word "effective" before the word "height".

El Salvador: The provision in this clause cannot be applied to the existing places of employment in this country, owing to the great expense this measure would entail for the employers. The Government therefore suggests that the text be amended to read as follows: "The floor space and height of workrooms to be built in the future or of those to be altered or enlarged. . . ."

United Kingdom: The drafting of this clause appears to need reconsideration on two grounds.

In general, it is not practicable to adapt or alter the floor space or height of a workroom to suit the number of workers in it or the other contents of it. On the contrary, it is the number of workers and the other contents of a workroom which need to be controlled by reference to its size.

Furthermore, the words "or congestion" before the word "machinery" did not appear in the Conclusion of the Conference on which this clause is based. The clause as now drafted implies that machinery and materials must not be concentrated or closely stacked even though there may be no overcrowding of workers.

What seems to be required is a form of words which will make it clear that the object is to prevent the overcrowding of workers to such an extent as to involve risk of injury to health, taking into account the floor space and
height of the workroom, the extent to which workers are concentrated in different parts of the room, and other relevant factors (e.g., ventilation).

The Governments of El Salvador and the United Kingdom emphasise that it is not the workplace, but the number of workers employed therein, that is the variable factor in preventing overcrowding of workers. The following text, which will replace the proposed text, takes these suggestions into account and will also be in accordance with the suggestion of the Government of Ceylon, as the words "other relevant factors" will leave freedom to prescribe nationally what is actually meant by the height of the workroom.

The new text of clause (b) would read as follows:

(b) the number of workers in a workroom does not exceed a prescribed maximum related to the floor space and height of the workroom, the machinery, materials and products in the workroom, and other relevant factors, with the object of preventing the overcrowding of workers to such an extent as to involve risk of injury to health.

Clause (c).

Belgium: The terms "adequate" and "suitable" have very much the same meaning, which is that of "proper" or "appropriate". It would therefore seem that one of them might easily be deleted. But it is to be assumed that, in using these two terms, the authors of the text had in mind two principal and distinct aspects of good natural or artificial lighting: its intensity and its suitability for the kind of work involved. The following wording would therefore be preferable in order to give the provisions full effect: "natural or artificial lighting, or both, of sufficient intensity and of a type appropriate to the nature of the work, is provided;".

This suggestion is mostly a matter of style, but it should be borne in mind that specifying the intensity of the light and the "type appropriate to the work" may sometimes be more limited than specifying "adequate" and "suitable". Adequate lighting implies that the intensity is neither too low nor too high and also includes qualities covered by the term "type". In workplaces where different operations are carried out, it might be difficult to determine a general lighting which would satisfy the criterion of being a "type appropriate to the work". The proposed amendment thus may not present any real improvement in the text.

Clause (d).

Ceylon: After the words "insufficient air supply", inclusion of the words "and movement" is recommended.

The comment of the Government of Ceylon is undoubtedly intended to remedy atmospheric conditions that become unbearable because of stagnant
air in the workroom. This may, however, be considered to be covered by the
provision for the maintenance of suitable atmospheric conditions and the
avoidance of vitiated air, excessive humidity and excessive heat.

Clause (e).

Belgium: The expression “installations sanitaires” has a wide sense,
covering all types of installation related to hygiene. It therefore applies
equally to drinking water and washing facilities. In naming only these two
types of “installations sanitaires” the text of clause (e) is likely to be considered
by some people as being too limited in nature, contrary, no doubt, to the
desires of its authors.

It would, however, be quite easy to maintain the original wording if the
essential part of the text could be made to figure in a proposed Convention,
as is suggested below, the necessary details as to the manner of interpreting
and applying the provisions being given in a corresponding Recommendation
on the same subject.

The proposed Convention should provide that “hygienic facilities,
drinking water facilities and washing facilities shall be provided in sufficient
numbers and in compliance with prescribed health standards”.

The proposed Recommendation supplementing this Convention should
specify that “hygienic facilities, drinking water facilities and washing facilities
should be provided in sufficient numbers and in compliance with prescribed
health standards. These hygienic facilities should include, as required, one
or more cloakrooms, bathrooms (shower baths or baths), mess-rooms and
latrines. Together with the drinking water facilities and washing facilities,
they should be properly located and maintained in good working order and
in a state of cleanliness.”

Ceylon: Inclusion of reference to provision of cloakroom facilities is
desirable to discourage the wearing of outdoor clothing at the workplace.

It is desirable that essential facilities should be not only “properly
located” to the satisfaction of the employer but also “conveniently accessible”
to the workers.

United Kingdom: There have been inserted in this clause the words
“complying with prescribed health standards” which do not appear
in the Conference Conclusion on which it is based. The clause would
now appear to imply an obligation to prescribe “standards” for all cases.
The prescription of standards to be applied in a great variety of circumstances
tends to produce rigid or uniform results which would not always be in the
interest of the workers. It is suggested that the text should be more in

---

1 The French term having a wider significance than the English “sanitary conveniences”, the Belgian Government’s observations on this subparagraph are not strictly applicable to the English text as proposed in Report V (1). In translating the new text proposed in the reply, therefore, the term “hygienic facilities” has been adopted in order to clarify the observations made by the Belgian Government.
according with the Conclusion adopted by the Conference and that it might well read "sufficient and suitable sanitary conveniences and washing facilities, and adequate supplies of wholesome drinking water, are provided in suitable locations and properly maintained ".

Yugoslavia 1: The wash-basins and other washing facilities should also be equipped with an adequate supply of the necessary means for washing (soap, towels, etc.).

The observations of the Belgian Government are extremely valuable if the Conference decides on the adoption of a Convention concerning technical measures of health protection. In that case, the proposed text is suitable for a Convention. The more elaborate text for the Recommendations relates to differences in interpretation of the English and French texts and affects the French text rather than the English.

The proposal of the Government of Ceylon contains an idea which would seem to be already contained in the words "properly located ".

As regards the suggestion of the Government of Yugoslavia, washing facilities are taken to include not only wash-basins, shower baths, etc., but all provisions necessary for the maintenance of personal cleanliness. The text as it is proposed now seems sufficiently clear on this point.

The text proposed by the United Kingdom Government seems to express more clearly the idea embodied in the proposed text, thus avoiding the misunderstanding that compliance with prescribed health standards would produce rigid and uniform results.

Clause (e) would thus read:

(e) sufficient and suitable sanitary conveniences and washing facilities, and adequate supplies of wholesome drinking water, are provided in suitable locations and properly maintained.

Clause (f).

Yugoslavia 1: Workrooms where noise and vibrations are produced which may injure the health of the workers should be separated from the others.

The suggestion of the Yugoslav Government relates to the practical measures for reducing the health risks in workplaces, which are dealt with in Paragraph 3. The measures proposed are more generally covered by the provisions of clause (c) of that Paragraph.

Paragraph 3

The proposed text read as follows:

3. (1) With a view to the reduction of risks to the health of workers all appropriate and practicable measures should be taken—

1 In the Yugoslav Government's reply this observation refers to Paragraph 2 of the proposed supplementary Recommendation (Section II, C, of the proposed texts).
(a) to encourage the substitution of harmless or less harmful substances for harmful substances;
(b) to prevent the liberation of harmful substances and to shield workers from harmful radiations;
(c) to carry out hazardous processes in separate rooms or buildings occupied by a minimum number of workers;
(d) to carry out hazardous processes in enclosed apparatus, so as to prevent personal contact with harmful substances and the escape into the air of the workroom of dusts, fumes, gases, fibres, mists or vapours, in quantities liable to injure health;
(e) to remove, at or near their point of origin, by mechanical exhaust, ventilation systems or other suitable means, the dusts, fumes, gases, fibres, mists or vapours of harmful substances, where exposure to such substances cannot be prevented in one or more of the ways prescribed in clauses (a) to (d) of this subparagraph;
(f) to provide the workers with such protective clothing and equipment as may be necessary to shield them from the effects of harmful agents where other measures to eliminate health risks are impracticable or are not sufficient to ensure adequate protection, and to instruct the workers in the use thereof; when the protective clothing and equipment are used by the worker only for the purpose of his work, they should be provided and cleaned by the employer at his expense.

(2) National authorities should promote and where possible undertake the study of the measures mentioned in subparagraph (1) of this Paragraph, and encourage the application of the results of such study.

Comments on Paragraph 3.

Austria: A clear definition of the harmful substances and a corresponding description of the nature of the risk should be included in the measures for the reduction of risks to the health of workers.

In 1919 already the Office was charged with the task of defining harmful or dangerous substances but decided that, having regard to the fact that the harmfulness of substances depended upon a number of variable factors, it was preferable to describe these factors. This was done in the Office publication Occupation and Health.

National legislation may define harmful substances in specific provisions for prevention against poisoning by these substances, but a definition in regulations of a more general nature would necessarily be so general that it would not provide useful guidance.

Should the Governing Body decide to instruct the Office to prepare international regulations concerning the substitution of harmless or less harmful substances for harmful substances, as proposed in a resolution adopted by the 35th Session of the International Labour Conference, a definition for the purpose of these regulations would have to be established.

Subparagraph (1) (a).

United States: The United States Government concurs in this proposal and in the list of principal methods for the reduction of hazards enumerated
The proposal of the United States Government seems logical, since substitution of harmless or less harmful substances for harmful substances is only appropriate and practical when it is justified from a technical and economic point of view. The text proposed for this clause would then read:

(a) to substitute harmless or less harmful substances for harmful substances.

Subparagraph (1) (f).

Norway: It is suggested that this clause should read as follows: “When protective clothing and equipment are used by the worker only for the purpose of this work, they should be provided and cleaned by the employer at his expense in cases in which the matter is governed by or in accordance with laws and regulations; in cases in which the matter is governed by collective agreement the position should be as determined by the relevant agreement.”

Sweden: In this clause of the proposed Recommendation it is stated that protective clothing and equipment should be provided and cleaned by the employer at his expense. The obligations which would thus be placed on the employer go beyond those laid down in Swedish legislation, which only prescribes that personal protective equipment shall be provided “unless otherwise agreed”.

The text proposed by the Norwegian Government and the amendment of the Swedish Government tend to make the text adopted by the Conference more limited, and it is for the Conference to decide whether it approves of this limitation.

Proposal to Insert a New Clause (g).

Union of South Africa: It is suggested that the following new clause (g) should be inserted:

“(g) where the occupation is such that the protective clothing may absorb or become otherwise contaminated with any noxious substance or substances, the worker shall not be permitted to leave the working premises in these clothes and they shall be kept in a separate locker from his other clothes. Two separate lockers shall be provided for each such worker, and adjacent lockers shall be separated by an impervious partition.”

The clause proposed by the Government of the Union of South Africa relates to the protection of the community and although the suggestion is appropriate it would seem to fall outside the scope of the present regulations.
Subparagraph (2).

United States: Subparagraph 3 (2) might become 3 (3), changing the word "national" to "competent" and the word "possible" to "necessary", adding a new subparagraph 3 (2) concerning employer responsibilities along the following lines, which were suggested in the United States reply of October 1951 to the questionnaire on this subject:

Each employer should—

1. know the nature of the potentially hazardous substances used in his establishment and the significance of each of the exposures that may be involved;
2. set up and maintain the specific control measures indicated;
3. make definite assignment of responsibility for all phases of the preventive programme;
4. establish contact with all available technical services in the occupational disease field;
5. make definite provision to ensure that the disease possibilities involved in the use of new substances, changes in make-up of familiar substances, or changes in process or work methods and the like will in each instance receive adequate advance consideration.

The proposed alteration from "national" to "competent" authorities would seem suitable for countries with a federal Government, where the carrying out of the measures recommended in this subparagraph may be within the competence of State or provincial Governments. However, this proposal would change the meaning of the text, which is intended to safeguard a uniform application throughout a whole country. This is not clear if the words "competent authority" are used. The following text is proposed to meet the difficulties which may be encountered by federal States:

2. The study of the measures mentioned in subparagraph (1) of this Paragraph should be promoted and where possible undertaken by national authorities, or in the case of a federal State, by national or other appropriate authorities, and the application of the results of these studies encouraged by them.

Where in a federal State it is not within the competence of the national authorities to give effect to the provisions of subparagraph (2), it will be for that State to determine the appropriate authority. It is however understood that the authority concerned will be the highest authority of the constituent parts.

As regards changing the word "possible" to the word "necessary", it does not seem desirable at this stage to stress in an instrument that is intended for the guidance of Governments the necessity of measures a general application of which cannot yet be expected.

1 Report VIII (2), op. cit., p. 38.
With regard to the introduction of a new subparagraph, this matter was not considered at the Conference during the first discussion. The proposal seems to be an interesting and valuable suggestion. The Conference may therefore think it appropriate to study the question.

**Paragraph 4**

The proposed text read as follows:

4. The workers should be encouraged, by all suitable means, to use the measures of protection mentioned in Paragraphs 2 and 3 and not to disturb the proper functioning of any of them.

**Comments on Paragraph 4.**

*Sweden:* It would seem desirable to have this Paragraph of the proposed Recommendation redrafted in such a way as to make it clear that it shall be the duty of the workers to use the measures of protection which are placed at their disposal and which are considered necessary to reduce health risks.

*United States:* The United States Government concurs in this proposal. It is suggested, however, that this Paragraph might be more acceptable if it read somewhat as follows: "The workers should be encouraged, by all suitable means, to use the measures of protection mentioned in Paragraphs 2 and 3 and to co-operate in the accomplishment of the objectives of such programmes. Consultation with workers on measures to be taken should be recognised as an important method of assuring their co-operation."

The suggestion of the Swedish Government implies that the words "the workers should be encouraged" are not sufficiently clear to establish the duty of the worker to use the protective measures at his disposal.

The United States Government expresses the opinion that the co-operation of the workers is indispensable in the execution of such programmes.

It is suggested that it might be preferable to combine these suggestions with the whole of the text arising from the Conference discussion, which would then read as follows:

4. (1) The workers should be informed of the necessity of their using the measures of protection mentioned in Paragraphs 2 and 3 and of not disturbing the proper functioning of any of them.

(2) Consultation with workers on measures to be taken should be recognised as an important method of assuring their co-operation.

**Paragraph 5**

The proposed text read as follows:

5. (1) The atmosphere of workrooms in which dangerous or obnoxious substances are manufactured, handled or used should be tested periodically at
ANALYSIS OF THE REPLIES FROM GOVERNMENTS

sufficiently frequent intervals to ensure that toxic or irritating dusts, fumes, gases, fibres, mists or vapours are not present in quantities liable to injure health.

(2) The competent authority should determine the circumstances in which it is necessary to test the atmosphere of workrooms and the manner in which the tests are to be carried out, as well as the persons responsible for making these tests and the appropriate equipment to be used.

Comments on Subparagraph (1).

Switzerland: This provision, being of a general nature, is too wide in scope. It would be better to begin with the words "Wherever possible".

The preoccupation of the Swiss Government would seem to be largely met by subparagraph (2) which leaves it to the competent authority to determine the circumstances in which subparagraph (1) is to be applied. In order to make the connection between the two subparagraphs clearer, the word "such" has been inserted before the word "workrooms" in subparagraph (2).

Comments on Subparagraph (2).

United Kingdom: This might be interpreted to mean that the competent authority must make rules on the subject for all kinds of case and that employers and others should not determine for themselves when or in what circumstances to have the atmosphere of workrooms tested. It is suggested that the Paragraph might be amended as follows: "The authority concerned with the protection of the health of workers in connection with their work should be empowered to determine circumstances...".

United States: The United States concurs in this proposal but points out the importance of careful attention being given continuously to the maintenance of a safe working environment and to the effectiveness of all methods and techniques provided for the control of health hazards of this type. It is also suggested that the responsibility for continuous attention to such action should be placed on the employer with the advisory assistance of the appropriate governmental authority and subject to necessary regulation by the competent authority.

The points contained in the first observations made by the United States Government would seem to be already implied in the Office text and, moreover, are prescribed in Article 3 of the Labour Inspection Convention, 1947 (No. 81).

The suggestion of the United Kingdom Government tends to define more clearly that it is the duty of the authority concerned with health protection of workers to make the regulations concerning the testing of workrooms. This seems to be a desirable improvement on the Office text. With the introduction of this amendment, subparagraph (2) would read as follows:

(2) The authority concerned with the protection of the health of workers in connection with their work should be empowered to determine circumstances in
which it is necessary to test the atmosphere of such workrooms and the manner in which the tests are to be carried out, as well as the persons responsible for making these tests and the appropriate equipment to be used.

The proposal that the responsibility for continuous attention to the maintenance of a safe working environment be placed on the employer is analogous to that made by the United States Government in connection with Paragraph 3. If the Conference decides to adopt a text on the subject, the two proposals will presumably be considered together.

**Paragraph 6**

The proposed text read as follows:

6. The competent authority should draw the attention of employers and workers concerned, by means of warning notices in the place of employment or other appropriate measures, to the special risks to which the workers are exposed and to the precautions to be taken to obviate these risks.

**Comments on Paragraph 6.**

**United States:** The United States Government concurs in principle. It is believed, however, that the proposal is not broad enough. It is recommended that all concerned—management, supervisors and workers—be fully instructed as to the hazards involved and safe procedures, particularly with respect to the use and handling of toxic or harmful substances to which the operations carried on may expose any of them. Special committees working in co-operation with employers and employees, individual on-the-job training, and the inclusion of safety training as an integral part of academic preparation for engineering and allied vocations are all approaches which have been found effective in this country and are considered suitable for inclusion in the proposed Recommendation.

**Yugoslavia**: It should be emphasised that these provisions apply particularly to workers newly employed in occupations involving risks to their health. In addition, the appropriate steps should be taken to ensure that the workers are informed where they may obtain first-aid treatment.

As regards the suggestion of the United States Government it should be recalled that various other means of educating the worker and management in healthy working practice were discussed in the committee set up by the Conference. It was considered unsuitable to enumerate them in the Recommendation because such an enumeration would be incomplete. The posting of warning notices, however, was considered to be a measure that could be prescribed and controlled by the competent authorities.

---

1 In the Yugoslav Government's reply this observation refers to Paragraph 6 of the proposed supplementary Recommendation (Section II, C, of the proposed texts).
In the light of the discussions it would seem premature for the Office to change the text. The Conference may, however, wish to reconsider the text in the light of the proposals made in the United States reply.

With regard to the proposal of the Yugoslav Government, it is doubtful whether workers exposed for the first time to occupational hazards are more endangered by their ignorance of the hazard than workers accustomed to this work and unaware of the possible insidious nature of the hazard or of new hazards developing. In any case it is the duty of the factory inspectorate to see that all workers are instructed in regard to possible hazards in their occupation; it would, then, seem unnecessary to mention this provision especially.

The second suggestion could be adopted if the Conference decides to add to the international regulations provisions concerning first aid. At present it would seem inappropriate to refer to measures that are not provided for in the regulations.

Paragraph 7

The proposed text read as follows:

7. The competent authority should provide for consultation at the national level between the labour inspectorate or other authority concerned with the protection of the health of workers in connection with their work and the employers' and workers' organisations concerned with a view to giving effect to the provisions of Paragraphs 2, 3, 4, 5 and 6.

Comments on Paragraph 7.

United States: The United States Government suggests that the words "appropriate levels" be substituted for "national level" in this Paragraph.

The observation made on the United States proposal on Paragraph 3 is also valid here, viz., that if the word "national" were changed, a uniform application would no longer be guaranteed. When this point was discussed at the Conference, it was made clear that the consultation should be between the labour inspectorate and the national organisations of employers and workers, in order to avoid the necessity of consulting all kinds of organisations with only a remote interest in the matter. However, the difficulties of the United States Government would seem to be met by the following text:

7. The competent authority should provide for consultation at the national level, or in the case of a federal State, at the national or other appropriate level, ...
PART II. MEDICAL EXAMINATIONS

Paragraph 8

The proposed text read as follows:

8. National laws or regulations should provide for the medical examination of workers employed in occupations involving risks to their health.

Comments on Paragraph 8.

United Kingdom: The Government of the United Kingdom has covered Paragraphs 8 and 12 (1) in a single reply. It considers that these Paragraphs contain provisions which go very far beyond the Conclusions adopted at the 35th Session of the Conference.

Points 16 and 17 of those Conclusions (see pages 9-10 of Report V (1)) laid down that the provisions regarding medical examinations should apply to workers employed in occupations involving special risks to health. The present text provides for medical examinations in all occupations where there is any risk to health with, in addition, special provisions where there are special health risks. The intention of the Conference was that this part of the international regulations should not deal with the problems of comprehensive medical examinations from all health points of view. It is considered that the word “special” should be inserted before the word “risks” in Paragraph 8 of the proposed text and that subparagraph (1) of Paragraph 12 should be deleted.

United States: The United States Government believes that the proposed Recommendation should state that the appropriate authority should decide for what exposures medical examinations are to be provided, both with respect to placement and for continued employment involving the exposures in question. It should also determine the extent to which plant medical facilities are adequate to provide necessary medical service with respect to these exposures. It is emphasised that medical supervision and examination should be used for the detection of diseases at the earliest moment and for the observation of diseases which may be due to environmental exposure.

The first part of the observations of the United States Government relates more closely to Paragraph 12 (3), where provision is made for determining the exposures for which medical examination is necessary. As regards the second part of the observations, the proposed text could not make provision for the effectiveness of plant medical services, since the organisation of such services is outside the scope of the proposed regulations.

The United States Government, finally, observes that the purpose of the medical examination should be indicated. Although such an indication was not discussed by the Conference as a part of the text, the purpose of medical examinations was made clear during the discussion and could be indicated...
by the addition of a new Paragraph, which, in the texts given at the end of
the present report, appears as Paragraph 10 and reads as follows:

10. Where medical examinations are prescribed for the protection of the
health of workers they should be carried out with a view to—
(a) detecting as early as possible diseases which may be due to employment;
(b) certifying that there are no medical objections to the employment of a given
worker in a particular occupation.

In view of the observations of the Government of the United Kingdom
the Paragraphs of this Part have been rearranged in order to make its scope
clearer. In this rearrangement the former Paragraph 8 became superfluous
and has therefore been omitted.

Paragraph 9

The proposed text read as follows:

9. Medical examinations should be carried out by a physician approved by
the competent authority.

Comments on Paragraph 9.

Japan: The Japanese Government considers that it is not advisable
to provide that medical examinations should be carried out by a physician
approved by the competent authority. Although no difficulty is expected
so far as the matter is confined to urban areas, the adoption of the stipulation
for a medical examination by a physician approved by the competent
authority would cause considerable inconvenience in mountainous or out-of-
the-way places to the workers, as well as to their employers, and it is feared
would inevitably result in a decline in the number of workers undergoing
the medical examination.

In addition, in Japan any person aspiring to be a physician must pass
a very rigorous national examination in medicine, so that there is scarcely
any question as to the qualifications and competence of a physician.

