

21 October 2024

Ministry of Economic Affairs and Employment
kirjaamo.tem@gov.fi

Request for comments VN/23871/2024

Comments on the report of the International Labour Organization (ILO) on protection against biological hazards

The Ministry of Economic Affairs and Employment has requested comments on the report of the International Labour Organization (ILO) on protection against biological hazards. The report contains the texts of the proposed Convention supplemented by a Recommendation concerning protection against biological hazards in the working environment. The Convention and the associated Recommendation are proposed for adoption by the 2025 ILO International Labour Conference.

In the view of Suomen Yrittäjät (Federation of Finnish Enterprises), a high level of occupational safety and health is an important goal. Protection against biological hazards is important not only from the viewpoint of employees and employers but also from the viewpoint of the functioning of society. While health security should be taken into account in numerous situations in working life, it should also be acknowledged that protection against biological hazards as a phenomenon is not limited to working life only. Suomen Yrittäjät nonetheless holds that drafting the Convention is not necessary in terms of promoting occupational safety and health. Suomen Yrittäjät does not support the adoption of the Convention as it is proposed in the report.

Finland and the EU have a high level of occupational safety and health. The ILO should strive to create a global minimum standard of protection and all regulatory instruments of the ILO should be such in nature and quality as to make them applicable to different regulatory environments and in keeping with the circumstances and needs in different countries. Generally speaking, any eventual ILO instrument should be clear, consistent and pragmatic. It should also provide sufficient national latitude in practical implementation. Neither the Convention nor the Recommendation should dictate the manner of implementation.

Suomen Yrittäjät finds the draft Convention contained in the report on which comments are now requested to be unnecessarily detailed and also unclear in many places. The definitions provided in the draft are extremely broad and the report fails to differentiate, for example, between biological hazards caused by work or factors over which the employer has control and biological hazards caused by factors external to work. In general, an important aspect of definitions that must be taken into account is that biological hazards are not commensurable; they pose different risks. It is therefore important that the definition takes into account different hazards and the differences in the risks they cause. It is important that the prevention of and protection against biological hazards are based on scientific knowledge of the risks of different factors. On the other hand, the Convention should not lay down new obligations with regard to hazard assessment and instead, this assessment should take place in the context of other risk assessment.

Compared to other ILO Conventions in general, the draft proposed in the report is exceedingly detailed and contains much too specific regulation of the rights and obligations of employers and employees. Were the Convention to be drafted on the basis of the report, there is a risk of

reconcilability issues with European regulation in terms of both manner and substance. An excessively broad scope of application and/or detailed substance in the Convention could also constitute a barrier to its ratification by Finland and other ILO Member States.

Any eventual Convention would need to be concrete, simple and clear. The Convention must not expand the regulation of occupational safety and health beyond the confines of its subject matter. Since the ILO already has in place Conventions concerning occupational safety and health, it would be of vital importance to avoid any overlap with existing regulation. As a part of the EU, Finland should ensure that any eventual ILO regulation can be reconciled with the EU's existing regulation of occupational safety and health. Suomen Yrittäjät finds that Finland should pay particular attention to this aspect and should therefore not support the Convention as it is proposed in the report.

Suomen Yrittäjät points out that the draft put forward in the report was prepared by the International Labour Office and it does not in all respects reflect the outcome of the negotiations at the Labour Conference of spring 2024. The International Labour Office should not influence the conduct of the negotiations by interfering with the substance of the draft Convention. It should moreover be noted that the existing Conventions concerning occupational safety and health, Nos. 155 and 187, were in 2022 adopted as fundamental conventions. In terms of occupational safety and health in practice, instead of laying down new regulation it would be more beneficial to focus on ensuring compliance with the current minimum rules in countries where the standard of occupational safety and health is not even at the level required under the current Conventions.

Respectfully,
Suomen Yrittäjät

Janne Makkula
Director

Albert Mäkelä
Specialist, LLM