



Governing Body

310th Session, Geneva, March 2011

GB.310/LILS/3/2

Committee on Legal Issues and International Labour Standards

LILS

FOR DECISION

THIRD ITEM ON THE AGENDA

Improvements in the standards-related activities of the ILO

Streamlining of the sending and processing of information and reports

Overview

Issues covered

Review of the article 22 report forms for occupational safety and health; and a new reporting cycle for the fundamental and governance Conventions.

Policy and legal implications

The new three-year reporting cycle for the fundamental and governance Conventions under article 22 of the Constitution would be implemented as of 2012.

Financial implications

None.

Decisions required

Paragraphs 10 and 14.

References to other Governing Body documents and ILO instruments

GB.300/LILS/6, GB.303/LILS/4/1, GB.306/LILS/4(Rev.), GB.306/10/2(Rev.), GB.309/LILS/4, GB.309/12/2(Rev.), GB.310/LILS/3/1, GB.310/LILS/4.

ILO Declaration on Social Justice for a Fair Globalization.

Introduction

1. In the implementation of the second component of the standards strategy (enhancing the impact and strengthening of the supervisory system), the interim plan of action includes streamlining the sending and processing of information and reports.¹ This paper examines two questions: a review of article 22 report forms for occupational safety and health (OSH) Conventions and a new article 22 reporting cycle for the fundamental and governance Conventions.

Progress report on the review of the report forms

2. In view of the importance for the effective functioning of the supervisory system of obtaining high-quality information on the application of standards and of the role of the report forms in this respect, the Committee initiated a review of the article 22 report forms in November 2008,² beginning with the fundamental Conventions. In March 2010,³ it was agreed that the second part of the review should focus on the report forms for the OSH Conventions.
3. The subject area of OSH is covered by a large number of instruments including 14 up-to-date Conventions, four Conventions to be revised, one instrument with interim status and one outdated instrument.⁴ Priority was given to report forms on up-to-date instruments and instruments of central importance, taking into account that it was not considered necessary to review the more recent report forms – those for the Protocol of 2002 to the Occupational Safety and Health Convention, 1981, and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). Against this background, the present review focuses on the report forms of the Occupational Safety and Health Convention, 1981 (No. 155), and the Occupational Health Services Convention, 1985 (No. 161). Those members of the Committee of Experts who are or were responsible for these Conventions have been involved in this review.

Review of the report forms on Conventions Nos 155 and 161

4. As agreed at the inception of the review process, the purpose of this review has been to examine the relevance of the specific questions in the report forms about the individual Conventions and the simplicity and clarity of the language used. Having examined the two report forms concerning Conventions Nos 155 and 161, it was found that overall the specific questions under the Articles of the Conventions appear to be accessible and comprehensible to constituents as well as to readers with basic linguistic and legal knowledge.
5. The report forms on Conventions which are supplemented by a Recommendation include the text of the Recommendation, with an introductory note stating that the provisions of the Recommendation “can contribute to a better understanding of [the requirements of the

¹ See GB.300/LILS/6.

² See GB.303/LILS/4/1, paras 16–18.

³ See GB.309/LILS/4.

⁴ See www.ilo.org/ilolex/english/subjectE.htm#s12.

Convention] and facilitate its application”. Convention No. 155 is supplemented by the Occupational Safety and Health Recommendation, 1981 (No. 164). The Recommendation contains an Appendix with a list of OSH instruments adopted since 1919⁵ and reflecting the situation up to 1981. According to Paragraph 19(2) of Recommendation No. 164:

The Appendix may be modified by the International Labour Conference, by a two-thirds majority, in connection with the future adoption or revision of any Convention or Recommendation in the field of safety and health and the working environment.

6. In 2006, the International Labour Conference adopted the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) and Recommendation (No. 197). An updated list of OSH instruments which takes into account those adopted up to 2006 is appended to Recommendation No. 197.⁶ The Committee of Experts has taken the view that this list should be considered as having replaced the list appended to Recommendation No. 164.⁷
7. This situation could be reflected in a revised report form on Convention No. 155 by adding the following editorial note at the start of the list in the Appendix to Recommendation No. 164:⁸

Editor’s note: List of instruments concerning occupational safety and health and the working environment, as appended to Recommendation No. 164 in 1981. For further up-to-date information, see the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) and Recommendation (No. 197), including the list of instruments in the Annex to the Recommendation.

In the electronic version of this report form, it is proposed to include hyperlinks to the instruments referred to in the note.

