

Riku Rajamäki  
Senior Specialist  
Ministry of Social Affairs and Health

**REPORT FOR ITEM IV ON THE AGENDA OF THE 113TH SESSION (2025) OF THE INTERNATIONAL LABOUR CONFERENCE: PROTECTION AGAINST BIOLOGICAL HAZARDS (STANDARD-SETTING, SECOND DISCUSSION): FINLAND'S POSITIONS ON ILO REPORT ON ILC.113/REPORT IV(3)**

**PROPOSED CONVENTION**

**I. DEFINITION AND SCOPE**

**OFFICE POINT 16, PAGE 8, ARTICLE 1**

*16. The Office has combined points 4, 5 and 6 into a single Article to encompass definitions and the scope of the Convention to improve clarity and readability. The content of point 6 of the Conclusions has been added to that of point 4 as adopted by the Committee, to provide a comprehensive definition of biological hazards under Article 1(a). Article 1(b) refines point 5 of the Conclusions to improve clarity on how workers encounter biological hazards.*

**Finnish position: Finland can agree with the Office's proposal to combine these points 4, 5 and 6 into a single Article.**

**OFFICE POINTS 17 – 20, PAGES 8-9, ARTICLE 1**

*17. The definition of "biological hazards" was discussed extensively by the Committee, revealing a considerable diversity of views. Various perspectives and comments from Members are also reflected in Report IV(2). The definition adopted by the Committee is narrower than the definition in the ILO Technical guidelines on biological hazards in the working environment (adopted by the ILO Governing Body in November 2022), in that it omits organic materials of plant, animal or human origin and bodily fluids, which are now included in subparagraph (b) in relation to ways of exposure. This reflects a consensus aimed at providing comprehensive protection to workers against a wide range of biological hazards.*

*18. The Office wishes to draw the tripartite constituents' attention to some aspects of the current definition that could benefit from further clarification. Specifically, some of the listed examples, such as prions and DNA and RNA materials, do not fit neatly into the defined categories, as they are not "microorganisms, cells or cell cultures". The classification of viruses as "microorganisms" also remains a subject of debate within the scientific community. Furthermore, the term "microorganisms" typically refers to bacteria, fungi and sometimes protozoa such as *Plasmodium spp.*, *Giardia spp.* and *Trypanosoma spp.*, but not to larger*

parasites, for example human endoparasites such as helminths or ectoparasites such as ticks, fleas, lice, parasitic flies and mites. It may be that Members will confirm that the definition is limited only to protozoa among parasites. However, Members may also wish to include all parasites. In that case, it may be useful to refer explicitly to “parasites” in the first part of the definition. If, in addition to protozoa, endoparasites, but not other parasites, are to be covered in the definition, it may be useful also to refer to them explicitly. The Office invites the tripartite constituents’ comments on this matter so that it can better reflect Members’ intentions in the draft instrument to be submitted to the Conference.

**19.** Additionally, the Office draws Members’ attention to the fact that the wording “and any other microorganisms and their associated allergens and toxins” may inadvertently exclude other potentially allergenic or toxic microbiological entities not classified as microorganisms.

**20.** While mindful not to change the scope of protection agreed by the Committee, the Office invites the tripartite constituents’ comments on an alternative, simplified formulation for Article 1(a), which could be complemented by further clarifications and examples in the Recommendation. The proposal below adds “or other non-cellular microbiologic entities” to the Protection against biological hazards in the working environment Office commentary on the proposed texts 9 categories of biological hazards so as to explicitly cover prions and DNA and RNA materials and to ensure that viruses are included. The proposed text also includes parasites (subject to the comments to be received from the tripartite constituents) and ensures that all potentially allergenic or toxic microbiological entities, regardless of classification, are appropriately covered. The proposed new text of Article 1(a) of the Convention would read as follows:

(a) “biological hazards” refer to any microorganisms, cells or cell cultures, parasites or other non-cellular microbiological entities, including those which have been genetically modified and including their associated toxins and allergens, that can cause harm to human health ...

**Finnish position to points 17 – 20, pages 8 – 9, Article 1: Finland agrees to support a new paragraph. However, Finland sees that preferably the reference to “communicable and non-communicable diseases and injuries” should be deleted instead of replacing them with “infectious and non-infectious diseases and injuries”. Finland also sees that “fungi” should be added into paragraph in Convention.**

#### **OFFICE POINTS 21 – 22, PAGE 9, ARTICLE 1**

**21.** The Office also invites the tripartite constituents’ comments on the following proposed new Paragraph that could be added to the Recommendation to further clarify the definition under Article 1 of the Convention:

*With reference to the definition contained in Article 1 of the Convention, examples of biological hazards include:*

(a) *pathogenic microorganisms and their associated toxins and allergens, including certain bacteria, protozoa, fungi, oomycetes, and algae;*

(b) *cells and cell cultures, including both primary cultures and immortalized cell lines, that are contaminated with other biological hazards or carry inherent risks such as tumourinducing potential, toxins or allergens;*

(c) *parasites, namely protozoa, endoparasites and ectoparasites;*

*(d) other non-cellular microbiological entities, including viruses, prions and recombinant, genetically modified or synthetic DNA and RNA materials originating from pathogens, that can lead to adverse health effects upon unintentional exposure.*

**22.** *The Committee also discussed several amendments to point 6, which is now part of Article 1(a), before reverting to the original text from the Office. The Office proposes that “communicable and non-communicable” could be replaced with “infectious and non-infectious”. This would ensure that diseases that can be caused by exposure to biological hazards as defined in Article 1 and that are not communicable but are still infectious (such as tetanus, which is caused by a biological toxin) are covered. “Infectious” is also the term used in the ILO List of Occupational Diseases Recommendation, 2002 (No. 194), and in the World Health Organization International Classification of Diseases (ICD-11). The Office also proposes to add the words “exposure to” for the purposes of technical accuracy and to align with other Articles in the proposed instruments. The Office invites the tripartite constituents’ comments on the following rewording of the end of Article 1(a):*