United States: It is suggested that this proposal be modified to require
certification by a qualified physician to the effect that there are no medical
objections to the employment of a given worker in the hazardous occupation
concerned. This would permit the medical examination to be carried out
under employers’ responsibilities established by law, without Government
participation in the process, which is the practice in the United States, but
it would also permit certification by the competent authority, as may be
desired in many countries.

1 In the Japanese Government’s reply this comment applied to Article 3 of the pro-
posed Convention concerning the medical examination of workers (Section II, A, of the
proposed texts).
The observation of the Government of Japan draws attention to the fact that the purpose of approval is to assure the technical competence of the physician. Both the Japanese and the United States Governments draw attention to the divergencies in national practice in the matter of qualification. The following text, which now becomes Paragraph 11, would seem to meet the observations of these two Governments:

11. Medical examinations should be carried out by a qualified physician who should, if national laws and regulations so require, be approved by the competent authority.

The proposal of the United States Government to lay down this purpose of the medical examination is valuable and a suggestion to this end has been made in clause (b) of Paragraph 10 of the new proposed text, which now reads as follows:

(b) certifying that there are no medical objections to the employment of a given worker in a particular occupation.

**Paragraph 10**

The proposed text read as follows:

10. Measures to ensure the observance of medical secrecy should be adopted in connection with all medical examinations and the registration and filing of related documents.

There are no observations on this Paragraph and it has therefore not been changed. It now appears as Paragraph 12.

**Paragraph 11**

The proposed text read as follows:

11. Medical examinations made in accordance with this Recommendation should not involve the worker concerned in any expense or any loss of earnings.

**Comments on Paragraph 11.**

**Austria:** An addition should be made to this Paragraph to the effect that the medical examinations should be carried out, as far as possible, without any disturbance of production.

**Norway:** The Norwegian Government will in principle raise no objections to Paragraph 11. Under the country's legislation, however, it is not possible to issue regulations covering the provisions of this Paragraph; but Norwegian practice is generally in conformity with these provisions.

**Sweden**: The Swedish Government points out that under a Royal Proclamation of 6 May 1949 the costs of periodical medical re-examinations

---

1 In the Swedish Government's reply this observation applies both to Paragraph 11 of the proposed sole Recommendation (Section I of the proposed text) and to Article 4 of the proposed Convention concerning the medical examination of workers (Section II, A, of the proposed texts).
shall, with the exception of travelling expenses and daily allowances of the physician (which are paid out of public funds), be defrayed by the employer. There are no statutory provisions concerning the costs of initial medical examinations or concerning loss of earnings. The above-mentioned Proclamation was drafted on the basis of a statement by the Minister of Social Affairs to the effect that as regards defraying of the costs of medical examinations before taking up employment in dangerous work, the worker should endeavour to arrive at a voluntary agreement with the employer. If the international regulation concerning medical examinations should be given the form of a Convention, ratification by Sweden would require an amendment of its existing legislation. However, it would hardly seem appropriate to include a question which on the whole is a wage problem, in an international document aiming mainly at providing satisfactory labour protection. It should be a matter for the parties themselves to decide to what extent the employer shall be bound to pay wages for the time required for medical examinations. It is no doubt just, in principle, that the worker shall not have to bear the costs of such examinations, but in cases where they are carried out before the worker enters employment it seems natural that the question of the costs should be left open. At any rate, such a question should not be dealt with in a Convention but in a Recommendation.

**United Kingdom:** This Paragraph is based on Point 20 of the Conclusions adopted at the 35th Session of the Conference. It was understood to relate to expense or loss involved by attendance for (not results of) medical examinations, and it seems desirable to make this clear. The words “or any loss of earnings” were inserted in the Conclusion after very little discussion. They would seem to need further consideration, especially from the point of view that they may in some circumstances operate to the disadvantage of workers and against the convenient practice of having examinations in normal working hours. For example (and especially where it is uncertain how much the worker would have earned in the time of the examination) a worker might be constrained (so as to be sure that the Recommendation is complied with, i.e., that attendance for medical examination does not involve any loss of earnings) to work outside normal working hours or to be examined at a time when he would not otherwise be working.

**Yugoslavia:** It should also be stated that the examination may take place during the normal working hours of the workers in question.

The Government of Sweden points out that, according to the national practice, only the cost of periodical examination is borne by the employer, and it wishes this principle to be taken up in the Recommendation.

The Government of Austria wishes to include the principle that the

---

1 In the Yugoslav Government's reply this observation refers to Article 4 of the proposed Convention concerning the medical examination of workers (Section II, A, of the proposed texts).
examinations should take place without any disturbance of production, i.e., outside the working hours, while the Government of Yugoslavia desires a provision stating that the examinations should take place during the working hours. All these observations relate to the question of who is responsible for the costs of the examination, a matter that has not been dealt with by the Conference. The Conference may wish to consider the desirability of including such provisions.

The wording of this Paragraph has, however, been modified. In view of the fact that the Paragraph is concerned with a wage problem in the framework of a Recommendation concerned with other matters, and that a similar question had already arisen in connection with the Maternity Protection Convention (Revised), 1952, it has been thought desirable to draft the text on the same lines as Article 5, paragraph 2, of that Convention. The text (which has now become Paragraph 13) would accordingly read as follows:

13. (1) Medical examinations made in accordance with this Recommendation should not involve the worker concerned in any expense.

(2) No deduction should be made from wages in respect of time lost for attendance at such examinations in cases in which the matter is dealt with by national laws or regulations; in cases in which the matter is dealt with by collective agreements, the position should be as determined by the relevant agreement.

This new text would seem to meet the observations made by the Government of the United Kingdom.

Paragraph 12

The proposed text read as follows:

12. (1) Special provisions concerning medical examination should be laid down in respect of workers employed in occupations involving special risks to their health.

(2) The employment of workers in occupations involving special risks to their health should be conditional upon—

(a) a medical examination, carried out shortly before or within a short time after the worker enters employment, in order to determine his physical fitness for the employment in question; and

(b) where appropriate, periodical medical re-examination.

(3) National laws or regulations should determine or empower an appropriate authority to determine after consultation with the employers' and workers' organisations concerned—

(a) the special risks necessitating an initial medical examination or periodical medical re-examination or both;

(b) the circumstances in which medical examinations should be carried out;

(c) with due regard to the nature and degree of the risk and of the particular circumstances, the maximum intervals at which periodical medical examinations should be carried out.

Comments on Subparagraph (1).

United Kingdom: See comments on Paragraph 8.
Comments on Subparagraph (2).

United Kingdom: The word “and” at the end of subparagraph 12 (2) (a) appears to be a mistake. The word “and” did not appear in Point 18 of the Conclusions adopted at the 35th Session and its insertion is inconsistent with subparagraph (2) of that Conclusion. It also appears to be inconsistent with Paragraph 12 (3) (a) of the proposed Recommendation. The Conclusion was based on the view that there are many occupational diseases (or special risks to health) in respect of which it would be unreasonable to require workers to be medically examined before they are allowed to enter an employment involving risk of the disease (or the special risk) because the examination would not show that a particular worker was especially likely to contract the disease (or succumb to the risk). It may, however, be desirable for workers to be periodically examined after they have been in the employment for a material time. It is therefore suggested that the following amendments should be made:

1. delete “and” at the end of subparagraph 2 (a) and insert “or”;
2. amend “re-examination” at the end of subparagraph 2 (b) to read “examination” and add the word “or” at the end of the subparagraph;
3. add a new clause (c) as follows: “both an initial medical examination and periodical medical examination as in clauses (a) and (b) above”.

United States: The comment on Paragraph 8 applies to clauses (a) and (b).

Union of South Africa: The Government suggests the deletion of the words “or within a short time after” in clause (a). The reason for this amendment is to avoid hardship which may occur due to a person changing employment and discovering after the change has been made that a medical examination reveals some pathological condition which may result in discharge from the new position due to lack of physical fitness.

Yugoslavia: The Government suggests the deletion of the words “or within a short time after” in clause (a). It would be sufficient to have a medical examination carried out shortly before entry into employment, combined with periodical examination during the period of service. Examination effected shortly after entry into employment can have annoying consequences if a positive diagnosis is made which calls for the dismissal of the workers in question.

---

1 In the Yugoslav Government’s reply this observation refers to Article 1 of the proposed Convention concerning the medical examination of workers (Section II, A, of the proposed texts).
The observations of the United Kingdom Government will bring the second subparagraph into line with the third subparagraph, a suggestion that is taken over by the Office. The text of this subparagraph, which becomes subparagraph (2) of Paragraph 8, would thus read—

(2) The employment of workers in occupations involving special risks to their health should be conditional upon—

(a) a medical examination, carried out shortly before or within a short time after the worker enters employment, in order to determine his physical fitness for the employment in question; or

(b) where appropriate, periodical medical examination; or

(c) both an initial medical examination and periodical medical examination as in clauses (a) and (b) above.

With regard to the observations of the Governments of South Africa and of Yugoslavia, the words "or within a short time after" were inserted so as to allow for the immediate engagement of workers, without necessitating a delay for medical examinations. This would seem to be of advantage for the majority of workers, while the cases in which employment cannot be continued because of medical findings which necessitate discharge are relatively few.

**Comments on Subparagraph (3).**

**Belgium**: This text deals with the circumstances in which the medical examination must be carried out; that is to say, it would seem to deal with general conditions in the sense that they may be either good or bad.

It is doubtful whether it will be interpreted by all as dealing equally with the importance, the extent or the special character of the medical examinations, according to whether they are examinations on engagement or periodical examinations for the detection of disease, or to the type of disease to be detected. If this is not apparent from the text, clause (b) should be extended to read as follows:

"(b) the circumstances in which medical examination shall be carried out, and the clinical investigations and special research which they shall include in each case;".

**United Kingdom**: The word "the" (in the phrase "after consultation with the employers' and workers' organisations concerned") did not appear in Point 17 of the Conclusions adopted by the 35th Session. It would often be extremely difficult to ascertain with certainty all the organisations which have an interest in the matters dealt with in this subparagraph. It would not be right for Governments to be precluded from taking action unless they were satisfied that every organisation, however remote or small its interest might be, had been consulted.

---

1 In the Belgian Government's reply these observations refer to Article 2, clause (b) of the proposed Convention concerning the medical examination of workers (Section II, A, of the proposed texts) and to Paragraph 11, clause (b) of the supplementary Recommendation (Section II, C, of the proposed texts).
With regard to clauses (a) to (c), it is suggested that the text should be redrafted so as to bring it more closely into accordance with the latter part of Point 17 of the Conclusions adopted by the last session of the Conference, the wording of which was carefully settled after considerable discussion. It is suggested that instead of the present (a) and (b) there should be substituted the following:

"(a) for which risks and in which circumstances medical examinations should be carried out;

(b) for which risks there should be an initial medical examination or a periodical medical examination or both."

United States: The comment on Paragraph 8 applies to subparagraph (3) (c).

The proposal of the Government of the United Kingdom to delete the word "the" before the words "employers' and workers' organisations" is taken over by the Office.

The proposed texts for clauses (a) and (b) would make the text more succinct, indicating clearly the intention of the Conference, i.e., "circumstances" should relate to the circumstances of the work and not the circumstances under which the medical examinations are carried out. The suggestion of the Belgian Government has not been adopted at this stage, but the Conference may wish to consider its inclusion in the text.

The text of this subparagraph, which becomes subparagraph (3) of Paragraph 8, therefore reads as follows:

(3) National laws or regulations should determine or empower an appropriate authority to determine after consultation with employers' and workers' organisations concerned—

(a) for which risks and in which circumstances medical examinations should be carried out;

(b) for which risks there should be an initial medical examination or periodical medical examination or both;

(c) with due regard to the nature and degree of the risk and of the particular circumstances, the maximum intervals at which periodical medical examination should be carried out.

Paragraph 13

The proposed text read as follows:

13. (1) Documents certifying that, as far as the risk of a particular occupational disease is concerned, there are no medical objections to the employment of a worker in a particular occupation should be issued in a manner prescribed by the competent authority. These certificates should not mention any diagnosis.

(2) Such documents should be kept on file by the employer and made available to officials of the labour inspectorate or other authority concerned with the protection of the health of workers in connection with their work.

(3) Such documents should be made available to the worker concerned.
Comments on Paragraph 13.

**Austria**: On the point the Government refers to its reply to Point 25 of the preliminary questionnaire. It is still of the opinion that any communication of the result of the medical examination to the employer should be confined to exceptional cases.

**Ceylon**: The Government suggest the deletion from subparagraph (1) of the words "as far as the risk of a particular occupational disease is concerned". A certificate stating that there are no medical objections to the employment of a worker in a particular occupation would appear adequately to cover the question of any risk of occupational disease.

**Italy**: It is suggested that it might be advisable to make it obligatory for employers to make available to officials of the labour inspectorate or other authority concerned with measures for the protection of the health of workers not only the certificates mentioned in subparagraph (1) but also all other documents and registers relating to the medical examinations mentioned in Article 5 of the proposed Convention concerning the medical examination of workers (Paragraph 10 of the proposed sole Recommendation).

**Japan**: The Government of Japan proposes that the words "These certificates shall not mention any diagnosis" should be deleted. It considers that the certificates would be likely to be more effective if they mentioned diagnosis than if they did not, and would offer the competent authority a greater opportunity of making effective use of them.

**Switzerland**: The Government agrees in principle that the documents should be kept by the employer. It proposes, nevertheless, that the following phrase should be added at the end of subparagraph (2): "In all cases in which it seems desirable, the documents should be given to the worker concerned and a copy kept on file by the employer".

Subparagraph (3) would then read as follows: "(3) When such documents are kept on file by the employer they should be made available to the worker concerned".

**United States**: The comments made on Paragraph 9 apply to this Paragraph also.

With regard to the observation of the Austrian Government, it would seem that the medical examination would not serve its full purpose if the result were not communicated to the employer. The proposed text indicates clearly that the communication to the employer should only state whether

---

1 In the Austrian Government's reply this observation was made in connection with Article 6 of the proposed Convention concerning the medical examination of workers (Section II, A, of the proposed texts).
2 See Report VIII (2), op. cit., p. 82.
3 In the Italian Government's reply this observation refers to Article 6 of the proposed Convention concerning the medical examination of workers (Section II, A, of the proposed texts).
there are medical objections to the employment in a particular occupation, not the nature of such medical objections, if any.

If the suggestion of the Government of Ceylon were adopted the field of the medical examinations would be enlarged beyond the scope of the decisions of the Conference. The purpose of the medical examinations dealt with in this part of the Recommendation is to detect the influence of special health risks, whereas if these words were deleted the purpose of the examination would be extended to cover every medical condition, even if no relation with the work existed.

The suggestion of the Italian Government would be in contradiction to Paragraph 10 of the proposed text of the Recommendation (Paragraph 12 of the new proposed text), on which the Conference expressed its opinion very firmly. It would be impossible to guarantee medical secrecy if all documents relating to the medical examination were available to officers of the labour inspectorate or other authority concerned with the protection of the health of workers.

Similar considerations apply to the suggestion of the Japanese Government. The certificates are intended for general purposes; it would not be compatible with the principles of medical secrecy that the diagnosis should be stated therein.

The suggestion of the Swiss Government relates to the question whether the certificate which is given to the employer and to the worker should be an original or a copy. The Office text does not specify the nature of these documents, and it should not be difficult to arrange that documents for both the employer and the worker are signed by the doctor and have the same legal value.

The specific provision for production of both an original and a copy seems to be an undesirable complication in an international regulation. The text as drafted does not prevent any national administration from settling this question in the most appropriate manner.

The text of this Paragraph, unchanged, becomes Paragraph 9 of the proposed Recommendation.

**PART III. NOTIFICATION OF OCCUPATIONAL DISEASES**

**Paragraph 14**

The proposed text read as follows:

14. (1) National laws or regulations should require the notification of cases and suspected cases of occupational disease.

(2) Such notification should be required with a view to—

(a) initiating measures of protection and prevention and checking their effective application;
(b) investigating the working conditions and other circumstances which have caused or are suspected to have caused occupational diseases; and

c) compiling statistics of occupational diseases.

(3) The notification should be made to the labour inspectorate or other authority concerned with the protection of the health of workers in connection with their work.

Comments on Subparagraph (2) (a).

Union of South Africa: The insertion of the word "on" after the word "checking" is suggested. This is merely an editorial amendment to give the correct meaning to the word "checking".

Comments on Subparagraph (2) (c).

Belgium: In the opinion of the Belgian Government the term "compilation" in clause (c) [French text] hardly expresses the sense which should logically be given to this provision.

As a linguistic point of view the word "établissement" seems preferable to "compilation", which in fact denotes the action of assembling the information gained from different sources to form a coherent whole. The author of this provision no doubt wished to state that the notification of occupational diseases should make it possible to establish and compare the statistics relating to these diseases. But statistics must be established before they can be compared, and it is thus that condition, which is both essential and sufficient in the circumstances, which should be brought out in this provision. The clause might consequently be drafted with the substitution, in the French text, of the word "établissement" for the word "compilation".

France: "Compiling statistics of occupational diseases" does not seem to constitute an end in itself.

As this is a question of the protection of the health of workers, the value of such statistics, independent of the preventive measures prescribed in clauses (a) and (b) of the same subparagraph, is that they allow of the initiation or development of compensation legislation (benefit for medical care of all kinds, compensatory allowances for loss of earnings, etc.).

This question has admittedly been made the subject of Conventions Nos. 18 and 42, but these make no provision for the notification of diseases presumed to be or recognised as being of occupational origin.

It would therefore seem that the new international instrument should fill this gap, while also pointing out that the statistics are not merely of speculative interest.

In consequence, the French Government proposes an additional clause to this effect to subparagraph (2); this might be worded as follows:

"(d) allowing the initiation or development of measures designed to ensure that victims of occupational diseases receive the compensation provided for by Convention No. 42 concerning workmen's compensation for occupational diseases."
The proposal of the Belgian Government does not seem to affect the English text.

The suggestion of the French Government has been adopted and a new clause \( (d) \), worded as follows, added to the text of Paragraph 14 of the new proposed Recommendation:

\( (d) \) allowing the initiation or development of measures designed to ensure that victims of occupational diseases receive the compensation provided for occupational diseases.

**Paragraph 15**

The proposed text read as follows:

15. The notification of occupational diseases should be required in the case of all diseases which may be considered to arise as a result of employment.

**Comments on Paragraph 15.**

*Federal Republic of Germany:* In view of the fact that compulsory notification already exists in the Federal Republic and that its scope is constantly being extended, the wording of Paragraph 15 appears too comprehensive. Notification in the case of all diseases which may be considered to arise as a result of employment would result in a tremendous flood of unfounded notifications and consequently much unnecessary administrative work.

*United Kingdom:* The Government of the United Kingdom has covered Paragraphs 15 and 16 (1) in a single reply. It considers that the provisions relating to notification of occupational diseases appear to need substantial reconsideration by the Conference with special reference to the suggested minimum list of diseases and, in particular, the definition of the classes of cases to be notified.

In the case of a number of diseases, satisfactory definitions (for the guidance of doctors and others concerned) of the classes of cases or suspected cases to be notified can hardly be framed by giving merely a medical description of a disease without reference also to classes of trades or occupations or the circumstances in which the cases arise.

It may well be found that, for the purpose of defining classes of cases to be notified, it should be open to the competent authority to make notification of particular diseases legally compulsory in the case only of persons who are or have been employed in specified trades or occupations or in circumstances specified in relation to the particular disease.

**Paragraph 16**

The proposed text read as follows:

16. (1) At least the diseases specified in the Schedule to this Recommendation should be considered to arise as a result of employment.
(2) The International Labour Conference may, at any session at which the matter is included in its agenda, and after such preliminary technical consideration as the Governing Body or the Conference may consider desirable, adopt by a two-thirds majority amendments to the Schedule to this Recommendation.

Comments on Paragraph 16.

United States: As stated in the reply to the questionnaire on this subject\(^1\), dated October 1951, the United States Government disapproves of lists of occupational diseases except as a guide to the examining physician. The schedule attached to the proposed Recommendation is believed to be incomplete, unclear and inaccurate. Also the method proposed for revising the list is cumbersome and, because of the highly technical nature of the subject, approval and revision thereof by the Conference or the Governing Body would not seem appropriate. Both of these factors would preclude the possibility of keeping up to date in a sufficiently prompt and adequate manner such a list and accompanying materials which could be useful as a guide for examining physicians.

The United States Government suggests that Paragraph 16 might be rewritten along the following lines:

"The International Labour Office, in consultation with appropriate members of the Correspondence Committee on Occupational Safety and Health and with the World Health Organization, shall publish a list of occupational diseases with accompanying materials which may be used by the competent authorities as a guide to examining physicians, and shall publish revisions of this list and accompanying materials from time to time as may be necessary."

Subparagraph (1).

Canada: The Government is not in accord with the nature and scope of the minimum schedule of notifiable diseases included in Notification of Occupational Diseases (Part II of the Conclusions adopted by the Conference, Part III of the proposed sole Recommendation and Part III of the proposed supplementary Recommendation). A minimum list of notifiable diseases of this kind is not, in its opinion, a practical method for attaining the important objectives set forth in Point 2 of the Conclusions. The inclusion of certain diseases or categories of diseases would undoubtedly result in a flood of notifications, many of which would be misleading or useless. Furthermore, the Government believes that consideration of certain conditions as notifiable "diseases" would be detrimental to the early investigation of important occupational disorders since many unimportant incidents would be notified to the exclusion of serious illnesses requiring immediate enquiry.

\(^1\) See Report VIII (2), op. cit., pp. 20 and 27.
United Kingdom: See comments on Paragraph 15.

Subparagraph (2).

United Kingdom: Article 45 of the Standing Orders of the Conference lays down the procedure for the revision of a Recommendation and there does not appear to be any need to make special provision for the revision of any particular part of the present text. Nor is it clear whether and, if so, in what respects Paragraph 16 (2) is intended to vary the provisions of the Standing Orders and the procedural provisions of the Constitution as to the placing of items on the agenda of the Conference, the preparatory work (including the consultation of Governments) and the discussions in the Conference itself. If, however, the intention is to suggest or imply that the addition of diseases to the schedule is merely a technical matter which requires less careful consideration by Governments than questions of policy, the United Kingdom Government would wish to reiterate the views expressed in the answer to the questionnaire in Report VIII (1) for the 35th Session of the Conference.\(^1\) It was pointed out at that time that the question whether a disease should be made notifiable was one which involved difficult considerations of legislative and administrative machinery and practicability. For this reason the view was expressed that whatever procedure was adopted must provide for full consideration by Governments.

**Paragraph 17**

The proposed text read as follows:

17. In each country the competent authority should draw up a list of notifiable diseases together with a symptomatology; the list drawn up by the competent authority should include at least the diseases set out in the Schedule to this Recommendation. The competent authority may make additions to the list after consultation with the workers’ and employers’ organisations concerned; such additions should be notified to the International Labour Office.

