

INTERNATIONAL LABOUR OFFICE

REPORT FORM

FOR THE

WORKING ENVIRONMENT
(AIR POLLUTION, NOISE AND VIBRATION),
1977 (No. 148)

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

The Government may deem it useful to consult the appended text of the Working Environment (Air Pollution, Noise and Vibration) Recommendation, 1977 (No. 156), the provisions of which supplement the present Convention and can contribute to a better understanding of its requirements and facilitate its application.

PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

First reports

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

Subsequent reports

In subsequent reports, information need normally be given only on the following points:

(a) any new legislative or other measures affecting the application of the Convention;

(b) replies to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organisations of employers and workers and on any observations received from these organisations;

(c) replies to comments by supervisory bodies: the report must contain replies to any comments regarding the application of the Convention in your country which may have been addressed to your Government by the Committee of Experts or by the Conference Committee on the Application of Conventions and Recommendations.

Article 22 of the Constitution of the ILO

Report for the period to
made by the Government of

on the

WORKING ENVIRONMENT (AIR POLLUTION, NOISE AND VIBRATION), 1977 (No. 148)

(ratification registered on

- I. Please give a list of the laws, regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said laws, regulations, etc., to the International Labour Office with this report. Please give any available information on the extent to which these laws, regulations, etc., have been adopted or amended to permit, or as a result of, ratification.
- II. Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned laws, regulations, etc., or other measures under which the Article is applied.

If in your country ratification of the Convention gives the force of national law to its terms please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps for its implementation, such as measures to define its exact scope and the extent to which advantage may be taken of permissive exceptions provided for in it, measures to establish criteria for determining exposure hazards and to specify exposure limits, and arrangements for adequate inspection and penalties.

If the Committee of Experts or the Conference Committee on the Application of Conventions and Recommendations has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.

PART I. SCOPE AND DEFINITIONS

Article 1

1. This Convention applies to all branches of economic activity.
2. A Member ratifying this Convention may, after consultation with the representative organisations of employers and workers concerned, where such exist, exclude from the application of the Convention particular branches of economic activity in respect of which special problems of a substantial nature arise.
3. Each Member which ratifies this Convention shall list in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation any branches which may have been excluded in pursuance of paragraph 2 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the branches excluded, and the extent to which effect has been given or is proposed to be given to the Convention in respect of such branches.

Please indicate the provisions which ensure that the measures of protection required under the Convention apply to all branches of economic activity except those excluded under paragraph 2.

If use has been made of paragraph 2, please list in the first report the branches of economic activity¹ excluded from the application of the Convention, give the reasons for such exclusions and indicate how the representative organisations of employers and workers concerned were consulted.

¹ Attention is drawn to the fact that the reference to "branches of economic activity" in this provision is intended to permit the exclusion either of certain branches requiring particular rules, or of certain technical processes according to the level of technical development, or of certain categories of persons such as self-employed workers in certain sectors. (ILO: *Record of proceedings*, International Labour Conference, 63rd Session, 1977, p. 361: Report of the Committee on the Working Environment, para. 16.)

In subsequent reports, please indicate the position of law and practice in respect of the branches of economic activity excluded and any changes which have been made or are proposed in this connection.

Article 2

1. Each Member, after consultation with the representative organisations of employers and workers, where such exist, may accept the obligations of this Convention separately in respect of—

- (a) air pollution ;
- (b) noise ; and
- (c) vibration.

2. A Member which does not accept the obligations of the Convention in respect of one or more of the categories of hazards shall specify this in its ratification and shall give reasons in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation ; it shall state in subsequent reports the position of its law and practice in respect of the category or categories of hazards excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of each such category of hazards.

3. Each Member which has not on ratification accepted the obligations of this Convention in respect of all the categories of hazards shall subsequently, when it is satisfied that conditions permit this, notify the Director-General of the International Labour Office that it accepts the obligations of the Convention in respect of a category or categories previously excluded.

If your country has not accepted the obligations of the Convention in respect of all the categories of hazards, please give the reasons in the first report.

In subsequent reports, please indicate the position of law and practice in respect of the category or categories of hazards excluded and any changes which have been made or are proposed in this connection.

