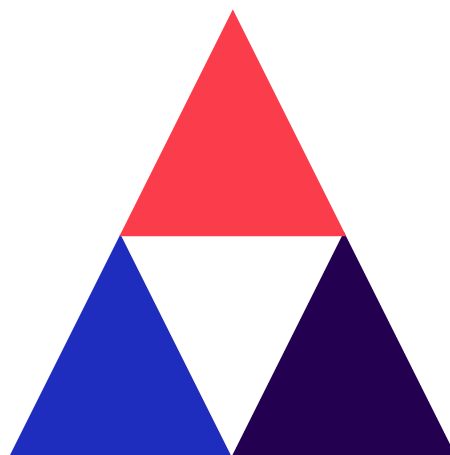




► Record of proceedings

Meeting of Experts to revise the 1992 code of practice on safety and health
in construction
(Geneva, 21–25 February 2022)



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► I. Introduction

1. In accordance with the decision taken by the Governing Body at its 335th Session (March 2019), the Meeting of Experts to revise the 1992 code of practice on safety and health in construction was held in Geneva and online from 21 to 25 February 2022.
2. The Meeting was attended by 8 experts from Governments, 8 experts nominated by the Employers' group and 8 experts nominated by the Workers' group of the Governing Body, as well as by 41 Government observers. There were 7 observers from intergovernmental organizations and international non-governmental organizations.
3. The purpose of the Meeting, as decided by the Governing Body, was to discuss and adopt a code of practice on safety and health in construction based on a draft prepared by the Office.
4. The Officers of the Meeting were:

Independent Chairperson:	Dr J. Takala
Vice-Chairpersons:	Mr L.C. Lumbreras Rochas (Government, Brazil) Mr J. Beckett (Employer, Canada) Ms M. Tepfer (Worker, Argentina)
Employer spokesperson:	Mr M. Espinosa
Worker spokesperson:	Ms F. Murie
5. The Chairperson explained that the purpose of the Meeting of Experts was to discuss and adopt a revised code of practice on safety and health in construction, with a view to providing a helpful tool for employers, workers, governments, and all other stakeholders aiming to improve safety and health in construction. The draft code prepared by the Office would serve as the basis for the Meeting's discussions.
6. The Secretary-General of the Meeting, Ms Alette van Leur (Director, ILO Sectoral Policies Department), welcomed all delegates joining the Meeting in person or remotely due to COVID-19 related restrictions. When revising the outdated 1992 code of practice, participants should give particular attention to the new text in the draft document. ILO codes of practice were not legally binding nor were they subject to ratification or supervisory mechanisms. Nonetheless, they were based on the full principles, rights and obligations set out in international labour standards and nothing set out in codes of practice should be understood as lowering those standards. Specifically, the Safety and Health in Construction Convention (No. 167) and its accompanying Recommendation (No. 175), 1988, were key up-to-date instruments to be taken into account. Over recent decades, construction had evolved rapidly, influenced by globalization, the declining role of the public sector as an employer, migration trends, environmental challenges and technological changes. The COVID-19 crisis had had a negative impact on the sector causing business losses and exacerbating decent work deficits such as informality, occupational safety and health (OSH) risks and skills shortages. In view of the potential of the sector for a human-centred recovery, a revised code of practice would contribute to strengthening occupational safety and health in construction, which was key to enable the sector to build its resilience against future crises and protect workers while supporting business continuity.
7. The Executive Secretary presented an overview of the background, preparatory work and content of the draft revised code. The Office had carried out a comprehensive assessment of the most

recent trends and developments in the construction sector and had refined the language in line with the most recent OSH standards and approaches while seeking to include tripartite agreed text from recent ILO codes of practice. They included the 2021 code on safety and health in textiles, clothing, leather and footwear, the 2019 code on safety and health in shipbuilding and ship repair, and the 2018 code on safety and health in opencast mining.

8. The Employer Vice-Chairperson said that the COVID-19 pandemic had highlighted the importance of OSH at work. The need to provide business continuity, compliance with existing public health regulations and up-to-date safety and health standards were more important than ever for strong business performance and productivity. The outdated 1992 code of practice needed an overhaul in the light of new OSH requirements standards in the world of work.
9. The proposed revisions prepared by the Office would serve as a good basis for discussion. It was important to remain as consistent as possible with previous adopted text to ensure coherence. He reiterated the Employers' group's strong commitment to collaborating with the Workers and Governments to implement a strong OSH culture for the sector by adopting the code of practice to provide guidance that would be practical, implementable and tailored to the needs of different countries.
10. The Worker Vice-Chairperson described the rapidly growing construction sector and observed that progress was still needed in many areas, for example labour law enforcement. The procurement of construction contracts through competitive bidding could lead to efforts to cut labour costs, including health and safety and training, representing a major component of those. It was therefore essential to have mandatory health and safety standards in the sector that removed those costs from competition and created a level playing field.
11. She highlighted the sector's contribution to society through infrastructure and job creation, underlining the relevance of the Labour Clauses (Public Contracts) Convention, 1949 (No. 94). Construction's diverse employment types led to widespread informal contractual practices. Organized cooperation between all parties on a construction site was essential to prevent accidents and occupational diseases. The changing working environment of a construction site carried a variety of physical, chemical, biological and psychosocial hazards. Many of those were addressed by Convention No. 167; nevertheless, further recommendations in the current code of practice were needed on preventing and dealing with asbestos-related diseases. Poor prevention outcomes in the construction sector were the result of the conditions under which workers were employed rather than the nature of the work itself.
12. In the 30 years since the code of practice had been drawn up, there had been significant changes in the sector. Some had had a negative impact on occupational safety and health, undermined collective bargaining and the provision of training, and led to a shortage of skilled workers in many countries, with a consequent increase in the movement of migrant workers in the sector. The exploitation of informal work remained widespread. Convention No. 167 and Recommendation No. 175 were essential to address those issues. It was also important to recognize that the construction sector employed women workers who required particular provisions. She referred, in particular, to the Violence and Harassment Convention (No. 190) and its Recommendation (No. 206), 2019.
13. To conclude, the industry was crucial for a just transition and as a cornerstone for the economic and social development of any country. The sector generated many jobs; it was essential that those jobs be decent, safe and healthy.
14. The Government Vice-Chairperson emphasized the importance of a revised code of practice for promoting safe workplaces in a sector which played a key role in the global economic recovery.

The current realities underscored the timeliness of the Meeting. Many countries, including his own, Brazil, acknowledged the need for strengthening OSH in the sector. He hoped that although the perspectives of the different parties might at times diverge, they could arrive at consensus and adopt a revised code of practice through constructive social dialogue.