*(a) ... Harm to human health caused by exposure to biological hazards in the working environment includes infectious and non-infectious diseases and injuries.*

**Finnish position to points 21 – 22, page 9, Article 1: Finland can support the new Paragraph added to Recommendation. Still, ectoparasites could be taken off. Finland prefers not to replace “communicable and non-communicable diseases and injuries” with “infectious and non-infectious diseases and injuries”. Finland sees that a better alternative is to delete “communicable and non-communicable” from the text. Finland also sees that “fungi” should be added into paragraph in Recommendation.**

#### **OFFICE POINT 23, PAGES 9 – 10, ARTICLE 1:**

**23.** *During the discussion and in the replies to the questionnaire in Report IV(2), there were several comments about different examples of health effects which could potentially be included under this provision. With the aim of providing further clarity, the Office invites the tripartite constituents’ comments on the following proposed new Paragraph in the Recommendation, which could complement Article 1(a) of the Convention by providing examples:*

*1. Harm to human health caused by exposure to biological hazards in the working environment includes:*

*(a) infectious diseases such as brucellosis, viral hepatitis, AIDS, tetanus, tuberculosis, anthrax and leptospirosis, including health effects secondary to acute or chronic infection, such as liver carcinoma secondary to viral hepatitis, and their sequelae once the original infection is no longer present; 10 Protection against biological hazards in the working environment Office commentary on the proposed texts;*

*(b) non-infectious diseases such as toxic or inflammatory syndromes associated with bacterial or fungal contaminants or toxins;*

*(c) injuries to health, where injury is defined as death or any personal injury or disease resulting from an occupational accident involving exposure to a biological hazard in the working environment.*

2. Health does not only indicate the absence of disease or infirmity but also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work.

**Finnish position:** Finland can agree with the Office's proposal but would like to add after "*Harm to human health caused by exposure to biological hazards in the working environment includes*" the wording: "*but is not limited to*" in order to avoid the list to be exhaustive.

**OFFICE POINT 24, PAGE 10, ARTICLE 1:**

24. Regarding Article 1(b) (point 5 of the Conclusions), there was consensus among the Committee members to list specific examples of sources of exposure or modes of transmission of infectious biological hazards. Their identification is crucial for effective risk assessment and management. To ensure clarity and comprehensiveness in identifying modes of transmission of biological hazards in the working environment, and to align technically with the definition of biological hazards in Article 1(a) and established epidemiological principles, the Office invites the tripartite constituents' comments on the following alternative text for Article 1(b):

(b) "*Exposure to biological hazards in the working environment*" refers to an event during which a worker comes into contact with or is in close proximity to biological hazards. The potential for infection to occur is intrinsically linked to the modes of transmission, which are critical in devising appropriate preventive strategies. These modes include:

(i) *direct transmission, which involves living organisms, including humans, that transmit an infectious biological hazard through direct contact or droplet spread;*

(ii) *indirect transmission, which occurs via vectors, other transmitters such as contaminated water, food, organic materials or bodily fluids, fomites or medical instruments, or airborne particles.*

**Finnish position:** Finland can support the alternative text. Still, Finland would like to see the formulation to be improved concerning the wording "*contact with*". Otherwise, the text might cause confusion and rule out other kinds of exposure.

**OFFICE POINT 25, PAGE 10, ARTICLE 1:**

25. The Committee also discussed a proposal to add a definition of "biological risk" to point 5, which was ultimately not adopted due to concerns about the lack of a precise definition of "risk" and potential legal ambiguities in some French- and Spanish-speaking countries where the distinction between the terms "hazard" and "risk" is not clearly made in their legal frameworks. These concerns were discussed by the Committee under different points (such as 10 and 13), and again by the Drafting Committee. The Office published an information note during the discussion. 10 Given that a distinction between "biological hazards" and "biological risks" (corresponding to "*dangers biologiques*" and "*risques biologiques*" in French and "*peligros biológicos*" and "*riesgos biológicos*" in Spanish) is clearly established in technical terminology related to occupational safety and health and is of critical importance for consistency and clarity across

*different language versions of the instrument, the Office invites the tripartite constituents' comments on the possible inclusion in Article 1 of the Convention of a definition of "biological risk". This proposal is based on the understanding that risks result from existing hazards and are defined by their likelihood and severity. For consistency with terminology already adopted by ILO constituents, the Office proposes to use the definition of "risk" of the ILO Guidelines on occupational safety and health management systems (ILO-OSH 2001), whose glossary defines it as "a combination of the likelihood of an occurrence of a hazardous event and the severity of injury or damage to the health of people caused by this event". The new subparagraph would read as follows:*

*"Biological risk" refers to the combination of the likelihood of an occurrence of a hazardous event caused by exposure to a biological hazard and the severity of injury or damage to the health of people caused by this event.*

**Finnish position: Finland can support the proposal and sees it as a good approach to include risks' likelihood and severity into their definition. This is also in line with current understanding of the risks in Finland.**

#### **OFFICE POINT 26, PAGE 11, ARTICLE 2**

*26. The Committee discussed several amendments to these points of the proposed Conclusions, but none were adopted. The Office has combined points 7, 8 and 9 of the Conclusions under one Article to improve clarity and readability.*

**Finnish position: Finland can support the proposal.**

## **II. NATIONAL POLICIES**

#### **OFFICE POINT 27, PAGE 11, ARTICLE 2**

*27. The Office has changed the title of Part II from "National policy" to "National policies" to reflect the multiple policies referred to under Article 4 (point 11 of the Conclusions).*

**Finnish position: Finland cannot support the proposal on plural form. First, the references to ILO Convention 155 could be undermined, as there the term used is "National policy". Secondly, there can only be a one national policy dedicated to occupational health and safety even though this policy has to take into its account other policy domains. More than that, this ILO instrument focuses on the working environment and should only apply to this aspect.**

### **OFFICE POINTS 28 – 30, PAGE 11, ARTICLE 3**

**28.** *The Office has replaced the wording “which would be periodically reviewed” by “and shall periodically review that policy” at the end of Article 3, so that it is clear that the periodic review refers to the national policy.*