Comments on Paragraph 17.

El Salvador: The text of Part III does not seem to be suited to the administrative system of the country, as the Government cannot bind itself to schedule as occupational diseases only those indicated by workers’ or employers’ organisations after these have been consulted.

France: This Paragraph makes the competent authority in each country responsible for making additions to the list, after consultation with the workers’ and employers’ organisations concerned, and for notifying the I.L.O. of such additions.

It is questionable whether this system is sufficiently flexible for a subject which is so essentially dynamic in character. Notification is the means whereby the facts are brought to the notice of the authority responsible for

---

\(^1\) See Report VIII (2), *op. cit.*, p. 30.
taking the appropriate measures and drawing up regulations. It is obvious that this notification cannot precede the facts which give rise to it. In other words, if it is desired to complete the list of notifiable diseases, the existence of these diseases must be brought to light by means of notification.

For this reason, it would seem that if the establishment of a list to be brought up to date whenever it is thought necessary is justified at the international level, it should be recommended that the competent authorities of each country should prescribe the notification of every disease presumed to be of occupational origin, even if it is not included in the list established by these authorities on the basis of the minimum list annexed to the Recommendation; both these lists may ultimately be brought up to date.

Italy: It would be advisable to examine immediately the possibility of effecting the prescribed preliminary technical consideration, in order that at its next session the Conference may express its opinion on the extension of the minimum list of notifiable diseases. The Government adds that by virtue of a law in course of publication the number of notifiable diseases in Italy has been brought up to 40. A list of the diseases concerned accompanied the reply.

If it proved impossible to bring the international list up to date at the next session of the Conference, it might be possible to introduce into the proposed Recommendation a provision requiring the compulsory notification of all occupational diseases covered by the insurance scheme in each country in cases where the list of such diseases was more extensive than the minimum list in the proposed international regulations.

Switzerland: The Government does not consider it advisable to include the symptomatology in a list of occupational diseases. It points out that it is difficult to describe it in a manner which is intelligible, in particular to the workers, and that these are likely, in addition, to be unduly impressed by such details. It therefore proposes the deletion from the first sentence of the words "together with a symptomatology".

United States: The United States Government suggests that the proposed Recommendation provide that a committee of competent specialists be set up in each country to develop a list of known occupational diseases together with symptomatology suitable for the guidance of physicians and professionals concerned; also that a list be developed to contain all suspected causes leading to occupational diseases as well as the clinical diseases allegedly caused. These lists should be issued to all physicians in private and industrial practice and should be periodically brought up to date as new information becomes available. Such lists and materials as are developed by these national committees might be referred to the I.L.O. and the W.H.O. as reference material.

1 In the Italian Government's reply this observation refers to Paragraph 20 of the proposed supplementary Recommendation (Section II, C, of the proposed texts).
It may be remarked that the discussions at the Conference and the replies received from Governments to the questionnaire alike serve to underline the difficulty of securing the desirable degree of consensus of opinion on a suitable minimum list of notifiable diseases. It is to be noted further that the Conference Committee expressly recognised that the list should be drawn up by experts with medical qualifications, and that the Joint I.L.O.-W.H.O. Committee on Occupational Health has placed on record its view that the list, in its present form, is objectionable and that "the compilation of a comprehensive international list of all occupational diseases is impracticable and unlikely to be achieved".1 It may also be recalled that the Governing Body Ad Hoc Committee on the Programme of Work of the Office in the Field of Industrial Safety and Health considered "that the Office should, with the help of experts and tripartite technical committees, elaborate safety and health directives which Governments that so desire could use as a guide in the drafting of their own regulations".2

In the light of these considerations it would seem that it might be premature for the Conference to seek to adopt a list. It may be added that the omission of the list at this stage does not represent a final attitude on the question of the desirability of a minimum list, international or national.

The following Paragraph is accordingly proposed in substitution for Paragraphs 15, 16 and 17 of the Recommendation:

17. In each country the competent authority should, after consultation with the workers' and employers' organisations concerned, draw up a list of notifiable diseases together with a symptomatology, and make, from time to time, such additions to the list as circumstances may require.

This Paragraph is placed at the end of Part III, and constitutes Paragraph 17.

The following two proposed resolutions, one concerning an international list of notifiable diseases and the other concerning national lists of notifiable diseases, are also submitted for consideration and possible adoption by the Conference:

I. PROPOSED RESOLUTION CONCERNING AN INTERNATIONAL LIST OF NOTIFIABLE DISEASES

Whereas the International Labour Conference has adopted a Recommendation concerning protection of the health of workers in places of employment; and

Whereas that Recommendation provides that in each country the competent authority should, after consultation with the workers' and employers' organisations concerned, draw up a list of notifiable diseases together with a symptomatology, and make, from time to time, such additions to the list as circumstances may require; and

---

 Whereas it may be of value to Members of the Organisation to have available for guidance in the preparation of national lists of notifiable diseases information based on the experience of a wide range of countries,

The Conference invites the Governing Body of the International Labour Office to authorise the Office to prepare, with appropriate technical advice and in consultation with the World Health Organization, a list of notifiable diseases with accompanying materials which may be used by the competent authorities, and to keep this list and accompanying materials up to date from time to time as may be necessary.

II. PROPOSED RESOLUTION CONCERNING NATIONAL LISTS OF NOTIFIABLE DISEASES

Whereas the International Labour Conference has adopted a Recommendation concerning protection of the health of workers in places of employment; and

Whereas that Recommendation provides that in each country the competent authority should, after consultation with the workers' and employers' organisations concerned, draw up a list of notifiable diseases together with a symptomatology, and make, from time to time, such additions to the list as circumstances may require,

The Conference—

(1) draws attention to the importance of national lists of notifiable diseases being sufficiently comprehensive in character to meet fully all the purposes of such notification as stated in the Recommendation;

(2) leaves for national determination the extent to which such lists should be given a binding character or be intended as a guide for examining physicians;

(3) suggests that in preparing national lists of notifiable diseases the fullest consideration should be given to any international list prepared by the International Labour Office in pursuance of the resolution concerning an international list of notifiable diseases.

Paragraph 18

The proposed text read as follows:

18. National laws or regulations should—

(a) specify the persons responsible for notifying cases and suspected cases of occupational disease; and

(b) prescribe the manner in which occupational diseases should be notified and the particulars to be notified and, in particular, specify—

(i) in which cases immediate notification is required and in which cases notification at specified intervals is sufficient;

(ii) in respect of cases in which immediate notification is required, the time limit after the detection of a case or suspected case of occupational disease within which notification is required;

(iii) in respect of cases in which notification at specified intervals is sufficient, the intervals at which notification is required.

Comments on Paragraph 18.

United Kingdom: In some cases, the notification to the labour inspectorate will in practice be obtained in pursuance of an administrative arrangement between the department which is responsible for the inspectorate and some other department (e.g., a social insurance department). It is suggested that the opening words of this Paragraph should be amended to provide for this contingency (e.g., "National laws or regulations or such administrative arrangements as may be appropriate should . . . ").
Clause (a).

Japan: The words "suspected cases" should be deleted from the text. Generally speaking, the symptoms of occupational diseases at their early stage are so complex and so liable to confusion with those of diseases in general that it is extremely difficult in the circumstances to determine whether they are symptoms of occupational diseases or not.

Clause (b).

Austria: The provision that certain occupational diseases are only notifiable within a prescribed period is liable to involve possible delay in the application of the preventive and protective measures indicated in Paragraph 14 (2) (a). Prompt notification should therefore be prescribed.

United States: The United States Government concurs in this proposal. With respect to Paragraph 18 (b) (ii) and (iii), the United States Government is in agreement that the Recommendation should provide for definite time limits being set for the reporting of cases.

As regards the proposal of the Government of the United States concerning the time limit for immediate notification, the Conference may wish to establish a definite time limit. In respect of subclause (iii), it would be difficult to regulate the matter internationally, since the interval would depend on technical considerations and national administrative arrangements.

The Government of Japan proposed the deletion of the words "suspected cases" in connection with the specification of persons responsible for the notification. These words could not, however, be deleted from the Paragraph, since the notification of suspected cases is required under Paragraph 14 of the Recommendation. Furthermore, during the first discussion by the Conference it was considered of primary importance that notification should be made not only of cases the diagnosis of which was clearly established and proved, but also of those in which an occupational disease was suspected to exist; this was desired in order to allow the supervising authorities to make investigations and to prescribe suitable measures at an early stage. For this reason the first subparagraph of Paragraph 14 was drafted as it stands in Report V (1). The deletion of the words "suspected cases" would change considerably the scope of the Recommendation.

In respect of the observations made by the United Kingdom, it would seem that the wording of the text is flexible enough to meet such cases. If administrative arrangements to facilitate the notification of occupational diseases exist between official bodies there will still be a need for legislative measures to adapt the procedure of notification accordingly. It would not

---

1 In the Japanese Government's reply this observation refers to Article 2, clause (a) of the proposed Convention concerning the notification of occupational diseases (Section II, B, of the proposed texts).
The proposed text read as follows:

19. The notification should provide the authority concerned with the protection of the health of workers in connection with their work with such information as may be relevant and necessary for the effective execution of its duties, including, in particular, the following details:

(a) the age and sex of the person concerned;
(b) the occupation and the trade or industry in which the person is or was last employed;
(c) the name and address of the place or last place of employment of the person concerned;
(d) the nature of the disease or poisoning;
(e) the harmful agent and process to which the disease or poisoning is attributed;
(f) the length of service of the worker in the occupation, trade or industry in which he was exposed to the risk.

Comments on Paragraph 19 (b).

Union of South Africa: It is considered that the information should be given in connection with the present employment (if any) and the previous employment, or if unemployed, the last two places of employment. The present place of employment may be perfectly healthy whereas the last place of employment may lead a medical examiner to some unsuspected and not easily discernible pathological condition, which might render the person unsuitable for the proposed employment.

Comments on Paragraph 19 (f).

Austria: As not all cases of occupational diseases necessitate an interruption of employment it would seem that this should be provided for under (f) as is done under (b) and (c).

France: With regard to the details to be included in the notification, it would be advisable either to add the following: "(g) the date on which the person concerned ceased to be exposed to the risk", or to combine this point with clause (f), which would then read as follows: "(f) the dates on
which the worker was first and last exposed to the risk in each of the occupa­tions, trades or industries in which he was exposed to the risk ".

The comment of the Government of the Union of South Africa stresses the necessity of giving information on a worker's previous occupational exposure to health risks. The value of this principle was fully recognised by the Conference when it adopted clause (f), which refers to any exposure in the occupational history of the worker.

The comment made by the Government of Austria contains a suggestion which would make the text reflect clearly the ideas expressed by the Conference. It is therefore suggested that clause (f), which constitutes clause (f) of Paragraph 16 of the new text of the proposed Recommendation, should read as follows:

\[(f)\] the length of service of the worker in the occupation, trade or industry in which he is or was exposed to the risk.

**Proposal for an Additional Paragraph**

**Yugoslavia**1: The Government proposes the addition of the following Paragraph:

"Every notification of occupational diseases should be followed by adequate action, that is, the taking of appropriate measures by the labour inspectorate or other competent authority."

It will be recalled that the idea embodied in this Paragraph is already covered in a wider sense by the description of the functions of the labour inspection system, as defined in the first paragraph of Article 3 of the Labour Inspection Convention, 1947. It will be for the Conference to decide whether the specific functions should be repeated in the proposed Recommendation.

**Schedule**

**Minimum List of Notifiable Diseases**

The proposed list was as follows:

1. poisoning and ulceration by arsenic or its compounds;
2. poisoning by beryllium or its compounds;
3. poisoning, ulceration and other pathological manifestations due to chromium or its compounds;
4. poisoning by fluorine or its compounds;
5. poisoning by lead, its alloys or compounds;
6. poisoning by manganese or its compounds;
7. poisoning by mercury, its amalgams or compounds;

1 In the reply of the Yugoslav Government this suggestion referred to a proposed new Paragraph 23 in the proposed supplementary Recommendation (Section II, C, of the proposed texts).
(viii) poisoning by phosphorus or its compounds;
(ix) poisoning by benzene or its homologues and their nitro- and amido-derivatives;
(x) poisoning by carbon bisulphide;
(xi) poisoning by carbon monoxide;
(xii) poisoning by the halogen derivatives of hydrocarbons of the aliphatic series;
(xiii) silicosis with or without pulmonary tuberculosis;
(xiv) asbestosis with or without pulmonary tuberculosis;
(xv) primary epitheliomatous cancer of the skin;
(xvi) skin diseases arising from any process involving the manufacture, handling, use, refining or mixing of cements, mineral oils, turpentine and its substitutes, varnishes and lacquers, alkalis with caustic or irritant action, poisonous woods, persulphate or perborate of ammonium, and chlorine and its compounds;
(xvii) diseases caused by work in compressed air;
(xviii) pathological manifestations due to radiations, radium and other radio-active substances;
(xix) anthrax infection.

Comments on Schedule to Part III.

Belgium: Independently of the measures which the Office intends to take to keep or bring this list up to date, it would seem logical to include from the start in point (ix) the chloro- and chloronitro-derivatives of benzene or of its homologues; the item would then read as follows: "(ix) poisoning by benzene or its homologues and their chloro-, nitro-, chloronitro- and amido-derivatives;".

The wording of point (xviii) does not seem particularly suitable, since the definition of the pathological manifestations in question might, as presented in this text, appear to some to be restricted in a manner which would be quite unjustified. The word "radiations" is a generic term in hygiene or in occupational medicine and covers all harmful radiations without distinction—X-rays, ultra-violet rays, etc., just as much as radiations from radium and other radio-active substances. Consequently, the first part of the definition, constituted by the words "pathological manifestations due to radiations", is certainly sufficient to cover every case, and to follow this by naming only "radium and other radio-active substances" is of no purpose and might even be interpreted as restricting the general scope of the item.

It is, however, conceivable that the authors of this text wished to bring out the difference between the radiations themselves, which are intangible—or are considered to be—and are not handled, and the radio-active substances, which are solids and are handled. In this case it would be advisable, to avoid any misunderstanding, to reverse the order in which the two ideas are expressed in the item, which would then read as follows: "pathological manifestations due to radium and other radio-active substances, and to various harmful radiations;".

The Belgian Government also proposes that ankylostomiasis be added at this stage to the minimum list of notifiable diseases, on account of the
really great importance of preventing this serious parasitic affection in coal mines.

**France:** As was pointed out in the French Government's reply to the first questionnaire, this list is distinctly shorter than those which exist at present in France in respect of, on the one hand, occupational diseases recognised as such and giving entitlement to compensation, and, on the other, diseases which are presumed to be occupational and are compulsorily notifiable, but which do not yet figure in the schedules and do not give entitlement to compensation under the legislation on industrial accidents.

The I.L.O.'s minimum list can obviously not be modified except after the technical study for which provision is made.

The French employers' organisations have drawn attention to the following: point (xvi), "mineral oils": from the medical point of view it is a debatable question whether oil acne constitutes an occupational disease. In addition, fluorine (point (iv)), carbon monoxide (point (xi)), and poisonous woods (point (xvi)) may provoke accidents but do not cause occupational diseases. It would therefore seem that they should not be included in a list of notifiable occupational diseases.

**Federal Republic of Germany:** The Government requests that point (xiv) in the minimum list of notifiable diseases ("asbestosis with or without pulmonary tuberculosis") be amplified by the words "or cancer of the lungs"; this in accordance with German experience.

**Sweden:** The Swedish Government would suggest that poisoning by trichlorethylene should be included in the Schedule to Part III of the Recommendation.

**Yugoslavia:** (i) The term "ulceration" is too restrictive and should be extended by the addition of the words "and other lesions".

(ix) Nitro- and amido-compounds of the aromatic series should be added.

(xv) Malignant neoplasms of the skin should be added.

(xvi) Since the proposed text does not cover certain other important diseases which should be mentioned, it should be either extended or redrafted as follows: "long-term and recurrent occupational diseases of the skin caused by chemical, physical and biotic agents which form an integral part of the work process;".

(xix) Glanders and the leptospiroses should be added.

The list should, in addition, be supplemented by the following: (a) occupational deafness; (b) diseases resulting from vibration to which the workers are exposed; (c) frost-bite; (d) poisoning by sulphuretted hydrogen, hydrogen cyanide and nitrous gases.

---

1 Report VIII (2), op. cit., p. 25.
3. Comments on the Proposed Convention concerning the Medical Examination of Workers

Article 1

The proposed text read as follows:

The employment of workers in occupations involving special risks to health shall be conditional upon—

(a) a medical examination, carried out shortly before or within a short time after the worker enters employment, in order to determine his physical fitness for the employment in question; and

(b) where appropriate, periodical medical re-examination.

Comments on Article 1.

Austria: The provisions of this Article make the employment of a worker in occupations involving special risks conditional on a single medical examination or periodical re-examinations, but contain no intimation that the national legislation should place the observance of this provision under penalty. In any case an employer who employs or continues to employ a worker in disregard of the regulations concerning medical examination should be held responsible for any resultant injuries. Furthermore, legal penalties should be considered in order to ensure the effective observation of the provisions of this Article.

Clause (a).

Union of South Africa: Delete the words "or within a short time after". The reason for this amendment is to avoid hardship which may occur due to a person changing employment and discovering after the change has been made that a medical examination reveals some pathological condition which may result in discharge from the new position due to lack of physical fitness.

Yugoslavia: The words "or within a short time after" should be deleted. The Government considers that it would be sufficient to have a medical examination carried out shortly before entry into employment, combined with periodical examinations during the period of service. Examination effected shortly after entry into employment can have annoying consequences if a positive diagnosis is made which calls for the dismissal of the workers in question.

The United Kingdom Government pointed out that the detailed comments which it made in connection with the text of the sole Recommendation apply equally to the relevant parts of the other texts. This Article being identical with subparagraph (2) of Paragraph 12 of the sole Recommendation, the suggestions made by the United Kingdom on that subparagraph 1 are

1 See p. 33.
applicable to this text, and the alteration proposed in the Recommendation is also proposed in respect of this Article.\(^1\)

The text of Article 1 will thus read:

The employment of workers in occupations involving special risks to their health shall be conditional upon—

(a) a medical examination, carried out shortly before or within a short time after the worker enters employment, in order to determine his physical fitness for the employment in question; or

(b) where appropriate, periodical medical examination; or

(c) both an initial medical examination and periodical medical examination as in clauses (a) and (b) above.

As regards the observation of the Government of Austria concerning legal penalties for non-observance of these provisions, it is felt that such provisions could only be applied to a few countries where a systematic medical examination of workers is widely applied. In view of the educational character of the legislative measures on this point it does not seem advisable at this stage to require provision for legal penalties which will be difficult to apply.

The suggestions made by the Governments of the Union of South Africa and of Yugoslavia have not been adopted in the text, for the reasons stated in connection with Paragraph 12 (2) of the proposed Recommendation.\(^1\)

**Article 2**

The proposed text read as follows:

National laws or regulations shall determine or empower an appropriate authority to determine after consultation with the employers' and workers' organisations concerned—

(a) the special risks necessitating an initial medical examination or periodical re-examination, or both;

(b) the circumstances in which medical examinations shall be carried out;

(c) with due regard to the nature and degree of the risk and of the particular circumstances, the maximum intervals at which periodical examinations shall be carried out.

**Comments on Article 2.**

*El Salvador:* The Government states that the point which it made in connection with Paragraph 17 of the sole Recommendation\(^2\) applies also (as far as consultation with employers' and workers' organisations is concerned) in the case of Article 2.

**Clause (b).**

*Belgium:* This text deals with the circumstances in which the medical examination must be carried out; that is to say, it would seem to deal with general conditions, in the sense that these may be either good or bad.

---

\(^1\) See p. 34.

\(^2\) See p. 41.
It is doubtful whether it will be interpreted by all as dealing equally with the scale, the extent or the special character of the medical examinations, which will depend on whether they are pre-employment or periodical, or on the type of disease to be detected. If this is not apparent from the text, clause (b) should be extended to read as follows:

"(b) the circumstances in which medical examinations shall be carried out, and the clinical investigations and special research which they shall include in each case;".

This Article is identical with Paragraph 12 (3) of the sole Recommendation. The suggestions made by the Government of the United Kingdom on that Paragraph are therefore applicable to this text, and the alterations proposed in the Recommendation are also proposed in respect of this Article.

As mentioned in connection with Paragraph 12 (3) of the sole Recommendation, it has not been considered appropriate to adopt the suggestion of the Belgian Government at this stage, but the Conference may wish to consider its inclusion in the text.

This Article will now read—

National laws or regulations shall determine or empower an appropriate authority to determine after consultation with employers' and workers' organisations concerned—

(a) for which risks and in which circumstances medical examinations shall be carried out;
(b) for which risks there shall be an initial medical examination or periodical medical examination, or both;
(c) with due regard to the nature and degree of the risk and of the particular circumstances, the maximum intervals at which periodical medical examination shall be carried out.

Article 3

The proposed text read as follows:

Medical examinations shall be carried out by a physician approved by the competent authority.

Comments on Article 3.

Japan: The Japanese Government considers that it is not advisable to provide that medical examinations should be carried out by a physician approved by the competent authority. Although no difficulty is expected so far as the matter is confined to urban areas, the adoption of the stipulation for a medical examination by a physician approved by the competent authority would cause considerable inconvenience in mountainous or out-of-the-way places, to the workers as well as to their employers, and it is feared would inevitably result in a decline in the number of workers undergoing the medical examination.

1 See p. 34.
2 See p. 35.
In addition, in Japan any person aspiring to be a physician must pass a very rigorous national examination in medicine, so that there is scarcely any question as to the qualifications and competence of a physician.

This Article is identical with Paragraph 9 of the sole Recommendation. The text of this Article has been modified, for the reasons given in connection with Paragraph 9 and it is felt that the modified text may meet the observations of the Government of Japan.

Article 3 now reads—

Medical examinations shall be carried out by a qualified physician, who shall, if national laws and regulations so require, be approved by the competent authority.

Article 4

The proposed text read as follows:

Medical examinations made in accordance with this Convention shall not involve the worker concerned in any expense or loss of earnings.

Comments on Article 4.

Austria: An addition should be made to this Article to the effect that the medical examination should be carried out, as far as possible, without any disturbance of production.

Norway: Medical examinations made in accordance with this Convention shall not involve the worker concerned in any expense. Neither shall such examinations involve the worker in any loss of wages in cases in which the matter is governed by or in accordance with laws and regulations; in cases in which the matter is regulated by employers' and workers' organisations, the position shall be as determined by such organisations or established practice.