► II. Consideration of the draft code of practice ¹

15. The following account of the discussion follows the structure of the draft code, not the chronological consideration of its sections. It covers only paragraphs on which there was substantive discussion.
16. Prior to its final sitting, the Meeting established an open informal working group to make recommendations on the paragraphs for which agreement had not been possible. Where the final form of the text depended on such recommendations, this is indicated.

1. General provisions

1.1. Objective

17. In paragraph 1, the Government Vice-Chairperson proposed to add “including, but not limited to designers, clients, contractors, supplier and manufacturers” after “safety and health in construction”. The Employer Vice-Chairperson opposed the amendment since there was a risk of excluding other people or institutions, such as governments and employers. The Worker Vice-Chairperson agreed with the Employer Vice-Chairperson and rejected the proposal. The Government Vice-Chairperson withdrew the proposed amendment.
18. In paragraph 2, the Government Vice-Chairperson proposed the addition of a new subparagraph to read: “promoting effective implementation of prevention as well as vision zero strategy”. The Employer Vice-Chairperson rejected the addition as the term “vision zero strategy” did not apply to all countries. The Worker Vice-Chairperson agreed with the Employers’ group and suggested deleting “as well as vision zero strategy”. The Employer Vice-Chairperson agreed. The proposal was adopted as amended.
19. In subparagraph 2(a), the Government Vice-Chairperson proposed to replace “workers in construction” with “people in construction”. The Worker and Employer Vice-Chairpersons preferred to keep “workers”. The Government Vice-Chairperson clarified that when discussing workplace hazards, there were other people, beyond workers, that needed to be protected on construction sites. The Worker Vice-Chairperson maintained that the Meeting was dealing with the adoption of the code of practice in the context of the ILO, which was about workers. The Government Vice-Chairperson withdrew the proposal.
20. In subparagraph 2(b), the Worker Vice-Chairperson proposed to replace “employment in construction” with “work in construction”. The Government Vice-Chairperson proposed an amendment to replace “employment in construction” with “work in construction activities”. The amendment was adopted.

¹ All references and numbers of sections and paragraphs are to the original draft submitted to the Meeting. Where the outcome of discussion on a point is not clear, the text of the code of practice should be taken as the authentic adopted text.

21. In subparagraph 2(c), the Worker Vice-Chairperson suggested adding “occupational diseases and ill health” after “in the case of work-related injury;”. The Employer Vice-Chairperson suggested the removal of subparagraph (c). The code was not about workers’ compensation, but occupational safety and health with a focus on prevention. The Worker and Government Vice-Chairpersons did not agree with the deletion.
22. After further discussion, the Employer Vice-Chairperson asked for a rewording of the Workers’ group proposal. The Office suggested the following text: “ensuring compensation in case of occupational accident, disease and ill health”. The Worker Vice-Chairperson added “to the affected worker and their dependants” after “workers”.
23. The Government Vice-Chairperson stated his group’s neutrality on the matter but recommended that the text follow the definition of compensation used in the code of practice. The Worker Vice-Chairperson stated that the original text was better. The Employer Vice-Chairperson agreed to the use of the original text given it was not inconsistent with the definition of compensation. He suggested using a reformulated version of the definition in which “ensuring payment” was replaced with “ensuring compensation”. A Worker expert from the United Kingdom of Great Britain and Northern Ireland argued that the formulation was limited given that it referred only to state compensation. The Employer Vice-Chairperson suggested removing the reference to the Employment Injury Benefits Convention, 1964 [Schedule 1 amended in 1980] (No. 121) to broaden its meaning. The Worker Vice-Chairperson agreed. The amended proposal was adopted.
24. In subparagraph 2(d), the Worker Vice-Chairperson suggested adding “planning, procurement,” before “design and implementation”. The Employer and Government Vice-Chairpersons agreed to the addition. The Secretary-General took note of this; however, she invited the groups to prioritize new text in the draft document rather than focus on agreed text from the 1992 code.
25. In subparagraph 2(f), the Worker Vice-Chairperson suggested adding “social dialogue” before “consultation and cooperation”. The Employer and Government Vice-Chairpersons did not agree and proposed to retain the original text. The Worker Vice-Chairperson proposed to delete “social dialogue” and add “in line with the fundamental principles and rights at work” after “cooperation”. After detailed discussion, the matter was referred to the working group, which recommended reformulating the text as follows: “promoting effective consultation and cooperation in line with ILO OSH standards between governments, employers, workers and their organizations and representatives, as well as business operations, in the improvement of OSH in construction”. The recommendation was adopted.
26. In subparagraph 2(g), the Worker Vice-Chairperson proposed to revise the text to read: “providing guidance, in line with ILO instruments, on the respective role, obligations, responsibilities, duties and rights of all actors engaged in construction activities, with regard to workplace hazards”. The Employer and Government Vice-Chairpersons agreed to the amendment. The proposal was adopted.

1.2. Application and scope

27. In paragraph 2, the Government Vice-Chairperson proposed to replace the word “basic” with “minimum”. He also proposed to add “as well as other persons affected by construction activities” after “protecting workers’ safety and health”. The Employer Vice-Chairperson agreed to the replacement of “basic” with “minimum”. The Worker Vice-Chairperson supported the amendment to replace “basic” with “minimum” but disagreed with the addition of “as well as other persons affected by construction activities”. The Employer Vice-Chairperson agreed with the Workers’ position and explained that the wording was too broad. In other parts of the code “other persons in the vicinity” was used and was considered acceptable. The Government Vice-Chairperson

proposed to change their amendment to “as well as other persons affected in the vicinity of construction activities”. The Employer Vice-Chairperson accepted the proposal. The Worker Vice-Chairperson expressed concern about discussing the topic in the section as it would be addressed elsewhere. However, in order to progress they accepted the use of “vicinity”. The Employer Vice-Chairperson suggested to amend the Governments’ proposal to “as well as other persons, where relevant, in the vicinity of construction activities”. The Worker Vice-Chairperson agreed to the amendment. The Governments’ proposal was adopted as amended.

