Report V (2)

Control and Prevention of Occupational Hazards Caused by Carcinogenic Substances and Agents

Fifth Item on the Agenda
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INTRODUCTION

The first discussion of the question of the control and prevention of occupational hazards caused by carcinogenic substances and agents took place at the 58th (1973) Session of the International Labour Conference. Following that discussion, and in accordance with article 39 of the Standing Orders of the Conference, the International Labour Office prepared and communicated to the governments of member States a report 1 containing a proposed Recommendation based on the Conclusions adopted by the Conference at its 58th (1973) Session. In addition, in accordance with the proposals made by its Committee on Occupational Cancer Prevention, the Conference decided to consult governments as to the possibility of adopting a Convention on this matter. In this report the Office therefore submitted the question to governments, indicating the terms of the consultation.

At the time the present report was prepared replies had been received from the Governments of the following 59 member States: Algeria, Australia, Austria, Bangladesh, Barbados, Belgium, Burma, Burundi, Canada, Central African Republic, Colombia, Congo, Costa Rica, Cyprus, Czechoslovakia, Denmark, Egypt, El Salvador, Ethiopia, France, Federal Republic of Germany, Ghana, Greece, Guyana, Hungary, India, Indonesia, Iran, Iraq, Ireland, Ivory Coast, Jamaica, Japan, Kenya, Liberia, Madagascar, Malaysia, Mali, Mexico, Morocco, Netherlands, Pakistan, Poland, Qatar, Romania, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Tunisia, Turkey, USSR, United Arab Emirates, United Kingdom, United States, Republic of Viet-Nam.

The first part of this report, which has been drawn up on the basis of the replies from the governments, contains the essential points of their observations. It is divided into three sections, the first consisting of the general observations made by the governments on the proposed text, the second containing their observations on the provisions of the proposed Recommendation, and the third relating to the consultation of governments on the possibility of adopting a Convention. In addition, it contains Office commentaries on these observations, together with some proposals concerning the possible content of a Convention.

The second part contains the English and French versions of the proposed Recommendation, amended in the light of the observations made by governments and for the reasons set out in the Office commentaries. Some minor drafting changes which appeared desirable have also been made, particularly with a view to full concordance between the two versions of the proposed instrument. If the Conference so decides, this text will serve as a basis for the second discussion, at the 59th Session, of the question of the control and prevention of occupational hazards caused by carcinogenic substances and agents.

REPLIES FROM GOVERNMENTS AND COMMENTARIES

The substance of the replies received from the governments of member States with regard to the proposed Recommendation concerning prevention and control of occupational hazards caused by carcinogenic substances and agents is given below, together with their observations on the consultation concerning the possibility of adopting a Convention. These replies are followed, where appropriate, by brief Office commentaries.

The Governments of the following 42 countries stated that for the moment they had no observations to put forward or that the proposed text constituted a satisfactory basis for discussion at the 59th Session of the Conference: Bangladesh, Barbados, Burma, Canada, Central African Republic, Colombia, Congo, Costa Rica, Cyprus, Czechoslovakia, Egypt, El Salvador, Ethiopia, Federal Republic of Germany, Ghana, Greece, Guyana, Hungary, Indonesia, Iraq, Ireland, Ivory Coast, Jamaica, Liberia, Malaysia, Mali, Mexico, Morocco, Netherlands, Pakistan, Poland, Qatar, Romania, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Switzerland, Tunisia, United Arab Emirates, Republic of Viet-Nam.

The Governments of the following countries made observations, the substance of which is given in the present report, concerning some of the provisions of the proposed Recommendation: Austria, Belgium, Denmark, France, Iran, Japan, Kenya, Madagascar, Sweden, United Kingdom. In addition, the Government of Turkey referred to the observations it had submitted on the questionnaire that had been considered at the first discussion at the 58th Session of the Conference.

In reply to the consultation concerning the possibility of adopting a Convention, the Governments of the following 18 countries stated either that they were in favour of a Convention being adopted in respect of certain points or that they had no objection to the adoption of such a Convention: Australia, Austria, Belgium, Burundi, Central African Republic, Czechoslovakia, Denmark, El Salvador, Federal Republic of Germany, Hungary, India, Iran, Japan, Madagascar, Sweden, USSR, United Kingdom, United States.

With their replies, the Governments of Belgium, Denmark, France and the United Kingdom transmitted to the Office the observations of employers' and/or workers' organisations on the proposed text or on particular provisions thereof; these observations are not included in the present report.

General Observations

ALGERIA

The Government has no objection to the general principles laid down in the proposed Recommendation. However, the proposed instrument appears to be too
inflexible for an international instrument of this kind. The application of prevention and control measures, as advocated by the instrument, would not be easy.

**Belgium**

The Government regrets that Annexes A and B, which appeared in the Proposed Conclusions submitted to the 58th Session, have been omitted and feels that if the decision to remove them is maintained, the scope of the instrument will be lessened. It refers to the arguments put forward to justify this decision: the rapid advances in cancerology and, consequently, the fact that these lists of substances could not be kept up to date; the decisive or conducive role of these substances in the appearance of cancer and the difficulty of distinguishing between occupational and non-occupational cancers; the complexity of the procedure for revising an international instrument, making its adaptation to a rapidly changing situation difficult. It was mainly for this reason that it had been contemplated leaving the matter to a standing committee of experts. However, referring to the opinion of the Assistant Legal Adviser of the Conference at the 58th Session, the Government points out that a more flexible procedure for the revision of the lists in question does exist, such as that contained in the Employment Injury Benefits Convention, 1964 (No. 121), which provides that the Conference can adopt by a two-thirds majority amendments to Schedule I of that Convention at any session at which the matter is included in its agenda. The Government also points out that the Assistant Legal Adviser of the Conference indicated on that occasion that a committee of experts could not be empowered to modify the provisions of an international instrument. Consequently, the role of such a committee is not as important as some would like it to be.

**Burundi**

The proposed Recommendation does not place sufficient emphasis on the need to ban the manufacture, use, import and export of highly carcinogenic substances. Furthermore, it should be more categorical in stressing the need to reduce the number of hours spent working in contact with such substances.

**France**

The provisions of the proposed Recommendation would be acceptable if the initial text had not been entirely changed by rejection of the principle of having a list of carcinogenic substances and agents—established at the international level—as the basis for preventive measures.

**India**

On the whole the proposed instrument forms a satisfactory basis for discussion. At this stage the Government has only two observations to make: these concern the inclusion in the proposed text of provisions concerning the labelling of containers of carcinogenic substances and of provisions on the safe disposal of empty containers, so as to prevent them from causing a serious risk to the health of the workers.
JAPAN

In communicating its general observations on the proposed text, the Government emphasises that a Convention should be adopted on the prevention of occupational cancer. The detailed proposals made by the Government in respect of the content of such an instrument are given below in the section concerning the consultation of governments.

Both in the case of the proposed Recommendation and in its suggestions concerning the adoption of a Convention, the Government proposes that the instruments should be supplemented by Annexes that would be taken into consideration by the competent authority in each country in determining the carcinogenic substances and agents whose manufacture should be prohibited or made subject to authorisation or control.

Since constant review by a standing committee of experts is required to ensure that such Annexes are kept up to date, the Conference should adopt a resolution requesting the Director-General to establish such a committee. The committee should be convened regularly to consider amendments to the Annexes in the light of the results of research carried out by the World Health Organisation and other related international agencies and research groups. It should also advise the ILO on matters relating to health supervision as well as on technical measures of prevention. As regards the procedure for modifying the Annexes, the Government considers that the proposed Convention and the proposed Recommendation should contain a provision for simplified procedures of revision, such as those set forth in Article 31 of Convention No. 121.

SWEDEN

The Government considers it essential that the control and prevention of occupational hazards caused by carcinogenic substances and agents should be dealt with in an international instrument. This would give countries a better opportunity to study and assess the results of international research in this field: countries would also be assured of protection as regards the risks presented by imported dangerous substances and products.

Present knowledge of occupational cancer, however, is incomplete and the results of research in this field are ambiguous. Consequently the Government thinks that the instrument should be drafted not only in the light of present knowledge but also so that the measures proposed can serve their purpose even when new hazards arise. For these reasons the Government considers the most suitable form for such an instrument to be a Recommendation. It nevertheless wishes to emphasise that the instrument will be of little importance unless the ILO ensures that an effective system is built up by which governments and the two social partners can rapidly learn of new results and experiences in this field, and in return submit their own observations. If, therefore, it is impossible, from the legal point of view, for the instrument to make provision for the ILO to set up a standing committee on these matters, the Conference should adopt a special resolution for the purpose.
UNITED STATES

The Government would prefer both the title and the text of the proposed Recommendation to indicate the scope of the instrument more accurately by eliminating all reference to "carcinogenic agents". The instrument is solely concerned with "carcinogenic substances".

Observations on the Proposed Recommendation concerning Prevention and Control of Occupational Hazards Caused by Carcinogenic Substances and Agents

I. GENERAL PROVISIONS

1. All carcinogenic substances and agents to which workers may be exposed by reason of their work should be replaced to the greatest extent possible by less harmful substances or agents.

Observation on Paragraph 1.

Iran. Add the following sentence to Paragraph 1: "In order to determine these substitute substances and agents, the competent authority should take account of the lists or of the guides and codes of practice on the subject that may be established from time to time by the ILO on the basis of the conclusions of meetings of experts and of information obtained from other international or national organisations."

Office Commentary.