Sweden: Under a Royal Proclamation of 6 May 1949 the costs of periodical medical re-examinations shall, with the exception of travelling expenses and daily allowances of the physician (which are paid out of public funds) be defrayed by the employer. There are no statutory provisions concerning the costs of initial medical examinations or concerning loss of earnings. The above-mentioned Proclamation was drafted on the basis of a statement by the Minister of Social Affairs to the effect that as regards defraying of the costs of medical examinations before taking up employment in dangerous work the worker should endeavour to arrive at a voluntary agreement with the employer. If the international regulation concerning medical examinations should be given the form of a Convention, ratification by Sweden would require

---

1 See p. 30.
2 This observation was made in connection with Paragraph 11 of the proposed sole Recommendation.
3 This observation was made in connection with both Paragraph 11 of the proposed sole Recommendation and this Article.
an amendment of its existing legislation. However, it would hardly seem appropriate to include a question which on the whole is a wage problem, in an international document aiming mainly at providing satisfactory labour protection. It should be a matter for the parties themselves to decide to what extent the employer shall be bound to pay wages for the time required for medical examinations. It is no doubt just, in principle, that the worker shall not have to bear the costs of such examinations, but in cases where they are carried out before the worker enters employment it seems natural that the question of the costs should be left open. At any rate, such a question should not be dealt with in a Convention but in a Recommendation.

Yugoslavia: It should also be stated that the examinations may take place during the normal working hours of the workers in question.

This Article is identical with Paragraph 11 of the sole Recommendation. The comment of the Government of the United Kingdom made on that Paragraph 1 is therefore applicable to this Article. The text of this Article has been modified for the reasons given in connection with Paragraph 11 2, and reads as follows:

1. Medical examinations made in accordance with this Convention shall not involve the worker concerned in any expense.

2. No deduction shall be made from wages in respect of time lost for attendance at such examinations in cases in which the matter is dealt with by national laws or regulations; in cases in which the matter is dealt with by collective agreements, the position shall be as determined by the relevant agreement.

Article 5

The proposed text read as follows:

Measures to ensure the observance of medical secrecy shall be adopted in connection with all medical examinations and the registration and filing of related documents.

There are no comments on this Article, which has not been modified.

Article 6

The proposed text read as follows:

1. Documents certifying that, as far as the risk of a particular occupational disease is concerned, there are no medical objections to the employment of a worker in a particular occupation shall be issued in a manner prescribed by the competent authority. These certificates shall not mention any diagnosis.

2. Such documents shall be kept on file by the employer and made available to officials of the labour inspectorate or other authority concerned with measures for the protection of the health of workers in connection with their work.

3. Such documents shall be made available to the worker concerned.

1 See p. 31.
2 See p. 32.
Comments on Article 6.

Austria: On this point the Government begs to refer to its answer to Point 25 of the preliminary questionnaire.\(^1\) It is still of the opinion that any communication of the result of the medical examination to the employer should be confined to exceptional cases.

Norway: This Article seems to be too detailed for a Convention. It is therefore suggested that this provision be deleted in the Convention and included in the supplementary Recommendation.

Paragraph 1.

Ceylon: Deletion of the words "as far as the risk of a particular occupational disease is concerned" is recommended.

Japan: The Government proposes that the words "These certificates shall not mention any diagnosis" should be deleted. It considers that the certificates would be likely to be more effective if they mentioned diagnosis than if they did not, and would offer the competent authority a greater opportunity of making effective use of them.

Paragraph 2.

Italy: It is suggested that it might be advisable to make it obligatory for employers to make available to officials of the labour inspectorate or other authority concerned with measures for the protection of the health of workers not only the certificates mentioned in paragraph 1 but also all other documents and registers relating to the medical examinations mentioned in Article 5.

Paragraphs 2 and 3.

Switzerland\(^2\): The Government agrees in principle that the documents should be kept by the employer. It proposes, nevertheless, that the following phrase should be added at the end of paragraph 2: "In all cases in which it seems desirable, the documents shall be given to the worker concerned and a copy kept on file by the employer".

Paragraph 3 would then read as follows: "3. When such documents are kept on file by the employer they shall be made available to the worker concerned".

This Article is identical with Paragraph 13 of the sole Recommendation. For reasons stated in connection with that Paragraph\(^3\) the text has not been modified.

\(^1\) See Report VIII (2), op. cit., p. 82.
\(^2\) This observation was made in connection with Paragraph 13 of the sole Recommendation.
\(^3\) See p. 37.
4. Comments on the Proposed Convention concerning the Notification of Occupational Diseases

Article 1

The proposed text read as follows:

Cases or suspected cases of occupational disease shall be notified to the labour inspectorate or other authority concerned with the protection of the health of workers in connection with their work.

Comments on Article 1.

Austria: The Government states that the observation which it made in connection with Article 1 of the proposed Convention concerning the medical examination of workers holds good here also, namely, that non-observance of the obligation to notify occupational diseases should be subject to penalties in order to ensure the effective observance of the provision.

France: Only those elements of the proposed Recommendation considered essential by the Office have been taken up in this text, the remainder being inserted in the supplementary Recommendation.

It would seem that the objects of notification should be included among these essential elements. Without such a provision, some doubt may arise as to the scope of the Convention.

Israel: Article 1 of the proposed Convention refers to cases of occupational disease, but there is no mention how these occupational diseases should be determined. It is therefore suggested that there be included in the proposed Convention a provision similar to that contained in Paragraph 20 of the proposed supplementary Recommendation, and that the list drawn up in accordance with that Paragraph should be communicated to the International Labour Office.

As regards the suggestion of the Government of France that the objects of notification should be stated in the Convention, it should be kept in mind that these objects are clearly defined in the Recommendation supplementing this Convention. As these two instruments are closely related to each other, it is perhaps not necessary to include similar provisions in the Convention itself.

The Government of Israel suggests the inclusion in the Convention of provisions prescribing the manner of determining the occupational diseases in respect of which notification is required. As explained in connection with Paragraphs 15, 16 and 17 of the sole Recommendation, it is very difficult

1 See p. 50.
2 See p. 81.
3 See p. 43.
to reach an agreement on the manner of determining notifiable occupational diseases. Accordingly, it does not seem possible to include provisions of this kind at this stage in a Convention.

Article 2

The proposed text read as follows:

National laws or regulations shall—

(a) specify the persons responsible for notifying cases and suspected cases of occupational disease; and

(b) prescribe the manner in which occupational diseases shall be notified and the particulars to be notified and, in particular, specify—

(i) in which cases immediate notification is required and in which cases notification at specified intervals is sufficient;

(ii) in respect of cases in which immediate notification is required, the time limit after the detection of a case or suspected case of occupational disease within which notification is required;

(iii) in respect of cases in which notification at specified intervals is sufficient, the intervals at which notification is required.

Comments on Article 2.

Austria: Should the notification of occupational diseases be made the subject of a special Convention and not included in a Recommendation, then it appears necessary that such occupational diseases as are notifiable should be listed in the Convention itself, or the principles governing their inclusion on the notifiable list clearly laid down. The list appended to the supplementary Recommendation cannot be regarded as a substitute for such a provision in the Convention. Should the compilation of the list of notifiable diseases be left to the States Members, care must be taken that the workers' and employer's organisations are duly consulted.

Clause (a).

Japan: The words "suspected cases" should be deleted from the text. Generally speaking, the symptoms of occupational diseases at their early stage are so complex and so liable to confusion with those of diseases in general that it is extremely difficult in the circumstances to determine whether they are symptoms of occupational diseases or not.

Clause (b).

Austria¹: The provision that certain occupational diseases are only notifiable within a prescribed period is liable to involve possible delay in the

¹ This observation was made in connection with clause (b) of Paragraph 18 of the proposed sole Recommendation.
application of the preventive and protective measures indicated in Para-
graph 17(2)(a) of the supplementary Recommendation (Paragraph 14(2)(a) of the sole Recommendation). Prompt notification should therefore be
prescribed.

France: As regards the text of this Convention, the French Government
considers that clause (b) of Article 2 should read as follows:

"(b) prescribe the manner in which occupational diseases shall be notified
and the particulars to be notified."

It would seem very difficult to prescribe obligations of the kind set
out in subclauses (i), (ii) and (iii) of clause (b) of Article 2, except in cases of
diseases included in the schedule of diseases entitling the victim to work-
men's compensation.

Norway: Detailed arrangements for the notification do not seem suitable
for inclusion in a Convention. It is considered more appropriate that the
competent national authority should formulate such special standards as the
circumstances may require. A specification of the special procedures may be
valuable as guidance in a Recommendation but should not be included in a
Convention. It is therefore suggested that clause (b) should be reduced to the
following text:

"(b) prescribe the manner in which occupational diseases shall be noti-
fied and the particulars to be notified."

This Article is identical with Paragraph 18 of the sole Recommendation
and the comments made in connection with that Paragraph are therefore
applicable to this Article. For the reasons stated in connection with Para-
graph 18 the Office did not feel that it would be justified in proposing
changes in the text at this stage.

As regards the proposal made by the Government of France and by the
Government of Norway that subclauses (i), (ii) and (iii) of clause (b) be omitted,
it will be recalled that the Conference Committee attached great value to the
determination of the manner of notification. Since these clauses prescribe the
various methods of notification procedure, it was felt that they should be
taken up in the Convention.

---

1 See pp. 45 and 46.
5. Comments on the Proposed Recommendation concerning
Protection of the Health of Workers in Places of Employment,
to Supplement the Proposed Convention concerning the Medical Examination
of Workers and the Proposed Convention concerning the Notification
of Occupational Diseases

PART I. TECHNICAL MEASURES FOR THE CONTROL OF HEALTH HAZARDS

Paragraph 1

The proposed text read as follows:

1. National laws or regulations should provide for methods of reducing or
eliminating risks to health in places of employment, including methods of protecting
the health of workers which may be applied, as necessary and appropriate, in connection
with special risks of injury to health.

Comments on Paragraph 1.

Costa Rica: The Government suggests the inclusion in the part of the
text dealing with technical measures for the control of health hazards of
methods of preventing fatigue and nervous diseases, as, for example, the
reduction of working hours, the provision of rest breaks and the introduction
of shift work in specified types of occupation.

This Paragraph is identical with Paragraph 1 of the sole Recommendation
For reasons explained in connection with that Paragraph the suggestion
of the Government of Costa Rica has not been introduced in the text.

Paragraph 2

The proposed text read as follows:

2. All appropriate and necessary measures should be taken to ensure that the
general working environment of places of employment is so maintained as to provide
adequate protection to the health of the workers concerned, and in particular that—
(a) dirt and refuse do not accumulate so as to cause risk of injury to health;
(b) the floor space and height of workrooms are sufficient to prevent overcrowding
of workers, or congestion of machinery, materials or products;
(c) adequate and suitable lighting, natural or artificial, or both, is provided;
(d) suitable atmospheric conditions are maintained so as to avoid insufficient air
supply, vitiated air, harmful draughts, excessive humidity, excessive heat or
cold, sudden variations in temperature, and objectionable odours;

1 See p. 16.
sanitary conveniences, drinking water facilities and washing facilities complying with prescribed health standards are provided on an adequate scale, are properly located, and are maintained in good working order and in a state of cleanliness;

measures are taken to eliminate or reduce as far as possible noise and vibrations which constitute a danger to the health of workers.

Comments on Paragraph 2.

United Kingdom: It is considered that the opening words should (as in Paragraph 3) be "All appropriate and practicable measures". Measures which would be necessary to ensure completely adequate protection would often be impracticable.

United States: The United States Government concurs in this proposal. It is suggested, however, that in this connection there be added after the enumeration of methods of protection outlined in 2 (a) through 2 (f) a statement regarding the responsibility of the employer for such measures.

Clause (b).

Ceylon: Inclusion of the word "effective" before the word "height" is suggested.

El Salvador: The provision in this subparagraph cannot be applied to the existing places of employment in this country, owing to the great expense this measure would entail for the employers. The Government therefore suggests that the text be amended to read as follows: "the floor space and height of workrooms to be built in the future or of those to be altered or enlarged . . . ."

United Kingdom: The drafting of this clause appears to need reconsideration on two grounds.

In general, it is not practicable to adapt or alter the floor space or height of a workroom to suit the number of workers in it or the other contents of it. On the contrary, it is the number of workers and the other contents of a workroom which need to be controlled by reference to its size.

Furthermore, the words "or congestion" before the word "machinery" did not appear in the Conclusion of the Conference on which this clause is based. The subparagraph as now drafted implies that machinery and materials must not be concentrated or closely stacked even though there may be no overcrowding of workers.

What seems to be required is a form of words which will make it clear that the object is to prevent the overcrowding of workers to such an extent as to involve risk of injury to health, taking into account the floor space and height of the workroom, the extent to which workers are concentrated in different parts of the room, and other relevant factors (e.g., ventilation).

1 This observation was made in connection with Paragraph 2 of the proposed sole Recommendation.
Clause (c).

Belgium¹: The terms “adequate” and “suitable” have very much the same meaning, which is that of “proper” or “appropriate”. It would therefore seem that one of them might easily be deleted. But it is to be assumed that in using these two terms the authors of the text had in mind two principal and distinct aspects of good natural or artificial lighting: its intensity and its suitability for the kind of work involved. The following would therefore be preferable in order to give the provisions full effect: “natural or artificial lighting, or both, of sufficient intensity and of a type appropriate to the nature of the work, is provided;”.

Clause (d).

Ceylon²: After the words “insufficient air supply” inclusion of “and movement” is recommended.

Clause (e).

Belgium³: The expression “installations sanitaires”³ has a wide sense, covering all types of installation related to hygiene. It therefore applies equally to drinking water and washing facilities. By naming only these two types of “installations sanitaires” the text of clause (e) is likely to be considered by some people as being too limited in nature, contrary, no doubt, to the desires of its authors.

It would, however, be quite easy to maintain the original wording if the essential part of the text could be made to figure in a proposed Convention, as is suggested below, the necessary details as to the manner of interpreting and applying the provisions being given in a corresponding Recommendation on the same subject.

The proposed Convention should require that “hygienic facilities, drinking water facilities and washing facilities be provided in sufficient numbers and in compliance with prescribed health standards”.

The proposed Recommendation supplementing that Convention should specify that “hygienic facilities, drinking water facilities and washing facilities should be provided in sufficient numbers and in compliance with prescribed health standards. These hygienic facilities should include, as required, one or more cloakrooms, bathrooms (shower-baths or baths), mess-rooms and latrines. Together with the drinking water facilities and washing

¹ This observation was made also in connection with Paragraph 2 of the proposed sole Recommendation
² This observation was made in connection with Paragraph 2 of the proposed sole Recommendation.
³ The French term having a wider significance than the English “sanitary conveniences”, the Belgian Government’s observations on this clause are not strictly applicable to the English text as proposed in Report V (1). In translating the new text proposed in the reply, therefore, the term “hygienic facilities” has been adopted in order to clarify the observations made by the Belgian Government.
facilities, they should be properly located and maintained in good working order and in a state of cleanliness."

_Ceylon_\(^1\): Inclusion of reference to provision of cloakroom facilities is desirable to discourage the wearing of outdoor clothing at the workplace.

It is desirable that essential facilities should be not only "properly located" to the satisfaction of the employer, but also "conveniently accessible" to the workers.

_United Kingdom_\(^1\): There have been inserted in this clause the words "complying with prescribed health standards" which do not appear in the Conference Conclusions on which it is based. The clause would now appear to imply an obligation to prescribe "standards" for all cases. The prescription of standards to be applied in a great variety of circumstances tends to produce rigid or uniform results which would not always be in the interest of the workers. It is suggested that the text should be more in accordance with the Conclusion adopted by the Conference and that it might well read "sufficient and suitable sanitary conveniences and washing facilities, and adequate supplies of wholesome drinking water, are provided in suitable locations and properly maintained".

_Yugoslavia_: The wash-basins and other washing facilities should also be equipped with an adequate supply of the necessaries for washing (soap, towels, etc.).

Clause (f).

_Yugoslavia_: It should be recommended that workrooms where noise and vibrations which may injure the health of the workers are generated should be separate from the others.

This Paragraph is identical with Paragraph 2 of the sole Recommendation. Taking into account the suggestions of the United Kingdom and the United States made in regard to the first sentence, it is suggested that that sentence should read\(^2\):

2. All appropriate measures should be taken by the employer to ensure that the general working environment of places of employment is so maintained as to provide adequate protection to the health of the workers concerned, and in particular that—

Clause (b) has been redrafted for the reasons stated in connection with clause (b) of Paragraph 2 of the sole Recommendation\(^3\), and now reads:

(b) the number of workers in a workroom does not exceed a prescribed maximum related to the floor space and height of the workroom, the machinery, materials and products in the workroom, and other relevant factors, with the object of preventing the overcrowding of workers to such an extent as to involve risk of injury to health;

---

\(^1\) This observation was made in connection with Paragraph 2 of the proposed sole Recommendation.

\(^2\) See pp. 16 and 17.

\(^3\) See p. 18.
It was not considered appropriate to propose changes in clauses (c) and (d). ¹

The text of clause (e) has been redrafted in order to meet the suggestions made by the Government of the United Kingdom, and now reads:

(e) sufficient and suitable sanitary conveniences and washing facilities, and adequate supplies of wholesome drinking water, are provided in suitable locations and properly maintained.

No change is proposed in clause (f). ²

Paragraph 3

The proposed text read as follows:

3. (1) With a view to the reduction of risks to the health of workers, all appropriate and practicable measures should be taken—

(a) to encourage the substitution of harmless or less harmful substances for harmful substances;

(b) to prevent the liberation of harmful substances and to shield workers from the sources of harmful radiations;

(c) to carry out hazardous processes in separate rooms or buildings occupied by a minimum number of workers;

(d) to carry out hazardous processes in enclosed apparatus, so as to prevent personal contact with harmful substances and the escape into the air of the workroom of dusts, fumes, gases, fibres, mists or vapours, in quantities liable to injure health;

(e) to remove, at or near their point of origin, by mechanical exhaust, ventilation systems or other suitable means, the dusts, fumes, gases, fibres, mists or vapours of harmful substances, where exposure to such substances cannot be prevented in one or more of the ways prescribed in clauses (a) to (d) of this subparagraph;

(f) to provide the workers with such protective clothing and equipment as may be necessary to shield them from the effects of harmful agents, where other measures to eliminate health risks are impracticable or are not sufficient to ensure adequate protection, and to instruct the workers in the use thereof; when the protective clothing and equipment are used by the worker only for the purpose of his work, they should be provided and cleaned by the employer at his expense.

(2) National authorities should promote and where possible undertake the study of the measures mentioned in subparagraph (1) of this Paragraph, and encourage the application of the results of such study.

Comments on Paragraph 3.

Austria ³: A clear definition of the harmful substances and a corresponding description of the nature of the risk should be included in the measures for the reduction of risks to the health of workers.

Subparagraph (1), Clause (a).

United States ³: The United States Government concurs in this proposal and in the list of principal methods for the reduction of hazards enumerated

---

¹ See pp. 18 and 19.
² See p. 20.
³ This observation was made in connection with Paragraph 3 of the proposed sole Recommendation.
in Paragraph 3 (1) (a) to (f), but suggests that the wording of subparagraph (1) (a) be revised to replace the phrase "to encourage the substitution" with the words "to substitute".

Subparagraph (1), Clause (f).

Norway¹: It is suggested that this last clause should read as follows: "When protective clothing and equipment are used by the worker only for the purpose of his work, they should be provided and cleaned by the employer at his expense in cases in which the matter is governed by or in accordance with laws and regulations; in cases in which the matter is governed by collective agreement the position should be as determined by the relevant agreement."

Sweden¹: In this clause of the proposed Recommendation it is stated that protective clothing and equipment should be provided and cleaned by the employer at his expense. The obligations which would thus be placed on the employer go beyond those laid down in Swedish legislation, which only prescribes that personal protective equipment shall be provided "unless otherwise agreed".

Proposal to Insert a New Clause (g).

Union of South Africa: It is suggested that the following clause (g) should be inserted:

"(g) where the occupation is such that the protective clothing may absorb or become otherwise contaminated with any noxious substance or substances, the worker shall not be permitted to leave the working premises in these clothes and they shall be kept in a separate locker from his other clothes. Two separate lockers shall be provided for each such worker, and adjacent lockers shall be separated by an impervious partition."

Subparagraph (2).

United States¹: Subparagraph (2) might become subparagraph (3), changing the word "national" to "competent" and the word "possible" to "necessary", and adding a new subparagraph (2) concerning employer responsibilities along the following lines, as suggested in the United States reply to the questionnaire on this subject²:

Each employer should—

1. know the nature of the potentially hazardous substances used in his establishment and the significance of each of the exposures that may be involved;

2. set up and maintain the specific control measures indicated;

¹ This observation was made in connection with Paragraph 3 of the proposed sole Recommendation.
² See Report VIII (2), op. cit., p. 38.
3. make definite assignment of responsibility for all phases of the preventive programme;

4. establish contact with all available technical services in the occupational disease field;

5. make definite provision to ensure that the disease possibilities involved in the use of the substances, changes in make-up of familiar substances, or changes in process of work methods and the like will in each instance receive adequate advance consideration.

This Paragraph is identical with Paragraph 3 of the sole Recommendation. For the reasons given in connection with that Recommendation\(^1\), the following wording is suggested for clause (a) of subparagraph (1) of Paragraph 3:

(a) to substitute harmless or less harmful substances for harmful substances;

It was not considered desirable to change the wording of clause (f)\(^1\) or to include a new clause (g).\(^1\)

A new text of subparagraph (2) taking into account the proposals made by the United States Government, has been suggested. This subparagraph now reads:

(2) The study of the measures mentioned in subparagraph (1) of this paragraph should be promoted and where possible undertaken by national authorities, or in the case of a federal State, by national, or other appropriate authorities, and the application of the results of these studies encouraged by them.

As has been pointed out in connection with Paragraph 3 of the sole Recommendation\(^2\), the matters dealt with in the new subparagraph proposed by the United States Government were not considered by the Conference during the first discussion, but the Conference may think it appropriate to study the question.

**Paragraph 4**

The proposed text read as follows:

4. The workers should be encouraged, by all suitable means, to use the measures of protection mentioned in Paragraphs 2 and 3 above and not to disturb the proper functioning of any of them.

**Comments on Paragraph 4.**

**Sweden**\(^3\): It would seem desirable to have this Paragraph redrafted in such a way as to make it clear that it shall be the duty of the workers to use the measures of protection which are placed at their disposal and which are considered necessary to reduce health risks.

---

\(^1\) See p. 22.

\(^2\) See p. 24.

\(^3\) This observation was made in connection with Paragraph 4 of the proposed sole Recommendation.
United States: The United States Government concurs in this proposal. It is suggested, however, that this Paragraph might be more acceptable if it read somewhat as follows: "The workers should be encouraged, by all suitable means, to use the measures of protection mentioned in Paragraphs 2 and 3 and to co-operate in the accomplishment of the objectives of such programmes. Consultation with workers on measures to be taken should be recognised as an important method of assuring their co-operation."