**29.** *The wording “based on an evaluation of risk” was adopted by the Committee after extensive discussions. Members of the Committee noted difficulties in the interpretation of this terminology, and wished to differentiate it from a “risk assessment” at the workplace level. To remove ambiguity and ensure that this term is distinct from a workplace risk assessment, which remains the employer’s responsibility, the Office invites the tripartite constituents’ comments on whether “an evaluation of risk” should be replaced with “an assessment of biological hazards and risks .*

**30.** *Based on the definition of hazard assessment from the ILO Guidelines on occupational safety and health management systems (ILO-OSH 2001), 11 the legislation of several Member States, and the opinion of the Committee that “preventive and protective measures should be optimized based on risk assessment that includes the characteristics and degree of concern of the biological substance”, the Office invites the tripartite constituents’ comments on the possible inclusion of the following definition for such an assessment capturing these elements, which could be placed as a new subparagraph along with the other definitions in Article 1:*

*“Assessment of biological hazards and risks at the national level” refers to a systematic evaluation of biological hazards and risks, based on the hazards’ characteristics including the potential to cause harm to human health and the severity of this harm, the availability of effective diagnosis and prophylaxis or treatment, the public health risks in terms of spread to the population or the environment, and the degree of concern at the national level” throughout the text.*

**Finnish position to points 28 – 30, page 11, Article 3: Finland can support the proposal.**

### **OFFICE POINT 31, PAGES 11 – 12, ARTICLE 3**

**31.** *During the discussion, there were several calls for clear technical guidance to be provided in the instruments. There were also debates about the concept of “degree of concern” and the intent to capture the concepts of “risk” and “probability of harm”. To better reflect the wishes of the Committee, the Office invites the tripartite constituents’ comments on the possible inclusion of further details about this assessment, in two new Paragraphs in the Recommendation, which would read:*

*“Assessment of biological hazards and risks at the national level” should be considered to refer to a systematic process of gathering and evaluating information to support the development of a regulatory framework that is risk- and evidence-based in order to select appropriate and proportionate risk control measures for the identified biological risks associated with the work being performed. This involves:*

*(a) identification and characterization of biological hazards based on their potential to cause harm and the severity of this harm;*

*(b) evaluation of the availability and effectiveness of diagnostic tools and prophylactic or treatment measures;*

*(c) assessment of the public health risk of spread of these hazards to the population or the environment, considering country-specific conditions and available resources;*

*(d) consideration of the degree of concern regarding the biological hazards, including potential social and economic impacts. Members should periodically review and update the assessment of biological hazards and risks at the national level to reflect changing knowledge of regulated pathogens and activities and advances in technologies.*

**Finnish position: Finland sees that the proposed text is too detailed and should be shortened.**

#### **OFFICE POINTS 32 – 36, PAGE 12, ARTICLE 4**

**32.** *The Office has made some editorial changes for clarity and to avoid redundancy.*

**33.** *During the Drafting Committee, the Office was requested to provide advice on the possible replacement of the term “new and emerging hazards” by “emerging and re-emerging hazards”. The Office notes that the latter formulation is aligned with established terminology in public health, occupational safety and health practices and current scientific understanding. The term “emerging” inherently covers “new” hazards, as these are hazards that are newly recognized or have recently become more prevalent. The wording “emerging and re-emerging” would also capture the evolving nature of biological hazards, including those recurring after a period of absence. This characteristic of biological hazards was highlighted by Committee members during their opening statements.*

**34.** *The Office also proposes to replace preparedness and response “measures” with “plans and procedures”, to align with Article 15 of the Prevention of Major Industrial Accidents Convention, 1993 (No. 174).*

**35.** *The Office therefore invites the tripartite constituents’ comments on the following rewording for subparagraph (c):*

*(c) the need to develop arrangements for the effective management of biological hazards in the working environment, including emerging and re-emerging hazards, and preparedness and response plans and procedures to deal with accidents and emergencies related to biological hazards in the working environment, and also considering workers’ physical and mental health and general well-being.*

**36.** *Divergent opinions emerged during the first discussion as to whether a “gender-responsive needs assessment” should be included in the current Article 4(b). Nevertheless, the Office notes that Article 17 of the proposed Convention refers to a gender-responsive perspective in risk assessments. Emerging research highlights the importance of incorporating gender in biological risk assessments. Such assessments can identify situations where women and men face different levels of exposure and risk due to their roles and responsibilities and societal norms, leading to more effective and equitable safety and health measures. In this context, the Office invites the tripartite constituents’ comments on the inclusion of a new subparagraph under Article 4 which would read:*

*(f) the importance of incorporating gender-responsive biological risk assessments to address the different levels of exposure and risk faced by women and men due to their roles and responsibilities and societal norms, ensuring more effective and equitable safety and health measures.*

**Finnish position to points 32 – 36, page 12, Article 4: Finland can support the proposal.**

**OFFICE POINT 37, PAGE 13, ARTICLE 5:**

**37.** *Article 5 reproduces point 12 of the Conclusions, with an editorial change.*

**Finnish position: can be supported.**

**OFFICE POINTS 38 – 41, PAGE 12, ARTICLE 6**

### **III. PREVENTIVE AND PROTECTIVE MEASURES**

**38.** *In the Committee’s discussion, several amendments to point 14 of the Conclusions were proposed aimed at refining the Government’s obligation to develop guidelines for managing biological hazards in the working environment, including an amendment that inserted “in accordance with national law and practice” to provide flexibility in reflecting national laws and practices. For clarity and readability, the Office has split the requirements for the guidelines into two subparagraphs.*

**39.** *The Office proposes to add “arrangements and” to the “national guidance” that Members are required to develop. This would provide for plans and procedures for the management of accidents and emergencies, thus bringing the Article closer to provisions of other international labour standards, namely Article 15 of the Prevention of Major Industrial Accidents Convention, 1993 (No. 174).*