It would seem that the question of making information on the subject available is covered by the provision contained in Paragraph 3 (2).

In the absence of other observations, the Office has not considered it necessary at this stage to amend Paragraph 1, which has been retained without change in the proposed Recommendation.

2. The number of persons exposed to carcinogenic substances or agents and the duration of such exposure should be reduced to the greatest extent possible.

Observation on Paragraph 2.

Sweden. This provision would reduce the risk to the population in general but not to the individual. The Government assumes, however, that whenever it is impossible to replace carcinogenic substances and agents by less dangerous substances.

1 The observations are preceded by the text of the relevant Paragraph as given in the proposed Recommendation set forth in Report V (1). Paragraphs on which no observations have been made are not reproduced.
and agents, the provision contained in Paragraph 4 (2) will always be applied primarily.

*Office Commentary.*

As the Government of Sweden points out, this provision is related to that contained in Paragraph 4 (2) and the principle involved is practically the same. The Office has noted, however, that in Paragraph 2 no mention is made of reducing "levels" of exposure. While it should always be the policy to reduce the number of persons exposed to carcinogenic substances as well as the length of exposure, it is also essential to reduce as far as possible the level of exposure, that is to say the concentration of the substances or the intensity of the agents in question to which the workers are exposed. Consequently the Office considers it advisable that this concept, which now appears in Paragraph 4 (2), be mentioned also in Paragraph 2. It therefore proposes to introduce the words "and levels" after the word "duration".

As thus amended, Paragraph 2 has been retained in the proposed Recommendation.

3. (1) The competent authority in each country should prescribe the measures to be taken to protect workers against the hazards of exposure to carcinogenic substances or agents.

(2) The competent authority should keep the measures prescribed up to date, taking into account the guides or codes of practice that may be established from time to time by the International Labour Office and the conclusions of meetings of experts convened by the International Labour Office, as well as information from international, national and other bodies.

*Observations on Paragraph 3.*

*France.* An addition should be made to Paragraph 3 (2) so as to specify that meetings of experts convened by the ILO should draw up conclusions on the substitute products that could be introduced and on the "criteria for determining the degree of exposure to the substances or agents in question" mentioned in Paragraph 9 (2).

*Sweden.* The provision in Paragraph 3 (2) indicates how governments may receive advice and information on carcinogenic substances and agents. It refers, among other things, to the conclusions of meetings of experts convened by the ILO. As the Government indicated under its General Observations, the ILO should build up a system for this purpose. However, the Paragraph has not been drafted in such a way as to provide satisfactory guarantees that the ILO really will be able to give Members the assistance required. The Government considers that the ILO should set up a standing tripartite committee of experts with special knowledge of the subject. This committee should be convened at least once a year and have the task of compiling
and updating lists of carcinogenic substances and agents—not only substances and agents that are clearly carcinogenic in man, but also those which, on the basis of animal experiments, can be suspected of having a carcinogenic effect on man. These lists should also include substances and agents known to be carcinogenic in animals and which require attention as regards their effect on man. The committee should also provide guidance as to the substances and agents that can be prohibited or made subject to authorisation or control and, in the case of those that would be subject to control, it should indicate suitable methods and try to establish some form of technical limits as regards permissible concentrations. Such limits should be seen as a substitute for maximum permissible concentrations, which are pointless since we do not know whether the substances and agents in question have any threshold effect. Finally, the committee of experts should also draw up recommendations on suitable methods of analysis and medical examination. It should ensure that new experience is quickly reflected in its lists and recommendations. Member States should furnish the committee of experts with all essential information and new experience. In conjunction with the Recommendation, therefore, the Conference should adopt a resolution to the effect that the ILO should set up a standing committee of experts with the structure and terms of reference described above.

**Office Commentary.**

The question of setting up a standing committee of experts was raised on several occasions by the Conference Committee during the first discussion at the 58th Session of the Conference. As the Assistant Legal Adviser of the Conference pointed out, it was not possible to deal with this matter in an international instrument which, by its very nature, is addressed to member States; the committee could no doubt, if it so wished, submit to the Conference a resolution asking for such a committee to be set up within the framework of the ILO, and possibly specifying its functions and terms of reference. Consequently, it will be for the Conference Committee to decide, at the second discussion, whether such a resolution should be submitted to the Conference, which would then take the decisions it considered appropriate. As regards the observation made by the Government of France, the present wording of Paragraph 3 allows for the taking of all measures, including the replacement of carcinogenic substances, likely to protect workers against the hazards of cancer.

The Office has also noted that the words “international, national” at the end of subparagraph (2) do not add any real clarification to the words “other bodies” and that, in fact, what was intended here was that the information in question should be sought and obtained from the “competent” bodies, whether international institutions, research centres (national or otherwise), institutes, etc. The Office therefore proposes to amend the end of the sentence in question to read “... as well as information from other competent bodies”.

As thus amended, Paragraph 3 has been retained in the proposed Recommendation.
4. (1) Employers should make every possible effort to use work processes which do not cause the formation, and particularly the emission in the working environment, of carcinogenic substances or agents, as main products, intermediates, by-products, waste products or otherwise.

(2) Where complete elimination of a carcinogenic substance or agent is not possible, employers should use all appropriate measures, in consultation with workers and their organisations and in the light of advice from competent sources, including occupational health services, to eliminate exposure or reduce it to a minimum in terms of numbers exposed, duration of exposure and levels of exposure.

(3) In cases to be determined by the competent authority in each country, the employer should make arrangements for the systematic surveillance of the degree of exposure to carcinogenic substances or agents in the working environment.


Austria. Paragraph 4 (2) should indicate clearly whether it is necessary to consult workers' organisations on matters of principle only or whether the workers should be consulted also in connection with any specific decision to be taken. It would further be desirable to restrict this right of consultation to workers employed in the undertaking in question, since it can be well imagined that the works council, in collaboration with the authorities responsible for labour protection, is in the best position to ensure the application of the appropriate measures to eliminate all forms of exposure.

Sweden. The measures which this provision requires of employers are important but presuppose the availability of recommendations as to what substances and levels of exposure may be acceptable in cases where dangerous substances cannot be eliminated. The committee of experts should be able to make an important contribution in this respect.

Office Commentary.

As regards the first point raised by the Government of Austria, the provision contained in Paragraph 4 (2) certainly seems to provide for the consultation of workers, and therefore in fact for collaboration with them, in all cases in which protective measures have to be taken. It is indeed important that workers should not only be informed of the presence of such hazards but also that they should know about the measures the management intends to take to deal with them and should collaborate with the management in applying these measures effectively. In the absence of any other observations, it does not seem appropriate to restrict the scope of this provision. As regards the second point, it should perhaps be noted that in small enterprises it is often difficult to find workers' representatives with sufficient technical training in the prevention of cancer hazards. In any case, it would appear normal that, on such important matters, workers should be able to seek the advice of their organisations, which also have an educational role to play in respect of their members.
The Office also proposes to make a drafting change in Paragraph 4 (3), which provides that in certain cases the employer should arrange for the surveillance of the "degree" of exposure to carcinogenic substances or agents. The "degree" of exposure actually covers two different notions; the "level" of exposure, that is to say the concentration of the substance or the intensity of the agent in question, and the "duration" of this exposure. The combination of the level of exposure with its duration enables the degree of the hazard involved to be determined. As prescribed in sub-paragraph (2), where complete elimination of a carcinogenic substance or agent is not possible, employers should use all appropriate measures to reduce the "numbers" of persons exposed as well as the "duration" and "levels" of exposure. Two of these three factors, namely the numbers of persons and the duration of exposure, are fully known since they are determined by the management of the undertaking and in principle are constant. It is the third factor, namely the level of exposure, that may vary according to the circumstances of the work. The aim of this provision seems to be the regular determination of levels of exposure in the working environment so that, combined with the other elements of information mentioned, the degree of hazard can then be assessed. The Office has consequently deemed it advisable to substitute the word "level" for the word "degree".

Proposed New Paragraph.

Japan. The Government proposes that a new Paragraph concerning the packaging of carcinogenic substances be added at the end of Part II. The Government proposes the following text: "When carcinogenic substances are transported or stored, employers should use sturdy containers or firm packages to prevent the leakage, spillage, etc., of such substances."

Office Commentary.

This new provision would no doubt be very useful in preventing the hazards of exposure to such substances and, particularly in view of the large numbers of workers engaged in the transport of goods, it would seem useful to mention this aspect. It seems to the Office appropriate to include this new provision—which the Government had proposed inserting in Part II (Preventive Measures)—in Paragraph 4, which deals with the various measures that should be taken to reduce or supervise risks of exposure. In view, also, of the fact that when the substances are transported or stored preventive measures other than those concerning the nature of the packaging may be necessary, the Office proposes that this new provision be worded as follows and be added as a new sub-paragraph to Paragraph 4: "(4) Where carcinogenic substances or agents are transported or stored, all appropriate measures should be taken to prevent leakage."

Paragraph 4, with this addition and amended as mentioned above, has thus been retained in the proposed Recommendation.
II. PREVENTIVE MEASURES

6. The competent authority in each country should determine the carcinogenic substances and agents the manufacture, use, import and export of which are prohibited or subject to authorisation or control.


France. Paragraph 6 should be reconsidered so that reference is made to one or more lists, determination of the relevant regulations no longer being left to the initiative of each country.

Japan. In order to clarify the mode of determining carcinogenic substances and agents, Paragraph 6 should be divided into two sub-paragraphs worded as follows:

"6 (1) The competent authority in each country should determine the carcinogenic substances and agents the manufacture, use and import of which are prohibited, taking into consideration the carcinogenic substances and agents listed in Annex I.