28. The Worker Vice-Chairperson proposed to add a new paragraph after paragraph 2, to read: “The provisions of this code should be applied to the planning, procurement, design and implementation of construction projects”. The proposal was adopted.
29. In paragraph 4, the Employer Vice-Chairperson proposed the deletion of “without discrimination” and explained that the reason for the placement of the text was unclear. He then proposed to delete the entire paragraph. The Worker and Government Vice-Chairpersons both disagreed. The Employer Vice-Chairperson withdrew the proposal.
30. The Worker Vice-Chairperson proposed to add “workers’ organizations and” before “workers’ representatives”. The Employer Vice-Chairperson disagreed as the text was about discussion between workplace parties, in other words employers and their workers. He also noted that throughout the document, the Employers’ group would only agree with the phrasing “workers’ representatives” and not “workers’ organizations”. The Government Vice-Chairperson agreed with the Employers’ group. The Worker Vice-Chairperson withdrew the proposal and noted that the topic was open for discussion in other parts of the text.
31. In paragraph 5, the Worker Vice-Chairperson proposed to add “at least as” before “effective” in the last sentence. The Government Vice-Chairperson noted that the amendment did not change the meaning but accepted it. The Employer Vice-Chairperson agreed to the amendment. The proposal was adopted.
32. In paragraph 6, the Government Vice-Chairperson proposed to add “procurement stage” after “in the design”. The Worker Vice-Chairperson agreed to the amendment.
33. The Employer Vice-Chairperson proposed to add “in risk management, management of change processes and” after “should be accounted for”. The proposal was adopted.
34. The Employer Vice-Chairperson also proposed to delete “innovations in question”. The Worker Vice-Chairperson asked for clarification. The Employer Vice-Chairperson explained that the amendment was editorial; innovation was mentioned twice in the text and the deletion would help avoid redundancies. The Government Vice-Chairperson noted that the original text was the same as that in the code of practice on safety and health in shipbuilding and ship repair. While the Government group could agree to the Employers’ group amendment, it was important to highlight the need to maintain consistency with other codes of practice. The Worker Vice-Chairperson proposed to maintain the original text. The Government Vice-Chairperson noted that they preferred the original text but could accept the deletion if necessary. The Employer Vice-Chairperson reiterated that maintaining the original text would be redundant but withdrew the proposal.
35. The Employer Vice-Chairperson proposed to delete “as well as OSH standards”. The amendment was rejected. The Employer Vice-Chairperson withdrew the amendment.
36. The Employer Vice-Chairperson proposed to delete “on OSH aspects”. The Worker and Government Vice-Chairperson disagreed with the amendment. The Employer Vice-Chairperson withdrew the proposal.

37. The Employer Vice-Chairperson proposed to delete “and their”. The Government and Worker Vice-Chairpersons preferred to keep the original text. The Employer Vice-Chairperson recalled his previous comment about the Employers’ group agreeing to the phrasing “workers’ representatives” and not “workers and their representatives” to maintain consistent language. The Worker Vice-Chairperson explained that in the context of negotiations workers had the right to representation. The Government Vice-Chairperson agreed with the Workers and proposed to retain “and their”. The Employer Vice-Chairperson clarified that the text discussed consultation and not negotiation. The Worker Vice-Chairperson maintained that they could not accept the proposed deletion. The matter was referred to the working group, which recommended withdrawal. The amendment was withdrawn.
38. In paragraph 7, the Employer Vice-Chairperson proposed to delete the sentence: “This relationship should be taken into account by both the competent authorities and employers in designing and implementing their respective environmental sustainability and OSH policies and programmes”. It was unclear why environmental sustainability was being discussed and the text was not relevant to the construction process. The Government Vice-Chairperson agreed. The Worker Vice-Chairperson did not agree with the deletion. The Secretary-General pointed out that the text was the same as that in the ILO codes of practice on safety and health in shipbuilding and ship repair and in textiles, clothing, leather and footwear. The matter was referred to the working group, which recommended withdrawing the amendment. The recommendation was adopted.
39. In paragraph 11, the Worker Vice-Chairperson proposed replacing “brands and buyers” with “clients, contractors, suppliers” as that made the text more relevant to the construction industry. The proposal was adopted.
40. The Meeting asked the Office to draft text to include a reference to ILO instruments. The Office proposed the following: “In line with the ILO Declaration on Fundamental Principles and Rights at Work, all ILO Members have an obligation arising from the very fact of membership in the Organization to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental principles and rights at work, which are the subject of those Conventions.” The proposal was adopted.

1.3. Definitions

Compensation

41. The Worker Vice-Chairperson proposed to add “or work-related ill health” after “occupational diseases” and “occupational diseases or work-related ill health” after “work-related injury”.
42. The Employer Vice-Chairperson proposed to add “in accordance with national laws” after “A payment made to an injured worker and a worker suffering from occupational disease” and to delete all the subsequent text.
43. The Government Vice-Chairperson stated that it implied that coverage was in accordance with national laws and regulations and therefore not necessary to add. The Worker Vice-Chairperson did not agree with the addition of “in accordance with national laws” nor with the deletion of the reference to Convention No. 121, which was included in the text that followed “work-related injury”.
44. The Government Vice-Chairperson proposed to keep the original text proposed by the Office. The Worker Vice-Chairperson agreed. The Employer Vice-Chairperson took issue with the phrase “as prescribed in”.

45. After extensive discussion, the Government Vice-Chairperson proposed the following: “A payment to an injured worker suffering from occupational diseases to make up for the loss of earnings resulting from a work-related injury, as well as the costs of the medical and related care necessary to maintain, improve and restore the health of the injured worker as prescribed in the Employment Injury Benefits Convention, 1964 [Schedule 1 amended in 1980] (No. 121)”. It was not necessary to include whether the payments had to be partial or other similar matters as that was dependent on national laws.
46. The Worker and Employer Vice-Chairperson agreed to the proposal. The definition was adopted as amended.

Competence

47. The Government expert from the United Kingdom suggested adding a definition for “competence” as “having the necessary skills, knowledge, experience, and training (and if they are an organization the organizational capability) to fulfil the role or task that they have been appointed to undertake”. The proposal was adopted.

Competent person

48. The Worker Vice-Chairperson requested to retain the following deleted text on “competent person”: “The competent authorities may define appropriate criteria for the designation of such persons and may determine the duties to be assigned to them.” The Government and Employer Vice-Chairpersons agreed. The proposal was adopted.

Construction project

49. The Worker Vice-Chairperson proposed to include “the planning, procurement, design and implementation phases” in the second sentence. The Employer Vice-Chairperson agreed to the proposal but requested to include “hand-over phases” after implementation. The Government and Worker Vice-Chairpersons agreed. The proposal was adopted.

PPE

50. The Employer Vice-Chairperson proposed to replace the existing text with the following broader definition: “PPE means any device or appliance to be worn or held by an individual for protection against one or more health and safety hazards.” A specialist from the Office advised that not all PPE was worn or held. The Employer Vice-Chairperson suggested to replace “held” with “used” in their proposal. The Government and Worker Vice-Chairpersons agreed to the amended proposal. The proposal was adopted.

Risk assessment

51. The Employer Vice-Chairperson proposed to add “and managing” before “the risk”. The Worker Vice-Chairperson agreed to the proposal. The Government Vice-Chairperson raised the concern that managing risk was not part of risk assessment but rather the next step after assessing risk. The Worker Vice-Chairperson disagreed with the Government Vice-Chairperson, arguing that a risk assessment was not only about assessing risk but also about developing a proposal on how to manage risk. That was understood as the outcome or conclusion of risk assessment and therefore part of risk assessment. The Government Vice-Chairperson reiterated his point of view. The Employer Vice-Chairperson withdrew the proposal.