Article 3

For the purpose of this Convention—

- (a) the term “air pollution” covers all air contaminated by substances, whatever their physical state, which are harmful to health or otherwise dangerous ;
- (b) the term “noise” covers all sound which can result in hearing impairment or be harmful to health or otherwise dangerous ;
- (c) the term “vibration” covers any vibration which is transmitted to the human body through solid structures and is harmful to health or otherwise dangerous.

PART II. GENERAL PROVISIONS

Article 4

1. National laws or regulations shall prescribe that measures be taken for the prevention and control of, and protection against, occupational hazards in the working environment due to air pollution, noise and vibration.

2. Provisions concerning the practical implementation of the measures so prescribed may be adopted through technical standards, codes of practice and other appropriate methods.

Paragraph 2. If provisions for practical implementation have been adopted through technical standards or codes of practice, please supply information (a) on the bodies which have issued such standards or codes and (b) on the effect of such standards or codes in law or in practice.

If provisions for practical implementation have been adopted through “other appropriate methods”, please supply full information on the nature of these methods.

Article 5

1. In giving effect to the provisions of this Convention, the competent authority shall act in consultation with the most representative organisations of employers and workers concerned.

2. Representatives of employers and workers shall be associated with the elaboration of provisions concerning the practical implementation of the measures prescribed in pursuance of Article 4.

3. Provision shall be made for as close a collaboration as possible at all levels between employers and workers in the application of the measures prescribed in pursuance of this Convention.

4. Representatives of the employer and representatives of the workers of the undertaking shall have the opportunity to accompany inspectors supervising the application of the measures prescribed in pursuance of this Convention, unless the inspectors consider, in the light of the general instructions of the competent authority, that this may be prejudicial to the performance of their duties.

Paragraphs 1 and 2. Please describe the procedures followed for consulting the most representative organisations of employers and workers in giving effect to the provisions of the Convention, and for associating representatives of employers and workers in the elaboration of provisions concerning the practical implementation of the measures prescribed in pursuance of the Convention.

Paragraph 3. Please describe the procedures instituted for collaboration between employers and workers at the various levels in the application of the measures prescribed in pursuance of the Convention.

Paragraph 4. Please give particulars of the provisions under which representatives of the employer and of the workers of the undertaking may accompany inspectors supervising the application of the prescribed measures.

Article 6

1. Employers shall be made responsible for compliance with the prescribed measures.

2. Whenever two or more employers undertake activities simultaneously at one workplace, they shall have the duty to collaborate in order to comply with the prescribed measures, without prejudice to the responsibility of each employer for the health and safety of his employees. In appropriate circumstances, the competent authority shall prescribe general procedures for this collaboration.

Please give particulars of any general procedures prescribed for collaboration between two or more employers undertaking activities simultaneously at one workplace.

Article 7

1. Workers shall be required to comply with safety procedures relating to the prevention and control of, and protection against, occupational hazards due to air pollution, noise and vibration in the working environment.

2. Workers or their representatives shall have the right to present proposals, to obtain information and training and to appeal to appropriate bodies so as to ensure protection against occupational hazards due to air pollution, noise and vibration in the working environment.

Paragraph 2. Please describe the procedures available to workers or their representatives to present proposals and to obtain information and training; please also give particulars of the bodies to which they may appeal so as to ensure the protection prescribed by the Convention.

PART III. PREVENTIVE AND PROTECTIVE MEASURES

Article 8

1. The competent authority shall establish criteria for determining the hazards of exposure to air pollution, noise and vibration in the working environment and, where appropriate, shall specify exposure limits on the basis of these criteria.

2. In the elaboration of the criteria and the determination of the exposure limits the competent authority shall take into account the opinion of technically competent persons designated by the most representative organisations of employers and workers concerned.

3. The criteria and exposure limits shall be established, supplemented and revised regularly in the light of current national and international knowledge and data, taking into account as far as possible any increase in occupational hazards resulting from simultaneous exposure to several harmful factors at the workplace.

Paragraphs 1 and 3. Please give particulars of the criteria established for determining the hazards of exposure covered by the Convention. Please indicate the exposure limits specified for these hazards. Please indicate whether, and if so how, account has been taken of any increase in occupational hazards resulting from simultaneous exposure to several harmful factors.

Please describe the procedures by which the established criteria and exposure limits are regularly supplemented and revised in the light of current national and international knowledge and data.