6 (2) The competent authority in each country should determine the carcinogenic substances and agents the manufacture, use, import or export of which should be subject to authorisation or control, taking into consideration the carcinogenic substances and agents listed in Annex II."

Annex I, mentioned in Paragraph 6 (1) above, should include the following substances: benzidine and its salts, betanaphthylamine and its salts, 4-aminodiphenyl and 4-nitrodiphenyl.

Annex II, mentioned in Paragraph 6 (2) above, should include the following substances: alpha-naphthylamine and its salts, ortho-tolidine and its salts, dianisidine and its salts, dichlorobenzidine and its salts, asbestos, coal tar, chromic acid and its salts, bichloromethyl ether, chloromethyl ether and nickel carbonyl.

Office Commentary.

The proposal made by the Government of Japan to divide this Paragraph into two sub-paragraphs and to refer to two Annexes in which would be listed the substances and agents that should be prohibited or subject to authorisation or control, is similar to that in the Proposed Conclusions in Report VII (2), which was considered by the Conference Committee during the first discussion at the 58th (1973) Session. It will be recalled that, following a lengthy discussion which revealed profound differences of opinion regarding both the definition of these various categories and the substances and agents to be included in the Annexes, the Committee finally decided that there should be a single part dealing, with differing degrees of severity, with substances subject to prohibition, to authorisation and to control. The Committee also decided not to append any list to the instrument. In these circumstances the Office has not considered it desirable to propose any amendments to the text adopted by the Committee, but the Conference may, should it deem it advisable, reconsider the matter.

This Paragraph has therefore been retained without change.
7. In making such determination the competent authority should take into account the guides or codes of practice that may be established from time to time by the International Labour Office and the conclusions of meetings of experts convened by the International Labour Office, as well as information from international, national and other bodies.

Observations on Paragraph 7.

Denmark. Considering the great number of authorities supposed to be consulted by the competent authority when determining carcinogenic substances, it might be expedient to reconsider the appointment of a standing committee of experts within the framework of the ILO.

Madagascar. The phrase "that may be established from time to time by the International Labour Office" might be worded more strongly, for example: "... that may be established periodically by the International Labour Office on the basis of the conclusions of meetings of experts convened by the International Labour Office and of information from international, national and other bodies."

Sweden. See the Government's observations on Paragraph 3 (2).

Office Commentary.

The observations on Paragraph 7 relate essentially to the setting up of a standing committee of experts within the framework of the ILO; the Office refers to its commentary on the subject in connection with Paragraph 3. It will also be noted that the words "international, national and other bodies" have been replaced by the words "competent bodies" for the reasons set forth in the Office commentary on Paragraph 3 (2).

Paragraph 7, as thus amended, has been retained in the proposed Recommendation.

8. When the manufacture, use, import and export of substances or agents are prohibited, the competent authority in each country may permit exemptions—

(a) in connection with the provision of such substances or agents for use in cancer research or for validation of analytical methods to be used in cancer prevention; or

(b) by issue of a certificate specifying in each case—

(i) the technical, hygiene and personal protection measures to be applied;
(ii) the medical supervision or other tests or investigations to be carried out;
(iii) the records to be maintained; and

(iv) the professional standards required of those dealing with the supervision of exposure to the substance or agent in question.

Observation on Paragraph 8.

Japan. The exemptions permitted under this provision should be granted not only in cases where the substances or agents are used in cancer research or for validation of analytical methods to be used in cancer prevention, but also when they are used in testing or research in general. In addition, referring to the list of sub-
stances to be prohibited which it suggests should be appended to the instrument (see the observations on Paragraph 6 above), the Government emphasises that these substances are highly carcinogenic and that they can be replaced by other substances; consequently, it considers that Paragraph 8 (b) should not apply to them.

Office Commentary.

The possibility of extending exemptions to research in general, instead of confining them to research on cancer prevention, was already suggested during the first discussion but, because of the high toxicity of the substances in question, the Conference Committee decided to reject the suggestion. It seems, moreover, that in cases of research of special interest the competent authority could always permit exemptions under clause (b). As regards the second point raised by the Government of Japan, it should be recalled that the question of permitting or not permitting exemptions to the principle of prohibition was also examined by the Committee during the first discussion. The Committee finally decided to retain the possibility of permitting exemptions in specific cases.

The text of Paragraph 8 has thus been retained without change in the French version of the proposed Recommendation. In the English version the phrase “the professional standards” in Paragraph 8 (b) (iv) seemed, on careful examination, likely to give rise to differences in interpretation. Consequently, the Office has, for the purpose of better concordance with the French text, amended it to read “the professional qualifications”.

9. (1) When the manufacture, use, import and export of substances or agents are subject to authorisation or control, the competent authority in each country should—

(a) secure the necessary professional and technical advice, particularly as regards the existence of substitute products or methods and the technical, hygiene and personal protection measures to be applied, as well as the medical supervision or other tests or investigations to be carried out before, during and after assignment to work involving exposure to the substance or agent in question;

(b) require the institution of such measures as are appropriate.

(2) The competent authority should further establish the criteria for determining the degree of exposure to the substances or agents in question, and where appropriate should specify limit levels. These levels should be regarded as indicators for supervision of the working environment in connection with the technical preventive measures which are required.


Austria. As regards the establishment of “limit levels” referred to in Paragraph 9 (2), it should be specified, respecting the risk of cancer, that these levels should not be interpreted in the biological sense of the term and that, if they are applied, this does not mean that there will be no risk of disease.

France. See the Government’s observations on Paragraph 3 (2).
Japan. The words “and export” in the first line of Paragraph 9 (1) should be changed to “or export” to allow governments some possibility of choice as regards the type of restriction they consider necessary. In addition, Paragraph 9 (2) should be so changed as to indicate that the ILO committee of experts will consider the criteria for determining the degree of exposure as well as permissible levels of exposure to carcinogenic substances and agents and will publish guidelines on the basis of which the competent authorities in each country can establish the actual criteria and permissible levels of exposure.

Office Commentary.

With regard to the observations made by the Governments of France and Japan concerning the terms of reference of a standing committee of experts set up by the ILO, see the Office commentary on Paragraph 3. As regards the proposal put forward by the Government of Japan concerning Paragraph 9 (1), the Office has not considered it appropriate, in the absence of other observations, to make any change at this stage in the wording of this provision, which was adopted by the Conference during the first discussion. As regards the observation made by the Government of Austria, it may be pointed out that the last sentence of Paragraph 9 (2) clearly indicates the technical role and not the biological value of the limit levels.

Paragraph 9 has therefore been retained without change in the proposed Recommendation.

Proposed New Paragraph.

Japan. See above under Paragraph 4.

III. Supervision of Health of Workers

11. Provision should be made, by laws or regulations or any other method consistent with national practice and conditions, for all workers assigned to employment in the manufacture or use of substances or agents that might involve exposure to the hazards of cancer to undergo as appropriate—

(a) a pre-assignment medical examination;
(b) periodic medical examinations at suitable intervals;
(c) biological or other tests and investigations which may be necessary to control the degree of exposure and supervise the state of health of the workers concerned.

Observations on Paragraph 11.

Austria. Clause (c) could be merged with clause (b) since biological or other tests and investigations are generally carried out during periodic medical examinations.

Japan. Since this Paragraph seems to apply to workers who are usually exposed to carcinogenic substances or agents, it should be clearly stated that only such workers should undergo the medical examinations referred to in this Paragraph.
As amended, this text would become Paragraph 11 (1). A new sub-paragraph (2), worded as follows, should then be added: “(2) Supervision of health of workers must be carried out under the responsible control of qualified doctors and specialists recognised as such by the competent authority.”

Madagascar. The following new clause should be added: “(d) such treatment, provided free of charge, as may be required by their condition.”

Office Commentary.

The issue raised by the Government of Japan of specifying that the workers concerned are those who are “usually” exposed to carcinogenic substances and agents, clearly applies to the whole of Part III. However, first of all it is difficult to give an exact definition, for practical purposes, of the word “usually”; secondly, the term “usually exposed” seems far more restrictive than that used in the present text. The phrase “assigned to employment in the manufacture or use...” would not only cover the idea of a “usual” hazard of exposure connected with the trade or occupation in question but would also include certain groups of workers, such as maintenance workers who, while not strictly speaking “usually” exposed, nevertheless incur serious risks of contamination. Moreover, the view that carcinogenic substances have a threshold limit value beyond which a cancer-producing mechanism is triggered off, has long been questioned and has still not been clearly established. Consequently it is extremely difficult at the present time to specify at what point or at what level of exposure the hazard of cancer may become a reality. Here too, the idea of “usual” exposure, in the strict sense of the word, seems to be of only relative importance. As regards specifying that medical supervision should be carried out by qualified doctors and specialists, this appears to concern details that it is not indispensable to incorporate in the instrument at this stage since they could, if necessary, be dealt with at the level of national regulations or by the competent authority in application of Paragraph 9.

The new clause (d) proposed by the Government of Madagascar concerns free treatment. Although the merit of this proposal is fully appreciated, its inclusion in the instrument might in some cases cause difficulty in implementation; although in many countries the social security systems or national health services already apply this principle in practice, in other countries where such systems are not in force it could be left to the national authority to specify who should bear the financial cost occasioned by whatever treatment may be necessary.

