

INTERNATIONAL LABOUR OFFICE

REPORT FORM

FOR THE

**WORKMEN'S COMPENSATION
(OCCUPATIONAL DISEASES)
CONVENTION (REVISED), 1934 (No. 42)**

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."

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

WORKMEN'S COMPENSATION (OCCUPATIONAL DISEASES) CONVENTION (REVISED), 1934 (No. 42)

(ratification registered on)

- I. Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.

Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit of, 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 legislation and administrative regulations, etc., or other measures, under which each 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 the exact scope of the Convention and the extent to which advantage may be taken of permissive exceptions provided for in it, measures to draw the attention of the parties concerned to its provisions, 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.

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to provide that compensation shall be payable to workmen incapacitated by occupational diseases, or, in case of death from such diseases, to their dependants, in accordance with the general principles of the national legislation relating to compensation for industrial accidents.

2. The rates of such compensation shall be not less than those prescribed by the national legislation for injury resulting from industrial accidents. Subject to this provision, each Member, in determining in its national law or regulations the conditions under which compensation for the said diseases shall be payable, and in applying to the said diseases its legislation in regard to compensation for industrial accidents, may make such modifications and adaptations as it thinks expedient.

Please give—

(i) *a brief account of the general principles of the national legislation in your country relating to compensation for industrial accidents;*

(ii) *information regarding the rates of compensation prescribed by national legislation for injury resulting from industrial accidents; and*

(iii) *information regarding the conditions under which compensation for occupational diseases is payable, the rate of compensation for such diseases, and the modifications and adaptations thought expedient in applying the legislation in regard to compensation for industrial accidents to the said diseases.*

Article 2

Each Member of the International Labour Organisation which ratifies this Convention undertakes to consider as occupational diseases those diseases and poisonings produced by the substances set forth in the Schedule appended hereto, when such diseases or such poisonings affect workers engaged in the trades,

industries or processes placed opposite in the said Schedule, and result from occupation in an undertaking covered by the said national legislation.

SCHEDULE

List of diseases and toxic substances

Poisoning by lead, its alloys or compounds and their sequelae.

Poisoning by mercury, its amalgams and compounds and their sequelae.

Anthrax infection.

Silicosis with or without pulmonary tuberculosis, provided that silicosis is an essential factor in causing the resultant incapacity or death.

Phosphorus poisoning by phosphorus or its compounds, and its sequelae.

Arsenic poisoning by arsenic or its compounds, and its sequelae.

Poisoning by benzene or its homologues, their nitro- and amido-derivatives, and its sequelae.

Poisoning by the halogen derivatives of hydrocarbons of the aliphatic series.

Pathological manifestations due to:

- (a) radium and other radioactive substances;
- (b) X-rays.

Primary epitheliomatous cancer of the skin.

List of corresponding trades, industries or processes

Handling of ore containing lead, including fine shot in zinc factories.

Casting of old zinc and lead in ingots.

Manufacture of articles made of cast lead or of lead alloys.

Employment in the polygraphic industries.

Manufacture of lead compounds.

Manufacture and repair of electric accumulators.

Preparation and use of enamels containing lead.

Polishing by means of lead files or putty powder with a lead content.

All painting operations involving the preparation and manipulation of coating substances, cements or colouring substances containing lead pigments.

Handling of mercury ore.

Manufacture of mercury compounds.

Manufacture of measuring and laboratory apparatus.

Preparation of raw material for the hat-making industry.

Hot gilding.

Use of mercury pumps in the manufacture of incandescent lamps.

Manufacture of fulminate of mercury primers.

Work in connection with animals infected with anthrax.

Handling of animal carcasses or parts of such carcasses including hides, hoofs and horns.

Loading and unloading or transport of merchandise.

Industries or processes recognised by national law or regulations as involving exposure to the risk of silicosis.

Any process involving the production, liberation or utilisation of phosphorus or its compounds.

Any process involving the production, liberation or utilisation of arsenic or its compounds.

Any process involving the production, liberation or utilisation of benzene or its homologues, or their nitro- and amido-derivatives.

Any process involving the production, liberation or utilisation of halogen derivatives of hydrocarbons of the aliphatic series designated by national laws or regulations.

Any process involving exposure to the action of radium, radioactive substances, or X-rays.

Any process involving the handling or use of tar, pitch, bitumen, mineral oil, paraffin, or the compounds, products or residues of these substances.

III. Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced. In particular, please supply information on the organisation and working of inspection.

IV. 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.

V. Please add 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, information concerning the trades, industries or processes carried on in your country which give rise to the diseases or poisonings mentioned in the Schedule, with an indication of the extent to which they are carried on, the number of workers employed in the trades, industries or processes concerned, and the number of cases of such diseases or poisonings which have been reported, the sums paid by way of compensation as benefits in cash and kind respectively, etc.

VI. 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 communicated 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 summary of the observations received, together with any comments that you consider useful.

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. "