Paragraph 2. Please state which representative organisations have designated technically competent persons for the purpose of this Article, and indicate how their opinion is taken into account in elaborating the criteria and determining the exposure limits.

Article 9

As far as possible, the working environment shall be kept free from any hazard due to air pollution, noise or vibration—

- (a) by technical measures applied to new plant or processes in design or installation, or added to existing plant or processes ; or, where this is not possible,
- (b) by supplementary organisational measures.

Please provide particulars of—

- (a) *the technical measures prescribed for new plant or processes in design or installation ;*
- (b) *the technical measures prescribed for existing plant or processes ;*
- (c) *any supplementary organisational measures prescribed.*

Article 10

Where the measures taken in pursuance of Article 9 do not bring air pollution, noise and vibration in the working environment within the limits specified in pursuance of Article 8, the employer shall provide and maintain suitable personal protective equipment. The employer shall not require a worker to work without the personal protective equipment provided in pursuance of this Article.

Please indicate the measures taken to ensure that, when the specified exposure limits are exceeded, employers provide and maintain suitable protective equipment, and do not require workers to work without it.

Please indicate the methods prescribed for determining whether the exposure limits specified in pursuance of Article 8 are exceeded.

Article 11

1. There shall be supervision at suitable intervals, on conditions and in circumstances determined by the competent authority, of the health of workers exposed or liable to be exposed to occupational hazards due to air pollution, noise or vibration in the working environment. Such supervision shall include a pre-assignment medical examination and periodical examinations, as determined by the competent authority.

2. The supervision provided for in paragraph 1 of this Article shall be free of cost to the worker concerned.

3. Where continued assignment to work involving exposure to air pollution, noise or vibration is found to be medically inadvisable, every effort shall be made, consistent with national practice and conditions, to provide the worker concerned with suitable alternative employment or to maintain his income through social security measures or otherwise.

4. In implementing this Convention, the rights of workers under social security or social insurance legislation shall not be adversely affected.

Paragraph 1. Please give particulars of the circumstances in which supervision of the health of workers is required. Please indicate the nature of the supervision, specifying in particular the nature and frequency of the periodical examinations (such as biological or other tests or investigations or medical examinations) which have been prescribed.

Paragraph 2. Please indicate how it is ensured that this supervision is free of cost to the worker.

Paragraph 3. Please describe the measures taken to provide workers, whose continued assignment to work involving exposure to air pollution, noise or vibration is found to be medically inadvisable, with suitable alternative employment or to maintain their income.

Article 12

The use of processes, substances, machinery and equipment, to be specified by the competent authority, which involve exposure of workers to occupational hazards in the working environment due to air pollution, noise or vibration, shall be notified to the competent authority and the competent authority, as appropriate, may authorise the use on prescribed conditions or prohibit it.

Please identify the competent authority for the purposes of this Article.

Please give particulars of the processes, substances, machinery and equipment, the use of which must be notified to the competent authority.

Please give particulars of any conditions prescribed by the competent authority for the use of specified processes, etc., and of any prohibitions issued during the period covered by the report.

Article 13

All persons concerned shall be adequately and suitably—

- (a) informed of potential occupational hazards in the working environment due to air pollution, noise and vibration ; and
- (b) instructed in the measures available for the prevention and control of, and protection against, those hazards.

Please indicate the persons to whom information and instruction are provided on potential occupational hazards and their prevention and control.

Please describe the type of information and instruction provided, and the manner in which they are provided, including their frequency.

Article 14

Measures taking account of national conditions and resources shall be taken to promote research in the field of prevention and control of hazards in the working environment due to air pollution, noise and vibration.

Please describe the measures taken to promote research in accordance with this Article.

PART IV. MEASURES OF APPLICATION

Article 15

On conditions and in circumstances determined by the competent authority, the employer shall be required to appoint a competent person, or use a competent outside service or service common to several undertakings, to deal with matters pertaining to the prevention and control of air pollution, noise and vibration in the working environment.

Please indicate the circumstances in which, and the conditions on which, employers are required to appoint a competent person or use a competent service to deal with the matters specified in this Article.

Article 16

Each Member shall—

- (a) by laws or regulations or any other method consistent with national practice and conditions take such steps, including the provision of appropriate penalties, as may be necessary to give effect to the provisions of this Convention ;
- (b) provide appropriate inspection services for the purpose of supervising the application of the provisions of this Convention, or satisfy itself that appropriate inspection is carried out.