**40.** *The periodic review and update of assessments and measures was discussed by the Committee in relation to other points. The Office invites the tripartite constituents’ comments on whether the process of developing, periodically reviewing and updating guidelines for preventive and protective and, as appropriate, precautionary measures should apply to the guidelines referred to in Article 6 (point 14), as it does to the specific guidance mentioned in Article 8 (point 16).*

**41.** *Considering the above, and with the aim of improving the clarity and comprehensiveness of these Articles, the Office invites the tripartite constituents’ comments on an alternative formulation, which would merge points 14 and 16 of the Conclusions under one Article. As discussed under Article 3, “evaluation of risks” would be replaced by “assessment of biological hazards and risks at the national level”, and as*

discussed under Article 4, “new and emerging” would be replaced by “emerging and re-emerging”. The new text would read as follows:

*Each Member shall, in accordance with national law and practice, and in consultation with the most representative organizations of employers and workers, develop, periodically review and update national arrangements and guidance on preventive and protective and, as appropriate, precautionary measures for the management of biological hazards in the working environment, based on an assessment of biological hazards and risks at the national level, and taking into account emerging and re-emerging hazards and risks. These arrangements and guidance shall:*

(a) include preparedness and response plans and procedures to deal with accidents and emergencies related to exposure to biological hazards in the working environment;

(b) promote continuous improvement of the level of protection of the exposed workers;

(c) cover, in particular:

(i) sectors and occupations where workers are at a high risk of recognized harm due to exposure to biological hazards;

(ii) workers with certain conditions who may require special protection, taking into account the need to ensure that such measures should not result in discrimination or contribute to occupational segregation.

**Finnish position to points 38 – 41, page 13, Article 6: Finland can support the proposal but would like to replace “national arrangements” with “national guidelines”. This change would include better tripartite aspect instead of just governments taking action.**

#### **OFFICE POINT 42, PAGES 13 – 14, ARTICLE 6**

*42. Bearing in mind the comments from Committee members calling for a clear separation between the guidance to be applied during crises such as pandemics and that to be applied during interpandemic periods, the Office also invites the tripartite constituents’ comments on 14 Protection against biological hazards in the working environment Office commentary on the proposed texts including the following additional clause recognizing the need for specific guidance for essential workers during pandemics or public health emergencies, reflecting their critical role in societal functioning and well-being and their heightened risk of exposure. The term “essential workers” is aligned with definitions in global health frameworks, emphasizing their prioritization for protective measures.*

*(iii) essential workers during pandemics or other public health emergencies, as defined at the national level*

**Finnish position: Finland can support the proposal.**

#### **OFFICE POINT 43, PAGE 14, ARTICLE 6**

**43.** *The Office also invites the tripartite constituents' comments on a corresponding Paragraph that could be placed in the Recommendation to provide further clarification on the meaning of "essential workers", which would read:*

*Essential workers during pandemics or other public health emergencies, as defined at the national level, include workers who are critical to maintaining the functioning of society and its well-being during such emergencies. Examples may include healthcare and laboratory workers, public health responders, waste-water workers, police and security officers, childcare, agriculture and food workers, transportation workers, seafarers, air crews, and workers at points of entry and exit, land crossings, airports and seaports.*

**Finnish position: Finland supports proposal but would like to add after "Examples may include" the wording: "but is not limited to" in order to avoid the list to be exhaustive.**

#### **OFFICE POINT 44, PAGE 14, ARTICLE 6**

**44.** *Considering the comments from Committee members during the discussion and in the replies summarized in Report IV(2) calling for further technical guidance in the instruments, the Office has prepared a text elaborating on the specific national arrangements or guidance to be developed by Members for sectors and occupations where workers are at high risk of recognized harm due to exposure to biological hazards. The Office invites the tripartite constituents' comments on the following proposed text, which could be included as a new Paragraph in the Recommendation:*

- 1. The national arrangements and guidance on preventive and protective and, as appropriate, precautionary measures for sectors and occupations where workers are at high risk of recognized harm due to exposure to biological hazards under the Convention should:*
  - (a) follow the hierarchy of controls;*
  - (b) address, as appropriate, infection prevention and control measures, risk-based biosecurity and biosafety control measures such as levels of containment in laboratories, vector control, decontamination and disinfection procedures, as well as procedures for handling and disposing of contaminated or suspected waste without risk;*
  - (c) consider uncertainties regarding the presence of biological hazards in living organisms, vectors or other potential transmitters;*
  - (d) be adequate and proportionate to the level of risk of exposure in each sector or occupation and to the hazards identified and risks assessed at the national level.*
- 2. Members may consider various approaches to specify appropriate and proportionate risk control measures, which may include:*
  - (a) regulations, policies or guidelines developed for types of work involving certain types of biological hazards, such as laboratory work;*
  - (b) regulations, policies or guidelines with an accompanying list of biological hazards to which those regulations apply;*

*(c) classification of biological hazards into risk or hazard groups based on characteristics and epidemiological profiles.*

**Finnish position:** Finland supports the proposal but would like see amendments in the wording referring to following the hierarchy of controls (as described in the ILO Technical Guidelines on Biological Hazards in the Working Environment). Finland would also prefer to delete “*biosecurity*” from the wording and add “*ventilation*” after “*in laboratories*”.