Safety and health committee

52. The Worker Vice-Chairperson proposed to insert “equal” before “representation” as agreed upon elsewhere in the text. The proposal was adopted.

Safety and health officer

53. The Employer Vice-Chairperson proposed to add “and health activities” after “safety”. The proposal was adopted.

Welfare facilities

54. At the request of the experts, the Office suggested a new definition: “Welfare facilities: facilities that are necessary for the well-being of workers.” A Worker expert from the United Kingdom requested that the definition be complemented with that contained in the Welfare Facilities Recommendation, 1956 (No. 102).
55. The Office proposed to add the following definition of “welfare facilities”: “facilities that are necessary for the well-being of workers: (a) feeding facilities in or near the undertaking; (b) rest facilities in or near the undertaking and recreation facilities excluding holiday facilities; and (c) transportation facilities to and from work where ordinary public transport is inadequate or impracticable, in accordance with the Welfare Facilities Recommendation, 1956 (No. 102)”.
56. The proposal from the Office was adopted.

Worker representative

57. The Worker Vice-Chairperson requested that the Office provide legal definitions of “workers”, “workers’ representatives”, and “workers’ organizations”.
58. The Secretary-General proposed to use “workers and their representatives” throughout the draft code in line with the definition in the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) and Article 19(d) of the Occupational Safety and Health Convention, 1981 (No. 155). The Office’s proposal was adopted.

Work-related accident and work-related injury

59. At the request of the experts, the Office proposed to use the term “occupational” in place of “work-related”. The Employer and Government Vice-Chairpersons agreed. The Worker Vice-Chairperson rejected the suggestion and explained that the term “work-related” was broader in scope. Should it be replaced by “occupational” it would leave out injuries and diseases that could be exacerbated by occupational injuries. For example, some respiratory disorders, including asthma or emphysema, already existed within the general population, but could be exacerbated by work-related situations, including breathing dust at a worksite.
60. A specialist from the Office suggested that the “Definitions” paragraphs of the Protocol of 2002 to the Occupational Safety and Health Convention, 1981, could be useful in helping the experts agree on the terminology.
61. The Chairperson observed that in his experience the word “occupational” had always been used in ILO Conventions, although recently other international or regional regulatory bodies used the expression “work-related”.
62. A Worker expert from the United Kingdom stated that “work-related” was in accordance with the terminology recently adopted in the ILO code of practice on safety and health in textiles, clothing, leather and footwear. The Government Vice-Chairperson disagreed and expressed preference for

the term “occupational” for the sake of consistency between the code and previous ILO work, in particular the Protocol of 2002 to the Occupational Safety and Health Convention, 1981. A Worker expert from the United Kingdom suggested that a new definition of “work-related” be included in the code. The Employer Vice-Chairperson rejected the suggestion. The Worker Vice-Chairperson insisted that her group was not disputing the references to the Protocol of 2002 to the Occupational Safety and Health Convention, 1981; however, they considered “work-related” broader in scope than “occupational”.

63. The Secretary-General asked the Meeting to bear in mind that, when deliberating on terminology, if the term “occupational” was selected by the experts, the term would have to be replaced in over 50 paragraphs of the draft for the sake of consistency.
64. A Worker expert from the United Kingdom suggested inserting “or made worse by” after “resulting from” in the “occupational injury” definition. The Employer Vice-Chairperson proposed to delete “or made worse” from the text on “occupational injury”. The Government Vice-Chairperson agreed to both options, with or without the “or made worse” text included. The Worker Vice-Chairperson pointed out that they had stated all their arguments for having the text included. However, for the sake of advancing, they would agree to the deletion. She withdrew the amendment. The proposal was adopted.

2. General duties

2.1. General duties of competent authorities

65. In subparagraph 1(a), the Worker Vice-Chairperson proposed to delete “employed”. In the construction sector the term “worker” was clearly defined, and it was not necessary to discuss the contractual status of workers. The proposal was adopted.

Labour inspectorates

66. The Employer Vice-Chairperson proposed to delete subparagraph 3(e). The Worker Vice-Chairperson objected to the deletion. The Government Vice-Chairperson stated that in some countries it was not the role of labour inspection to monitor compliance. However, it was an issue of the enforcement of national laws and should be kept. The proposal was withdrawn.
67. The Worker Vice-Chairperson proposed the addition of a new subparagraph after subparagraph 4(b) to read: “have the authority to monitor compliance with the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) and take appropriate action”. The Employer Vice-Chairperson opposed the proposal as it was not the duty of labour inspectors to monitor ILO Conventions, especially those that had not been adopted by the country. The Government Vice-Chairperson stated that it was the role of labour inspectors. However, including the subparagraph would make it necessary to add paragraphs regarding other roles of labour inspectors and the monitoring of Conventions. The Worker Vice-Chairperson stated that they were fundamental Conventions that applied whether or not a country had ratified them. Moreover, in many countries workers under the age of 18 carried out hazardous work, resulting in accidents and ill health. The Government Vice-Chairperson reiterated his disagreement. While acknowledging that those Conventions called for all Member States to comply with them, there was an issue of consistency with other existing codes of practice, including the code of practice on safety and health in textiles, leather and footwear and the code of practice on safety and health in shipbuilding and ship repair. He pointed out that those codes did not have references to the Conventions in question. The Employer Vice-Chairperson agreed with the Government Vice-Chairperson. The proposal was withdrawn.

68. In subparagraph 4(e), the Worker Vice-Chairperson proposed to replace the term “elements” with “measures”. The Government Vice-Chairperson pointed out that the term “elements” had a broader meaning than “measures”. When discussing OSH management systems, the term “elements” would be appropriate because it could include a broad OSH principle, such as hazard identification and risk assessment. However, “measures” could include a limited number of concrete OSH interventions. He proposed that the original text be maintained. The Worker Vice-Chairperson withdrew the proposed amendment.