Please provide information on the penalties prescribed for non-compliance with the laws and regulations through which the Convention is applied.

Please indicate the authority or authorities to which the application of the above-mentioned laws, regulations, etc., is entrusted.

Please provide information on the duties and powers of the inspection services responsible for supervising the application of the provisions of the Convention.

III. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.

IV. Please give a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the inspection services, and, if such statistics are available, information on the number of workers covered by the relevant legislation and other measures, the number and nature of contraventions reported, etc.

V. Please indicate the representative organisations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation.¹ If copies of the report have not been com-

¹ Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."

municated to representative organisations of employers and/or workers, or if they have been communicated to bodies other than such organisations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

Please indicate whether you have received from the organisations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate a copy of the observations received, together with any comments that you consider useful.

ANNEX

WORKING ENVIRONMENT (AIR POLLUTION, NOISE AND VIBRATION) RECOMMENDATION, 1977 (No. 156)

I. SCOPE

1. (1) To the greatest extent possible, the provisions of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, and of this Recommendation should be applied to all branches of economic activity.

(2) Measures should be taken to give self-employed persons protection in the working environment analogous to that provided for in the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, and in this Recommendation.

II. PREVENTIVE AND PROTECTIVE MEASURES

2. (1) The competent authority should prescribe the nature, frequency and other conditions of monitoring of air pollution, noise and vibration in the working environment to be carried out on the employer's responsibility.

(2) Special monitoring in relation to the exposure limits referred to in Article 8 of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, should be undertaken in the working environment when machinery or installations are first put into use or significantly modified, or when new processes are introduced.

3. It should be the duty of the employer to arrange for equipment used to monitor air pollution, noise and vibration in the working environment to be regularly inspected, maintained and calibrated.

4. The workers and/or their representatives and the inspection services should be afforded access to the records of the monitoring of the working environment and to the records of inspection, maintenance and calibration of apparatus and equipment used therefor.

5. Substances which are harmful to health or otherwise dangerous and which are liable to be air-borne in the working environment should, as far as possible, be replaced by less harmful or harmless substances.

6. Processes involving air pollution, noise or vibration in the working environment as defined in Article 3 of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, should be replaced as far as possible by processes involving less or no air pollution, noise or vibration.

7. The competent authority should determine the substances of which the manufacture, supply or use in the working environment should be prohibited or made subject to its specific authorisation, requiring compliance with particular measures of prevention or protection.

8. (1) In appropriate cases the competent authority should approve standards for the emission levels of machinery and installations as regards air pollution, noise and vibration.

(2) Those standards should be attained as appropriate by—

(a) design ; or

(b) built-in devices ; or

(c) technical measures during installation.

(3) An obligation to ensure compliance with these standards should be placed on the manufacturer or the supplier of the machinery or installations.

9. Where necessary, the manufacture, supply or use of machinery and installations which cannot, in the light of the most recent technical knowledge, meet the requirements of Paragraph 8 of this Recommendation should be made subject to authorisation by the competent authority requiring compliance with other appropriate technical or administrative protective measures.

10. The provisions of Paragraphs 8 and 9 of this Recommendation should not relieve the employer of his obligations in pursuance of Article 6 of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977.

11. The employer should ensure the regular inspection and maintenance of machines and installations, with respect to the emission of harmful substances, dust, noise and vibration.

12. The competent authority should, when necessary for the protection of the workers' health, establish a procedure for the approval of personal protective equipment.

13. In pursuance of Article 9, subparagraph (b), of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, the competent authority should, as appropriate, provide for or promote, in consultation with employers' and workers' organisations, the reduction of exposure through suitable systems or schedules of work organisation, including the reduction of working time without loss of pay.

14. In prescribing measures for the prevention and control of air pollution, noise and vibration in the working environment, the competent authority should take into consideration the most recent codes of practice or guides established by the International Labour Office and the conclusions of meetings of experts which may be convened by the International Labour Office, as well as information from other competent bodies.

15. In prescribing measures for the prevention and control of air pollution, noise and vibration in the working environment, the competent authority should take account of the relationship between the protection of the working environment and the protection of the general environment.