Possible review of the common parts of the report forms

8. Although the main purpose of this review has been to examine the relevance of the specific questions in the report forms about the individual Conventions and the simplicity and clarity of the language used, it was noted that it might also be useful and relevant to consider a review of the general parts of the report forms. These comprise an introduction, practical guidance, and a series of general questions preceding and following the specific questions under the Articles of the Conventions. While these general parts, in principle, are common to all report forms, they have been subjected over time to certain variations and modernizations. They could be harmonized in order to enhance the consistency of the report forms to the greatest extent possible. It also seems relevant to generalize the innovations introduced in the most recent report forms, including, for example, the express

⁵ See Appendix I.

⁶ See Appendix II.

⁷ See ILO: *General Survey concerning the Occupational Safety and Health Convention, 1981 (No. 155), the Occupational Safety and Health Recommendation, 1981 (No. 164), and the Protocol of 2002 to the Occupational Safety and Health Convention, 1981*, Report of the Committee on the Application of Conventions and Recommendations, Report III (Part 1B), International Labour Conference, 98th Session, Geneva, 2009, para. 220.

⁸ See Appendix III.

reference in the report form on Convention No. 187 to the possibility for Governments to download relevant documents from publicly available websites.

Continued review

9. It is proposed to continue this review with a consideration of the report forms on the Asbestos Convention, 1986 (No. 162), the Safety and Health in Construction Convention, 1988 (No. 167), the Chemicals Convention, 1990 (No. 170), the Prevention of Major Industrial Accidents Convention, 1993 (No. 174), and the Safety and Health in Mines Convention, 1995 (No. 176).
10. *In light of the above, the Committee on Legal Issues and International Labour Standards may wish to recommend to the Governing Body that it:*
 - (a) *decide to modify the Annex to the Occupational Safety and Health Recommendation, 1981 (No.164), in the article 22 report form on the Occupational Safety and Health Convention, 1981 (No. 155), in accordance with Appendix III;*
 - (b) *decide whether it wishes to ask the Office to carry out a review of the general parts of the report forms of the up-to-date Conventions; and*
 - (c) *invite the Office to report on the ongoing review of the article 22 report forms concerning the Conventions referred to in paragraph 9 above.*

A new reporting cycle for the fundamental and governance Conventions

11. At its 306th Session (November 2009), the Committee discussed an evaluation of the grouping of Conventions by subject matter for reporting purposes under article 22 of the Constitution. It also discussed options for a global approach to the streamlining of reporting in light of the ILO Declaration on Social Justice for a Fair Globalization.⁹ Following the recommendation of the Committee, the Governing Body decided that the article 22 reporting cycle should be extended from two to three years for fundamental and governance Conventions; that a five-year cycle should be maintained for technical Conventions; and that Conventions should be grouped by strategic objective for reporting purposes.¹⁰
12. Simulations for such reporting and the extent to which synchronization with the cycle of General Surveys and recurrent reports would be possible were examined in November 2009.¹¹ The objective of grouping by strategic objective, and of synchronization, was to ensure that General Surveys and recurrent reports could benefit from recent information

⁹ See GB.306/LILS/4(Rev.).

¹⁰ See GB.306/10/2(Rev.). Concerning the extension of the cycle for fundamental and governance Conventions, the Committee of Experts clarified the criteria for the treatment of comments received from the social partners outside of the reporting cycle; see ILO: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part 1A), International Labour Conference, 99th Session, Geneva, 2010, Part I, General Report, paras 77–80.

¹¹ See GB.306/LILS/4(Rev.), Appendix I.

contained in article 22 reports. However, in view of the difference in the cycles between article 22 reports on the one hand and General Surveys and recurrent reports on the other, and of decisions to be taken by the Governing Body on the realignment of General Surveys and recurrent reports,¹² and taking into account the concerns expressed by a number of constituents that improvements resulting from the current system of reporting by subject matter¹³ should not be lost, it is proposed that for the time being the grouping of Conventions by subject matter be maintained for reporting purposes.¹⁴ At the same time, a classification of standards by strategic objective is presently proposed to be used as an indicative basis for a possible standards review mechanism.¹⁵

13. Consequently, a new regular reporting cycle starting in 2012 has been prepared for the fundamental and governance Conventions (see Appendix IV). Information on the regular reports requested for 2010 and 2011 is included in the table to allow a comparison. There is no change in the five-year regular reporting cycle for the technical Conventions. The strategic objective corresponding to the proposed classification is mentioned for each subject simply for information. It may be noted that, as a result of the lengthening of the reporting cycle for fundamental and governance Conventions, about 200 fewer regular reports will be requested each year, thereby lightening the workload for the Office and the Committee of Experts and for governments.