Competent authority

69. In paragraph 8, the Government Vice-Chairperson stated that the principles of prevention should be promoted throughout the code, and therefore proposed to remove the phrase “the safety and health aspects in the” before “designing, building structures and construction” and replace it with “the principles of prevention when”. He also proposed to add “to achieve effective management of risks” at the end of the sentence. The Employer and Worker Vice-Chairpersons agreed. The proposal was adopted.
70. In paragraph 9, the Employer Vice-Chairperson proposed to delete “in accordance” and replace it with “taking into account”. The Worker Vice-Chairperson proposed instead to maintain “in accordance”. The Government Vice-Chairperson agreed with the Workers’ group. The Employer Vice-Chairperson withdrew the amendment.
71. In subparagraph 11(c), the Employer Vice-Chairperson proposed to delete “without discrimination”. The Government Vice-Chairperson disagreed. The language was used in other codes of practice. The Employer Vice-Chairperson asked that the Office clarify whether “without discrimination” appeared in other existing codes of practice to ensure the code would be consistent. The Worker Vice-Chairperson disagreed with the Employers’ proposal. It was necessary for the competent authorities to carry out their duties regarding specific categories of workers, “without discrimination”. Moreover, the language appeared in other codes of practice.
72. The Secretary-General stated that existing codes of practice, such as the code of practice on safety and health in opencast mines, the code of practice on safety and health in textiles, clothing, leather and footwear and the code of practice on safety and health in shipbuilding and ship repair, included “without discrimination”. In the latter two codes, the contexts in which the phrase was used differed from that of the text under consideration. In the code of practice on safety and health in opencast mines, the phrase was used in the same context as in the current text. The proposal was withdrawn.
73. In paragraph 15, the Worker Vice-Chairperson proposed to add “workers and work-related ill health”. The Employer Vice-Chairperson rejected the proposal. The original draft text, “occupational accidents”, was sufficiently broad and adequate. The Government Vice-Chairperson supported the proposal. The Employer Vice-Chairperson reiterated his disagreement, adding that the language was inconsistent. The Worker Vice-Chairperson stated that the language was included in the objectives of the code and was therefore consistent. Following further discussion, the proposal was withdrawn.

2.2. Cooperation and coordination

74. The Government Vice-Chairperson proposed to change the title from “Cooperation and coordination” to “Cooperation, coordination and communication”. The Worker Vice-Chairperson proposed to add “and effective social dialogue”. The Government Vice-Chairperson did not agree to the inclusion of “social dialogue” in the title. The term social dialogue was broader than cooperation and coordination and therefore not appropriate in this specific section. The Employer

Vice-Chairperson agreed to the Governments' first proposal. The Worker Vice-Chairperson agreed to not include "social dialogue", however she proposed that "effective" be added before "communication". The Government and Employer Vice-Chairpersons agreed. The proposal was adopted as amended.

75. In paragraph 1, the Worker Vice-Chairperson proposed to add "Social partners should engage in social dialogue, in particular, collective bargaining to ensure the effective implementation of this code" after the second sentence. The Government and Employer Vice-Chairpersons opposed the amendment. The matter was referred to the working group, which recommended the inclusion of "social dialogue" after "OSH systems require". The recommendation was adopted.
76. In subparagraph 2(a), the Worker Vice-Chairperson proposed to add "through labour clauses in standard bidding documents and conditions of contract" at the end of the first sentence. The Employer Vice-Chairperson asked for clarification on the inclusion of labour clauses. The Worker Vice-Chairperson explained that the language was taken from Convention No. 94. Including the language was intended to remove health and safety and labour costs elements from competitive bidding scenarios. The Employer Vice-Chairperson stated that Convention No. 94 limited flexibility in construction bidding pieces and that the Employers' group did not support the inclusion of labour clauses. After further discussion, the Worker Vice-Chairperson proposed to reformulate the text to read: "through requirements in standard bidding documents and conditions of contract". The Employer Vice-Chairperson objected to the inclusion of "standard" as the types of bidding documents used varied depending on the country. The Worker Vice-Chairperson accepted. The proposal was adopted as amended.
77. In the second sentence, the Worker Vice-Chairperson proposed to replace "is likely" with "should". The proposal was adopted.
78. The Employer Vice-Chairperson proposed to remove "and their budget". The Worker Vice-Chairperson opposed the amendment and explained that it was common practice that it be included in the bidding process. The Government Vice-Chairperson also rejected the Employers' suggestion. The Employer Vice-Chairperson withdrew the amendment.
79. In subparagraph 2(b), the Worker Vice-Chairperson proposed to reformulate "workers and their representatives" as "workers' representatives and workers' organizations". After discussion, the proposal was withdrawn.
80. In subparagraph 2(c), the Worker Vice-Chairperson proposed to delete "as closely as possible". The proposal was adopted.
81. In subparagraph 2(d), the Employer Vice-Chairperson proposed to delete "and may consult their representative organizations about such information provided they do not disclose commercial secrets". The proposal was adopted.
82. In subparagraph 2(e), the Government Vice-Chairperson proposed to replace "hazards" with "risks". The proposal was adopted.
83. In subparagraph 2(f), the Employer Vice-Chairperson proposed to delete "and" between the statements "during the design" and "construction phase". They also proposed to add "and handover" between "construction" and "phase". Both the Worker and Government Vice-Chairpersons agreed to the amendments. The proposal was adopted.
84. The Government Vice-Chairperson proposed to replace "hazards" with "risks" in the phrase "for the evaluation of safety and health hazards". The proposal was adopted.
85. In paragraph 4, the Worker Vice-Chairperson proposed to delete "and" between "planning" and "coordinating" and add "and monitoring" after "coordinating". The proposal was adopted.

86. The Employer Vice-Chairperson proposed to add “or self-employed persons” after “two or more employers”. The Worker Vice-Chairperson objected. Following discussion, the matter was referred to the working group, which recommended withdrawing the amendment. The recommendation was adopted.
87. In paragraph 7, the Worker Vice-Chairperson proposed to delete “Employers and self-employed persons undertaking activities simultaneously at a construction site should cooperate fully in the application of safety and health measures”. They suggested to replace the text with the following: “Whenever self-employed workers undertake activities at one construction site, the principal contractor or body with actual control over or primary responsibility for overall construction site activities should be responsible for planning, coordinating and monitoring safety and health measures and in so far as is compatible with national laws and regulations for ensuring compliance with such measures.” The language was based on that of paragraph 4.
88. The Government Vice-Chairperson suggested that as the text proposed was similar to paragraph 4, “self-employed persons” could be added after “Whenever two or more employers”, thereby eliminating the need for an additional paragraph. The Worker Vice-Chairperson opposed the proposal. Self-employed persons were workers and should not be categorized with employers. Categorizing the self-employed with employers was not reflective of the reality of the construction sector.
89. After further discussion, the Government Vice-Chairperson suggested using the language “self-employed workers” rather than “self-employed persons”. The Employer Vice-Chairperson objected. Self-employed persons were both workers and contractors therefore they should be referred to as “self-employed persons”.
90. The Worker Vice-Chairperson disagreed. Self-employed workers were workers and not contractors as they did not employ others. The principal contractor was responsible for work on the site. She proposed to alter the suggested text to read: “The principal contractor should ensure that self-employed workers are appropriately trained, equipped and competent to carry out their work, and that they comply with the prescribed safety and health measures at the workplace, in accordance with national laws or regulations. Self-employed workers need to be registered with the institution responsible for workers’ compensation or employment/work injury benefits.”
91. The Government expert from Canada stated that the text did not apply to his country. The Worker Vice-Chairperson suggested deleting the last sentence of their amendment. The Government expert from Canada pointed out that the proposal closely resembled paragraph 2.2.4. The Worker Vice-Chairperson emphasized that the Workers’ group did not accept the inclusion of the reference to self-employed persons in paragraph 2.2.4 because it was referring to coordination between two or more employers. “Self-employed” should only be dealt with in the separate paragraph.
92. The Employer Vice-Chairperson reiterated his disagreement.
93. The Worker Vice-Chairperson explained that the question of whether a person was self-employed or employed was an important matter along with an individual’s rights in labour law. For years, there had been concern about the scale of false self-employment in construction and intermediary companies exploiting the rules. The aim of the current paragraph was to make it clear that self-employed persons were not employers but workers, and as such had rights and responsibilities. Furthermore, they were not in a position of authority in the same manner as an employer. Therefore, it needed to be ensured that the principal contractor made sure self-employed workers were competent, trained and complied with safety and health measures.