The observation made by the Government of Austria relates to a matter of presentation. It should be noted that there are tests and investigations that may be carried out independently of medical examinations and that consequently the two are not systematically associated. The present wording of the clause therefore allows of greater flexibility in the application of this provision.

Upon reconsidering the proposed text, the Office has also noted that the introductory part of Paragraph 11 prescribes medical examinations for all workers assigned to employment in the manufacture or use of substances or agents “that
might involve exposure to the hazards of cancer ". The same idea is taken up in Paragraphs 12, 13 and 14 in varying terms such as “exposure to the carcinogenic risk” (Paragraph 12), “exposure to carcinogenic substances or agents” (Paragraph 13), and “occupational exposure to carcinogenic substances and agents” (Paragraph 14). It would seem that the idea in the minds of the members of the Committee when they examined these provisions was to refer to the same categories of workers, who were exposed to carcinogenic substances or agents difficult to define, but whom it was desired to cover as completely as possible. Upon closer examination of these various definitions, it will be realised however that it would be impossible, without considerable difficulty, to apply provisions formulated in such vague terms. If the initiative regarding their application were left to undertakings it is obvious that it would be difficult to reach uniform criteria for their application. Who, for instance, should or could establish whether a particular substance or agent involved a carcinogenic hazard? On the basis of what information or of what criteria could it be decided whether exposure to such substances or agents required the application of the measures prescribed in these Paragraphs? When it comes to applying measures that are so complex and to assuming the moral and administrative responsibility they entail, it would seem advisable to specify in greater detail the circumstances in which they should be applied. A first essential step in this direction, in view of the difficulty of formulating with the necessary precision appropriate definitions for these substances or agents, would seem to be to make the provisions in question applicable to workers assigned to employment in the manufacture or use of specified substances or agents. This, moreover, is what is proposed by the Government of Japan in its observations on Paragraph 12. The Office does not, however, consider it necessary at this stage to stipulate by which authority these substances or agents should be specified. It will be for national laws and regulations to do this or to indicate which authority is responsible for so doing. This would be a means of ensuring that the provisions of the instrument are applied in a standard manner in each country. It is mainly for these considerations, and in order to remove all ambiguity and arbitrariness from the interpretation of these provisions, that the Office has deemed it advisable to replace the various expressions mentioned above by the word “specified” in Paragraph 11 and to refer thereto in Paragraphs 12, 13 and 14. The Conference will no doubt wish to give further consideration to this important point in order to take the decisions it considers appropriate.

Paragraph 11, as thus amended, has been retained in the proposed Recommendation.

12. The competent authority should ensure that provision is made for appropriate medical examinations or biological or other tests or investigations to continue to be available to the worker after cessation of exposure to the carcinogenic risk.

Observations on Paragraph 12.

Japan. The term “carcinogenic risk”, used at the end of Paragraph 12, makes it difficult to distinguish the categories of workers in respect of whom it is absolutely
necessary to carry out such examinations. This term should therefore be replaced by the following phrase: "carcinogenic substances or agents determined by the competent authority as those exposure to which requires such examinations, tests or investigations ".

Kenya. The Government proposes inserting the words "where practicable" after the words "should ensure ".

Sweden. Sweden is not at present in a position to arrange for all the investigations indicated here. The Government does, however, consider them to be important.

Office Commentary.

As regards the observations of the Government of Japan, see the Office commentary on Paragraph 11.

The proposal made by the Government of Kenya would result in considerably weakening the scope of this provision. It should be recalled that the Conference Committee, while recognising the difficulties that its systematic application might entail, emphasised its importance not only for the purposes of detection but also to help in assessing the epidemiological nature of the risk. As worded at present, moreover, it might encourage the competent authority to ensure that these medical supervision measures are actually applied.

The Office also considered it appropriate to bring the French and English versions of this Paragraph into closer concordance, taking account of the Committee's intentions during the discussion, and has amended the French text accordingly.

With this amendment to the French text and the inclusion of the reference to Paragraph 11 in respect of the nature of the hazard (see Office commentary on Paragraph 11), Paragraph 12 has been retained in the proposed Recommendation.

13. The examinations, tests and investigations provided for in Paragraphs 11 and 12 and carried out before, during and after assignment to work involving exposure to carcinogenic substances or agents should be carried out as far as possible in working hours and should be free of cost to the workers.

Observation on Paragraph 13.

Iran. When medical examinations take place outside normal working hours, the time thus spent should be considered as overtime.

Office Commentary.

As at present worded Paragraph 13 emphasises two important principles concerning medical examinations: first, they should take place during working hours and the time taken off should therefore be remunerated as normal working time; second, they should entail no expense for the worker. In the absence of other observations, the Office has not considered it appropriate to amend the text, adopted by the Conference, in accordance with the proposal of the Government of Iran.
The text of this Paragraph has been brought into line with that of the two preceding Paragraphs (see Office commentary on Paragraph 11) and, with these amendments, has been retained in the proposed Recommendation.

14. The competent authority in each country should develop, where practicable and as soon as possible, a system for establishing and keeping up to date records both of occupational exposure to carcinogenic substances and agents and of the medical examinations and other tests and investigations provided for in Paragraphs 11 and 12. Such records should be adequate for continued medical supervision as well as for epidemiological evaluation and international comparison. In establishing such records account should be taken of the assistance which may be provided by international and national organisations, including organisations of employers and workers, and by individual employers.


Belgium. The word "dossiers" in the French text, mentioned also in Paragraph 15, is rather vague. The word "records" used in the English text has a wider connotation than the French word "dossiers".

Sweden. It would be desirable for records to be kept of cancerous diseases and that these records be so designed that they could be used for epidemiological studies. A method of this kind is already applied in Sweden for workers exposed to the risk of pneumoconiosis. The National Board of Occupational Safety and Health has set up a "Pneumoconiosis Register" in which a record is kept of all persons exposed to dusts or suffering from a pulmonary disease caused by dust. This register, which is designed to facilitate studies on the connection between exposure to dust and pneumoconiosis, contains information on medical examinations and other data concerning the subject's occupation, exposure to dust, duration and nature of this exposure, etc. The information is compiled in such a way that it can be data-processed.

Office Commentary.

The observation of the Government of Belgium concerns the French version of the English word "records" and proposes replacing the word "dossiers" in the French version by another word with a wider connotation. Failing a suitable suggestion as to the French word to be used, the Office does not consider it desirable, at this stage, to amend the text adopted by the Conference.

As regards the comments made by the Government of Sweden concerning the setting up of a central register on occupational cancer, the Conference Committee noted, during the first discussion, this method of compiling and recording data on this disease and transmitted the information to its working party. The latter preferred a more flexible formula, leaving greater latitude to the competent authorities in each country as regards the application of this principle. The Conference adopted this formula and the Office therefore does not consider it desirable to revert to the matter.
As in the preceding Paragraphs, a number of amendments have been made so that reference to carcinogenic substances and agents will be clearer and more uniform (see also the Office commentary on Paragraph 11).

With these amendments, Paragraph 14 has been retained in the proposed Recommendation.

15. Each employer should keep a record of substances or agents that are produced or used in the undertaking and are of a carcinogenic nature or involve exposure of workers to the hazards of cancer. This record, in association with other records including those specified in Paragraph 14, should be adequate for epidemiological evaluation; it should be preserved for a period sufficient for such evaluation.

Observations on Paragraph 15.

Austria. This provision lays considerable obligations on the employer. It should be noted that medical research has not yet been able to determine the agents responsible for the appearance of cancer and that the cause of this disease is still surrounded by conjecture.

Denmark. This provision seems to place quite extensive obligations on the employer.

Sweden. See the Government's observations on Paragraph 14.

Office Commentary.

In the absence of other observations, Paragraph 15 has been retained without change.

Proposed New Paragraphs.

Japan. Part III (Supervision of Health of Workers) should be complemented by: (a) a provision specifying the frequency of periodic medical examinations and matters to be diagnosed; and (b) a provision indicating that when an enterprise ceases particular operations it should hand over the records of the carcinogenic substances and agents used in these operations to the competent authority or other appropriate authority which would take custody of them.

Office Commentary.

As regards the first point raised, it might be noted that the carcinogenic hazard presented by the substances and agents in question is not uniform. It varies considerably from one substance to another according to its particular toxicity, the level of exposure, the way in which it acts, etc. Consequently, it appears that to lay down the same frequency for all substances and agents would not be in keeping with the aims of health supervision and detection of early signs of the disease which are the purpose of these examinations. Nor does it seem appropriate, in an instrument that
OCCUPATIONAL CANCER PREVENTION

seeks to lay down guidelines for ensuring this protection, to list the many cases that may be encountered in practice and which, in view of the existing situation, could be better dealt with through national regulations.

As regards the second point, the Government's suggestion is relevant and fills a gap in the proposed text. The Office consequently proposes to add the following phrase at the end of Paragraph 15: "... and, in case of closure of the undertaking, should be disposed of in accordance with the directions of the competent authority."

As thus amended, this Paragraph has been retained in the proposed Recommendation.

IV. INFORMATION AND EDUCATION

16. The competent authority in each country should promote studies and collect and disseminate information relevant to occupational cancer risks, with the assistance as appropriate of international and national organisations, including organisations of employers and workers.

Observation on Paragraph 16.

United Kingdom. It would be desirable to add the following phrase to the end of this Paragraph: "... and national authorities should freely exchange information so gained ". This would provide for a desirable degree of international co-operation by means of which the competent authority in one country could know the chemical content of substances imported from another.

Office Commentary.