14. *The Committee on Legal Issues and International Labour Standards may wish to recommend to the Governing Body that it:*

- (a) approve the three-year and five-year reporting cycles with the existing grouping of Conventions by subject matter, as set out in Appendix IV; and*
- (b) invite the Office to implement the three-year reporting cycle for the fundamental and governance Conventions as of 2012.*

Geneva, 1 March 2011

Points for decision: Paragraph 10
Paragraph 14

¹² See GB.310/LILS/4.

¹³ See GB.309/12/2(Rev.).

¹⁴ Nevertheless, for fundamental and governance Conventions, there is no difficulty in obtaining updated information, as article 22 reports are requested on a more frequent basis.

¹⁵ See Appendix to GB.310/LILS/3/1.

Appendix I

Excerpt from the Occupational Safety and Health Recommendation, 1981 (No. 164)

Annex: List of instruments concerning occupational safety and health and the working environment adopted by the International Labour Conference since 1919

Year	Convention	Recommendation
1921	13. White Lead (Painting)	
1929	27. Marking of Weight (Packages Transported by Vessels)	
1937	62. Safety Provisions (Building)	53. Safety Provisions (Building)
1946	73. Medical Examinations (Seafarers)	79. Medical Examination of Young Persons
	77. Medical Examination of Young Persons (Industry)	
	78. Medical Examination of Young Persons (Non-Industrial Occupations)	
1947	81. Labour Inspection	81. Labour Inspection 82. Labour Inspection (Mining and Transport)
1949	92. Accommodation of Crews (Revised)	
1953		97. Protection of Workers' Health
1958		105. Ships' Medicine Chests 106. Medical Advice at Sea
1959	113. Medical Examination (Fishermen)	112. Occupational Health Services
1960	115. Radiation Protection	114. Radiation Protection
1963	119. Guarding of Machinery	118. Guarding of Machinery
1964	120. Hygiene (Commerce and Offices)	120. Hygiene (Commerce and Offices)
	121. Employment Injury Benefits	121. Employment Injury Benefits
1965	124. Medical Examination of Young Persons (Underground Work)	
1967	127. Maximum Weight	128. Maximum Weight
1969	129. Labour Inspection (Agriculture)	133. Labour Inspection
1970	133. Accommodation of Crews (Supplementary Provisions)	140. Crew Accommodation (Air Conditioning) 141. Crew Accommodation (Noise Control)
	134. Prevention of Accidents (Seafarers)	142. Prevention of Accidents (Seafarers)
1971	136. Benzene	144. Benzene
1974	139. Occupational Cancer	147. Occupational Cancer
1977	148. Working Environment (Air Pollution, Noise and Vibration)	156. Working Environment (Air Pollution, Noise and Vibration)
1979	152. Occupational Safety and Health (Dock Work)	160. Occupational Safety and Health (Dock Work)

Appendix II

Excerpt from the Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197)

Annex: Instruments of the International Labour Organization relevant to the promotional framework for occupational safety and health

I. Conventions

Labour Inspection Convention, 1947 (No. 81)
Radiation Protection Convention, 1960 (No. 115)
Hygiene (Commerce and Offices) Convention, 1964 (No. 120)
Employment Injury Benefits Convention, 1964 (No. 121)
Labour Inspection (Agriculture) Convention, 1969 (No. 129)
Occupational Cancer Convention, 1974 (No. 139)
Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)
Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)
Occupational Safety and Health Convention, 1981 (No. 155)
Occupational Health Services Convention, 1985 (No. 161)
Asbestos Convention, 1986 (No. 162)
Safety and Health in Construction Convention, 1988 (No. 167)
Chemicals Convention, 1990 (No. 170)
Prevention of Major Industrial Accidents Convention, 1993 (No. 174)
Safety and Health in Mines Convention, 1995 (No. 176)
Protocol of 1995 to the Labour Inspection Convention, 1947 (No. 81)
Safety and Health in Agriculture Convention, 2001 (No. 184)
Protocol of 2002 to the Occupational Safety and Health Convention, 1981 (No. 155)