For reasons stated in connection with Paragraph 4 of the proposed sole Recommendation, certain changes in this Paragraph have been proposed and the addition of a new subparagraph (2) seemed advisable. The Paragraph thus reads:

4. (1) The workers should be informed of the necessity of their using the measures of protection mentioned in Paragraphs 2 and 3 and of not disturbing the proper functioning of any of them.

(2) Consultation with workers on measures to be taken should be recognised as an important method of assuring their co-operation.

Paragraph 5

The proposed text read as follows:

5. (1) The atmosphere of workrooms in which dangerous or obnoxious substances are manufactured, handled or used should be tested periodically at sufficiently frequent intervals to ensure that toxic or irritating dusts, fumes, gases, fibres, mists or vapours are not present in quantities liable to injure health.

(2) The competent authority should determine the circumstances in which it is necessary to test the atmosphere of workrooms and the manner in which the tests are to be carried out, as well as the persons responsible for making these tests and the appropriate equipment to be used.

Comments on Subparagraph (1).

Switzerland: This provision, which is of a general nature, is too wide in scope. The first sentence should commence with the words "Wherever possible ."

Subparagraph (2).

United Kingdom: This might be interpreted to mean that the competent authority must make rules on the subject for all kinds of case and that employers and others should not determine for themselves when or in what circumstances to have the atmosphere of workrooms tested. It is suggested that the Paragraph might be amended to read: "The authority  

---

1 This observation was made in connection with Paragraph 4 of the proposed sole Recommendation.
3 This observation was made in connection with Paragraph 5 of the proposed sole Recommendation.
concerned with the protection of the health of workers in connection with their work should be empowered to determine circumstances . . . ".

*United States*¹: The United States concurs in this proposal but points out the importance of careful attention being given continuously to the maintenance of a safe working environment and to the effectiveness of all methods and techniques provided for the control of health hazards of this type. It is also suggested that the responsibility for continuous attention to such action should be placed on the employer with the advisory assistance of the appropriate governmental authority and subject to necessary regulation by the competent authority.

This Paragraph is identical with Paragraph 5 of the sole Recommendation. For the reasons stated in connection with that Recommendation ² certain modifications have been proposed in the second subparagraph.

This subparagraph now reads:

(2) The authority concerned with the protection of the health of workers in connection with their work should be empowered to determine circumstances in which it is necessary to test the atmosphere of such workrooms and the manner in which the tests are to be carried out, as well as the persons responsible for making these tests and the appropriate equipment to be used.

The proposal made by the Government of the United States that the responsibility for continuous attention to the maintenance of a safe working environment be placed on the employer is analogous to that made by the United States Government in connection with Paragraph 3. If the Conference decides to adopt a text on the subject, the two proposals will presumably be considered together.

*Paragraph 6*

The proposed text read as follows:

6. The competent authority should draw the attention of employers and workers concerned, by means of warning notices in the place of employment or other appropriate measures, to the special risks to which the workers are exposed and to the precautions to be taken to obviate these risks.

*Comments on Paragraph 6.*

*United States*³: The United States Government concurs in principle. It is believed, however, that the proposal is not broad enough. It is recommended that all concerned—management, supervisors and workers—be fully instructed as to the hazards involved and safe procedures, particularly with

---

¹ This observation was made in connection with Paragraph 5 of the proposed sole Recommendation.
² See p. 25.
³ This observation was made in connection with Paragraph 6 of the proposed sole Recommendation.
respect to the use and handling of toxic or harmful substances to which the operations carried on may expose any of them. Special committees working in co-operation with employers and employees, individual on-the-job training and the inclusion of safety training as an integral part of academic preparation for engineering and allied vocations are all approaches which have been found effective in this country and are considered suitable for inclusion in the proposed Recommendation.

Yugoslavia: It should be emphasised that these provisions apply particularly to workers newly employed in occupations involving risks to their health. In addition, the appropriate steps should be taken to ensure that the workers are informed where they may obtain first-aid treatment.

This Paragraph is identical with Paragraph 6 of the sole Recommendation. For the reasons stated in connection with that Recommendation, the Office did not feel justified in proposing changes in this text.

Paragraph 7

The proposed text read as follows:

7. The competent authority should provide for consultation at the national level between the labour inspectorate or other authority concerned with the protection of the health of workers in connection with their work and the employers’ and workers’ organisations concerned with a view to giving effect to the provisions of Paragraphs 2, 3, 4, 5 and 6.

Comments on Paragraph 7.

United States: The United States Government suggests that the words “appropriate levels” be substituted for “national level” in this Paragraph.

This Paragraph is identical with Paragraph 7 of the sole Recommendation. For the reasons given in connection with that Recommendation, the Office has proposed that the text be modified, to read as follows:

7. The competent authority should provide for consultation at the national level or, in the case of a federal State, at the national or other appropriate level, . . .

Part II. Medical Examinations

Paragraph 8

The proposed text read as follows:

8. National laws or regulations should provide for the medical examination of workers employed in occupations involving risks to their health.

---

1 See pp. 26-27.
2 This observation was made in connection with Paragraph 7 of the proposed sole Recommendation.
3 See p. 27.
Comments on Paragraph 8.

United Kingdom: This Paragraph contains provisions which go very far beyond the Conclusions adopted at the 35th Session of the Conference. Points 16 and 17 of those Conclusions (see pages 9-10 of Report V (1)) laid it down that the provisions regarding medical examinations should apply to workers employed in occupations involving special risks to health. The present text provides for medical examinations in all occupations where there is any risk to health, with, in addition, special provisions where there are special health risks. The intention of the Conference was that this part of the international regulations should not deal with the problems of comprehensive medical examinations from all health points of view. It is considered that the word "special" should be inserted before the word "risks" in Paragraph 8.

United States: The United States Government believes that the proposed Recommendation should state that the appropriate authority should decide for what exposures medical examinations are to be provided, both with respect to placement and for continued employment involving the exposures in question. It should also determine the extent to which plant medical facilities are adequate to provide necessary medical service with respect to these exposures. It is emphasised that medical supervision and examination should be used for the detection of diseases at the earliest moment and for the observation of diseases which may be due to environmental exposure.

As is explained in the observations on Paragraph 8 of the text of the proposed sole Recommendation, it is suggested that the order of the Paragraphs of this part be rearranged and a new Paragraph added. In this rearrangement, the former Paragraph 8 became superfluous and has therefore been omitted. The new Paragraph (Paragraph 12) reads:

12. Where medical examinations are prescribed for the protection of the health of workers, they should be carried out with a view to—
(a) detecting as early as possible diseases which may be due to employment;
(b) certifying that there are no medical objections to the employment of a given worker in a particular occupation.

Paragraph 9

The proposed text read as follows:

9. Members for whom the Medical Examination of Workers Convention, 1953, is not in force, should endeavour to apply the provisions of the following paragraphs as rapidly as national conditions allow.

1 This observation was made in connection with Paragraphs 8 and 12 (1) of the sole Recommendation.
2 This observation was made in connection with Paragraph 8 of the sole Recommendation.
3 See p. 29.
The proposed text read as follows:

10. The employment of workers in occupations involving special risks to health should be conditional upon—

(a) a medical examination, carried out shortly before or within a short time after the worker enters employment, in order to determine his physical fitness for the employment in question; and

(b) where appropriate, periodical medical re-examination.

Comments on Paragraph 10.

**United Kingdom**: The word “and” at the end of Paragraph 10 (a) appears to be a mistake. The word “and” did not appear in Point 18 of the Conclusions adopted at the 35th Session and its insertion is inconsistent with subparagraph (2) of that point. It also appears to be inconsistent with Paragraph 11 (a) of the proposed supplementary Recommendation. The Conclusion was based on the view that there are many occupational diseases (or special risks to health) in respect of which it would be unreasonable to require workers to be medically examined before they are allowed to enter an employment involving risk of the disease (or the special risk) because the examination would not show that a particular worker was especially likely to contract the disease (or succumb to the risk). It may, however, be desirable for workers to be periodically examined after they have been in the employment for a material time. It is, therefore, suggested that the following amendments should be made:

1. delete “and” at the end of clause (a) and insert “or”;
2. amend “re-examination” at the end of clause (b) to read “examination” and add the word “or” at the end of the clause;
3. add a new clause (c) as follows: “both an initial medical examination and periodical medical examination as in (a) and (b) above”.

**United States**: The comment on Paragraph 8 applies with respect to Paragraph 10 (a) and (b).

Clause (a).

**Union of South Africa**: The Government suggests the deletion of the words “or within a short time after” occurring in clause (a).

The reason for this amendment is to avoid hardship which may occur due to a person changing employment and discovering after the change has been made that a medical examination reveals some pathological condition.

---

This observation was made in connection with Paragraph 12 (2) of the sole Recommendation.
which may result in discharge from the new position due to lack of physical fitness.

Yugoslavia: The words "or within a short time after" should be deleted. The Government considers that it would be sufficient to have a medical examination carried out shortly before entry into employment, combined with periodical examinations during the period of service. Examinations effected shortly after entry into employment can have annoying consequences if a positive diagnosis is made which calls for the dismissal of the workers in question.

This Paragraph is identical with Paragraph 12 (2) of the text for a Recommendation alone. Taking into account the comments of the United Kingdom on this Paragraph, certain alterations have been suggested. The Paragraph now constitutes Paragraph 9 and reads:

9. The employment of workers in occupations involving special risks to their health should be conditional upon—
   (a) a medical examination, carried out shortly before or within a short time after the worker enters employment, in order to determine his physical fitness for the employment in question; or
   (b) where appropriate, periodical medical examination; or
   (c) both an initial medical examination and periodical medical examination as in clauses (a) and (b) above.

Paragraph 11

The proposed text read as follows:

11. National laws or regulations should determine or empower an appropriate authority to determine after consultation with the employers' and workers' organisations concerned—
   (a) the special risks necessitating an initial medical examination or periodical re-examination, or both;
   (b) the circumstances in which medical examinations should be carried out;
   (c) with due regard to the nature and degree of the risk and of the particular circumstances, the maximum intervals at which periodical medical examinations should be carried out.

Comments on Paragraph 11.

Belgium: This text deals with the circumstances in which the medical examination must be carried out; that is, it would seem to deal with general conditions, in the sense that these may be either good or bad.

---

1 This observation was made in connection with Article 1 of the proposed Convention concerning the medical examination of workers (Section II, A, of the proposed texts).
2 See p. 34.
3 These observations were made also in connection with Article 2, clause (b), of the proposed Convention concerning the medical examination of workers.
It is doubtful whether it will be interpreted by all as dealing equally with the scale, the extent or the special character of the medical examinations, which will depend on whether they are pre-employment or periodical, or on the type of disease to be detected. If this is not apparent from the text, clause (b) should be extended to read as follows:

"(b) the circumstances in which medical examinations shall be carried out, and the clinical investigations and special research which they shall include in each case;".

El Salvador: The Government states that the point which it made in connection with Paragraph 17 of the sole Recommendation applies also (as far as consultation with employers' and workers' organisations is concerned) in the case of this paragraph.

United Kingdom: The word "the" (in the phrase "after consultation with the employers' and workers' organisations concerned") did not appear in Point 17 of the Conclusions adopted by the 35th Session. It would often be extremely difficult to ascertain with certainty all the organisations which have an interest in the matters dealt with in Paragraph 11. It would not be right for Governments to be precluded from taking action unless they were satisfied that every organisation, however remote or small its interest might be, had been consulted.

With regard to clauses (a) to (c), it is suggested that the text should be redrafted so as to bring it more closely into accordance with the latter part of Point 17 of the Conclusions adopted by the last session of the Conference, the wording of which was carefully settled after considerable discussion. It is suggested that instead of the present clauses (a) and (b) there should be substituted the following:

"(a) for which risks and in which circumstances medical examinations should be carried out;

(b) for which risks there should be an initial medical examination or a periodical medical examination or both."

United States: The comment on Paragraph 8 applies also to Paragraph 11 (c).

This Paragraph is identical with Paragraph 12 (3) of the text of the proposed sole Recommendation. For reasons explained in connection with that Recommendation certain alterations have been proposed. The text now becomes Paragraph 10 and reads:

10. National laws or regulations should determine or empower an appropriate authority to determine after consultation with employers' and workers' organisations concerned—

1 See p. 41.
2 These observations were made in connection with Paragraph 12 (3) of the proposed sole Recommendation.
3 This observation was made in connection with Paragraph 12 (3) (c) of the proposed sole Recommendation.
4 See p. 35.
(a) for which risks and in which circumstances medical examination should be carried out;
(b) for which risks there should be an initial medical examination or periodical medical examination or both;
(c) with due regard to the nature and degree of the risk and of the particular circumstances, the maximum intervals at which periodical medical examination should be carried out.

**Paragraph 12**

The proposed text read as follows:

12. Medical examinations should be carried out by a physician approved by the competent authority.

**Comments on Paragraph 12.**

**Japan**: The Japanese Government considers that it is not advisable to provide that medical examinations should be carried out by a physician approved by the competent authority. Although no difficulty is expected as far as the matter is confined to urban areas, the adoption of the stipulation for a medical examination by a physician approved by the competent authority would cause considerable inconvenience in mountainous or out-of-the-way places, to the workers as well as to their employers, and it is feared would inevitably result in a decline in the number of workers undergoing the medical examination.

In addition, in Japan any person aspiring to be a physician must pass a very rigorous national examination in medicine, so that there is scarcely any question as to the qualifications and competence of a physician.

**United States**: It is suggested that this proposal be modified to require certification by a qualified physician to the effect that there are no medical objections to the employment of a given worker in the hazardous occupation concerned. This would permit the medical examination to be carried out under employers' responsibilities established by law, without Government participation in the process, which is the practice in the United States, but it would also permit certification by the competent authority, as may be desired in many countries.

This Paragraph is identical with Paragraph 9 of the text for the proposed sole Recommendation, to which certain modifications have been suggested. The Paragraph becomes Paragraph 13 and the text now reads:

13. Medical examinations should be carried out by a qualified physician who should, if national laws and regulations so require, be approved by the competent authority.

---

1 This observation was made in connection with Article 3 of the proposed Convention concerning the medical examination of workers.
2 This observation was made in connection with Paragraph 9 of the proposed sole Recommendation.
3 See p. 30.
Paragraph 13

The proposed text read as follows:

13. Medical examinations made in accordance with this Recommendation should not involve the worker concerned in any expense or loss of earnings.

Comments on Paragraph 13.

**Austria**¹: An intimation should be added to this Paragraph to the effect that the medical examinations should be carried out, as far as possible, without any disturbance of production.

**Norway**¹: The Norwegian Government will in principle raise no objections to this Paragraph. Under Norwegian legislation it is not possible to issue regulations covering the provisions of this Paragraph, but Norwegian practice is generally in conformity with these provisions.

**Sweden**²: Under a Royal Proclamation of 6 May 1949 the costs of periodical medical re-examinations shall, with the exception of travelling expenses and daily allowances of the physician (which are paid out of public funds) be defrayed by the employer. There are no statutory provisions concerning the costs of initial medical examinations or concerning loss of earnings. The above-mentioned Proclamation was drafted on the basis of a statement by the Minister of Social Affairs to the effect that as regards defraying of the costs of medical examination before taking up employment in dangerous work the worker should endeavour to arrive at a voluntary agreement with the employer. If the international regulation concerning medical examinations should be given the form of a Convention, ratification by Sweden would require an amendment of its existing legislation. However, it would hardly seem appropriate to include a question which on the whole is a wage problem, in an international document aiming mainly at providing satisfactory labour protection. It should be a matter for the parties themselves to decide to what extent the employer shall be bound to pay wages for the time required for medical examinations. It is no doubt just, in principle, that the worker shall not have to bear the costs of such examinations, but in cases where they are carried out before the worker enters employment it seems natural that the question of costs should be left open. At any rate, such a question should not be dealt with in a Convention but in a Recommendation.

**United Kingdom**¹: This Paragraph is based on Point 20 of the Conclusions adopted at the 35th Session of the Conference. It was understood to relate to expense or loss involved by *attendance for* (not results of) medical examinations, and it seems desirable to make this clear. The words "or any

---

¹ This observation was made in connection with Paragraph 11 of the proposed sole Recommendation.
² This observation was made in connection with both Paragraph 11 of the proposed sole Recommendation and Article 4 of the proposed Convention concerning the medical examination of workers.
loss of earnings" were inserted in the Conclusion after very little discussion. They would seem to need further consideration, especially from the point of view that they may in some circumstances operate to the disadvantage of workers and against the convenient practice of having examinations in normal working hours. For example (and especially where it is uncertain how much the worker would have earned in the time of the examination) a worker might be constrained (so as to be sure that the Recommendation is complied with, i.e., that attendance for medical examination does not involve any loss of earnings) to work outside normal working hours or to be examined at a time when he would not otherwise be working.

Yugoslavia: It should also be stated that the examinations may take place during the normal working hours of the workers in question.

This Paragraph is identical with Paragraph 11 of the text for a sole Recommendation. For reasons explained in connection with that Recommendation certain alterations have been suggested, so that the text, which now becomes Paragraph 15, reads:

15. (1) Medical examinations made in accordance with this Recommendation should not involve the worker concerned in any expense.

(2) No deduction should be made from wages in respect of time lost for attendance at such examinations in cases in which the matter is dealt with by national laws or regulations; in cases in which the matter is dealt with by collective agreements, the position should be as determined by the relevant agreement.

Paragraph 14

The proposed text read as follows:

14. Measures to ensure the observance of medical secrecy should be adopted in connection with all medical examinations and the registration and filing of related documents.

There are no comments on this Paragraph and the text and numbering remain unchanged.

Paragraph 15

The proposed text read as follows:

15. (1) Documents certifying that, as far as the risk of a particular occupational disease is concerned, there are no medical objections to the employment of a worker in a particular occupation should be issued in a manner prescribed by the competent authority. These certificates should not mention any diagnosis.

(2) Such documents should be kept on file by the employer and made available to officials of the labour inspectorate or other authority concerned with measures for the protection of the health of workers in connection with their work.

(3) Such documents should be made available to the worker concerned.

---

1 This observation was made in connection with Article 4 of the proposed Convention concerning the medical examination of workers.

2 See p. 32.
Comments on Paragraph 15.

Austria: On this point the Government begs to refer to its answer to Point 25 of the preliminary questionnaire. It is still of the opinion that any communication of the result of the medical examination to the employer should be confined to exceptional cases.

Ceylon: The Government suggests the deletion from subparagraph (1) of the words “as far as the risk of a particular occupational disease is concerned”. A certificate stating that there are no medical objections to the employment of a worker in a particular occupation would appear adequately to cover the question of any risk of occupational disease.

Italy: It is suggested that it might be advisable to make it obligatory for employers to make available to officials of the labour inspectorate or other authority concerned with measures for the protection of the health of workers not only the certificates mentioned in subparagraph (1), but also all other documents and registers relating to the medical examinations mentioned in Article 5 of the text (Paragraph 14 of the supplementary Recommendation).

Japan: The Government proposes that the words “These certificates shall not mention any diagnosis” should be deleted. It considers that the certificates would be more effective if they mentioned diagnosis than if they did not, and would offer the competent authority a greater opportunity of making effective use of them.

Switzerland: The Government agrees in principle that the documents should be kept by the employer. It proposes, nevertheless, that the following phrase should be added at the end of subparagraph (2): “In all cases in which it seems desirable, the documents should be given to the worker concerned and a copy kept on file by the employer.”

Subparagraph (3) would then read as follows: “(3) When such documents are kept on file by the employer they should be made available to the worker concerned.”

United States: The comments made on Paragraph 9 apply to this Paragraph also.

This Paragraph is identical with Paragraph 13 of the proposed sole Recommendation. For the reasons explained above the Office did not feel that it would be justified in proposing alteration of this text, which becomes Paragraph 11.

1 This observation was made in connection with Article 6 of the proposed Convention concerning the medical examination of workers.
2 See Report VIII (2), op. cit., p. 82.
3 This observation was made in connection with Paragraph 13 of the proposed sole Recommendation.
4 See pp. 36-37.
PART III. NOTIFICATION OF OCCUPATIONAL DISEASES

Paragraph 16

The proposed text read as follows:

16. (1) Members for whom the Occupational Diseases (Notification) Convention, 1953, is in force should, in applying the provisions of that Convention, be guided by the provisions of the following paragraphs.

(2) Members for whom the Occupational Diseases (Notification) Convention, 1953, is not in force, should endeavour to apply the provisions of the following paragraphs as rapidly as national conditions allow.

There are no comments on this Paragraph and no changes have been made in the text.

Paragraph 17

The proposed text read as follows:

17. (1) National laws or regulations should require the notification of cases and suspected cases of occupational disease.

(2) Such notification should be required with a view to—

(a) initiating measures of protection and prevention and checking their effective application;

(b) investigating the working conditions and other circumstances which have caused or are suspected to have caused occupational diseases; and

(c) compiling statistics of occupational diseases.

(3) The notification should be made to the labour inspectorate or other authority concerned with the protection of the health of workers in connection with their work.

Comments on Subparagraph (2) (a).

Union of South Africa: The insertion of the word " on " after the word " checking " is suggested. This is merely an editorial amendment to give the correct meaning to the word " checking ".

Comments on Subparagraph (2) (c).

Belgium\(^1\): In the opinion of the Belgian Government the term " compilation " in this clause [French text] hardly expresses the sense which should logically be given to this provision.

From a linguistic point of view the word " établissement " seems preferable to " compilation ", which in fact denotes the action of assembling the information gained from different sources to form a coherent whole. The author of this provision no doubt wished to state that the notification of occupational diseases should make it possible to establish and compare the statistics relating to these diseases. But statistics must be established before they can be

\(^1\) This observation was made in connection with Paragraph 14 of the proposed sole Recommendation.
compared, and it is thus that condition, which is both essential and sufficient in the circumstances, which should be brought out in this provision. The clause might consequently be drafted with the substitution, in the French text, of the word "établissement" for the word "compilation".

France: "Compiling statistics of occupational diseases" does not seem to constitute an end in itself.

As this is a question of the protection of the health of workers, the value of such statistics, independent of the preventive measures prescribed in clauses (a) and (b) of the same subparagraph, is that they allow of the initiation or development of compensation legislation (benefit for medical care of all kinds, compensatory allowances for loss of earnings, etc.).

This question had admittedly been made the subject of Conventions Nos. 18 and 42, but these make no provision for the notification of diseases presumed to be or recognised as being of occupational origin.

It would therefore seem that the new international instrument should fill this gap, while also pointing out that the statistics are not merely of speculative interest.