This Paragraph seems to be worded in terms sufficiently general to include the idea of an exchange of information between competent authorities of the various countries.

Consequently, the Office has not considered it necessary to propose amending the text, which has been retained without change in the proposed Recommendation.

18. Employers should seek information, especially from the competent authority, on carcinogenic hazards which may arise with regard to any substance or agent introduced or to be introduced into the undertaking.

Observations on Paragraph 18.

Denmark. It is important that the authorities concerned with the protection of workers in a particular country should be in possession of the necessary documentation on carcinogenic substances.

Sweden. A necessary condition for compliance with the Recommendation on this point is that manufacturers and importers should be required by law to provide the relevant information on their products. In Sweden protection in this respect is
entirely adequate but in countries where this is not the case it would seem very
difficult to meet the requirement.

Office Commentary.

A requirement such as that proposed by the Government of Sweden would
obviously make it much easier to compile the information referred to in the pro­
vision. It must however be noted, particularly in view of the difficulty of giving a
precise definition of carcinogenic substances and agents, that a requirement of this
kind would be extremely difficult to apply in practice and, in principle, would have
to apply to all chemical substances in general. It will be noted, moreover, that the
purpose of this provision is to recommend that employers should seek information
on substances and agents used in the undertaking and that they should find out
whether information is available in this respect. At this stage the Office has not
considered it desirable to amend the text as suggested by the Government of Sweden
but the Conference will no doubt wish to consider the matter.

Paragraph 18 has thus been retained without change.

19. Employers should ensure that in the case of any substance or agent which is
carcinogenic there is an appropriate indication, to any worker who may be liable to exposure
during work, of the danger which may arise.

Observations on Paragraph 19.

Austria. The word "appropriate" should be explained.

Denmark. The indications mentioned should be written in the language of the
country concerned. There is a difficulty, however, when it comes to indicating the
danger involved in the use of certain natural products.

Kenya. It might be more appropriate to use the word "warning" rather than
"indication".

Office Commentary.

The Office considers that details such as the exact connotation of the word
"appropriate" should be left to national regulations. It does not seem necessary
to go into such details in an international instrument since this might create difficulties
for countries already having regulations on the labelling of harmful substances.
As regards the suggestion made by the Government of Denmark, it would no doubt
be useful for the indications in question to appear on the label in the language of the
country using the substances. However, in view of the rapid development of inter­
national trade, it is not always possible to know the ultimate destination of such
products; furthermore the choice of languages to be used might be very wide and it
would not always be easy to know the right wording.
As regards the use of the word "warning" instead of "indication", the present text seems unlikely to be misinterpreted. For these reasons, and in view of the fact that the great majority of governments which replied made no reservations concerning the wording of this Paragraph, it has been retained without change in the proposed Recommendation.

20. Employers should instruct their workers before assignment and at regular intervals thereafter, as well as on introduction of a new carcinogenic substance or agent, on the dangers to which they are exposed in the manufacture and use of carcinogenic substances and agents and on the measures to be taken to prevent the hazard of cancer.

Observation on Paragraph 20.

Sweden. The information concerning the dangers incurred and instruction on preventive measures recommended here should, in the Government's opinion, be considered as a continuous process rather than something to be conducted by spot efforts and at specific intervals of time. The phrase "at regular intervals" should therefore be replaced by the word "continuously" or other suitable wording.

Office Commentary.

The setting up of a system allowing for constant instruction—within the strict meaning advocated by the Government of Sweden—seems likely to run into considerable practical difficulties. However, the present wording of this provision, prescribing instruction "at regular intervals" may well be unduly rigid. It would seem advisable, while emphasising the need to impart the necessary continuity to these instruction activities, to word the provision more flexibly so that measures taken in this connection can be adapted to the existing situation and take account of the necessities inherent in the type and gravity of the risk. For these reasons the Office proposes replacing the phrase "at regular intervals" by the word "regularly".

As thus amended, Paragraph 20 has been retained in the proposed Recommendation.

21. Employers' and workers' organisations should take positive action to carry out programmes of information and education with regard to the hazards of occupational cancer, and should encourage their members to participate fully in programmes of prevention and control.

Observation on Paragraph 21.

Kenya. The words "with the assistance of the competent authority" should be inserted after "employers' and workers' organisations...".
Office Commentary.

It would seem that the co-operation of the competent authorities could be sought whenever necessary. The aim of this provision is to encourage both the social partners concerned to co-operate closely and constructively in the information and education of the entire staff of the undertaking.

In the absence of other observations, Paragraph 21 has been retained without change in the proposed Recommendation.

Proposed New Paragraph.

Japan. The following new Paragraph should be included in this Part: "Persons starting the import, export or sale of carcinogenic substances must put on the containers used in the transport of the carcinogenic substances an appropriate indication relating to the content of the substances and possible hazards which may be caused by them."

Office Commentary.

The proposal of the Government of Japan is relevant and no doubt motivated by concern to protect a category of workers—namely those engaged in transport—for whom preventive measures against hazards of this kind are often inadequate. It should be remembered, however, that general provision has already been made for the measures proposed by the Government in Paragraph 19 above, which requires employers to ensure that the information in question is appropriately indicated for the benefit of all workers who may be exposed to the risk of contamination. For this reason it does not seem necessary at this stage to add to this Part a new Paragraph going into detail on a particular aspect of the matter.

V. Measures of Application

22. Each Member should—

(a) by laws or regulations or any other method consistent with national practice and conditions, take such steps, including the provision of appropriate penalties, as may be necessary to give effect to the provisions of this Recommendation;

(b) in accordance with national practice, specify the person or persons on whom the obligation of compliance with the provisions of this Recommendation rests;

(c) provide appropriate inspection services for the purpose of supervising the application of the provisions of this Recommendation, or satisfy itself that appropriate inspection is carried out.

Observation on Paragraph 22.

Sweden. In Sweden the responsibility for inspection in this field rests with an authority and not with an individual person.
Office Commentary.

In the absence of other observations, this Paragraph has been retained without change.

Consultation of Governments on a Possible Convention

The observations reproduced below refer to the proposal made by the Workers’ members of the Committee on Occupational Cancer Prevention of the 58th (1973) Session of the Conference, given on pages 35 and 36 of Report V (1). The points proposed by the Workers’ members for inclusion in a Convention are as follows:

(i) it would apply to all activities involving exposure of workers to any of the three substances listed in an Annex (beta-naphthylamine, benzidine, and 4-aminodiphenyl);

(ii) it would prohibit the manufacture, use or import of those highly carcinogenic substances;

(iii) the competent authority could make exceptions to the prohibition, after consultation with the organisations of the employers and workers concerned, in particular circumstances (e.g. research, presence in the form of a very small proportion of impurities);

(iv) the instrument would require that workers exposed to the hazard should undergo medical examinations and tests, and would provide for identification of the workers exposed and for them to be informed of the risks and health precautions needed;

(v) it would also provide that the Conference could adopt amendments to the Annex by a two-thirds majority.

Governments were invited to indicate in their reply to Report V (1), the points which, in their view, would be suitable for inclusion in a Convention concerning prevention and control of occupational cancer.

Austria

In the Government’s view only Paragraphs 11 and 20 of the proposed Recommendation could be included in a Convention.
BELGIUM

The Government has no objection to the adoption of a Convention prohibiting beta-naphthylamine, benzidine and 4-aminodiphenyl as suggested on pages 35 and 36 of Report V (1). It would draw attention, however, to the great number of workers who are exposed to risks of cancer caused by such substances as asbestos and 3,4-benzopyrene.

BURUNDI

The Government concurs with the proposal made by the Workers’ members of the Committee in Report V (1) and hopes that a Convention covering the points suggested by them will be adopted.

CENTRAL AFRICAN REPUBLIC

The points suggested by the Workers’ members of the Committee could be retained for inclusion in an international instrument.

CZECHOSLOVAKIA

Points (i) to (v) on pages 35 and 36 of Report V (1) should take the form of a Convention.

DENMARK

The Government does not preclude the possibility that it might be expedient to include points (ii), (iii) and (iv) on pages 35 and 36 of Report V (1) in a Convention.

EL SALVADOR

Of the points suggested by Workers’ members of the Committee (i), (iv) and (v) could be included in a Convention.

FEDERAL REPUBLIC OF GERMANY

Points (i) to (v) proposed by the Workers’ members of the Committee could be included in a Convention, in which case point (iii) ought to be re-drafted in the following manner:

"The competent authority could make exceptions to the prohibition, after consultation with the organisations of employers and workers concerned, in particular circumstances (e.g. research, or when the substances are present in the form of impurities or if there are no substitutes, on condition, however, that there is no risk to the health of workers or third parties)."

In these circumstances, the exceptions affect the manufacture, import and use of carcinogenic substances. Circumstances might arise in the future when, apart from the cases cited above, it might be impossible to dispense with the substances mentioned. Even then, no exceptions will be permitted unless appropriate preventive measures have been taken.
The Government is of the opinion that it would be more practical to issue permits or authorisations rather than to impose a prohibition of the type suggested in (ii). This would enable the manufacture, use or import of these substances to be more effectively controlled. Other carcinogenic substances should only be included in the Convention in accordance with the recommendations of a Committee of Experts.

HUNGARY

The Government is ready to accept a Convention in this matter, provided that the Conference decides on its adoption after the second discussion.

INDIA

The Government is of the view that the instrument is a protective measure for the health of workers and therefore it would support in principle the adoption of a Convention supplemented by a Recommendation. The points proposed on pages 35 and 36 of Report V (1) for inclusion in a Convention would be suitable as a basis for discussion, with the exception of point (ii), on which the Government reserves its position.