#### **OFFICE POINTS 45 – 47, PAGE 15, ARTICLE 7**

**45.** *The Office has made some editorial changes and added “and, as appropriate, precautionary measures” for consistency with other Articles.*

**46.** *The Committee adopted an amendment that inserted “timely” before “information and support”. However, following questions raised in the Drafting Committee, the Committee adopted the text, “Each member shall provide timely information, and support to employers ...”, in which “timely” only applies to “information” and not to “support”. The Office invites the tripartite constituents’ comments on whether the adopted formulation accurately reflects the Committee’s intent.*

**47.** *The Office would also like to note that, to ensure consistency, the proposal for Members’ consideration in relation to Articles 3 and 6 above, to replace “evaluation of risk” with “assessment of biological hazards and risks at the national level”, would also apply to this Article.*

**Finnish position to points 45 – 47, page 15, Article 7:** Finland supports the proposal but would like to change the wording in point 46 so that “*timely*” could be taken off from the beginning. Instead, at the end of point 46, there could be: “*and shall provide this information and support in a timely manner.*”

#### **OFFICE POINT 48, PAGE 15, ARTICLE 8**

**48.** *As stated under the commentary on Article 6 above, the Office invites the tripartite constituents’ comments on whether points 14 and 16 of the Conclusions should be merged into a single Article, or whether specific provisions for certain sectors and occupations and for workers who may require special protection should be kept as separate Articles.*

**Finnish position:** Finland is flexible with this proposal. Merging points 14 and 16 to a single Article is supportable as long as it is completed so that the original wording does not change significantly.

#### IV. OCCUPATIONAL HEALTH AND OCCUPATIONAL HEALTH SERVICES

##### OFFICE POINTS 49 – 50, PAGE 15, ARTICLE 9

49. *In subparagraph (a), the Office has made several editorial changes to improve the clarity and readability of the text and added the wording “recognized harm due to” before “exposure” for consistency with other parts of the Convention. The Office has also deleted the reference to “in relation to biological hazards in the working environment” at the end of clause (b) to avoid duplication.*

50. *The Office invites the tripartite constituents’ comments on whether “and, as appropriate, precautionary measures” should also be added to the introductory text for this Article, to ensure consistency with the previous Articles.*

**Finnish position to points 49 – 50, page 15, Article 9: Finland does not support the added wording on “recognized harm due to exposure” and the wording “certain conditions”. We see that if occupational health services are involved only after existing harm, it is not in line with the preventative approach in occupational health and safety matters.**

#### V. DATA COLLECTION, RECORDING AND NOTIFICATION OF OCCUPATIONAL DISEASES AND OCCUPATIONAL ACCIDENTS

##### OFFICE POINT 51, PAGE 15

51. *The Office has reordered the wording of the title of Part V to “Reporting, recording and notification of occupational accidents and occupational diseases and collection of data” to reflect the order used in Article 10(a).*

**Finnish position: Proposal can be supported.**

##### OFFICE POINTS 52 – 53, PAGE 15, ARTICLES 52 – 53

52. *Article 10 reproduces point 18 of the Conclusions, with minor editorial changes to improve clarity.*

53. *Article 11 reproduces point 19 of the Conclusions, with minor editorial changes to improve clarity.*

**Finnish position: proposals supported.**

## VI. EMPLOYMENT INJURY BENEFITS

### OFFICE POINT 54, PAGE 16, ARTICLE 12

*54. The Office notes that deaths due to occupational exposure to biological hazards in the working environment are covered by the Employment Injury Benefits Convention, 1964 (No. 121), and are eligible for compensation under social security or workers' compensation schemes or programmes, in accordance with national law and practice. The Office therefore invites the tripartite constituents' comments on whether "death" should be added before "disease, injury or incapacity" in Article 12.*

**Finnish position: Finland agrees that "death" should be included as proposed.**

## VII. ENFORCEMENT OF LAWS AND REGULATIONS

### OFFICE POINT 55, PAGE 16, ARTICLE 13

*55. The Office notes that the wording "including preventive and supportive measures" would benefit from increased precision and invites the tripartite constituents' comments on whether it should be changed to "including the supply of technical information and advice to employers and workers". This would be aligned with the primary duties of labour inspectors under Article 3 of the Labour Inspection Convention, 1947 (No. 81), and Article 6 of the Labour Inspection (Agriculture) Convention, 1969 (No. 129).*

**Finnish position: Finland does not support this proposal. We see that it changes the original wording significantly. If the text was to be worded in the proposed way, then it would be in contradiction with Finnish occupational health and safety approach where the guidance given is rather on a general level and the detailed measures have to be taken at the workplace in a cooperation between the employer and the workers.**

### OFFICE POINTS 56 – 57, PAGE 16, ARTICLE 14

*56. The Office notes that concerns were raised during the Committee's discussion about the ambiguity of the term "systematic approach" and invites the tripartite constituents' comments on replacing it with the more precise term "management systems approach". This would be aligned with the wording of the Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197), and the ILO Guidelines on occupational safety and health management systems (ILO-OSH 2001). The Office also*

proposes to replace “when assessing compliance with relevant national laws and regulations” with “according to their mandates and national law and practice”.

**57.** The Office also invites the tripartite constituents’ comments on whether the current Articles 13 and 14 should be combined into two paragraphs of a single Article:

1. Each Member shall ensure the enforcement of national laws and regulations concerning biological hazards in the working environment through an adequate and appropriate system of inspection and, where applicable, other mechanisms for ensuring compliance, including the supply of technical information and advice to employers and workers, and shall allocate adequate resources and support needed for these functions.

2. Each Member shall ensure that labour inspectors with duties related to biological hazards and risks in the working environment:

(a) are trained on those hazards and risks and that, as appropriate, other officials are also trained;

(b) promote a management systems approach to occupational safety and health according to their mandates and national law and practice.

**Finnish position to points 56 – 57, page 16, article 14: Finland does not support the wording “management systems approach”. We believe that “systematic approach” is more appropriate wording. We can support the proposal in point 57 to combine Articles 13 and 14 into one Article in general as long as wording concerning “systematic approach” will remain in the text.**

#### **OFFICE POINT 58, ARTICLE 15, PAGES 16 – 17**

**58.** To further align this provision with Article 18 of the Labour Inspection Convention, 1947 (No. 81), and Article 9(2) of the Occupational Safety and Health Convention, 1981 (No. 155), the Office has replaced the verb “apply” with “provide for”. The Office notes that sanctions are established by Protection against biological hazards in the working environment Office commentary on the proposed texts 17 national legislation and therefore invites the tripartite constituents’ comments on whether to change “in accordance with national law and practice” to “in accordance with national laws and regulations”

**Finnish position: we do not support replacing “apply” with “provide for” as it would change the meaning significantly. We can support the “in accordance with national laws and regulations” even though we prefer “in accordance with national law and practice” as it takes better into account legal praxis for instance.**

## VIII. DUTIES AND RESPONSIBILITIES OF EMPLOYERS

### OFFICE POINTS 59 – 66, PAGE 17, ARTICLES 16 – 17

59. Article 16 reproduces point 24 of the Conclusions.

60. For clarity, the Office has merged points 25 and 26 of the Conclusion into a single Article.

61. In the introductory text, the Office has deleted the reference to “duties and responsibilities with respect to biological hazards in the working environment” to avoid duplicating the title of the Part and has moved the reference to national law and applicable collective agreements to make it clear that it refers to the preventive and protective measures.