II. Recommendations

Labour Inspection Recommendation, 1947 (No. 81)
Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82)
Protection of Workers' Health Recommendation, 1953 (No. 97)
Welfare Facilities Recommendation, 1956 (No. 102)
Radiation Protection Recommendation, 1960 (No. 114)
Workers' Housing Recommendation, 1961 (No. 115)
Hygiene (Commerce and Offices) Recommendation, 1964 (No. 120)
Employment Injury Benefits Recommendation, 1964 (No. 121)

Labour Inspection (Agriculture) Recommendation, 1969 (No. 133)

Occupational Cancer Recommendation, 1974 (No. 147)

Working Environment (Air Pollution, Noise and Vibration) Recommendation, 1977 (No. 156)

Occupational Safety and Health (Dock Work) Recommendation, 1979 (No. 160)

Occupational Safety and Health Recommendation, 1981 (No. 164)

Occupational Health Services Recommendation, 1985 (No. 171)

Asbestos Recommendation, 1986 (No. 172)

Safety and Health in Construction Recommendation, 1988 (No. 175)

Chemicals Recommendation, 1990 (No. 177)

Prevention of Major Industrial Accidents Recommendation, 1993 (No. 181)

Safety and Health in Mines Recommendation, 1995 (No. 183)

Safety and Health in Agriculture Recommendation, 2001 (No. 192)

List of Occupational Diseases Recommendation, 2002 (No. 194)

Appendix III

Appendix to the Occupational Safety and Health Recommendation, 1981 (No. 164) including proposed Editor's note

Appendix:* List of instruments concerning occupational safety and health and the working environment adopted by the International Labour Conference since 1919

Year	Convention	Recommendation
1921	13. White Lead (Painting)	
1929	27. Marking of Weight (Packages Transported by Vessels)	
1937	62. Safety Provisions (Building)	53. Safety Provisions (Building)
1946	73. Medical Examinations (Seafarers)	79. Medical Examination of Young Persons
	77. Medical Examination of Young Persons (Industry)	
	78. Medical Examination of Young Persons (Non-industrial occupations)	
1947	81. Labour Inspection	81. Labour Inspection 82. Labour Inspection (Mining and Transport)
1949	92. Accommodation of Crews (Revised)	
1953		97. Protection of Workers' Health
1958		105. Ships' Medicine Chests 106. Medical Advice at Sea
1959	113. Medical Examination (Fishermen)	112. Occupational Health Services
1960	115. Radiation Protection	114. Radiation Protection
1963	119. Guarding of Machinery	118. Guarding of Machinery
1964	120. Hygiene (Commerce and Offices)	120. Hygiene (Commerce and Offices)
	121. Employment Injury Benefits	121. Employment Injury Benefits
1965	124. Medical Examination of Young Persons (Underground Work)	
1967	127. Maximum Weight	128. Maximum Weight
1969	129. Labour Inspection (Agriculture)	133. Labour Inspection
1970	133. Accommodation of Crews (Supplementary Provisions)	140. Crew Accommodation (Air Conditioning) 141. Crew Accommodation (Noise Control)
	134. Prevention of Accidents (Seafarers)	142. Prevention of Accidents (Seafarers)
1971	136. Benzene	144. Benzene
1974	139. Occupational Cancer	147. Occupational Cancer
1977	148. Working Environment (Air Pollution, Noise and Vibration)	156. Working Environment (Air Pollution, Noise and Vibration)
1979	152. Occupational Safety and Health (Dock Work)	160. Occupational Safety and Health (Dock Work)

* Editor's note: List of instruments concerning occupational safety and health and the working environment, as annexed to Recommendation No. 164 in 1981. For further up-to-date information, see the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and Recommendation No. 197, including the list of instruments in the Annex to the Recommendation.