In consequence, the French Government proposes an additional clause to this effect in subparagraph (2) which might be worded as follows:

"(d) allowing the initiation or development of measures designed to ensure that victims of occupational diseases receive the compensation provided for by Convention No. 42 concerning workmen's compensation for occupational diseases."

This Paragraph is identical with Paragraph 14 of the proposed sole Recommendation.

The proposal of the Belgian Government does not affect the English text. As mentioned in connection with the sole Recommendation ¹, the suggestion of the French Government has been adopted and a new clause (d), worded as follows, has been included in the text:

(d) allowing the initiation or development of measures designed to ensure that victims of occupational diseases receive the compensation provided for occupational diseases.

Paragraph 18

The proposed text read as follows:

18. The notification of occupational diseases should be required in the case of all diseases which may be considered to arise as a result of employment.

Comments on Paragraph 18.

Federal Republic of Germany ²: In view of the fact that compulsory notification already exists in the Federal Republic and that its scope is constantly

¹ See pp. 38-39.
² This observation was made in connection with Paragraph 15 of the proposed sole Recommendation.
being extended, the wording of Paragraph 18 appears too comprehensive. Notification in the case of all diseases which may be considered to arise as a result of employment would result in a tremendous flood of unfounded notifications and consequently much unnecessary administrative work.

United Kingdom: The Government of the United Kingdom considers that the provisions relating to notification of occupational diseases appear to need substantial reconsideration by the Conference with special reference to the suggested minimum list of diseases and, in particular, the definition of the classes of cases to be notified.

In the case of a number of diseases, satisfactory definition (for the guidance of doctors and others concerned) of the classes of case or suspected case to be notified can hardly be framed by giving merely a medical description of a disease without reference also to classes of trade or occupation or the circumstances in which the cases arise.

It may well be found that, for the purpose of defining classes of cases to be notified, it should be open to the competent authority to make notification of particular diseases legally compulsory in the case only of persons who are or have been employed in specified trades or occupations or in circumstances specified in relation to the particular disease.

Paragraph 19

The proposed text read as follows:

19. (1) At least the diseases specified in the Schedule to this Recommendation should be considered to arise as a result of employment.

(2) The International Labour Conference may, at any session at which the matter is included in its agenda, and after such preliminary technical consideration as the Governing Body or the Conference may consider desirable, adopt by a two-thirds majority amendments to the Schedule.

Comments on Paragraph 19.

United States: As stated in the reply to the questionnaire on this subject, dated October 1951, the United States Government disapproves of lists of occupational diseases except as a guide to the examining physician. The schedule attached to the proposed Recommendation is believed to be incomplete, unclear and inaccurate. Also the method proposed for revising the list is cumbersome and, because of the highly technical nature of the subject, approval and revision thereof by the Conference or the Governing Body would not seem appropriate. Both of these factors would preclude the possibility of keeping up to date in a sufficiently prompt and adequate

---

1 This observation was made in connection with Paragraphs 15 and 16 (1) of the proposed sole Recommendation.
2 This observation was made in connection with Paragraph 16 (1) of the proposed sole Recommendation.
3 See Report VIII (2), op. cit., pp. 20 and 27.
manner such a list and accompanying materials which could be useful as a guide for examining physicians.

The United States Government suggests that this Paragraph might be rewritten along the following lines:

"The International Labour Office, in consultation with appropriate members of the Correspondence Committee on Industrial Health and Safety and with the World Health Organization, shall publish a list of occupational diseases with accompanying materials which may be used by the competent authorities as a guide to examining physicians, and shall publish revisions of this list and accompanying materials from time to time as may be necessary."

Subparagraph (1).

Canada¹: The Government is not in accord with the nature and scope of the minimum schedule of notifiable diseases included in Notification of Occupational Diseases (Point 2 of the Conclusions adopted by the Conference, Part III of the proposed sole Recommendation and Part III of the proposed supplementary Recommendation). A minimum list of notifiable diseases of this kind is not, in our opinion, a practical method for attaining the important objectives set forth in Point 2 of the Conclusions. The inclusion of certain diseases or categories of diseases would undoubtedly result in a flood of notifications, many of which would be misleading or useless. Furthermore, we believe that consideration of certain conditions as notifiable "diseases" would be detrimental to the early investigation of important occupational disorders since many unimportant incidents would be notified to the exclusion of serious illnesses requiring immediate enquiry.

United Kingdom²: See comments on Paragraph 18.

Subparagraph (2).

United Kingdom³: Article 45 of the Standing Orders of the Conference lays down the procedure for the revision of a Recommendation and there does not appear to be any need to make special provision for the revision of any particular part of the present text. Nor is it clear whether and, if so, in what respects this subparagraph is intended to vary the provisions of the Standing Orders and the procedural provisions of the Constitution as to the placing of items on the agenda of the Conference, the preparatory work (including the consultation of Governments) and the discussions in the Conference itself. If, however, the intention is to suggest or imply that the addition of diseases to the Schedule is merely a technical matter which requires less careful consideration by Governments than questions of policy, the

¹ This observation was made in connection with Paragraph 16 (1) of the proposed sole Recommendation.
² This observation was made in connection with Paragraph 16 (1) of the proposed sole Recommendation and referred also to Paragraph 15 of that Recommendation.
³ This observation was made in connection with Paragraph 16 (2) of the proposed sole Recommendation.
United Kingdom Government would wish to reiterate the views expressed in the answer to the questionnaire in Report VIII (1) for the 35th Session of the Conference.\(^1\) It was pointed out at that time that the question whether a disease should be made notifiable was one which involved difficult considerations of legislative and administrative machinery and practicability. For this reason the view was expressed that whatever procedure was adopted must provide for full consideration by Governments.

**Paragraph 20**

The proposed text read as follows:

20. In each country the competent authority should draw up a list of notifiable diseases together with a symptomatology; the list drawn up by the competent authority should include at least the diseases set out in the Schedule to this Recommendation. The competent authority may make additions to the list after consultation with the workers' and employers' organisations concerned; such additions should be notified to the International Labour Office.

**Comments on Paragraph 20.**

*El Salvador*: This text does not seem to be suited to the administrative system of this country, as the Government cannot bind itself to schedule as occupational diseases only those indicated by workers' or employers' organisations after these have been consulted.

*France*: Paragraph 20 makes the competent authority in each country responsible for making additions to the list, after consultation with the workers' and employers' organisations concerned, and for notifying the I.L.O. of such additions.

It is questionable whether this system is sufficiently flexible for a subject which is so essentially dynamic in character. Notification is the means whereby the facts are brought to the notice of the authority responsible for taking the appropriate measures and drawing up regulations. It is obvious that this notification cannot precede the facts which give rise to it. In other words, if it is desired to complete the list of notifiable diseases, the existence of these diseases must be brought to light by means of notification.

For this reason, it would seem that if the establishment of a list to be brought up to date whenever it is thought necessary is justified at the international level, it should be recommended that the competent authorities of each country should prescribe the notification of every disease presumed to be of occupational origin, even if it is not included in the lists established by these authorities on the basis of the minimum list annexed to the Recommendation which may ultimately be brought up to date.

\(^1\) See Report VIII (2), *op. cit.*, p. 30.

\(^2\) This observation was made in connection with Paragraph 17 of the proposed sole Recommendation.
Italy: It would be advisable to examine immediately the possibility of effecting the prescribed preliminary technical consideration, in order that at its next session the Conference may express its opinion on the extension of the minimum list of notifiable diseases. The Government adds that by virtue of a law in course of publication the number of notifiable diseases in Italy has been fixed at 40. A schedule accompanying the reply lists the diseases concerned.

If it proved impossible to bring the international list up to date at the next session of the Conference, it might be possible to introduce into the proposed Recommendation a provision requiring the compulsory notification of all occupational diseases covered by the insurance scheme in each country in cases where the list of such diseases was more extensive than the minimum list in the proposed international regulations.

Switzerland: The Government does not consider it advisable to include the symptomatology in a list of occupational diseases and points out that it is difficult to describe it in a manner which is intelligible, in particular to the workers, and these are likely, in addition, to be unduly impressed by such details. It therefore proposes the deletion from the first sentence of the words "together with a symptomatology".

United States: The United States Government suggests that the proposed Recommendation should provide that a committee of competent specialists be set up in each country to develop a list of known occupational diseases together with symptomatology suitable for the guidance of physicians and professionals concerned; also that a list be developed to contain all suspected causes leading to occupational diseases as well as the clinical diseases allegedly caused. These lists should be issued to all physicians in private and industrial practice and should be periodically brought up to date as new information becomes available. Such lists and materials as are developed by these national committees might be referred to the I.L.O. and the W.H.O. as reference material.

Paragraphs 18, 19 and 20 are identical with Paragraphs 15, 16 and 17 of the proposed sole Recommendation. For the reasons given above, the Office proposes that these three Paragraphs should be replaced by a single Paragraph. This new Paragraph reads:

20. In each country the competent authority should, after consultation with the workers' and employers' organisations concerned, draw up a list of notifiable diseases together with a symptomatology, and make, from time to time, such additions to the list as circumstances may require.

This Paragraph has been placed at the end of Part III as Paragraph 20 of the new proposed text.

1 This observation was made in connection with Paragraph 17 of the proposed sole Recommendation.
2 See p. 43.
The Office submits for the consideration of the Conference two proposed resolutions, the first concerning an international list of notifiable diseases and the second concerning national lists of notifiable diseases. The texts of these proposed resolutions are given in the analysis of comments on the proposed sole Recommendation.\(^1\)

**Paragraph 21**

The proposed text read as follows:

21. National laws or regulations should—

(a) specify the persons responsible for notifying cases and suspected cases of occupational disease; and

(b) prescribe the manner in which occupational diseases should be notified and the particulars to be notified, and, in particular, specify—

(i) in which cases immediate notification is required and in which cases notification at specified intervals is sufficient;

(ii) in respect of cases in which immediate notification is required, the time limit after the detection of a case or suspected case of occupational disease within which notification is required;

(iii) in respect of cases in which notification at specified intervals is sufficient, the intervals at which notification is required.

**Comments on Paragraph 21.**

**United Kingdom**: In some cases, the notification to the labour inspectorate will in practice be obtained in pursuance of an administrative arrangement between the department which is responsible for the inspectorate and some other department (e.g., a social insurance department). It is suggested that the opening words of this Paragraph should be amended to provide for this contingency (e.g., “National laws or regulations or such administrative arrangements as may be appropriate should . . . ”).

**Clause (a).**

**Japan**: The words “suspected cases” should be deleted. Generally speaking, the symptoms of occupational diseases at their early stages are so complex and so liable to confusion with those of diseases in general that it is extremely difficult in the circumstances to determine whether they are symptoms of occupational diseases or not.

**Clause (b).**

**Austria**: The provision that certain occupational diseases are only notifiable within a prescribed period is liable to involve possible delay in the

---

\(^1\) See pp. 43-44.

\(^2\) This observation was made in connection with Paragraph 18 of the proposed sole Recommendation.

\(^3\) This observation was made in connection with Article 2 of the proposed Convention concerning the notification of occupational diseases.
application of the preventive and protective measures indicated in Para-
graph 17 (2) (a) (Paragraph 14 (2) (a) of the proposed sole Recommendation). Prompt notification should therefore be prescribed.

**United States**¹: The United States Government concurs in this proposal. With respect to (ii) and (iii), the United States Government is in agreement that the Recommendation should provide for definite time limits being set for the reporting of cases.

This Paragraph is identical with Paragraph 18 of the sole Recommendation. For reasons given above ² it did not seem appropriate to propose changes in this Paragraph, which becomes Paragraph 18 of the new proposed text.

*Paragraph 22*

The proposed text read as follows:

22. The notification should provide the authority concerned with the pro-
tection of the health of workers in connection with their work with such information as may be relevant and necessary for the effective execution of its duties, including, in particular, the following details:

(a) the age and sex of the person concerned;
(b) the occupation and the trade or industry in which the person is or was last employed;
(c) the name and address of the place or last place of employment of the person concerned;
(d) the nature of the disease or poisoning;
(e) the harmful agent and process to which the disease or poisoning is attributed;
(f) the length of service of the worker in the occupation, trade or industry in which he was exposed to the risk.

*Comments on Clause (b).*

**Union of South Africa**: It is considered that the information should be given in connection with the present employment (if any) and the previous employment, or if unemployed, the last two places of employment. The present place of employment may be perfectly healthy whereas the last place of employment may lead a medical examiner to some unsuspected and not easily discernible pathological condition which might render the person unsuitable for the proposed employment.

*Comments on Clause (f).*

**Austria**³: As not all cases of occupational diseases necessitate an inter-
ruption of employment it would seem that this should be provided for under (f) as is done under (b) and (c).

---

¹ This observation was made in connection with Article 18 of the proposed sole Recom-
mandation.
² See pp. 45-46.
³ This observation was made in connection with Paragraph 19 of the proposed sole Recommendation.
France: With regard to the details to be included in the notification, it would be advisable either to add the following: "(g) the date on which the person concerned ceased to be exposed to the risk", or to combine this question with clause (f), which would then read as follows:

"(f) the dates on which the worker was first and last exposed to the risk in each of the occupations, trades or industries in which he was exposed to the risk."

This Paragraph is identical with Paragraph 19 of the sole Recommendation. In view of the comments on this Paragraph, which becomes Paragraph 19, clause (f) has been slightly changed, so as to read:

(f) the length of service of the worker in the occupation, trade or industry in which he is or was exposed to the risk.

Proposal for an Additional Paragraph

Yugoslavia: The Government proposes the addition of the following paragraph:

"Every notification of occupational diseases should be followed by adequate action, that is, the taking of appropriate measures by the labour inspectorate or other competent authority."

This proposal was examined in the analysis of comments on the proposed sole Recommendation. For the reasons given, the Office did not feel that it would be justified in suggesting the inclusion of this Paragraph.

Schedule

Minimum List of Notifiable Diseases

The proposed list appears also as a schedule to the proposed sole Recommendation. This list and the comments of the Governments are reproduced at the end of the analysis of comments on that Recommendation.  

---

1 See pp. 46-47.
2 See p. 47.
3 See pp. 47-49.
CHAPTER II

PROPOSED TEXTS

Below are set forth the proposed texts submitted as a basis for discussion at the 36th Session of the Conference. These texts comprise: first, a proposed Recommendation submitted in case the Conference should decide to adopt a Recommendation alone; then two proposed Conventions and a Recommendation submitted in case the Conference should decide to adopt one or more Conventions, supplemented by a Recommendation; and finally, two proposed resolutions.

I. TEXT FOR CONSIDERATION BY THE CONFERENCE SHOULD IT DECIDE TO ADOPT A RECOMMENDATION ALONE

Proposed Recommendation concerning Protection of the Health of Workers in Places of Employment

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-sixth Session on June 1953, and

Having decided upon the adoption of certain proposals with regard to the protection of the health of workers in places of employment, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this day of of the year one thousand nine hundred and fifty-three the following Recommendation, which may be cited as the Protection of Workers' Health Recommendation, 1953:
CHAPITRE II

TEXTES PROPOSÉS

On trouvera ci-après les textes soumis comme base de discussion à la 36ème session de la Conférence. Ils comprennent, d'abord, un projet de recommandation, soumis à la Conférence pour le cas où celle-ci déciderait d'adopter une recommandation seule, ensuite, deux projets de conventions et un projet de recommandation, soumis à la Conférence pour le cas où celle-ci déciderait d'adopter une ou plusieurs conventions complétées par une recommandation, enfin deux projets de résolutions.

I. TEXTE SOUMIS À LA CONFÉRENCE POUR LE CAS OÙ CELLE-CI DÉCIDERAIT D'ADOPTER UNE RECOMMANDATION SEULE

Projet de recommandation concernant la protection de la santé des travailleurs sur les lieux de travail

La Conférence générale de l'Organisation internationale du Travail,
Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le juin 1953, en sa trentesixième session,
Après avoir décidé d'adopter diverses propositions relatives à la protection de la santé des travailleurs sur les lieux de travail, question qui constitue le cinquième point à l'ordre du jour de la session,
Après avoir décidé que ces propositions prendraient la forme d'une recommandation,
adopte, ce jour de mil neuf cent cinquante-trois, la recommandation ci-après, qui sera dénommée Recommandation sur la protection de la santé des travailleurs, 1953:
PART I. TECHNICAL MEASURES FOR THE CONTROL OF HEALTH HAZARDS

1. National laws or regulations should provide for methods of reducing or eliminating risks to health in places of employment, including methods of protecting the health of workers which may be applied, as necessary and appropriate, in connection with special risks of injury to health.

2. All appropriate measures should be taken by the employer to ensure that the general working environment of places of employment is so maintained as to provide adequate protection to the health of the workers concerned, and in particular that—
   (a) dirt and refuse do not accumulate so as to cause risk of injury to health;
   (b) the number of workers in a workroom does not exceed a prescribed maximum related to the floor space and height of the workroom, the machinery, materials and products in the workroom, and other relevant factors, with the object of preventing the overcrowding of workers to such an extent as to involve risk of injury to health;
   (c) adequate and suitable lighting, natural or artificial, or both, is provided;
   (d) suitable atmospheric conditions are maintained so as to avoid insufficient air supply, vitiated air, harmful draughts, excessive humidity, excessive heat or cold, sudden variations in temperature, and objectionable odours;
   (e) sufficient and suitable sanitary conveniences and washing facilities, and adequate supplies of wholesome drinking water, are provided in suitable locations and properly maintained;
   (f) measures are taken to eliminate or reduce as far as possible noise and vibrations which constitute a danger to the health of workers.

3. (1) With a view to the reduction of risks to the health of workers all appropriate and practicable measures should be taken—
PARTIE I. MESURES TECHNIQUES POUR LA PRÉVENTION DES RISQUES MENAÇANT LA SANTÉ DES TRAVAILLEURS

1. La législation nationale devrait contenir des dispositions concernant les méthodes propres à réduire ou à éliminer les risques de maladie sur les lieux de travail, y compris des méthodes de protection de la santé applicables, le cas échéant, dans le cas des risques spéciaux qui menacent la santé des travailleurs.

2. Toutes les mesures appropriées devraient être prises par l'employeur pour que les conditions générales sur les lieux de travail permettent d'assurer une protection suffisante contre lesdits risques. Elles devraient notamment prévoir:

a) que les déchets et débris ne seront pas accumulés en occasionnant des risques pour la santé;

b) que le nombre des personnes occupées dans un local de travail ne dépassera pas un maximum fixé compte tenu de la superficie et de la hauteur du local, des machines, matériaux ou produits qui s'y trouvent et de tous autres éléments qu'il conviendrait de prendre en considération, afin d'éviter que les travailleurs n'y soient en surnombre et qu'il n'en résulte des risques pour leur santé;

c) qu'un éclairage adéquat et adapté aux besoins, naturel ou artificiel, ou les deux à la fois, sera fourni;

d) que des conditions atmosphériques convenables seront assurées, de manière à éviter l'insuffisance de l'approvisionnement en air, la viciation de l'air, les courants d'air dangereux, une humidité excessive, une chaleur ou un froid excessifs, de brusques changements de température et des odeurs désagréables;

e) que des installations sanitaires et des lavabos convenables et en nombre suffisant, ainsi que des quantités adéquates d'eau potable seront à la disposition des travailleurs en des endroits appropriés, dans des conditions satisfaisantes d'hygiène et de propreté;

f) que des mesures seront prises de façon à éliminer ou à réduire autant que possible les bruits et les vibrations nuisibles à la santé des travailleurs.

3. 1) Afin de réduire les risques menaçant la santé des travailleurs, toutes mesures appropriées et praticables devraient être prises:
(a) to substitute harmless or less harmful substances for harmful substances;

(b) to prevent the liberation of harmful substances and to shield workers from harmful radiations;

(c) to carry out hazardous processes in separate rooms or buildings occupied by a minimum number of workers;

(d) to carry out hazardous processes in enclosed apparatus, so as to prevent personal contact with harmful substances and the escape into the air of the workroom of dusts, fumes, gases, fibres, mists or vapours, in quantities liable to injure health;

(e) to remove, at or near their point of origin, by mechanical exhaust, ventilation systems or other suitable means, the dusts, fumes, gases, fibres, mists or vapours of harmful substances, where exposure to such substances cannot be prevented in one or more of the ways prescribed in clauses (a) to (d) of this subparagraph;

(f) to provide the workers with such protective clothing and equipment as may be necessary to shield them from the effects of harmful agents, where other measures to eliminate health risks are impracticable or are not sufficient to ensure adequate protection, and to instruct the workers in the use thereof; when the protective clothing and equipment are used by the worker only for the purpose of his work, they should be provided and cleaned by the employer at his expense.

(2) The study of the measures mentioned in subparagraph (1) of this paragraph should be promoted and where possible undertaken by national authorities, or in the case of a federal State, by national or other appropriate authorities, and the application of the results of these studies encouraged by them.

4. (1) The workers should be informed of the necessity of their using the measures of protection mentioned in Paragraphs 2 and 3 and of not disturbing the proper functioning of any of them.

(2) Consultation with workers on measures to be taken should be recognised as an important method of assuring their co-operation.

5. (1) The atmosphere of workrooms in which dangerous or obnoxious substances are manufactured, handled or used should be tested periodically
a) pour remplacer les substances nocives par des substances inoffensives ou moins nocives;

b) pour empêcher le dégagement des substances nocives et protéger les travailleurs contre les radiations dangereuses;

c) pour exécuter les travaux dangereux dans des pièces ou des bâtiments séparés et occupés par un nombre de travailleurs aussi réduit que possible;

d) pour exécuter en dispositifs clos les travaux dangereux de manière à prévenir les contacts personnels avec les substances nocives et l'échappement dans l'air des locaux de poussières, fumées, gaz, fibres, brouillards ou vapeurs en quantités telles qu'il puisse y avoir danger pour la santé;

e) pour éliminer à leur point d'origine, ou à proximité de ce point, au moyen d'appareils mécaniques d'évacuation, de ventilation ou de tous autres systèmes appropriés, les poussières, fumées, gaz, fibres, brouillards ou vapeurs de substances nocives, lorsqu'il n'est pas possible d'éviter l'exposition à ces substances comme il est indiqué aux alinéas a) à d) ci-dessus;

f) pour munir les travailleurs de vêtements de protection et de l'équipement individuel nécessaire afin de les soustraire aux atteintes des agents nocifs, lorsque les autres mesures visant à éliminer les risques présentent des inconvénients d'ordre pratique ou n'assurent pas une protection suffisante de la santé des travailleurs, et pour donner toutes instructions nécessaires aux travailleurs quant à la manière de s'en servir; les vêtements de protection et l'équipement individuel devraient être fournis et nettoyés par l'employeur, à ses frais, lorsque ces vêtements et équipement sont utilisés exclusivement pour le travail.