94. After further detailed discussion, the matter was referred to the working group, which recommended that paragraph 7 of the draft code be deleted. The recommendation was adopted.

2.3. General duties of employers

95. In paragraph 1, the Employer Vice-Chairperson proposed to replace “or” with “and” between “approved” and “recognized”. The Worker and Government Vice-Chairpersons agreed to the proposed deletion. The proposal was adopted.
96. In paragraph 2, the Government Vice-Chairperson proposed to add “and/or other persons that might be affected by construction activities”. The Worker Vice-Chairperson opposed the addition and suggested to replace the proposed text with “as well as other persons, where relevant, in the vicinity of construction activities”. The Government Vice-Chairperson agreed to the new text as proposed by the Worker Vice-Chairperson. The Employer Vice-Chairperson agreed to the proposed amendment. The proposal was adopted.
97. The Employer Vice-Chairperson also proposed to add “the issue should be referred to the competent authority” and delete “guidance can be sought from the inspection service”. The proposal was adopted.
98. In subparagraph 2(e), the Worker Vice-Chairperson proposed to delete “and” and “agents” and add “and psychosocial hazards”. The Government Vice-Chairperson accepted the Workers’ proposal. The Employer Vice-Chairperson suggested changing “hazards” to “risks”. The Worker and Government Vice-Chairpersons agreed with the subamendment. The proposals were adopted.
99. In paragraph 3, the Worker Vice-Chairperson proposed to delete “and” and add the phrase “and collective bargaining” between “cooperation” and “with workers” in the first sentence. She also proposed to delete “voluntary” and replace it with “collective”. The Employer and Government Vice-Chairpersons objected to the proposed changes. The Worker Vice-Chairperson sought clarification from the Employers’ and Government groups regarding whether collective bargaining agreements should not be mentioned at all in the code of practice.
100. A discussion on the inclusion of “collective bargaining” and “social dialogue” took place. The Worker Vice-Chairperson reiterated concern over whether all references to collective bargaining would be removed from the document. The Government Vice-Chairperson stated that mentioning social dialogue and collective bargaining in specific parts of the document might limit the overall scope of collective bargaining and social dialogue.
101. The Secretary-General referred the Meeting to the bibliography of the draft code which contained the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). If the reference to collective bargaining was only included in selected paragraphs, it might be interpreted to mean that it did not apply to other paragraphs of the document, which was not the case. The entire code of practice was governed by collective bargaining and the fundamental principles and rights at work.
102. The Employer Vice-Chairperson agreed with the Government Vice-Chairperson and added that the word “voluntary” related to collective bargaining.
103. The Government Vice-Chairperson stated that he preferred to not mention collective bargaining in that case. A Worker expert from the United Kingdom stated that his group would withdraw their first proposal in the text provided their second proposal to add the word “collective” was

accepted. The Government Vice-Chairperson agreed to the proposal. The Employer Vice-Chairperson stated a preference for the original text.

104. The Government Vice-Chairperson proposed to end the paragraph with “by competent authority or by agreements” and to delete the remaining text. The matter was referred to the working group, which recommended that the Governments’ proposal be adopted. The recommendation was adopted.
105. In paragraph 4, the Employer Vice-Chairperson proposed to delete “and the environment”. The Government and Worker Vice-Chairpersons preferred to keep the formulation suggested by the Office. The Employer Vice-Chairperson noted that the reference to the environment was too broad and that construction would always impact the environment. The Employer Vice-Chairperson withdrew the proposal but wanted to add “where practicable”. The Government and Worker Vice-Chairpersons agreed. The proposal was adopted.
106. In paragraph 5, the Government Vice-Chairperson suggested the addition of “and record” after “test” in the last sentence. The Employer and Worker Vice-Chairpersons agreed to the amendment. The proposal was adopted.
107. In paragraph 8, the Employer Vice-Chairperson proposed to replace “suited by their age, physique, state of health and skill” with “competent to undertake”. The proposal was adopted.
108. In paragraph 10, the Worker Vice-Chairperson proposed to replace “illnesses” with “ill health”. The Government Vice-Chairperson agreed to the proposal. The Employer Vice-Chairperson disagreed. The Worker Vice-Chairperson cited the Protocol of 2002 to the Occupational Safety and Health Convention, 1981 and the List of Occupational Diseases Recommendation, 2002 (No. 194), in which the language “ill health” was used. The Government Vice-Chairperson suggested using the original text to maintain consistency within the paragraph. The Employer and Worker Vice-Chairpersons accepted. The Workers’ group proposal was withdrawn.
109. In paragraph 11, the Worker Vice-Chairperson suggested replacing “their” with “all” in the first sentence. The Employer Vice-Chairperson suggested reformulating the paragraph to match the code of practice on safety and health in textiles, clothing, leather and footwear. The Employers’ proposal was adopted.
110. In paragraph 12, the Worker Vice-Chairperson proposed to add the phrase “and that all workers are provided with suitable and sufficient supervision and training in that regard”. The Government Vice-Chairperson stated that paragraphs 2.3.7 and 2.3.16 already dealt with those aspects. The Employer Vice-Chairperson agreed with the Government group. The Worker Vice-Chairperson withdrew the proposal.
111. In paragraph 13, the Employer Vice-Chairperson proposed to add “take measures to” after “should”. The Worker and Government Vice-Chairpersons suggested keeping the formulation suggested by the Office. The Employer Vice-Chairperson withdrew the proposal.
112. In paragraph 14, the Government Vice-Chairperson proposed to add “or health” after “safety”. The Employer and Worker Vice-Chairpersons agreed to the amendment. The proposal was adopted.
113. The Employer Vice-Chairperson proposed to add “in accordance with national laws and regulations” at the end of the sentence. The Government Vice-Chairperson agreed. The Worker Vice-Chairperson rejected the proposal. The Government Vice-Chairperson requested that relevant Articles from Convention No. 155 be read out by the Office. After hearing the details of the Convention, the Employer Vice-Chairperson withdrew the proposal.