Appendix IV

Proposed article 22 reporting cycles

2010	2011	2012	2013	2014	2015	2016	2017
		Three-year reporting cycle (fundamental and governance Conventions) for article 22 reports (extension from two to three years)					
Freedom of association and collective bargaining C.87, C.98 (countries K–Z)	Freedom of association and collective bargaining C.87, C.98 (countries A–J)	C.87, C.98 (countries O–Z) (FPRW)	C.87, C.98 (countries A–F) (FPRW)	C.87, C.98 (countries G–N) (FPRW)	C.87, C.98 (countries O–Z) (FPRW)	C.87, C.98 (countries A–F) (FPRW)	C.87, C.98 (countries G–N) (FPRW)
Equality of opportunity and treatment C.100, C.111 (countries K–Z)	Equality of opportunity and treatment C.100, C.111 (countries A–J)	C.100, C.111 (countries A–F) (FPRW)	C.100, C.111 (countries G–N) (FPRW)	C.100, C.111 (countries O–Z) (FPRW)	C.100, C.111 (countries A–F) (FPRW)	C.100, C.111 (countries G–N) (FPRW)	C.100, C.111 (countries O–Z) (FPRW)
Forced labour C.29, C.105 and Child labour C.138, C.182 (countries A–J)	Forced labour C.29, C.105 and Child labour C.138, C.182 (countries K–Z)	C.29, C.105, C.138, C.182 (countries G–N) (FPRW)	C.29, C.105, C.138, C.182 (countries O–Z) (FPRW)	C.29, C.105, C.138, C.182 (countries A–F) (FPRW)	C.29, C.105, C.138, C.182 (countries G–N) (FPRW)	C.29, C.105, C.138, C.182 (countries O–Z) (FPRW)	C.29, C.105, C.138, C.182 (countries A–F) (FPRW)
Tripartite consultations C.144 (countries K–Z)	Tripartite consultations C.144 (countries A–J)	C.144 (countries G–N) (Social dialogue)	C.144 (countries A–F) (Social dialogue)	C.144 (countries O–Z) (Social dialogue)	C.144 (countries G–N) (Social dialogue)	C.144 (countries A–F) (Social dialogue)	C.144 (countries O–Z) (Social dialogue)
Labour inspection C.81, C.129 (countries A–J)	Labour inspection C.81, C.129 (countries K–Z)	C.81 and C.129 (countries A–F) (Social dialogue)	C.81 and C.129 (countries O–Z) (Social dialogue)	C.81 and C.129 (countries G–N) (Social dialogue)	C.81 and C.129 (countries A–F) (Social dialogue)	C.81 and C.129 (countries O–Z) (Social dialogue)	C.81 and C.129 (countries G–N) (Social dialogue)
Employment policy C.122 (countries K–Z)	Employment policy C.122 (countries A–J)	C.122 (countries O–Z) (Employment)	C.122 (countries G–N) (Employment)	C.122 (countries A–F) (Employment)	C.122 (countries O–Z) (Employment)	C.122 (countries G–N) (Employment)	C.122 (countries A–F) (Employment)

2010	2011	2012	2013	2014	2015	2016	2017
		Five-year reporting cycle (technical Conventions) for article 22 reports (no change)					
OSH (A-J)	Social security (K-Z)	Social security (A-J) <i>(Social protection)</i>	Working time <i>(Social protection)</i>	OSH (K-Z) <i>(Social protection)</i>	OSH (A-J) <i>(Social protection)</i>	Social security (K-Z) <i>(Social protection)</i>	Social security (A-J) <i>(Social protection)</i>
Seafarers (K-Z)	Protection of children and young persons (A-J)	Protection of children and young persons (K-Z) <i>(related to FPRW)</i>	Social policy <i>(Social protection)</i>	Seafarers (A-J) <i>(not classified)</i>	Seafarers (K-Z) <i>(not classified)</i>	Protection of children and young persons (A-J) <i>(related to FPRW)</i>	Protection of children and young persons (K-Z) <i>(related to FPRW)</i>
Employment promotion (A-J)	Wages (A-J)	Wages (K-Z) <i>(Social protection)</i>	Maternity protection <i>(Social protection)</i>	Employment promotion (K-Z) <i>(Employment)</i>	Employment promotion (A-J) <i>(Employment)</i>	Wages (A-J) <i>(Social protection)</i>	Wages (K-Z) <i>(Social protection)</i>
Labour administration and inspection (K-Z)	Fishers	Dockworkers <i>(not classified)</i>	Specific categories of workers <i>(not classified)</i>	Labour administration and inspection (A-J) <i>(Social dialogue)</i>	Labour administration and inspection (K-Z) <i>(Social dialogue)</i>	Fishers <i>(not classified)</i>	Dockworkers <i>(not classified)</i>
	Workers with family responsibilities	Migrant workers <i>(not classified)</i>	Indigenous and tribal peoples <i>(not classified)</i>	Industrial relations <i>(Social dialogue)</i>		Workers with family responsibilities <i>(related to FPRW)</i>	Migrant workers <i>(not classified)</i>
	Security of employment		Vocational guidance and training <i>(Employment)</i>			Security of employment <i>(Employment)</i>	
	Freedom of association (agriculture, NMTs)					Freedom of association (agriculture, NMTs) <i>(related to FPRW)</i>	
The strategic objectives corresponding to the subjects are included simply for information.							