62. In subparagraph (a), the wording “with certain conditions” has been added for consistency with previous Articles.

63. In subparagraph (b), the term “biological hazards in the working environment” was added, considering the hierarchy of controls and given that the elimination of hazards is a clearly established terminology in occupational safety and health. More detailed information on the application of the hierarchy of controls to biological hazards in the working environment is available in Appendix II to the ILO Technical Guidelines on Biological Hazards in the Working Environment.

64. To enhance clarity, the Office has incorporated point 25 of the Conclusions as subparagraph (c) of Article 17. The term “optimized” has been replaced with “implement effective”, in line with the wording of other instruments, such as the Prevention of Major Industrial Accidents Convention, 1993 (No. 174).

65. In subparagraph (e), the reference to “in accordance with national law and practice, and on the basis of a risk assessment” has been deleted, as it is already included in the introductory text.

66. The subparagraph on precautionary measures has been moved up to follow the subparagraph on preventive and control measures. For better readability, the wording “where sufficient information is not available” was replaced by “where the available information is insufficient”

**Finnish position to points 59 – 66, page 16, Articles 16-17: Finland can support the merging points 25 and 26 of the conclusions to one Article. We prefer not to include “with certain conditions” as it might pave a way for excluding some groups already beforehand.**

### OFFICE POINTS 67 – 69, PAGE 17, ARTICLES 18 – 19

67. Article 18 reproduces point 27 of the Conclusions, with minor editorial changes to improve clarity.

68. Article 19 reproduces point 28 of the Conclusions, with minor editorial changes to improve clarity.

69. The Office invites the tripartite constituents’ comments on whether to change the reference to preparedness and response “measures” to “plans and procedures”, to be closer to the language used in Article 9 of the Prevention of Major Industrial Accidents Convention, 1993 (No. 174), which sets out that

*employers shall establish and maintain a documented system of major hazard control which includes provision for “emergency plans and procedures”.*

**Finnish position to points 67 – 69, page 17, articles 18 – 19: Finland support the proposals.**

## **IX. RIGHTS AND DUTIES OF WORKERS AND THEIR REPRESENTATIVES**

### **OFFICE POINTS 70 – 75, PAGE 18, ARTICLES 20 - 22**

**70.** *In the introductory text, the Office has deleted the reference to “with respect to biological hazards in the working environment” to avoid redundancy, and has changed the wording “should have rights ... that include” to “shall have the right to”.*

**71.** *The Office has changed the order of subparagraphs (a) and (b) to improve the structure of the Article.*

**72.** *The Office notes that, in clause (f) of the Conclusions adopted by the Committee, medical examinations are listed in parallel with “health surveillance”. In order to ensure consistency with the Occupational Health Services Convention, 1985 (No. 161), and its accompanying Recommendation (No. 171), and the definition included in the ILO Technical and ethical guidelines for workers’ health surveillance, the Office suggests deleting the reference to “medical examinations”. “Workers’ health surveillance” is a generic term that covers procedures and investigations to assess workers’ health to detect and identify any abnormalities. Medical examinations are a type of health assessment. Other health assessment procedures can include, but are not limited to, biological monitoring, radiological examinations, questionnaires and a review of health records. The Office thus invites the tripartite constituents’ comments on the possible deletion of the reference to “medical examinations”. The alternative version would read:*

*(f) receive reports on health surveillance, subject to confidentiality rules for personal and medical data;*

**73.** *In subparagraph (h), the Office has made editorial changes to improve readability.*

**74.** *The Office has made some editorial changes to improve clarity. It has changed the wording “should have duties with respect to biological hazards in the working environment that include” to “shall be required to” for clarity and readability and to align it with previous Articles. In subparagraph (a), the Office has moved the word “prescribed” to come before “to themselves and others” for clarity, and has deleted “on the prevention of and protection from biological hazards” to avoid redundancy. In subparagraph (b), it has replaced “working conditions” with “situation” for consistency with other international labour standards, including Article 19(f) of the Occupational Safety and Health Convention, 1981 (No. 155). In subparagraph (c), the Office has added “in the working environment” at the end of the sentence to clarify the scope of the duty.*

**75.** *The Committee discussed point 31 of the Conclusions extensively before adopting it. The Office notes that the right to remove oneself from a situation of serious and imminent danger is addressed in several ILO instruments, including Article 13 of the Occupational Safety and Health Convention, 1981 (No. 155), and has thus made changes to ensure coherence with similar provisions. As the subparagraphs refer to both rights and duties of workers, the Office has modified the introductory text to read “In addition to the rights and*

*duties set out above, workers". The Office has also deleted from subparagraph (a) the duty of the worker to report to the immediate supervisor of the imminent and serious situation, as it is addressed in subparagraph (b) and also Article 21(b)*

**Finnish position to points 70 – 75, page 18, Articles 20 – 22: we support in general the proposals. Still, we are against of taking out “medical examinations” as proposed in Office point 74. We see that with the biological hazards, these examinations are often required.**

## **X. METHODS OF APPLICATION**

### **OFFICE POINT 76, PAGE 19, ARTICLE 23**

*76. Article 23 reproduces point 32 of the Conclusions, with minor editorial changes.*