IRAN

The Government considers that a Convention supplemented by a Recommendation ought to be adopted. The Convention should include the following points: (a) prohibition on the manufacture, use or import of highly carcinogenic substances; (b) surveillance of the working environment with a view to minimising exposure of workers to carcinogenic substances and agents; and (c) medical supervision of workers exposed to hazards, medical examinations, etc.

JAPAN

In view of the grave hazards caused by carcinogenic substances and in order to establish protective measures including effective legislation, the Government hopes that a Convention will be adopted. Such an instrument should cover the basic provisions contained in various Paragraphs of the Proposed Recommendation, namely:

Part I ("General Provisions"): Paragraphs 1, 2, 3 (1), 4 (1) and (3) and 5 of the Proposed Recommendation should be incorporated in the Proposed Convention.

Part II ("Preventive Measures"): Paragraphs 6 (amended), 8 and 9 of the Proposed Recommendation should be incorporated in the Proposed Convention. In order to clarify the mode of determining carcinogenic substances and agents, the present Paragraph 6 should, in accordance with the examples of Paragraphs 8 and 9, be re-drafted in the following manner:

"6 (1) The competent authority for each country should determine the carcinogenic substances and agents the manufacture, use and import of which are prohibited and, in making such determination, take into account the carcinogenic substances and agents listed in the Annex."
(2) The competent authority in each country should determine the carcinogenic substances and agents the manufacture, use, import or export of which shall be subject to authorisation or control.

Since the substances and agents logically cannot be exported if their manufacture and import are prohibited, the term "export" has been omitted in the amended Paragraph 6 (1). In addition, the word "and" before "export" in Paragraph 6 of the original text has been replaced by the word "or" in Paragraph 6 (2) of the amendment to allow governments choice in respect of types of restrictions they deem necessary. The Annex referred to in Paragraph 6 (1) of the above amendment should include in its list benzidine and its salts, 4-aminodiphenyl, and 4-nitrodiphenyl.

As regards Paragraph 8 to be included in the Proposed Convention, the Government is of the opinion that the exemptions should be permitted not only in connection with cancer research or validation of analytical efforts but also in testing or research in general. In addition, since the substances mentioned above in Paragraph 6 (1) (see the list proposed for the Annex) are highly carcinogenic and can be replaced by other substances, the Government considers that the use of those substances should not be permitted except in testing or research and that Paragraph 8 (b) should not be applicable to them. The word "export" should be deleted from the introductory part of Paragraph 8 for the reasons given above and the words "and export" in the text of Paragraph 9 (1) should be changed to "or export" for the same reasons as those given under Paragraph 6 (2) above.

Part III ("Supervision of Health of Workers"): Paragraphs 11 and 12 of the Proposed Recommendation should be amended as follows and included in the proposed Convention:

Paragraph 11: since it seems that this Paragraph applies to workers who are usually exposed to carcinogenic substances or agents, it should be expressed definitely that such workers only are entitled to undergo medical examinations as specified in that Paragraph; the following provision should be added as a new sub-paragraph to Paragraph 11:

"(2) Supervision of health of workers must be carried out under the responsible control of qualified doctors and specialists recognised as such by the competent authority."

Paragraph 12: when the general term "carcinogenic risk" is used as in Paragraph 12 of the Proposed Recommendation, the categories of workers in respect of whom there is real necessity for making examinations, investigations, etc., are hard to distinguish from others. This term should be replaced by an expression such as "carcinogenic substances or agents determined by the competent authority as those exposure to which requires such examinations, tests or biological investigations."

Part V ("Measures of Application"): Paragraphs 22 and 23 of the proposed Recommendation should be included in the proposed Convention.

MADAGASCAR

The Government is in favour of the adoption of a Convention covering the points proposed by the Workers’ members of the Committee.
SWEDEN

In the Government’s opinion a possible Convention should be worded differently from the Recommendation here proposed, as is clear also from the proposals made by the Workers’ members of the Committee.

USSR

For the international instrument to be truly binding and for it to make a real contribution to the fight against cancer, the Conference should adopt a Convention supplemented by a Recommendation.

UNITED KINGDOM

With regard to the suggestion that certain provisions might be embodied in a Convention, the view of the United Kingdom Government remains that, because of the lack of adequate knowledge that still persists in so many areas of this subject, a Recommendation is the most appropriate form of instrument to be considered at the present time. A Recommendation would allow more account to be taken of different national circumstances and would also make easier any necessary future updating as new knowledge on the subject is acquired. In view, however, of the strong wishes for a Convention expressed by the Workers’ members of the Committee and some Government members, the United Kingdom Government is not opposed to the discussion at next year’s Conference of the arguments for and against the adoption of a Convention and considers that this could best be done if a proposed Convention were to be submitted for the Conference Committee’s consideration alongside the text of the proposed Recommendation. Points (i) to (iv) of the items put forward by the Workers’ members would form a suitable basis for a draft text of a Convention for discussion in spite of the fact that difficulties can be foreseen over the legal and scientific determination of the very small proportion of impurities attracting exemptions from prohibition. Also, the term “exposure of workers” would need to be more precisely defined in the light of possible manufacture in closed systems and the production of intermediates. With regard to point (v), however, it is the Government’s view that provisions for amending the Annex would be unnecessary, since cases where expert opinion advised prohibition of any further substances would be covered by the provisions of Part II of the Recommendation.

UNITED STATES

The texts of the proposed Convention and Recommendation will provide a satisfactory basis for discussion.

SUGGESTIONS CONCERNING A POSSIBLE CONVENTION

Only 18 out of the 59 States which sent replies addressed themselves specifically to the question of a possible Convention. Of these 2 stated their preference for a Recommendation alone, although they declared themselves ready to examine a proposed Convention.
Since there is thus a very incomplete picture of government views on the desirability of a Convention, it has seemed preferable to leave a decision on the subject to the Conference.

As regards the content of a possible Convention, 8 of the 18 States which replied on this point were prepared to take the suggestions of the Workers' members in their entirety as a basis for discussion; 4 were prepared to take only some of these suggestions as a basis for discussion (2 expressly excluded the idea of prohibiting the listed substances, while 2 excluded the provision for bringing the list of substances up to date); while the remainder either had other suggestions or did not deal with the question of content. There is thus no clear consensus on the basis for the preparation of a draft Convention.

By reference to the proposals of the Workers' members, the replies of governments and the action of the Conference on the proposed Recommendation, two major approaches to a possible Convention are possible: that of a precise, and limited, obligation to prohibit the use of named substances; and that of an obligation of principle to reduce exposure to carcinogenic substances in general to the greatest possible extent. Combinations of these two approaches are of course possible.

To facilitate consideration of the matter by the Conference, the Office is setting out below alternative texts of two brief Conventions representing the two major approaches. Should the Conference consider the adoption of a Convention desirable, it could then decide whether to take one or other of these drafts as the basis for its discussion, or to seek to merge them.

**Alternative A**

(Preamble essentially as in Recommendation.)

**Article 1**

Each Member which ratifies this Convention shall prohibit the manufacture, use or import of the substances listed in the Annex to this Convention.

**Article 2**

1. The competent authority, after consultation of the organisations of employers and workers concerned, may permit exemptions from the prohibition provided for in Article 1 of this Convention—

   (a) in connection with the provision of the substances in question for use in cancer research or for validation of analytical methods to be used in cancer prevention;

   (b) in cases in which very small proportions of the substances, specified by the competent authority, are present in the form of impurities.

2. In such case, workers who may be exposed to the substances in question shall—

   (a) be instructed on the dangers involved and on the measures to be taken to prevent the hazard of cancer;
(b) undergo such medical examinations or biological or other tests or investigations as are necessary to control the degree of exposure and supervise the state of health of the workers concerned.

Article 3

1. The International Labour Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority amendments to the Annex to this Convention.

2. Such amendments shall take effect in respect of any Member already a party to the Convention when such Member notifies the Director-General of the International Labour Office of its acceptance thereof.

3. Unless the Conference otherwise decides when adopting an amendment, an amendment shall be effective, by reason of its adoption by the Conference, in respect of any Member subsequently ratifying the Convention.

Article 4

Each Member which ratifies this Convention—

(a) shall, by laws or regulations or any other method consistent with national practice and conditions, take such steps as may be necessary to give effect to the provisions of this Convention;

(b) shall, in accordance with national practice, specify the person or persons on whom the obligation of compliance with the provisions of this Convention rests;

(c) undertakes to provide appropriate inspection services for the purpose of supervising the application of this Convention, or to satisfy itself that appropriate inspection is carried out.

ANNEX

Beta-naphthylamine.
Benzidine.
4-aminodiphenyl.

Alternative B

(Preamble essentially as in Recommendation.)

Article 1

1. All carcinogenic substances and agents to which workers may be exposed by reason of their work shall be replaced to the greatest extent possible by less harmful substances or agents.

2. The number of persons exposed to carcinogenic substances or agents and the duration and levels of such exposure shall be reduced to the greatest extent possible.

Article 2

Each Member which ratifies this Convention shall determine the carcinogenic substances and agents the manufacture, use, import and export of which are prohibited or subject to authorisation or control.
Article 3

Each Member which ratifies this Convention shall prescribe the technical and occupational hygiene measures to be taken to protect workers against the hazards of exposure to carcinogenic substances or agents.