- 114.** In paragraph 15, the Employer Vice-Chairperson proposed to delete the phrase “communication systems, along with”. The Government and Worker Vice-Chairpersons suggested keeping the formulation suggested by the Office. The Employer Vice-Chairperson withdrew the proposal.
- 115.** In paragraph 18, the Employer Vice-Chairperson proposed to add “health and safety and health officers” after “managers, supervisors”. He also proposed to add “applicable” before “codes of practice”. The Government and Worker Vice-Chairpersons agreed to the Employers’ amendments. The proposals were adopted.

2.4. General duties of self-employed persons

- 116.** In paragraph 1, the Worker Vice-Chairperson proposed to delete “self-employed persons should” and replace it with “the principal contractor should ensure that self-employed workers”. She also proposed to delete “it is essential that they liaise and cooperate with the client, competent authorities, employers and other relevant bodies as appropriate.” The Employer Vice-Chairperson agreed to the amendments of the Workers’ group but stated that they did not belong in the paragraph. The Government Vice-Chairperson agreed with the Employers’ group.
- 117.** The Worker Vice-Chairperson suggested removing the section or deleting the title and moving the paragraphs to section 2.3. The Government Vice-Chairperson suggested moving the section. It was agreed to delete the section.

2.5. General rights and duties of workers

- 118.** In paragraph 1, the Worker Vice-Chairperson proposed to add “workers should be granted fundamental rights in line with the ILO Declaration of Fundamental Principles and Rights at work”. The Government Vice-Chairperson agreed. The Employer Vice-Chairperson proposed to modify the text to include “promote, respect, and realize” and remove “granted”.
- 119.** The Office was asked to reformulate the text and proposed to add a new paragraph at the beginning of the section to read: “Governments have the duty to adopt, implement and effectively enforce national law and regulation and to ensure that fundamental principles and rights at work and ratified international labour standards protect and are applied to all workers in the construction sector, taking into account their obligations under other international labour standards.”
- 120.** The Government and Worker Vice-Chairpersons accepted the Office’s proposal. The Employer Vice-Chairperson opposed the proposal. It repeated text on fundamental principles and rights at work, and it was not clear why the proposal only mentioned the duties of governments.
- 121.** The matter was referred to the working group, which recommended that the paragraph suggested by the Office be included. The recommendation was adopted.
- 122.** In paragraph 2, the Employer Vice-Chairperson proposed to delete “as well as on their right to” and to add “Workers also have the right to obtain proper information from the competent authority on” before “compensation”. The Government Vice-Chairperson accepted the proposal. The Worker Vice-Chairperson stated that her group could accept the Employers’ proposal if they kept “as well as on their right to”. The Government and Employer Vice-Chairpersons agreed. The proposal was adopted as amended.
- 123.** The Worker Vice-Chairperson proposed to delete “or” before “occupational disease” and to add “or work-related ill health”. The Government and Employer Vice-Chairpersons agreed, and the Office was asked to amend the text accordingly. The proposal was adopted.

124. In paragraph 3, the Employer Vice-Chairperson proposed deleting “and their co-workers in the vicinity”. The Government Vice-Chairperson disagreed. The Worker Vice-Chairperson preferred to maintain the original text mentioning that it had also been accepted in the code of practice on safety and health in textiles, clothing, leather and footwear. The Government Vice-Chairperson proposed to reformulate the text to “inform their co-workers in the vicinity”. The Worker Vice-Chairperson accepted the Government amendment.
125. The Worker Vice-Chairperson proposed to replace “and” with “or” in the first sentence. The Employer Vice-Chairperson agreed.
126. In the second sentence, the Employer Vice-Chairperson suggested adding “inform their”. The Worker and Government Vice-Chairpersons accepted the suggestion. The proposals were adopted.
127. The Employer Vice-Chairperson also proposed to replace “or” with “and” before “safety and health representatives immediately” at the end of the second sentence. The Worker Vice-Chairperson objected to the proposed deletion. Some conditions should allow workers to inform either their immediate supervisor or safety and health representative or both. The Employer Vice-Chairperson disagreed. In the workplace, the workers’ supervisor must always be informed first. The safety and health representative could not replace the supervisor. The Government and Worker Vice-Chairpersons accepted. The proposal was accepted.
128. In paragraph 6, the Worker Vice-Chairperson proposed to add “nor be required to undertake such work” at the end of the sentence.” The proposal was adopted.
129. In paragraph 7, the Worker Vice-Chairperson proposed to replace “Workers should not sleep or rest in” with “Workers should have designated areas to rest, sleep or accommodation away from”. The Government Vice-Chairperson suggested adding “when appropriate” after “sleep”. The Employer Vice-Chairperson objected to including “accommodation”, as the matter was addressed in another section. After extensive discussion regarding workers’ right to accommodation, the Worker Vice-Chairperson suggested rephrasing their initial proposal to read: “Workers should have designated areas to rest or sleep away from”. The proposal was accepted.
130. The Employer Vice-Chairperson proposed adding “under vehicles,” after “garages”. The proposal was accepted.

2.6. General duties of clients

131. In clause 1(a)(i), the Employer Vice-Chairperson proposed inserting the word “significant” before “changes”. The Government Vice-Chairperson objected. The Worker Vice-Chairperson supported the Employers’ proposed amendment. The proposal was accepted.
132. The Government Vice-Chairperson proposed to add a subparagraph after clause 1(a)(i) to read: “procedures to ensure that other parties appointed to a construction project comply with their duties as set out in section 2.6 of this code.” The proposal was adopted.
133. In clause 1(a)(ii), the Employer Vice-Chairperson proposed to insert “licensed” before “contractors”. The Government Vice-Chairperson expressed his concern that including “licensed” would limit the scope of application. The Employer Vice-Chairperson withdrew the proposal.
134. The Worker Vice-Chairperson proposed an addition after “criteria” to read:

“... through labour clauses and requirements in standard bidding documents and general conditions of contract, the conditions of particular application and the technical specifications. Those criteria should include details on OSH management systems and a project-specific health

and safety plan. The client should ensure that all contractors are legitimate and reliable entities with the knowledge and skills to perform their work.

The client should do so by obtaining information from among others public records, business registers and reports from labour inspectorates, as well as documents concerning their labour management procedures, including samples of employment contracts, OHS procedures, personnel qualifications and workers' skills certifications; as well as records of accidents, injuries and fatalities, occupational disease and ill health, and proof of workers' enrolment in benefit programmes."