2) L'étude des méthodes énumérées dans le sous-paragraphe 1) devrait être encouragée et, si possible, entreprise par les autorités nationales ou, dans le cas des États fédératifs, soit par les autorités nationales, soit par d'autres autorités appropriées; la mise en application des résultats de telles études devrait être encouragée par leadites autorités.

4. 1) Les travailleurs devraient être dûment prévenus de la nécessité d'utiliser les moyens de protection énumérés dans les paragraphes 2 et 3 ci-dessus, et de ne pas en entraver le fonctionnement.

2) Il conviendrait de reconnaître l'importance des consultations avec les travailleurs sur les mesures à prendre en tant que méthode pour obtenir leur coopération.

5. 1) L'atmosphère des locaux de travail où des substances dangereuses ou nocives sont fabriquées, manipulées ou utilisées devrait être analysée
at sufficiently frequent intervals to ensure that toxic or irritating dusts, fumes, gases, fibres, mists or vapours are not present in quantities liable to injure health.

(2) The authority concerned with the protection of the health of workers in connection with their work should be empowered to determine circumstances in which it is necessary to test the atmosphere of such workrooms and the manner in which the tests are to be carried out, as well as the persons responsible for making these tests and the appropriate equipment to be used.

6. The competent authority should draw the attention of employers and workers concerned, by means of warning notices in the place of employment or other appropriate measures, to the special risks to which the workers are exposed and to the precautions to be taken to obviate these risks.

7. The competent authority should provide for consultation at the national level, or, in the case of a federal State, at the national or other appropriate level, between the labour inspectorate or other authority concerned with the protection of the health of workers in connection with their work and the employers' and workers' organisations concerned, with a view to giving effect to the provisions of Paragraphs 2, 3, 4, 5 and 6.

PART II. MEDICAL EXAMINATIONS

8. (1) Special provisions concerning medical examination should be laid down in respect of workers employed in occupations involving special risks to their health.

(2) The employment of workers in occupations involving special risks to their health should be conditional upon—

(a) a medical examination, carried out shortly before or within a short period after the worker enters employment, in order to determine his physical fitness for the employment in question; or

(b) where appropriate, periodical medical examination; or

(c) both an initial medical examination and periodical medical examination as in clauses (a) and (b) above.
périodiquement, à des intervalles suffisamment rapprochés, pour permettre de vérifier que l'air ne contient pas de poussières, fumées, gaz, fibres, brouillards ou vapeurs toxiques ou irritants, en quantités telles qu'il puisse y avoir danger pour la santé des travailleurs.

2) L'autorité chargée de la protection de la santé des travailleurs dans l'exercice de leur profession devrait avoir qualité pour déterminer les circonstances dans lesquelles il y a lieu d'analyser l'atmosphère de tels locaux et la manière d'effectuer cette analyse, ainsi que pour désigner les personnes qui seront chargées de cette analyse et pour préciser le matériel à utiliser à cette fin.

6. L'autorité compétente devrait attirer l'attention des employeurs et travailleurs intéressés sur les risques spéciaux auxquels les travailleurs sont exposés et sur les précautions à prendre pour y parer, au moyen d'avis affichés dans les lieux de travail ou de toutes autres mesures appropriées.

7. L'autorité compétente devrait prévoir, sur le plan national ou, dans le cas des États fédératifs, soit sur le plan national, soit sur un autre plan approprié, une consultation entre l'inspection du travail ou toute autre autorité chargée de la protection de la santé des travailleurs dans l'exercice de leur profession, d'une part, et les organisations d'employeurs et de travailleurs intéressées, d'autre part, afin de donner effet aux dispositions des paragraphes 2, 3, 4, 5 et 6.

**Partie II. Examens médicaux**

8. 1) Des dispositions particulières relatives aux examens médicaux devraient être prises en faveur des travailleurs occupés à des travaux comportant des risques spéciaux pour leur santé.

2) L'emploi des travailleurs à des travaux comportant des risques spéciaux pour leur santé devrait être subordonné:
   a) soit à un examen médical effectué peu de temps avant ou après l'entrée en emploi, pour déterminer l'aptitude de l'intéressé à exercer l'emploi en question;
   b) soit, là où cela est nécessaire, à un examen médical périodique;
   c) soit à ces deux types d'examen.
(3) National laws or regulations should determine or empower an appropriate authority to determine after consultation with employers' and workers' organisations concerned—

(a) for which risks and in which circumstances medical examinations should be carried out;

(b) for which risks there should be an initial medical examination or periodical medical examination, or both;

(c) with due regard to the nature and degree of the risk and of the particular circumstances, the maximum intervals at which periodical medical examination should be carried out.

9. (1) Documents certifying that, as far as the risk of a particular occupational disease is concerned, there are no medical objections to the employment of a worker in a particular occupation should be issued in a manner prescribed by the competent authority. These certificates should not mention any diagnosis.

(2) Such documents should be kept on file by the employer and made available to officials of the labour inspectorate or other authority concerned with the protection of the health of workers in connection with their work.

(3) Such documents should be made available to the worker concerned.

10. Where medical examinations are prescribed for the protection of the health of workers, they should be carried out with a view to—

(a) detecting as early as possible diseases which may be due to employment;

(b) certifying that there are no medical objections to the employment of a given worker in a particular occupation.

11. Medical examinations should be carried out by a qualified physician, who should, if national laws and regulations so require, be approved by the competent authority.

12. Measures to ensure the observance of medical secrecy should be adopted in connection with all medical examinations and the registration and filing of related documents.

13. (1) Medical examinations made in accordance with this Recommendation should not involve the worker concerned in any expense.
3) La législation nationale devrait déterminer ou permettre à une autorité appropriée de déterminer, après consultation des organisations d’employeurs et de travailleurs intéressées:

a) pour quels risques et dans quelles circonstances les examens médicaux devraient avoir lieu;

b) pour quels risques il conviendrait de prévoir un examen médical d’embauchage, un examen médical périodique, ou les deux types d’examen;

c) compte tenu de la nature et du degré des risques et des circonstances spéciales, la fréquence minimum des examens périodiques.

9. 1) Une attestation certifiant, pour autant que le risque d’une maladie professionnelle déterminée est en cause, qu’aucune contre-indication d’ordre médical ne s’oppose à l’emploi de l’intéressé à un travail particulier, devrait être délivrée conformément aux instructions de l’autorité compétente. Cette attestation ne devrait faire mention d’aucun diagnostic.

2) Cette attestation devrait être conservée par l’employeur et tenue à la disposition des fonctionnaires de l’inspection du travail ou de toute autre autorité chargée de la protection de la santé des travailleurs dans l’exercice de leur profession.

3) Cette attestation devrait être tenue à la disposition du travailleur intéressé.

10. Lorsque des examens médicaux sont prévus pour la protection de la santé des travailleurs, ces examens devraient être effectués en vue:

a) de dépister, le plus tôt possible, les maladies occasionnées par l’emploi;

b) de déterminer qu’aucune contre-indication d’ordre médical ne s’oppose à l’emploi de l’intéressé à un travail particulier.

11. Les examens médicaux devraient être effectués par un médecin dûment qualifié, qui devra être agréé par l’autorité compétente si la législation nationale l’exige.

12. Pour tous les examens médicaux, ainsi que pour l’enregistrement et la conservation des documents y relatifs, il conviendrait de prendre des mesures propres à sauvegarder le principe du secret médical.

13. 1) Les examens médicaux prévus dans la présente recommandation ne devraient entraîner aucune dépense pour le travailleur.
(2) No deduction should be made from wages in respect of time lost for attendance at such examinations in cases in which the matter is dealt with by national laws or regulations; in cases in which the matter is dealt with by collective agreements, the position should be as determined by the relevant agreement.

PART III. NOTIFICATION OF OCCUPATIONAL DISEASES

14. (1) National laws or regulations should require the notification of cases and suspected cases of occupational disease.

(2) Such notification should be required with a view to—

(a) initiating measures of protection and prevention and checking their effective application;

(b) investigating the working conditions and other circumstances which have caused or are suspected to have caused occupational diseases;

(c) compiling statistics of occupational diseases; and

(d) allowing the initiation or development of measures designed to ensure that victims of occupational diseases receive the compensation provided for occupational diseases.

(3) The notification should be made to the labour inspectorate or other authority concerned with the protection of the health of workers in connection with their work.

15. National laws or regulations should—

(a) specify the persons responsible for notifying cases and suspected cases of occupational disease; and

(b) prescribe the manner in which occupational diseases should be notified and the particulars to be notified and, in particular, specify—

(i) in which cases immediate notification is required and in which cases notification at specified intervals is sufficient;

(ii) in respect of cases in which immediate notification is required, the time limit after the detection of a case or suspected case of occupational disease within which notification is required;

(iii) in respect of cases in which notification at specified intervals is sufficient, the intervals at which notification is required.
2) Le temps consacré à passer de tels examens ne devrait donner lieu à aucune déduction sur les salaires lorsque la question est traitée par la législation nationale; dans les cas où la question est régie par des conventions collectives, les conditions seront régées selon la convention applicable.

PARTIE III. Déclaration des maladies professionnelles

14. 1) La législation nationale devrait prescrire que les cas de maladie professionnelle reconnus et les cas suspectés feront l'objet d'une déclaration.

2) Cette déclaration devrait être exigée en vue:

a) d'adopter des mesures de protection et de prévention, et de contrôler leur application effective;

b) d'enquêter sur les conditions de travail et autres circonstances qui ont causé, ou sont soupçonnées avoir causé des maladies professionnelles;

c) d'aboutir à l'établissement de statistiques des maladies professionnelles;

d) de permettre l'institution ou le développement de mesures propres à assurer aux victimes de maladies professionnelles la réparation prévue pour lesdites maladies.

3) La déclaration devrait être faite à l'inspection du travail ou à toute autre autorité chargée de la protection de la santé des travailleurs dans l'exercice de leur profession.

15. La législation nationale devrait :

a) déterminer les personnes auxquelles il incombe de déclarer les cas de maladie professionnelle reconnus ou suspectés;

b) prescrire les modalités de la déclaration des maladies professionnelles, ainsi que les précisions à fournir au moyen d'une telle déclaration, et notamment déterminer :

i) les cas pour lesquels une déclaration devrait être faite immédiatement et ceux pour lesquels une déclaration à des intervalles déterminés est suffisante;

ii) quand une déclaration immédiate est requise, les délais dans lesquels cette déclaration devrait être faite après dépistage du cas reconnu ou suspecté de maladie professionnelle;

iii) quand une déclaration à des intervalles déterminés est suffisante, les intervalles auxquels cette déclaration devrait être faite.
16. The notification should provide the authority concerned with the protection of the health of workers in connection with their work with such information as may be relevant and necessary for the effective execution of its duties, including, in particular, the following details:

(a) the age and sex of the person concerned;
(b) the occupation and the trade or industry in which the person is or was last employed;
(c) the name and address of the place or last place of employment of the person concerned;
(d) the nature of the disease or poisoning;
(e) the harmful agent and process to which the disease or poisoning is attributed;
(f) the length of service of the worker in the occupation, trade or industry in which he is or was exposed to the risk.

17. In each country the competent authority should, after consultation with the workers' and employers' organisations concerned, draw up a list of notifiable diseases together with a symptomatology, and make, from time to time, such additions to the list as circumstances may require.

II. TEXTS FOR CONSIDERATION BY THE CONFERENCE SHOULD IT DECIDE TO ADOPT ONE OR MORE CONVENTIONS, SUPPLEMENTED BY A RECOMMENDATION

A. Proposed Convention concerning the Medical Examination of Workers

The General Conference of the International Labour Organisation, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-sixth Session on June 1953, and

Having decided upon the adoption of certain proposals with regard to protection of the health of workers in places of employment, which are included in the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,
16. La déclaration des maladies professionnelles devrait comporter toutes informations utiles pour permettre à l'autorité chargée de la protection de la santé des travailleurs dans l'exercice de leur profession de s'acquitter de ses tâches, et en particulier les renseignements suivants:

a) âge et sexe de l'intéressé;
b) occupation, profession ou industrie où l'intéressé était employé en dernier lieu;
c) nom et adresse de l'entreprise où l'intéressé était employé en dernier lieu:

d) nature de la maladie ou de l'intoxication;

e) agent nocif et opération auxquels la maladie ou l'intoxication est attribuée;

f) durée de l'emploi de l'intéressé dans l'occupation, la profession ou l'industrie dans lesquelles il est ou a été exposé au risque.

17. Dans chaque pays, l'autorité compétente devrait établir, après consultation des organisations d'employeurs et de travailleurs intéressées, une liste des maladies donnant lieu à déclaration, avec l'indication des symptômes, et apporter à cette liste de temps à autre les additions que les circonstances pourraient rendre nécessaires.

II. TEXTES SOUMIS A LA CONFÉRENCE POUR LE CAS OÙ CELLE-CI DÉCIDERAIT D'ADOPTER UNE OU PLUSIEURS CONVENTIONS, COMPLÉTÉES PAR UNE RECOMMANDATION

A. Projet de convention concernant les examens médicaux des travailleurs

La Conférence générale de l'Organisation internationale du Travail,
Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le juin 1953, en sa trente-sixième session,

Après avoir décidé d'adopter diverses propositions relatives à la protection de la santé des travailleurs sur les lieux de travail, question qui est comprise dans le cinquième point à l'ordre du jour de la session,

Après avoir décidé que ces propositions prendraient la forme d'une convention internationale,
adopts this day of the year one thousand nine hundred and fifty-three the following Convention, which may be cited as the Medical Examination of Workers Convention, 1953:

Article 1

The employment of workers in occupations involving special risks to their health shall be conditional upon—

(a) a medical examination, carried out shortly before or within a short period after the worker enters employment, in order to determine his physical fitness for the employment in question; or

(b) where appropriate, periodical medical examination; or

(c) both an initial medical examination and periodical medical examination as in clauses (a) and (b) above.

Article 2

National laws or regulations shall determine or empower an appropriate authority to determine after consultation with employers' and workers' organisations concerned—

(a) for which risks and in which circumstances medical examinations should be carried out;

(b) for which risks there should be an initial medical examination or periodical medical examination, or both;

(c) with due regard to the nature and degree of the risk and of the particular circumstances, the maximum interval at which periodical medical examination shall be carried out.

Article 3

Medical examinations shall be carried out by a qualified physician, who shall, if national laws and regulations so require, be approved by the competent authority.

Article 4

1. Medical examinations made in accordance with this Convention shall not involve the worker concerned in any expense.

2. No deduction shall be made from wages in respect of time lost for attendance at such examinations in cases in which the matter is dealt with
adopte, ce jour de mil neuf cent cinquante-trois, la convention ci-après, qui sera dénommée Convention sur les examens médicaux des travailleurs, 1953 :

Article 1

L’emploi des travailleurs à des travaux comportant des risques spéciaux pour leur santé doit être subordonné:

a) soit à un examen médical effectué peu de temps avant ou après l’entrée en emploi, pour déterminer l’aptitude de l’intéressé à exercer l’emploi en question;

b) soit, là où cela est nécessaire, à un examen médical périodique;

c) soit à ces deux types d’examen.

Article 2

La législation nationale doit déterminer ou permettre à une autorité appropriée de déterminer, après consultation des organisations d’employeurs et de travailleurs intéressées:

a) pour quels risques et dans quelles circonstances les examens médicaux doivent avoir lieu;

b) pour quels risques il doit être prévu un examen médical d'embauchage, un examen médical périodique, ou les deux types d'examen;

c) compte tenu de la nature et du degré des risques et des circonstances spéciales, la fréquence minimum des examens périodiques.

Article 3

Les examens médicaux doivent être effectués par un médecin dûment qualifié, qui doit être agréé par l’autorité compétente si la législation nationale l’exige.

Article 4

1. Les examens médicaux prévus dans la présente convention ne doivent entraîner aucune dépense pour le travailleur.

2. Le temps consacré à passer de tels examens ne doit donner lieu à aucune déduction sur les salaires lorsque la question est traitée par la législa-
by national laws or regulations; in cases in which the matter is dealt with by collective agreements, the position shall be as determined by the relevant agreement.

**Article 5**

Measures to ensure the observance of medical secrecy shall be adopted in connection with all medical examinations and the registration and filing of related documents.

**Article 6**

1. Documents certifying that, as far as the risk of a particular occupational disease is concerned, there are no medical objections to the employment of a worker in a particular occupation shall be issued in a manner prescribed by the competent authority. These certificates shall not mention any diagnosis.

2. Such documents shall be kept on file by the employer and made available to officials of the labour inspectorate or other authority concerned with the protection of the health of workers in connection with their work.

3. Such documents shall be made available to the worker concerned.

**B. Proposed Convention concerning the Notification of Occupational Diseases**

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-sixth Session on June 1953, and

Having decided upon the adoption of certain proposals with regard to protection of the health of workers in places of employment, which are included in the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,
tion nationale; dans les cas où la question est régie par des conventions collectives, les conditions seront réglées selon la convention applicable.

Article 5

Pour tous les examens médicaux, ainsi que pour l’enregistrement et la conservation des documents y relatifs, des mesures propres à sauvegarder le principe du secret médical doivent être prises.

Article 6

1. Une attestation certifiant, pour autant que le risque d’une maladie professionnelle déterminée est en cause, qu’aucune contre-indication d’ordre médical ne s’oppose à l’emploi de l’intéressé à un travail particulier, devra être délivrée conformément aux instructions de l’autorité compétente. Cette attestation ne devra faire mention d’aucun diagnostic.

2. Cette attestation sera conservée par l’employeur et tenue à la disposition des fonctionnaires de l’inspection du travail ou de toute autre autorité chargée de la protection de la santé des travailleurs dans l’exercice de leur profession.

3. Cette attestation sera tenue à la disposition du travailleur intéressé.

B. Projet de convention concernant la déclaration des maladies professionnelles

La Conférence générale de l’Organisation internationale du Travail,
Convoquée à Genève par le Conseil d’administration du Bureau international du Travail, et s’y étant réunie le juin 1953, en sa trentesixième session,
Après avoir décidé d’adopter diverses propositions relatives à la protection de la santé des travailleurs sur les lieux de travail, question qui est comprise dans le cinquième point à l’ordre du jour de la session,
Après avoir décidé que ces propositions prendraient la forme d’une convention internationale,
adopts this day of of the year one thousand nine hundred and fifty-three the following Convention, which may be cited as the Occupational Diseases (Notification) Convention, 1953:

**Article 1**

Cases or suspected cases of occupational disease shall be notified to the labour inspectorate or other authority concerned with the protection of the health of workers in connection with their work.

**Article 2**

National laws or regulations shall—

(a) specify the persons responsible for notifying cases and suspected cases of occupational disease; and

(b) prescribe the manner in which occupational diseases shall be notified and the particulars to be notified and, in particular, specify—

(i) in which cases immediate notification is required and in which cases notification at specified intervals is sufficient;

(ii) in respect of cases in which immediate notification is required, the time limit after the detection of a case or suspected case of occupational disease within which notification is required;

(iii) in respect of cases in which notification at specified intervals is sufficient, the intervals at which notification is required.

**C. Proposed Recommendation concerning Protection of the Health of Workers in Places of Employment**

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-sixth Session on June 1953, and

Having decided upon the adoption of certain proposals with regard to protection of the health of workers in places of employment, which are included in the fifth item on the agenda of the session, and
adopte, ce jour de mil neuf cent cinquante-trois, la convention ci-après, qui sera dénommée Convention sur la déclaration des maladies professionnelles, 1953:

Article 1

Les cas de maladie professionnelle reconnus ou suspectés doivent faire l’objet d’une déclaration à l’inspection du travail ou à toute autre autorité chargée de la protection de la santé des travailleurs dans l’exercice de leur profession.

Article 2

La législation nationale doit:

a) déterminer les personnes auxquelles il incombe de déclarer les cas de maladie professionnelle reconnus ou suspectés;

b) prescrire les modalités de la déclaration des maladies professionnelles, ainsi que les précisions à fournir au moyen d’une telle déclaration, et notamment déterminer:

i) les cas pour lesquels une déclaration doit être faite immédiatement et ceux pour lesquels une déclaration à des intervalles déterminés est suffisante;

ii) quand une déclaration immédiate est requise, les délais dans lesquels cette déclaration doit être faite après dépistage du cas reconnu ou suspecté de maladie professionnelle;

iii) quand une déclaration à des intervalles déterminés est suffisante, les intervalles auxquels cette déclaration doit être faite.

C. Projet de recommandation concernant la protection de la santé des travailleurs sur les lieux de travail

La Conférence générale de l’Organisation internationale du Travail,
Convoquée à Genève par le Conseil d’administration du Bureau international du Travail, et s’y étant réunie le juin 1953, en sa trente-sixième session,
Après avoir décidé d’adopter diverses propositions relatives à la protection de la santé des travailleurs sur les lieux de travail, question qui est comprise dans le cinquième point à l’ordre du jour de la session,
Having determined that these proposals shall take the form of a Recommendation designed to supplement the Medical Examination of Workers Convention, 1953, and the Occupational Diseases (Notification) Convention, 1953, in respect of Members ratifying those Conventions, and also available for the guidance of any Members which may be unable to ratify these Conventions or either of them,

adopts this ______ day of ______ of the year one thousand nine hundred and fifty-three the following Recommendation, which may be cited as the Protection of Workers' Health Recommendation, 1953:

**PART I. TECHNICAL MEASURES FOR THE CONTROL OF HEALTH HAZARDS**

1. National laws or regulations should provide for methods of reducing or eliminating risks to health in places of employment, including methods of protecting the health of workers which may be applied, as necessary and appropriate, in connection with special risks of injury to health.

2. All appropriate measures should be taken by the employer to ensure that the general working environment of places of employment is so maintained as to provide adequate protection to the health of the workers concerned, and in particular that—

   (a) dirt and refuse do not accumulate so as to cause risk of injury to health;

   (b) the number of workers in a workroom does not exceed a prescribed maximum related to the floor space and height of the workroom, the machinery, materials and products in the workroom, and other relevant factors, with the object of preventing the overcrowding of workers to such an extent as to involve risk of injury to health;

   (c) adequate and suitable lighting, natural or artificial, or both, is provided;

   (d) suitable atmospheric conditions are maintained so as to avoid insufficient air supply, vitiated air, harmful draughts, excessive humidity, excessive heat or cold, sudden variations in temperature, and objectionable odours;
Après avoir décidé que ces propositions prendraient la forme d'une recommandation qui serait destinée d'une part à compléter la convention sur les examens médicaux des travailleurs, 1953, et la convention sur la déclaration des maladies professionnelles, 1953, à l'égard des Membres qui ratifient ces conventions, et qui serait d'autre part placée, pour les guider, à la disposition des Membres qui n'ont pas la possibilité de ratifier lesdites conventions ou l'une d'entre elles, adopte, ce jour de mil neuf cent cinquante-trois, la recommandation ci-après, qui sera dénommée Recommandation sur la protection de la santé des travailleurs, 1953:

**PARTIE I. Mesures techniques pour la prévention des risques menaçant la santé des travailleurs**

1. La législation nationale devrait contenir des dispositions concernant les méthodes propres à réduire ou à éliminer les risques de maladie sur les lieux de travail, y compris des méthodes de protection de la santé applicables, le cas échéant, dans le cas des risques spéciaux qui menacent la santé des travailleurs.