Article 4

Workers who may be exposed to carcinogenic substances or agents shall—

(a) be instructed on the dangers involved and on the measures to be taken to prevent the hazard of cancer;

(b) undergo such medical examinations or biological or other tests or investigations as are necessary to control the degree of exposure and supervise the state of health of the workers concerned.

Article 5

Each Member which ratifies this Convention—

(a) shall, by laws or regulations or any other method consistent with national practice and conditions, take such steps as may be necessary to give effect to the provisions of this Convention;

(b) shall, in accordance with national practice, specify the person or persons on whom the obligation of compliance with the provisions of this Convention rests;

(c) undertakes to provide appropriate inspection services for the purpose of supervising the application of this Convention, or to satisfy itself that appropriate inspection is carried out.
PROPOSED TEXT
The following is the English version of the proposed Recommendation concerning prevention and control of occupational hazards caused by carcinogenic substances and agents, which is submitted as a basis for discussion of the fifth item on the agenda of the 59th Session of the Conference.

Proposed Recommendation concerning Prevention and Control of Occupational Hazards Caused by Carcinogenic Substances and Agents

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 Fifty-ninth Session on 5 June 1974, and
Noting the terms of the Radiation Protection Convention and Recommendation, 1960, and of the Benzene Convention and Recommendation, 1971, which are directed to the protection of workers against certain specific health hazards, including occupational cancer, and
Considering that it is desirable to establish international standards concerning protection against other carcinogenic substances or agents, and
Taking account of the relevant work of other international organisations, and in particular of the World Health Organisation and the International Agency for Research on Cancer, with which the International Labour Organisation collaborates, and
Having decided upon the adoption of certain proposals regarding control and prevention of occupational hazards caused by carcinogenic substances and agents, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,
The following is the French version of the proposed Recommendation concerning prevention and control of occupational hazards caused by carcinogenic substances and agents, which is submitted as a basis for discussion of the fifth item on the agenda of the 59th Session of the Conference.

**Projet de recommandation concernant la prévention et le contrôle des risques professionnels causés par les substances et agents cancérigènes**

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 5 juin 1974, en sa cinquante-neuvième session;

Notant les termes de la convention et de la recommandation sur la protection contre les radiations, 1960, et de la convention et de la recommandation sur le benzène, 1971, qui visent la protection des travailleurs contre certains dangers spécifiques pour la santé, y compris le cancer professionnel;

Considérant qu’il est souhaitable d’établir des normes internationales concernant la protection contre d’autres substances ou agents cancérigènes;

Compte tenu du travail pertinent d’autres organisations internationales, notamment de l’Organisation mondiale de la santé et du Centre international de recherches sur le cancer, avec lesquelles l’Organisation internationale du Travail collabore;

Après avoir décidé d’adopter diverses propositions relatives à la prévention et au contrôle des risques professionnels causés par les substances et agents cancérigènes, 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,
adopts this day of June of the year one thousand nine hundred and seventy-four the following Recommendation, which may be cited as the Occupational Cancer Recommendation, 1974:

I. GENERAL PROVISIONS

1. All carcinogenic substances and agents to which workers may be exposed by reason of their work should be replaced to the greatest extent possible by less harmful substances or agents.

2. The number of persons exposed to carcinogenic substances or agents and the duration and levels of such exposure should be reduced to the greatest extent possible.

3. (1) The competent authority in each country should prescribe the measures to be taken to protect workers against the hazards of exposure to carcinogenic substances or agents.

   (2) The competent authority should keep the measures prescribed up to date, taking into account the guides or codes of practice that may be established from time to time by the International Labour Office and the conclusions of meetings of experts convened by the International Labour Office, as well as information from other competent bodies.

4. (1) Employers should make every possible effort to use work processes which do not cause the formation, and particularly the emission in the working environment, of carcinogenic substances or agents, as main products, intermediates, by-products, waste products or otherwise.

   (2) Where complete elimination of a carcinogenic substance or agent is not possible, employers should use all appropriate measures, in consultation with the workers and their organisations and in the light of advice from competent sources, including occupational health services, to eliminate exposure or reduce it to a minimum in terms of numbers exposed, duration of exposure and levels of exposure.

   (3) In cases to be determined by the competent authority in each country, the employer should make arrangements for the systematic surveillance of the level of exposure to carcinogenic substances or agents in the working environment.

   (4) Where carcinogenic substances or agents are transported or stored, all appropriate measures should be taken to prevent leakage.
adopte, ce jour de juin mil neuf cent soixante-quatorze, la recommandation ci-après, qui sera dénommée Recommandation sur le cancer professionnel, 1974.

I. DISPOSITIONS GÉNÉRALES

1. Toute substance et tout agent cancérigène auxquels les travailleurs pourraient être exposés en raison de leur travail devraient, dans toute la mesure possible, être remplacés par une substance ou un agent moins nocifs.

2. Le nombre des personnes exposées à des substances ou agents cancérigènes ainsi que la durée et le niveau de cette exposition devraient être réduits dans toute la mesure possible.

3. (1) L'autorité compétente de chaque pays devrait prescrire les mesures à prendre pour protéger les travailleurs contre les risques d'exposition aux substances ou agents cancérigènes.

(2) L'autorité compétente de chaque pays devrait faire en sorte que ces mesures soient constamment à jour en tenant compte des guides et recueils de directives pratiques que le Bureau international du Travail élaborerait de temps à autre en la matière, des conclusions de réunions d'experts convoquées par le Bureau international du Travail et des informations obtenues d'autres organismes compétents.

4. (1) L'employeur devrait s'efforcer, dans toute la mesure possible, de recourir à des procédés de travail qui ne donnent pas lieu à la formation, ni surtout à l'émission dans le milieu de travail, de substances ou d'agents cancérigènes en tant que produit principal, produit intermédiaire, sous-produit, déchets ou autre.

(2) Lorsque l'élimination complète d'une substance ou d'un agent cancérigène n'est pas possible, l'employeur, en consultation avec les travailleurs et leurs organisations et à la lumière des avis émanant de sources autorisées, et notamment des services de médecine du travail, devrait mettre en œuvre tous les moyens appropriés en vue de supprimer l'exposition ou de réduire au minimum le nombre des personnes exposées, la durée et les niveaux d'exposition.

(3) L'employeur devrait, dans des cas à déterminer par l'autorité compétente de chaque pays, prendre les dispositions nécessaires pour surveiller systématiquement les niveaux d'exposition aux substances ou agents cancérigènes dans l'environnement de travail.

(4) Lorsque des substances ou agents cancérigènes sont transportés ou stockés, toutes mesures appropriées devraient être prises pour prévenir les fuites.
5. Workers and others concerned with occupational situations in which the risk of exposure to carcinogenic substances or agents may occur should conform to the safety procedures laid down and make proper use of all equipment furnished for their protection or the protection of others.

II. PREVENTIVE MEASURES

6. The competent authority in each country should determine the carcinogenic substances and agents the manufacture, use, import and export of which are prohibited or subject to authorisation or control.

7. In making such determination the competent authority should take into account the guides or codes of practice that may be established from time to time by the International Labour Office and the conclusions of meetings of experts convened by the International Labour Office, as well as information from other competent bodies.

8. When the manufacture, use, import and export of substances or agents are prohibited, the competent authority in each country may permit exemptions—

(a) in connection with the provision of such substances or agents for use in cancer research or for validation of analytical methods to be used in cancer prevention; or
(b) by issue of a certificate specifying in each case—
   (i) the technical, hygiene and personal protection measures to be applied;
   (ii) the medical supervision or other tests or investigations to be carried out;
   (iii) the records to be maintained; and
   (iv) the professional qualifications required of those dealing with the supervision of exposure to the substance or agent in question.

9. (1) When the manufacture, use, import and export of substances or agents are subject to authorisation or control, the competent authority in each country should—

(a) secure the necessary professional and technical advice, particularly as regards the existence of substitute products or methods and the technical, hygiene and personal protection measures to be applied, as well as the medical supervision or other tests or investigations to be carried out before, during and after assignment to work involving exposure to the substance or agent in question;
(b) require the institution of such measures as are appropriate.
5. Les travailleurs et les autres personnes prenant part à des activités profession­nelles impliquant un risque d’exposition à des substances ou agents cancérigènes devraient se conformer aux consignes de sécurité prescrites et faire un usage correct de tout équipement fourni pour leur protection ou pour la protection des tiers.

II. MESURES DE PRÉVENTION

6. L’autorité compétente de chaque pays devrait déterminer les substances et agents cancérigènes dont elle interdirait ou soumettrait à autorisation ou à contrôle la production, l’usage, l’importation et l’exportation.

7. Pour déterminer ces substances et agents, l’autorité compétente devrait tenir compte des guides et recueils de directives pratiques que le Bureau international du Travail élaborerait de temps à autre en la matière, des conclusions de réunions d’experts convoquées par le Bureau international du Travail et des informations obtenues d’autres organismes compétents.

8. Lorsque la production, l’usage, l’importation et l’exportation de substances ou agents cancérigènes seraient interdits, l’autorité compétente de chaque pays pour­rait prévoir des exceptions à cette interdiction:

a) soit quand ces substances ou agents seraient destinés à être utilisés à des fins de recherches sur le cancer ou pour éprouver l’efficacité de méthodes d’analyses appliquées à la prévention du cancer;

b) soit par un acte individuel d’autorisation précisant:
   i) les mesures techniques, d’hygiène et de protection individuelle requises;
   ii) la surveillance médicale ou les examens ou investigations à pratiquer;
   iii) les registres à tenir;
   iv) les qualifications professionnelles requises de ceux qui sont chargés de sur­veiller l’exposition à ces substances ou agents.