III. SUPERVISION OF THE HEALTH OF WORKERS

16. (1) The supervision of the health of workers provided for in Article 11 of the Working Environment (Air Pollution, Noise and Vibration) Conven-

tion, 1977, should include, as determined by the competent authority—

- (a) a pre-assignment medical examination ;
- (b) periodic medical examinations at suitable intervals ;
- (c) biological or other tests or investigations which may be necessary to control the degree of exposure and supervise the state of health of the worker concerned ;
- (d) medical examinations or biological or other tests or investigations after cessation of the assignment which, when medically indicated, should be made available as of right on a regular basis and over a prolonged period.

(2) The competent authority should require that the results of any such examinations or tests be made available to the worker, and at his request to his personal physician.

17. The supervision provided for in Paragraph 16 of this Recommendation should normally be carried out in working hours and should be free of cost to the worker.

18. (1) The competent authority should develop a system of records of the medical information obtained in pursuance of Paragraph 16 of this Recommendation and should determine the manner in which it is to operate. Provision should be made for the maintenance of such records for an appropriate period of time to assure their availability, in terms which will permit personal identification by the competent authority only, for epidemiological and other research.

(2) To the extent determined by the competent authority, the records should include information on occupational exposure to air pollution, noise and vibration in the working environment.

19. Where continued assignment to work involving exposure to air pollution, noise or vibration is found to be medically inadvisable, every effort should be made, consistent with national practice and conditions, to provide the worker concerned with suitable alternative employment and to maintain his previous income through social security measures or otherwise.

20. In implementing this Recommendation, the rights of workers under social security or social insurance legislation should not be adversely affected.

IV. TRAINING, INFORMATION AND RESEARCH

21. (1) The competent authority should take measures to promote the training and information of all persons concerned with respect to the prevention and control of, and protection against, existing and potential occupational hazards in the working environment due to air pollution, noise and vibration.

(2) Representatives of the workers of the undertaking should be informed and consulted in advance by the employer on projects, measures and decisions which are liable to have harmful consequences on the health of workers, in connection with air pollution, noise and vibration in the working environment.

(3) Before being assigned to work liable to involve exposure to hazards of air pollution, noise or vibration, workers should be informed by the employer of the hazards, of safety and health mea-

ures, and of possibilities of having recourse to medical services.

22. (1) The competent authority, in close co-operation with employers' and workers' organisations, should promote, assist and stimulate research in the field of prevention and control of hazards in the working environment due to air pollution, noise and vibration, with the assistance, as appropriate, of international and national organisations.

(2) All concerned should be informed of the objectives and results of such research.

23. Employers' and workers' organisations should take positive action to carry out programmes of training and information with respect to the prevention and control of, and protection against, existing and potential occupational hazards in the working environment due to air pollution, noise and vibration.

24. Workers' representatives within undertakings should have the facilities and necessary time, without loss of pay, to play an active role in respect of the prevention and control of, and the protection against, occupational hazards in the working environment due to air pollution, noise and vibration. For this purpose, they should have the right to seek assistance from recognised experts of their choice.

25. Such measures as are necessary should be taken to secure that, in connection with the use at a workplace of a substance liable to be harmful to health or otherwise dangerous, adequate information is available on—

- (a) the results of any relevant tests relating to the substance ; and
- (b) the conditions required to ensure that, when properly used, it is without danger to the health of workers.

V. MEASURES OF APPLICATION

26. Each Member should—

- (a) by laws or regulations or any other method consistent with national practice and conditions take such steps, including the provision of appropriate penalties, as may be necessary to give effect to the provisions of this Recommendation ;
- (b) provide appropriate inspection services for the purpose of supervising the application of the provisions of this Recommendation, or satisfy itself that appropriate inspection is carried out ;
- (c) endeavour to do so as speedily as national conditions permit.

27. In giving effect to the provisions of this Recommendation the competent authority should act in consultation with the most representative organisations of employers and workers concerned, and, as appropriate, manufacturers', suppliers' and importers' organisations.

28. (1) The provisions of this Recommendation which relate to the design, manufacture and supply of machinery and equipment to an approved standard should apply forthwith to newly manufactured machinery and equipment.

(2) The competent authority should, as soon as possible, specify time limits appropriate to their nature for the modification of existing machinery and equipment.