2. Toutes les mesures appropriées devraient être prises par l'employeur pour que les conditions générales sur les lieux de travail permettent d'assurer une protection suffisante contre lesdits risques. Elles devraient notamment prévoir:

   a) que les déchets et débris ne seront pas accumulés en occasionnant des risques pour la santé;

   b) que le nombre des personnes occupées dans un local de travail ne dépassera pas un maximum fixé compte tenu de la superficie et de la hauteur du local, des machines, matériaux ou produits qui s'y trouvent et de tous autres éléments qu'il conviendrait de prendre en considération, afin d'éviter que les travailleurs n'y soient en surnombre et qu'il n'en résulte des risques pour leur santé;

   c) qu'un éclairage adéquat et adapté aux besoins, naturel ou artificiel, ou les deux à la fois, sera fourni;

   d) que des conditions atmosphériques convenables seront assurées, de manière à éviter l'insuffisance de l'approvisionnement en air, la viciation de l'air, les courants d'air dangereux, une humidité excessive, une chaleur ou un froid excessifs, de brusques changements de température et des odeurs désagréables;
(e) sufficient and suitable sanitary conveniences and washing facilities, and adequate supplies of wholesome drinking water, are provided in suitable locations and properly maintained;

(f) measures are taken to eliminate or reduce as far as possible noise and vibrations which constitute a danger to the health of workers.

3. (1) With a view to the reduction of risks to the health of workers, all appropriate and practicable measures should be taken—

(a) to substitute harmless or less harmful substances for harmful substances;

(b) to prevent the liberation of harmful substances and to shield workers from harmful radiations;

(c) to carry out hazardous processes in separate rooms or buildings occupied by a minimum number of workers;

(d) to carry out hazardous processes in enclosed apparatus, so as to prevent personal contact with harmful substances and the escape into the air of the workroom of dusts, fumes, gases, fibres, mists or vapours, in quantities liable to injure health;

(e) to remove, at or near their point of origin, by mechanical exhaust, ventilation systems or other suitable means, the dusts, fumes, gases, fibres, mists or vapours of harmful substances, where exposure to such substances cannot be prevented in one or more of the ways prescribed in clauses (a) to (d) of this subparagraph;

(f) to provide the workers with such protective clothing and equipment as may be necessary to shield them from the effects of harmful agents, where other measures to eliminate health risks are impracticable or are not sufficient to ensure adequate protection, and to instruct the workers in the use thereof; when the protective clothing and equipment are used by the worker only for the purpose of his work, they should be provided and cleaned by the employer at his expense.

(2) The study of the measures mentioned in subparagraph (1) of this Paragraph should be promoted and where possible undertaken by national authorities, or in the case of a federal State, by national or other appropriate authorities, and the application of the result of these studies encouraged by them.
e) que des installations sanitaires et des labavos convenables et en nombre suffisant, ainsi que des quantités adéquates d’eau potable seront à la disposition des travailleurs en des endroits appropriés, dans des conditions satisfaisantes d’hygiène et de propreté;

f) que des mesures seront prises de façon à éliminer ou à réduire autant que possible les bruits et les vibrations nuisibles à la santé des travailleurs.

3. 1) Afin de réduire les risques menaçant la santé des travailleurs, toutes mesures appropriées et praticables devraient être prises:

a) pour remplacer les substances nocives par des substances inoffensives ou moins nocives;

b) pour empêcher le dégagement des substances nocives et protéger les travailleurs contre les radiations dangereuses;

c) pour exécuter les travaux dangereux dans des pièces ou des bâtiments séparés et occupés par un nombre de travailleurs aussi réduit que possible;

d) pour exécuter en dispositifs clos les travaux dangereux de manière à prévenir les contacts personnels avec les substances nocives et l’échappement, dans l’air des locaux, de poussières, fumées, gaz, fibres, brouillards ou vapeurs en quantités telles qu’il puisse y avoir danger pour la santé;

e) pour éliminer à leur point d’origine, ou à proximité de ce point, au moyen d’appareils mécaniques d’évacuation, de ventilation ou de tous autres systèmes appropriés, les poussières, fumées, gaz, fibres, brouillards ou vapeurs de substances nocives, lorsqu’il n’est pas possible d’éviter l’exposition à ces substances comme il est indiqué aux alinéas a) à d) ci-dessus;

f) pour munir les travailleurs de vêtements de protection et de l’équipement individuel nécessaire afin de les soustraire aux atteintes des agents nocifs, lorsque les autres mesures visant à éliminer les risques présentent des inconvénients d’ordre pratique ou n’assurent pas une protection suffisante de la santé des travailleurs, et pour donner toutes instructions nécessaires aux travailleurs quant à la manière de s’en servir; les vêtements de protection et l’équipement individuel devraient être fournis et nettoyés par l’employeur, à ses frais, lorsque ces vêtements et équipements sont utilisés exclusivement pour le travail.

2) L’étude des méthodes énumérées dans le sous-paragraphe 1) devrait être encouragée et, si possible, entreprise par les autorités nationales ou, dans le cas des États fédératifs, soit par les autorités nationales, soit par d’autres autorités appropriées; la mise en application des résultats de telles études devrait être encouragée par lesdites autorités.
4. (1) The workers should be informed of the necessity of their using the measures of protection mentioned in Paragraphs 2 and 3 and of not disturbing the proper functioning of any of them.

(2) Consultation with workers on measures to be taken should be recognised as an important method of assuring their co-operation.

5. (1) The atmosphere of workrooms in which dangerous or obnoxious substances are manufactured, handled or used should be tested periodically at sufficiently frequent intervals to ensure that toxic or irritating dusts, fumes, gases, fibres, mists or vapours are not present in quantities liable to injure health.

(2) The authority concerned with the protection of the health of workers in connection with their work should be empowered to determine circumstances in which it is necessary to test the atmosphere of such workrooms and the manner in which the tests are to be carried out, as well as the persons responsible for making these tests and the appropriate equipment to be used.

6. The competent authority should draw the attention of employers and workers concerned, by means of warning notices in the place of employment or other appropriate measures, to the special risks to which the workers are exposed and to the precautions to be taken to obviate these risks.

7. The competent authority should provide for consultation at the national level, or in the case of a federal State, at the national or other appropriate level, between the labour inspectorate or other authority concerned with the protection of the health of workers in connection with their work and the employers' and workers' organisations concerned, with a view to giving effect to the provisions of Paragraphs 2, 3, 4, 5 and 6.

PART II. MEDICAL EXAMINATIONS

8. Members for whom the Medical Examination of Workers Convention, 1953, is not in force, should endeavour to apply the provisions of the following paragraphs as rapidly as national conditions allow.
4. 1) Les travailleurs devraient être dûment prévenus de la nécessité d’utiliser les moyens de protection énumérés dans les paragraphes 2 et 3 ci-dessus, et de ne pas en entraver le fonctionnement.

2) Il conviendrait de reconnaître l’importance des consultations avec les travailleurs sur les mesures à prendre en tant que méthode pour obtenir leur coopération.

5. 1) L’atmosphère des locaux de travail où des substances dangereuses ou nocives sont fabriquées, manipulées ou utilisées devrait être analysée périodiquement, à des intervalles suffisamment rapprochés, pour permettre de vérifier que l’air ne contient pas de poussières, fumées, gaz, fibres, brouillards ou vapeurs toxiques ou irritants, en quantités telles qu’il puisse y avoir danger pour la santé des travailleurs.

2) L’autorité chargée de la protection de la santé des travailleurs dans l’exercice de leur profession devrait avoir qualité pour déterminer les circonstances dans lesquelles il y a lieu d’analyser l’atmosphère de tels locaux et la manière d’effectuer cette analyse, ainsi que pour désigner les personnes qui seront chargées de cette analyse et pour préciser le matériel à utiliser à cette fin.

6. L’autorité compétente devrait attirer l’attention des employeurs et travailleurs intéressés sur les risques spéciaux auxquels les travailleurs sont exposés et sur les précautions à prendre pour y parer, au moyen d’avis affichés dans les lieux de travail ou de toutes autres mesures appropriées.

7. L’autorité compétente devrait prévoir, sur le plan national ou, dans le cas des États fédératifs, soit sur le plan national soit sur un autre plan approprié, une consultation entre l’inspection du travail ou toute autre autorité chargée de la protection de la santé des travailleurs dans l’exercice de leur profession, d’une part, et les organisations d’employeurs et de travailleurs intéressées, d’autre part, afin de donner effet aux dispositions des paragraphes 2, 3, 4, 5 et 6.

Partie II. Examens médicaux

8. Les Membres pour lesquels la convention sur les examens médicaux des travailleurs, 1953, n’est pas en vigueur, devraient s’efforcer d’appliquer les dispositions des paragraphes suivants aussitôt que les circonstances nationales le permettront.
9. The employment of workers in occupations involving special risks to their health should be conditional upon—

(a) a medical examination, carried out shortly before or within a short period after the worker enters employment, in order to determine his physical fitness for the employment in question; or

(b) where appropriate, periodical medical examination; or

(c) both an initial medical examination and periodical medical examination as in clauses (a) and (b) above.

10. National laws or regulations should determine or empower an appropriate authority to determine after consultation with employers' and workers' organisations concerned—

(a) for which risks and in which circumstances medical examinations should be carried out;

(b) for which risks there should be an initial medical examination or periodical medical examination, or both;

(c) with due regard to the nature and degree of the risk and of the particular circumstances, the maximum intervals at which periodical medical examination should be carried out.

11. (1) Documents certifying that, as far as the risk of a particular occupational disease is concerned, there are no medical objections to the employment of a worker in a particular occupation should be issued in a manner prescribed by the competent authority. These certificates should not mention any diagnosis.

(2) Such documents should be kept on file by the employer and made available to officials of the labour inspectorate or other authority concerned with the protection of the health of workers in connection with their work.

(3) Such documents should be made available to the worker concerned.

12. Where medical examinations are prescribed for the protection of the health of workers, they should be carried out with a view to—

(a) detecting as early as possible diseases which may be due to employment;  
(b) certifying that there are no medical objections to the employment of a given worker in a particular occupation.
9. L'emploi des travailleurs à des travaux comportant des risques spéciaux pour leur santé devrait être subordonné:

a) soit à un examen médical effectué peu de temps avant ou après l'entrée en emploi, pour déterminer l'aptitude de l'intéressé à exercer l'emploi en question;

b) soit, là où cela est nécessaire, à un examen médical périodique;

c) soit à ces deux types d'examen.

10. La législation nationale devrait déterminer ou permettre à une autorité appropriée de déterminer, après consultation des organisations d'employeurs et de travailleurs intéressées:

a) pour quels risques et dans quelles circonstances les examens médicaux devraient avoir lieu;

b) pour quels risques il conviendrait de prévoir un examen médical d'embau­chage, un examen médical périodique, ou les deux types d'examen;

c) compte tenu de la nature et du degré des risques et des circonstances spéciales, la fréquence minimum des examens périodiques.

11. 1) Une attestation certifiant, pour autant que le risque d'une maladie professionnelle déterminée est en cause, qu'aucune contre-indication d'ordre médical ne s'oppose à l'emploi de l'intéressé à un travail particulier, devrait être délivrée conformément aux instructions de l'autorité compétente. Cette attestation ne devrait faire mention d'aucun diagnostic.

2) Cette attestation devrait être conservée par l'employeur et tenue à la disposition des fonctionnaires de l'inspection du travail ou de toute autre autorité chargée de la protection de la santé des travailleurs dans l'exercice de leur profession.

3) Cette attestation devrait être tenue à la disposition du travailleur intéressé.

12. Lorsque des examens médicaux sont prévus pour la protection de la santé des travailleurs, ces examens devraient être effectués en vue:

a) de dépister, le plus tôt possible, les maladies occasionnées par l'emploi;

b) de déterminer qu'aucune contre-indication d'ordre médical ne s'oppose à l'emploi de l'intéressé à un travail particulier.
13. Medical examinations should be carried out by a qualified physician who should, if national laws and regulations so require, be approved by the competent authority.

14. Measures to ensure the observance of medical secrecy should be adopted in connection with all medical examinations and the registration and filing of related documents.

15. (1) Medical examinations made in accordance with this Recommendation should not involve the worker concerned in any expense.

(2) No deduction should be made from wages in respect of time lost for attendance at such examinations in cases in which the matter is dealt with by national laws and regulations; in cases in which the matter is dealt with by collective agreements, the position should be as determined by the relevant agreement.

PART III. NOTIFICATION OF OCCUPATIONAL DISEASES

16. (1) Members for whom the Occupational Diseases (Notification) Convention, 1953, is in force should, in applying the provisions of that Convention, be guided by the provisions of the following paragraphs.

(2) Members for whom the Occupational Diseases (Notification) Convention, 1953, is not in force, should endeavour to apply the provisions of the following paragraphs as rapidly as national conditions allow.

17. (1) National laws or regulations should require the notification of cases and suspected cases of occupational disease.

(2) Such notification should be required with a view to—

(a) initiating measures of protection and prevention and checking their effective application;

(b) investigating the working conditions and other circumstances which have caused or are suspected to have caused occupational diseases;

(c) compiling statistics of occupational diseases; and

(d) allowing the initiation or development of measures designed to ensure that victims of occupational diseases receive the compensation provided for occupational diseases.
13. Les examens médicaux devraient être effectués par un médecin dûment qualifié, qui devra être agréé par l’autorité compétente si la législation nationale l’exige.

14. Pour tous les examens médicaux, ainsi que pour l’enregistrement et la conservation des documents y relatifs, il conviendrait de prendre des mesures propres à sauvegarder le principe du secret médical.

15. 1) Les examens médicaux prévus dans la présente recommandation ne devraient entraîner aucune dépense pour le travailleur.

2) Le temps consacré à passer de tels examens ne devrait donner lieu à aucune déduction sur les salaires lorsque la question est traitée par la législation nationale; dans les cas où la question est régie par des conventions collectives, les conditions seront réglées selon la convention applicable.

16. 1) Les Membres pour lesquels la convention sur la déclaration des maladies professionnelles, 1953, est en vigueur, devraient, en appliquant les dispositions de cette convention, être guidés par les dispositions des paragraphes suivants.

2) Les Membres pour lesquels la convention sur la déclaration des maladies professionnelles, 1953, n’est pas en vigueur, devraient s’efforcer d’appliquer les dispositions des paragraphes suivants aussitôt que les circonstances nationales le permettront.

17. 1) La législation nationale devrait prescrire que les cas de maladie professionnelle reconnus et les cas suspectés feront l’objet d’une déclaration.

2) Cette déclaration devrait être exigée en vue:
   a) d’adopter des mesures de protection et de prévention, et de contrôler leur application effective;
   b) d’enquêter sur les conditions de travail et autres circonstances qui ont causé, ou sont soupçonnées avoir causé des maladies professionnelles;
   c) d’aboutir à l’établissement de statistiques des maladies professionnelles;
   d) de permettre l’institution ou le développement de mesures propres à assurer aux victimes de maladies professionnelles la réparation prévue pour lesdites maladies.
(3) The notification should be made to the labour inspectorate or other authority concerned with the protection of the health of workers in connection with their work.

18. National laws or regulations should—

(a) specify the persons responsible for notifying cases and suspected cases of occupational disease; and

(b) prescribe the manner in which occupational diseases should be notified and the particulars to be notified and, in particular, specify—

(i) in which cases immediate notification is required and in which cases notification at specified intervals is sufficient;

(ii) in respect of cases in which immediate notification is required, the time limit after the detection of a case or suspected case of occupational disease within which notification is required;

(iii) in respect of cases in which notification at specified intervals is sufficient, the intervals at which notification is required.

19. The notification should provide the authority concerned with the protection of the health of workers in connection with their work with such information as may be relevant and necessary for the effective execution of its duties, including, in particular, the following details:

(a) the age and sex of the person concerned;

(b) the occupation and the trade or industry in which the person is or was last employed;

(c) the name and address of the place or last place of employment of the person concerned;

(d) the nature of the disease or poisoning;

(e) the harmful agent and process to which the disease or poisoning is attributed;

(f) the length of service of the worker in the occupation, trade or industry in which he is or was exposed to the risk.

20. In each country the competent authority should, after consultation with the workers’ and employers’ organisations concerned, draw up a list of notifiable diseases together with a symptomatology, and make, from time to time, such additions to the list as circumstances may require.
3) La déclaration devrait être faire à l'inspection du travail ou à toute autre autorité chargée de la protection de la santé des travailleurs dans l'exercice de leur profession.

18. La législation nationale devrait:

a) déterminer les personnes auxquelles il incombe de déclarer les cas de maladie professionnelle reconnus ou suspectés;

b) prescrire les modalités de la déclaration des maladies professionnelles, ainsi que les précisions à fournir au moyen d'une telle déclaration, et notamment déterminer:

i) les cas pour lesquels une déclaration devrait être faite immédiatement et ceux pour lesquels une déclaration à des intervalles déterminés est suffisante;

ii) quand une déclaration immédiate est requise, les délais dans lesquels cette déclaration devrait être faite après dépistage du cas reconnu ou suspecté de maladie professionnelle;

iii) quand une déclaration à des intervalles déterminés est suffisante, les intervalles auxquels cette déclaration devrait être faite.

19. La déclaration des maladies professionnelles devrait comporter toutes informations utiles pour permettre à l'autorité chargée de la protection de la santé des travailleurs dans l'exercice de leur profession de s'acquitter de ses tâches, et en particulier les renseignements suivants:

a) âge et sexe de l'intéressé;

b) occupation, profession ou industrie où l'intéressé était employé en dernier lieu;

c) nom et adresse de l'entreprise où l'intéressé était employé en dernier lieu;

d) nature de la maladie ou de l'intoxication;

e) agent nocif et opération auxquels la maladie ou l'intoxication est attribuée;

f) durée de l'emploi de l'intéressé dans l'occupation, la profession ou l'industrie dans lesquelles il est ou a été exposé au risque.

20. Dans chaque pays, l'autorité compétente devrait établir, après consultation des organisations d'employeurs et de travailleurs intéressées, une liste des maladies donnant lieu à déclaration, avec l'indication des symptômes, et apporter à cette liste de temps à autre les additions que les circonstances pourraient rendre nécessaires.
III. PROPOSED RESOLUTIONS

A. Proposed Resolution concerning an International List of Notifiable Diseases

Whereas the International Labour Conference has adopted a Recommendation concerning protection of the health of workers in places of employment; and

Whereas that Recommendation provides that in each country the competent authority should, after consultation with the workers' and employers' organisations concerned, draw up a list of notifiable diseases together with a symptomatology, and make, from time to time, such additions to the list as circumstances may require; and

Whereas it may be of value to Members of the Organisation to have available for guidance in the preparation of national lists of notifiable diseases information based on the experience of a wide range of countries,

The Conference invites the Governing Body of the International Labour Office to authorise the Office to prepare, with appropriate technical advice and in consultation with the World Health Organization, a list of notifiable diseases with accompanying materials which may be used by the competent authorities, and to keep this list and accompanying materials up to date from time to time as may be necessary.

B. Proposed Resolution concerning National Lists of Notifiable Diseases

Whereas the International Labour Conference has adopted a Recommendation concerning protection of the health of workers in places of employment; and

Whereas that Recommendation provides that in each country the competent authority should, after consultation with the workers' and employers' organisations concerned, draw up a list of notifiable diseases together with a symptomatology, and make, from time to time, such additions to the list as circumstances may require,
III. PROJETS DE RÉSOLUTIONS

A. Projet de résolution concernant l'établissement d'une liste internationale de maladies devant faire l'objet d'une déclaration

Considérant que la Conférence internationale du Travail a adopté une recommandation concernant la protection de la santé des travailleurs sur les lieux de travail;

Considérant que cette recommandation prévoit que dans chaque pays l'autorité compétente devrait établir, après consultation des organisations d'employeurs et de travailleurs intéressées, une liste de maladies devant faire l'objet d'une déclaration, avec l'indication des symptômes, et apporter à cette liste, de temps à autre, les additions que les circonstances pourraient rendre nécessaire;

Considérant qu'il pourrait être utile pour les Membres de l'Organisation de disposer d'informations fondées sur l'expérience acquise dans un grand nombre de pays et qui pourraient leur servir de guide en vue de l'établissement des listes nationales de maladies devant faire l'objet d'une déclaration,

La Conférence invite le Conseil d'administration du Bureau international du Travail à charger le Bureau d'établir, avec l'aide d'avis techniques appropriés et en consultation avec l'Organisation mondiale de la santé, une liste de maladies devant faire l'objet d'une déclaration, avec les éléments qui les accompagnent, à l'usage des autorités compétentes, et de mettre périodiquement à jour cette liste et les éléments qui l'accompagnent, selon que les circonstances l'exigent.

B. Projet de résolution concernant l'établissement de listes nationales de maladies devant faire l'objet d'une déclaration

Considérant que la Conférence internationale du Travail a adopté une recommandation concernant la protection de la santé des travailleurs sur les lieux de travail;

Considérant que cette recommandation prévoit que dans chaque pays, l'autorité compétente devrait établir, après consultation des organisations d'employeurs et de travailleurs intéressées, une liste de maladies devant faire l'objet d'une déclaration, avec l'indication des symptômes, et apporter à cette liste, de temps à autre, les additions que les circonstances pourraient rendre nécessaire;
The Conference—

(1) draws attention to the importance of national lists of notifiable diseases being sufficiently comprehensive in character to meet fully all the purposes of such notification as stated in the Recommendation;

(2) leaves for national determination the extent to which such lists should be given a binding character or be intended as a guide for examining physicians;

(3) suggests that in preparing national lists of notifiable diseases the fullest consideration should be given to any international list prepared by the International Labour Office in pursuance of the resolution concerning an international list of notifiable diseases.
la Conférence :

1) attire l’attention sur l’importance qu’il y a à ce que les listes nationales de maladies devant faire l’objet d’une déclaration soient suffisamment complètes pour permettre d’atteindre tous les objectifs de cette déclaration, tels qu’ils sont énoncés dans la recommandation;

2) laisse à l’autorité nationale le soin de déterminer la mesure dans laquelle ces listes doivent avoir un caractère obligatoire ou servir de directives pour les médecins-examinateurs;

3) suggère que lors de l’établissement des listes nationales de maladies devant faire l’objet d’une déclaration, il soit pleinement tenu compte de la liste internationale élaborée par le Bureau international du Travail en application de la résolution concernant l’établissement d’une liste internationale de maladies devant faire l’objet d’une déclaration.