9. (1) Lorsque la production, l’usage, l’importation et l’exportation de subs­tances ou agents cancérigènes seraient soumis à autorisation ou à contrôle, l’autorité compétente de chaque pays devrait:

a) obtenir des avis professionnels et techniques notamment quant à l’existence de produits ou méthodes de remplacement, quant aux mesures techniques, d’hygiène et de protection individuelle et quant à la surveillance médicale ou aux examens ou investigations à pratiquer, avant, pendant et après l’affectation des travailleurs à des tâches comportant l’exposition aux substances ou agents en cause;

b) exiger que les mesures appropriées soient prises.
(2) The competent authority should further establish the criteria for determining the degree of exposure to the substances or agents in question, and where appropriate should specify limit levels. These levels should be regarded as indicators for surveillance of the working environment in connection with the technical preventive measures which are required.

10. The competent authority in each country should keep the determination of carcinogenic substances and agents made in pursuance of this Part of this Recommendation up to date.

III. SUPERVISION OF HEALTH OF WORKERS

11. Provision should be made, by laws or regulations or any other method consistent with national practice and conditions, for all workers assigned to work in the manufacture or use of specified substances or agents to undergo as appropriate—

(a) a pre-assignment medical examination;
(b) periodic medical examinations at suitable intervals;
(c) biological or other tests and investigations which may be necessary to control the degree of exposure and supervise the state of health of the workers concerned.

12. The competent authority should ensure that provision is made for appropriate medical examinations or biological or other tests or investigations to continue to be available to the worker after cessation of the assignment referred to in Paragraph 11 of this Recommendation.

13. The examinations, tests and investigations provided for in Paragraphs 11 and 12 of this Recommendation should be carried out as far as possible in working hours and should be free of cost to the workers.

14. The competent authority in each country should develop, where practicable and as soon as possible, a system for establishing and keeping up to date records both of occupational exposure to the substances and agents specified for the purpose of Paragraph 11 of this Recommendation and of the medical examinations and other tests and investigations provided for in that Paragraph and in Paragraph 12. Such records should be adequate for continued medical supervision as well as for epidemiological evaluation and international comparison. In establishing such
(2) L'autorité compétente devrait en outre établir les critères permettant de déterminer le degré d'exposition aux substances ou agents en question et, dans les cas appropriés, préciser les niveaux limites. Ces niveaux devraient être considérés comme une indication pour la surveillance de l'environnement de travail en relation avec les mesures de prévention technique requises.

10. L'autorité compétente de chaque pays devrait faire en sorte que soient constamment à jour les décisions quant aux substances et agents cancérogènes qu'elle aurait prises en vertu de la présente partie de la recommandation.

III. SURVEILLANCE DE LA SANTÉ DES TRAVAILLEURS

11. Il devrait être prévu, par voie de législation nationale ou par toute autre méthode conforme à la pratique et aux conditions nationales, que tout travailleur affecté à la production ou à l'emploi de substances ou d'agents spécifiés devrait être soumis, suivant les besoins:

a) à un examen médical préalable à l'affectation;

b) à des examens médicaux périodiques à des intervalles appropriés;

c) aux examens ou investigations d'ordre biologique ou autre nécessaires pour contrôler le degré d'exposition et surveiller l'état de santé du travailleur intéressé.

12. L'autorité compétente devrait faire en sorte que des dispositions soient prises pour que les travailleurs continuent de bénéficier d'examens médicaux ou d'examens ou investigations biologiques ou autres appropriés après la cessation de l'affectation visée au paragraphe 11 de la présente recommandation.

13. Les examens médicaux et les autres examens ou investigations prévus aux paragraphes 11 et 12 de la présente recommandation devraient avoir lieu, autant que possible, pendant les heures de travail et ne devraient entraîner aucune dépense pour les travailleurs.

14. L'autorité compétente de chaque pays devrait, dès que possible, élaborer un système pour l'établissement et la mise à jour de dossiers sur l'exposition professionnelle aux substances ou agents spécifiés aux fins du paragraphe 11 de la présente recommandation et sur les examens médicaux ou autres examens ou investigations prévus aux paragraphes 11 et 12. Ces dossiers devraient permettre la surveillance médicale à long terme, l'évaluation épidémiologique et la comparaison internationale. En établissant ces dossiers, il conviendrait de tenir compte de l'assistance que pour-
records account should be taken of the assistance which may be provided by inter­
national and national organisations, including organisations of employers and work­
ers, and by individual employers.

15. Each employer should keep a record of substances or agents that are produced
or used in the undertaking and are of a carcinogenic nature or involve exposure of
workers to the hazards of cancer. This record, in association with other records
including those specified in Paragraph 14 of this Recommendation, should be
adequate for epidemiological evaluation; it should be preserved for a period suffi­
cient for such evaluation and, in case of closure of the undertaking, should be
disposed of in accordance with the directions of the competent authority.

IV. INFORMATION AND EDUCATION

16. The competent authority in each country should promote studies and collect
and disseminate information relevant to occupational cancer risks, with the assistance
as appropriate of international and national organisations, including organisations
of employers and workers.

17. The competent authority in each country should draw up suitable educational
guides for both employers and workers on substances and agents liable to give rise
to occupational cancer.

18. Employers should seek information, especially from the competent authority,
on carcinogenic hazards which may arise with regard to any substance or agent
introduced or to be introduced into the undertaking.

19. Employers should ensure that in the case of any substance or agent which is
carcinogenic there is an appropriate indication, to any worker who may be liable
to exposure during work, of the danger which may arise.

20. Employers should instruct their workers before assignment and regularly
thereafter, as well as on introduction of a new carcinogenic substance or agent,
on the dangers to which they are exposed in the manufacture and use of carcinogenic
substances and agents and on the measures to be taken to prevent the hazard of
cancer.

21. Employers’ and workers’ organisations should take positive action to carry
out programmes of information and education with regard to the hazards of occupa-
raient fournir des organisations nationales et internationales, y compris les organisations d’employeurs et de travailleurs ainsi que les employeurs.

15. L’employeur devrait tenir un registre des substances ou agents produits ou utilisés dans l’entreprise qui ont une action cancérogène ou comportent l’exposition des travailleurs à des risques de cancer. Ce registre devrait, conjointement avec d’autres registres, y compris les dossiers mentionnés au paragraphe 14 de la présente recommandation, permettre des évaluations épidémiologiques; il devrait en outre être conservé pendant une période suffisante pour permettre de telles évaluations et, en cas de fermeture de l’entreprise, il devrait en être disposé suivant les instructions de l’autorité compétente.

IV. INFORMATION ET ÉDUCATION

16. L’autorité compétente de chaque pays devrait promouvoir des études ainsi que rassembler et diffuser des informations concernant les risques de cancer professionnel, avec le concours, le cas échéant, d’organisations nationales et internationales, y compris les organisations d’employeurs et de travailleurs.

17. L’autorité compétente de chaque pays devrait élaborer, pour les employeurs et les travailleurs, des manuels d’éducation adéquats concernant les substances et agents susceptibles d’engendrer le cancer professionnel.

18. Lorsque des substances ou agents sont mis en œuvre ou doivent être mis en œuvre dans l’entreprise, l’employeur devrait s’informer, notamment auprès de l’autorité compétente, des risques de cancer susceptibles de se manifester.

19. L’employeur devrait s’assurer, pour chaque substance ou agent cancérogène, que le danger qui en découle soit signalé, de façon appropriée, à tout travailleur qui pourrait y être exposé au cours de son travail.

20. L’employeur devrait instruire les travailleurs, avant leur affectation et, par la suite, régulièrement, ainsi que lors de l’introduction d’une nouvelle substance ou d’un nouvel agent cancérogène, des risques auxquels ils sont exposés lors de la fabrication ou de l’usage de substances ou agents cancérigènes, ainsi que des mesures à appliquer pour prévenir le risque de cancer.

21. Les organisations d’employeurs et de travailleurs devraient prendre des mesures concrètes pour mettre en application des programmes d’information et
V. Measures of Application

22. Each Member should—

(a) by laws or regulations or any other method consistent with national practice and conditions, take such steps, including the provision of appropriate penalties, as may be necessary to give effect to the provisions of this Recommendation;

(b) in accordance with national practice, specify the person or persons on whom the obligation of compliance with the provisions of this Recommendation rests;

(c) provide appropriate inspection services for the purpose of supervising the application of the provisions of this Recommendation, or satisfy itself that appropriate inspection is carried out.

23. In applying the provisions of this Recommendation, the competent authority should consult with the most representative organisations of employers and workers concerned.
d'éducation sur les risques de cancer professionnel et devraient encourager leurs membres à participer pleinement aux programmes de prévention et de contrôle.

V. MESURES D’APPLICATION

22. Chaque Membre devrait:

a) prendre, par voie de législation ou par toute autre méthode conforme à la pratique et aux conditions nationales, les mesures nécessaires, y compris l’adoption de sanctions appropriées, pour donner effet aux dispositions de la présente recommandation;

b) désigner, conformément à la pratique nationale, les personnes tenues de respecter les dispositions de la présente recommandation;

c) charger des services d’inspection appropriés du contrôle de l’application des dispositions de la présente recommandation, ou vérifier qu’une inspection adéquate est assurée.

23. En donnant effet aux dispositions de la présente recommandation, l’autorité compétente devrait consulter les organisations les plus représentatives des employeurs et des travailleurs intéressées.