**Finnish position: can be supported**

### **PROPOSED RECOMMENDATIONS**

#### **OFFICE POINTS 77 – 78, PAGE 19, PREAMBLE AND PARAGRAPH 1**

*77. The Office has established a standard preambular text for the proposed Recommendation in line with usual drafting practice.*

*78. Based on point 33 of the Conclusions and following standard drafting practice, the Office has included a Paragraph indicating that the provisions of the Recommendation supplement those of the Convention and should be applied in conjunction with them.*

**Finnish position: Finland supports.**

## **I. PREVENTIVE AND PROTECTIVE MEASURES**

### **OFFICE POINTS 79 – 80, PAGE 19, PARAGRAPH 2**

*79. As agreed by the Committee during its first discussion, point 15 of the conclusions originally proposed by the Office in Report IV(2) has now been inserted in the proposed Recommendation, with minor editorial*

*changes. The Office invites the tripartite constituents' comments on the placement of this point as Paragraph 2. The Office notes that the scope of this provision is broader than that of the obligation under Article 12 of the Occupational Safety and Health Convention, 1981 (No. 155), which focuses on machinery, equipment and substances used directly in occupational tasks. By encompassing biological substances to which workers could be exposed, the Recommendation acknowledges that hazards may arise not only directly from occupational activities but also from incidental exposure in the working environment.*

**80.** *Additionally, the Office invites the tripartite constituents' comments on the possible inclusion of references to other relevant treaties and international frameworks under clause (d), such as the Biological Weapons Convention, which prohibits the development and use of biological weapons, and the International Health Regulations, which aim to control the international spread of disease. Members' comments in Report IV(2) also emphasized the need to consider a wide array of international instruments to enhance the effectiveness and coherence of occupational safety and health measures.*

**Finnish position to points 79 – 80, page 19, paragraph 2: can be supported.**

#### **OFFICE POINTS 81 – 82, PAGES 19 – 20, PARAGRAPH 3**

**81.** *Several amendments to point 34 of the Conclusions were proposed during the Committee's first discussion, including an amendment proposing to expand the scope of emergency human resources to include surge capacity and flexibility in resource allocation, which ensures a more responsive and adaptable approach during crises.*

**82.** *The Office invites the tripartite constituents' comments on an alternative text that takes the above into account, makes some clauses more concise and adds "accidents and" before "emergencies". It also replaces "arrangements" with "plans and procedures" to align with the 20 Protection against biological hazards in the working environment Office commentary on the proposed texts Office proposal in the commentary to Articles 6 and 8 of the Convention. The text would read as follows:*

*3. The preparedness and response plans and procedures to be established under Article 6 of the Convention for the effective management of accidents and emergencies related to biological hazards in the working environment should include:*

*(a) the preparation or updating of regulations for the management of such accidents and emergencies;*

*(b) early warning systems;*

*(c) measures to be taken in the working environment in the event of outbreaks, epidemics or pandemics;*

*(d) coordination and information mechanisms with public health authorities;*

*(e) national and international research collaboration;*

*(f) provision for appropriate emergency human resources, including surge capacity and flexible resource allocation;*

*(g) effective operation of healthcare facilities and essential services;*

*(h) material preparedness;*

*(i) collaboration among relevant public health, water and waste, occupational health and veterinary health authorities, and other partners;*

*(j) rapid public health response systems and real-time communication of expert advice;*

*(k) training of occupational health service providers on potential biological hazards, supported by clinical or laboratory-based surveillance.*

**Finnish position on points 81 – 82, pages 19 – 20, paragraph 3: Finland agrees with the proposal but sees that the text could be edited so that the preparedness and response plans could be developed in consultation with workers and their representatives.**

**OFFICE POINTS 83 – 84, PAGE 20, PARAGRAPH 4**

**83.** *To ensure consistency with Article 8 of the Convention, the Office proposes to add a reference to “or, as appropriate, precautionary measures” added after “preventive and protective” measures in the introductory text.*

**84.** *Amendments received in the first discussion included proposals to incorporate additional sectors, and to specify subsectors within existing sectors, to provide clearer guidance for the development of targeted preventive and protective measures. Similar views were expressed in the replies to the questionnaire. The Office invites the tripartite constituents’ comments on the following proposal, in which it has also inserted “recognized harm due to” before “exposure to biological hazards” in the introductory text to align it with Articles 8 and 9 of the Convention:*

*4. The sectors and occupations where workers are at high risk of recognized harm due to exposure to biological hazards and for which specific preventive and protective or, as appropriate, precautionary measures should be developed under Article 8 of the Convention should include:*

*(a) the healthcare sector;*

*(b) agricultural work, including in the animal (such as livestock, poultry), vegetable and grain sectors;*

*(c) the water and waste sector;*

*(d) cleaning and maintenance work, including hospital cleaning and industrial maintenance;*

*(e) humanitarian work;*

*(f) laboratory work;*

*(g) the biotechnology and pharmaceutical sectors;*

*(h) funeral services and mortuary work.*

**Finnish position to points 83 – 84, page 20, paragraph 4: otherwise can be supported but we see that the list provided by Office is far from exhaustive and does not include all the relevant sectors. Therefore, there should be a more comprehensive list.**

**OFFICE POINT 85, PAGE 21, PARAGRAPH 5.**

85. Several amendments were received during the Committee's first discussion, including proposals to broaden the scope and to eliminate the subparagraph referring to "workers in need of protection due to their social situation and multiple disadvantages". Accordingly, the Office invites the tripartite constituents' comments on the possible deletion of this subparagraph and the addition of "migrant workers" to the list of categories of workers who may need special protection under certain conditions. This would also be in line with the comments from Members summarized in Report IV(2), which highlighted migrant workers' vulnerabilities in terms of unstable social conditions and limited access to health services.

