



SVENSKT NÄRINGSLIV

Svenska ILO-kommittén

Vår referens/dnr:

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Er referens/dnr:

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Remissvar

ILC113/Report IV(3) Protection against biological hazards in the working environment

The Confederation of Swedish Enterprise has been given the opportunity to comment on the ILC113/Report IV(3) Protection against biological hazards in the working environment and respond to the questions raised throughout the report.

We consider the time we were given to review the report and provide our input as too short. However, in this response, we address the opinions we have been able to formulate regarding both the report and the matter at hand, both general and more specific.

General comments

To facilitate the implementation of the future convention and recommendations into national legislation for as many countries as possible, flexibility is needed. This is necessary because national legislation and occupational health and safety systems differ between countries. In our view, more detailed wordings are better suited as recommendations or guidelines.

A future instrument should be specific to biological hazards. The convention and recommendations should not duplicate provisions found in other ILO instruments. Several issues in the proposed convention and recommendations are already covered by other ILO instruments. Instruments regulating the same issues tend to create confusion rather than facilitate implementation and strong protection.

When addressing biological hazards in the working environment, it is important to distinguish between different exposure. There should be a clear distinction between situations relating to emergency preparedness and public health issues and biological hazards arising from the workplace or the nature of the work. It is also of great importance that this instrument does not duplicate policies developed by for instance public health authorities and the World Health Organization.

It is important that responsibility for crisis and preparedness is assigned to the appropriate actors. A crisis, like a pandemic, should be coordinated by an authority with a broad

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mandate. Information from the responsible authorities to employers is crucial in these situations.

Specific comments

Convention

Definition and Scope

From a Swedish perspective, we want the definitions in the instruments to align as closely as possible with the definitions used in Swedish regulations and EU Directives. For example, in Swedish regulations, mold spores and substances released from microorganisms that may cause allergies or toxic effects are defined as chemical hazards. We also prefer a more general definition in the convention, which should be explained and exemplified in the recommendation. The convention is not only complemented by recommendations but with the ILO's technical guidelines. Explanations and examples should be included in the recommendations and guidelines.

Regarding the new Article 1(a), it should be clear that diseases and for that matter biological hazards that normally occur in the population/society, and thus also in workplaces, are not the focus and within the scope. The scope is biological hazards and risks that arise from work in the workplace.

In point 23, the Office proposes an addition to the recommendation. We have reservations about point 2 and would prefer it to be rephrased and included as (d). If the text is included as (d), the introduction to point 1 will provide the necessary information that the impact on health is related to the biological hazards. Without this explanation, the connection to biological hazards is missing.

In point 25, the Office proposes a definition of "biological risk." It is essential that the convention addresses risk, and therefore it is appropriate to define it. Many of the measures proposed in the convention must be related to the risk posed by the biological hazard. The mere presence of a biological hazard is, in some cases, not sufficient for measures. There must also be a risk, a combination of likelihood and severity.

National policies

In point 29, we believe that replacing "an evaluation of risks" to "an assessment of biological hazards and risks at the national level" might shift the focus from an occupational health and safety perspective to risks at the national level, a more public health perspective. The focus of the assessment should be on the risks at the workplaces (those that arise in the workplace from work, but also to some extent those that arise outside the workplace but affect it) as the assessment should support the development of a policy on occupational safety and health.

In point 36, the Office proposes a new point (f) in Article 4. In point 29, the importance of distinguishing between the risk assessment conducted at the workplace and that conducted at the national level has previously been highlighted. We believe it should be made clear that the gender-responsive biological risk assessments mentioned in point (f) should be conducted at the national level (as opposed to the workplace). We suggest rephrasing the beginning of point (f) to: "the importance of incorporating gender-responsive assessments at national level of biological hazards and risks to address the different levels of...". By doing so, the same terminology as in Article 3 is used.

Reporting, recording and notification of occupational accidents and occupational diseases and collection of data

Several articles refer to "national law and practice." In Article 10, there is a reference to "national conditions and practice." Is there a reason for this distinction? We believe that "national law and practice" should be used here as well.

Duties and responsibilities of employers

Rights and duties of workers and their representatives

It is positive that the convention clearly defines the shared responsibilities of both employers and workers. However, some of the points raised in Articles 17 and 20 are not specific to biological hazards and are already covered in other ILO instruments. Therefore, they do not need to be addressed in a convention/recommendation on biological hazards.

A key principle when it comes to work environment management is that for an employer to be able to take responsibility for the work environment you need to have control over the workplace and the risks. This is important also when it comes to biological hazards. Biological hazards and risks do not always originate from work or the workplace and can be caused by factors outside the employer's control. Depending on the situation the ability for the employer to act and take measures may differ. This must be considered in a convention/recommendation on biological hazards.

In Article 17, it is important that the phrase "...consistent with national law and applicable collective agreements..." applies to all points (a)-(j).

In Article 19, it needs to be clarified that employers' preparedness depends on the national guidelines each member state is required to establish under Article 6. Without these guidelines, it is difficult for individual employers to assume responsibility. The Office proposes replacing "preparedness and response measures" with "preparedness and response plans and procedures." To clarify, the word "measures" in the final sentence of the article should be replaced with "plans and procedures." A better wording would be: "Employers shall establish preparedness and response plans and procedures according to the size and nature of their activities, to deal with accidents, incidents, and emergencies related to biological hazards in the working environment, taking into account outbreaks of communicable diseases. These plans and procedures should be established according to the national guidelines and with guidance provided by the competent authorities."

We believe it is inconsistent to use "rights and duties" in the title of section IX and Article 22, but "Workers shall be required to" in Article 21. The convention should be consistent and use the term "duties" as stated in the title (and not required to).

In Article 20 (h), there is a reference to national law, and in (i), a reference to national law and practice. Similarly, in (f) and (g), there should be a reference to national law and practice.

Recommendation

Preventive and protective measures

In paragraph 4, sectors and occupations where workers *are* at a high risk of exposure are listed. In paragraph 5, categories of workers that *may* require special protection are listed.

We believe that paragraph 4 should be written in the same way as paragraph 5: sectors and occupations that may be at high risk.

Regarding paragraph 5, we recommend that subparagraph (f) be deleted.

In paragraph 7, the Office proposes removing the word "occupational." We believe that "occupational" should remain to clarify that it refers to an occupational health culture, not a general health culture.

Recording of occupational disease

We recommend that paragraph 8 be deleted.

Svenskt Näringsliv

A handwritten signature in blue ink, consisting of several overlapping loops and curves, positioned to the right of the text 'Svenskt Näringsliv' and above the name 'Mattias Dahl'.

Mattias Dahl