**Finnish position: we prefer to have subparagraph referring to "workers in need of protection due to their social situation and multiple disadvantages". Still, we are not that much in favor of mentioning "migrant workers" here. We see that they can often be interpreted to be in that above mentioned worker group and mentioning them specifically here could exclude some other categories of workers.**

#### **OFFICE POINTS 86 – 88, PAGE 21, PARAGRAPHS 6 -7**

86. Paragraph 6 corresponds to Point 37 of the Conclusions. Paragraph 7 (point 13 of the Conclusions)

87. The Office notes that this provision resulted from an amendment that was originally intended to be a new point after point 12 of the Conclusions with a view to a Convention, but the Committee subsequently agreed that it should be moved to the Recommendation. The Office invites the tripartite constituents' comments on its proposed placement as Paragraph 7, under "Preventive and protective measures", thereby complementing the specific preventive aspects outlined in the previous Paragraphs by adding a broader perspective that acknowledges the cross-border dimension of biological risks.

88. The Office proposes to replace "health and safety" with "safety and health" to align with the terminology used in international labour standards. In addition, considering the hierarchy of controls and given that the elimination of hazards is a clearly established terminology in occupational safety and health, the Office proposes that it should read "eliminate hazards or minimize these risks". In addition, the Office proposes that "occupational" could be deleted before "health culture" to avoid redundancy. The Office invites the tripartite constituents' comments on these proposals.

**Finnish position to points 86 – 88, page 21, paragraphs 6 -7: we can support the proposals otherwise but we see that "occupational health culture"-part should remain as before. "Health culture" is much vaguer as a concept compared to "occupational health culture".**

## II. RECORDING OF OCCUPATIONAL DISEASES

### OFFICE POINT 89, PARAGRAPH 8, PAGE 21

*89. The Office notes that this provision is now covered under Article 10(e) of the Convention and therefore invites the tripartite constituents' comments on whether Paragraph 8, and consequently the title of the Part, should be deleted.*

**Finnish position: we support the deletion.**

## III. EMPLOYMENT INJURY BENEFITS

### OFFICE POINTS 90 -94, PAGES 21 – 22, PARAGRAPHS 8 – 11

*90. The Office invites the tripartite constituents' comments on whether to include under Part III provisions concerning employment injury benefits and income security (Paragraphs 9 and 10), which are part of social protection, and on protection from dismissal (Paragraph 11), which is an employment protection measure, and consequently whether the title of Part III should be changed from "Employment injury benefits" to "Social and employment protection".*

*91. Considering that Part VI of the Convention addresses employment injury benefits, the Office invites the tripartite constituents' comments on the possible inclusion in Paragraph 9 of a reference to the Social Security (Minimum Standards) Convention, 1952 (No. 102).*

*92. The Office notes that the Committee adopted an amendment on access to income protection and asked the Office to place it in the proposed Recommendation. The Office has incorporated it as Paragraph 10, as income protection is part of social protection. The Office invites the tripartite constituents' comments on whether the term "income protection" could be replaced with "basic income security" to align it with the social security instruments, particularly the Income Security Recommendation, 1944 (No. 67), and the Social Protection Floors Recommendation, 2012 (No. 202). The Office would like to clarify in this respect that the aims of social protection, or social security, include ensuring basic income security in case of various life-cycle risks, such as unemployment, disability or maternity. Basic income security during periods of isolation or quarantine is a part of social protection.*

*93. The Office recalls that some concerns were raised during the first discussion regarding the receivability of amendments related to income security (Paragraph 10) and protection from dismissal (Paragraph 11). The Office clarified that, from a legal perspective, there is nothing to prevent the Committee from debating such proposals, and provided examples of occupational safety and health instruments containing aspects related to social security matters.*

*94. The Office notes that the Committee adopted an amendment on protection from dismissal and asked the Office to place it in the proposed Recommendation. The Office has incorporated it as Paragraph 11, as protection from dismissal is an employment protection measure. With regard to concerns expressed during*

*the first discussion on the receivability of amendments on the protection from dismissal, the Office refers to its commentary on Paragraph 10 above.*

**Finnish position to points 90 – 94, pages 21 – 22, paragraphs 8 – 11: Finland agrees with the proposals. Still, it should be noted, that is worth questioning whether these kind of matters should be included in an instrument concerning occupational health and safety (at least from a narrow occupational health and safety point of view).**

#### **IV. ENFORCEMENT OF LAWS AND REGULATIONS**

##### **OFFICE POINTS 95 – 96, PAGE 22, PARAGRAPHS 12- 13**

*95. Paragraph 12 reproduces point 40 of the Conclusions.*

*96. The Office notes that Paragraph 13 of the proposed Recommendation is already addressed under Article 14(b) of the proposed Convention.*

**Finnish position to points 95 – 96, page 22, paragraphs 12- 13: the proposals can be supported.**

#### **V. DUTIES AND RESPONSIBILITIES OF EMPLOYERS**

##### **OFFICE POINTS 97 – 99, PAGES 22 – 23, PARAGRAPHS 14 - 16**

*97. Paragraph 14 reproduces point 42 of the Conclusions.*

*98. Paragraph 15 reproduces point 43 of the Conclusions.*

*99. The Office notes that the Committee adopted an amendment on preparedness and response arrangements and asked the Office to place it in the proposed Recommendation. The Office proposes to insert it as Paragraph 16, under the duties and responsibilities of employers. It also suggests that “these” should be deleted from the beginning of the Paragraph, and that “arrangements” could be replaced with “plans and procedures” for consistency with the proposal under Article 19 of the proposed Convention.*

**Finnish position to office points 97 – 99, pages 22 – 23, paragraphs 14 -16: we can agree with the proposed changes. Still, we would like to see in paragraph 14 a reference to the ILO Technical guidelines on biological hazards in the working environment (adopted by the ILO Governing Body in November 2022) specifically mentioned here.**

## **VI. FINAL PROVISION**

### **OFFICE POINT 100, PAGE 23, PARAGRAPH 17**

*100. The Office has included this provision under a Part entitled “Final provision”, but invites the tripartite constituents’ comments on whether it should be changed to “Effect on earlier Recommendations” for consistency with other instruments, such as the Safety and Health in Construction Recommendation, 1988 (No. 175).*

**Finnish position: Finland prefers the original version but does not have a strong opinion here.**