135. The Worker Vice-Chairperson explained that the addition aimed at creating a level playing field for all competitors. Clients, whether private or public, had to ensure that bidders were competent to meet OSH requirements and the criteria for OSH management.
136. The Employer Vice-Chairperson objected to the use of the language "through labour clauses". The client could obtain the needed information by other means.
137. The Worker Vice-Chairperson suggested referring instead to pre-qualification questionnaires for determining the criteria were met. The Government Vice-Chairperson preferred to refer to "criteria according to national law and regulation" as the situation varied across countries.
138. After discussion, the text was reformulated to read: "through requirements contained in bidding documents, conditions of contract, and technical specifications. Those criteria should include details on the contractor's OSH management system, and a project-specific health and safety plan. The client should ensure that all contractors have the requisite knowledge and skills to perform their work". The proposal was adopted as amended.
139. In clause 1(a)(iv), the Worker Vice-Chairperson proposed to add "recording and notification of" after "arrangements for reporting". The amendment was adopted.
140. In subparagraph 1(b), the Government Vice-Chairperson proposed to replace "contractors on" with "involved parties in" and to replace "special" with "relevant". They also proposed to add "workers" after "safety of". The Worker Vice-Chairperson commented that the wording would make the phrase broader, including all stakeholders, however, in their view, the focus there should be on the contractors.
141. Following discussion, the Worker Vice-Chairperson proposed to reformulate the text to read: "contractors and other involved parties". The amendment was accepted. The proposals to replace "special" with "relevant" and to add "workers" were also accepted.
142. In subparagraph 1(c), the Worker Vice-Chairperson proposed to add "these costs should be itemized in the bill of quantities" at the end of the sentence. The Employer Vice-Chairperson opposed the amendment. The Government Vice-Chairperson suggested adding "as appropriate" after "bill of quantities". He also stated that the costs of safety and health measures should be "estimated" rather than "itemized". Furthermore, a "bill of quantities" was not applicable as it was not used everywhere.
143. The Worker Vice-Chairperson clarified that the reason for the word "itemized" was to avoid the use of a lump sum. She proposed to replace "bill of quantities" with "budget".
144. The Employer Vice-Chairperson objected to the use of "itemized", stating that the usual practice was for the contractor to propose a total sum for OSH measures.
145. After some discussion, the Worker Vice-Chairperson proposed to add "These costs should be budgeted." at the end of the subparagraph. The proposal was adopted.

146. In subparagraph 2(a), the Worker Vice-Chairperson proposed inserting “management” before “plan”. The proposal was adopted.
147. The Worker Vice-Chairperson proposed to add new subparagraphs after subparagraph 2(a) to read:
- “(b) the client should be responsible for ensuring that all contractors meet the requirements of the health and safety management plan. The management plan should set out the contractor’s and subcontractors’ responsibilities on OSH including monitoring and enforcement procedures;
 - (c) the management plan should identify potential OSH construction risks and set out with technical details the mitigation or preventive measures that will be put in place, including equipment descriptions and operating procedures;
 - (d) the management plan should take into account the country’s national policy framework, laws and regulations, and institutional capabilities relating to employment, labour and occupational safety and health, as well as obligations of the country under ILS, including the provisions of the Labour Clauses (Public Contracts) Convention, 1949 (No. 94), where applicable;
 - (e) the management plan should specify the skills and training plans for workers and supervisors on site. It should include the cost estimates for implementing the measures identified and specify which party is responsible for operation, supervision, enforcement, monitoring and remedial actions;”.
148. The Employer Vice-Chairperson opposed the amendment. The Government Vice-Chairperson proposed to keep the first paragraph. The Employer Vice-Chairperson agreed to the Government suggestion. Much of the text was already captured in other sections of the code.
149. After further discussion, the Government Vice-Chairperson accepted the proposal. The Employer Vice-Chairperson agreed to all the text except for the first sentence of the last proposed paragraph: “The management plan should specify the skills and training plans for workers and supervisors on site”. The Worker Vice-Chairperson accepted. The proposal was adopted as amended.
150. In subparagraph 2(c), the Workers’ group suggested deleting “where required”. The Government Vice-Chairperson opposed the proposal. The proposal was withdrawn.

2.7. General duties of designers, engineers, architects, suppliers and manufacturers

151. In paragraph 1, the Employer Vice-Chairperson proposed to delete “including when using digital technologies for design and planning”. The proposal was adopted.
152. In paragraph 2, the Employer Vice-Chairperson proposed to delete “favouring the use of sustainable materials”. The Government and Worker Vice-Chairpersons objected to the deletion. The Employer Vice-Chairperson proposed adding “and, where applicable” before “favouring the use of sustainable materials”. The proposal was adopted as amended.

3. OSH management systems

3.3. Responsibility and accountability

153. In paragraph 2, the Worker Vice-Chairperson proposed to add “resources” after “allocate”. The Employer Vice-Chairperson agreed to adding the term “resources” but asked that either the term

“employers” or “senior management” be used, as they were in fact a single entity. The Worker Vice-Chairperson preferred “employers”. The proposal was adopted as amended.

3.5. Hazard identification, risk assessment, and preventive and protective measures

- 154.** In subparagraph 3(a), the Worker Vice-Chairperson proposed to add “or ill health” after illness. The Employer Vice-Chairperson proposed that any mention of “injuries” in the text, “diseases” or “ill health” should be categorized as “work-related injuries, occupational diseases, work-related illnesses and dangerous occurrences”. The Office was requested to identify a standard text to be used consistently throughout the whole document.
- 155.** The Worker Vice-Chairperson agreed to the proposal. However, she requested the use of the expression “work-related ill health” rather than “work-related illnesses” because it had appeared as such in other documents and the wording should remain consistent. The Employer Vice-Chairperson agreed to the use of “work-related ill health” and indicated that the language should be “work-related injuries, occupational disease, work-related ill health and dangerous occurrences”. However, in certain parts of the document, such as when reference to compensation was made, not all of those were relevant, and discussions would need to be held on which to include. The proposals were adopted, and the Office was asked to harmonize the language consistently throughout the text.
- 156.** In subparagraphs 3(b) and (c), the Employer Vice-Chairperson proposed to add the word “occupational” before “injuries”. The matter was referred to the working group, which recommended the addition. The recommendation was adopted.
- 157.** After paragraph 5, the Worker Vice-Chairperson proposed a new paragraph to read: “Consideration should be given to introducing specific safety and health measures, controls or adaptations necessary to protect potentially vulnerable groups of workers, including women who are pregnant or breastfeeding, inexperienced workers, apprentice workers, people with disabilities or older workers”.
- 158.** The Employer Vice-Chairperson opposed the idea of making a list and preferred a broad statement. The Government Vice-Chairperson agreed to the Workers’ proposal and suggested adding the wording “including, but not restricted/limited to”. The Worker Vice-Chairperson agreed to the Governments’ proposal. The Employer Vice-Chairperson preferred to avoid the use of the word “vulnerable” since it had a very broad connotation and suggested it be substituted. The Worker Vice-Chairperson suggested the use of “at risk”. The Secretary-General explained that in the ILO Centenary Declaration for the Future of Work the term used was “persons in vulnerable situations”.
- 159.** After further discussion, the Meeting agreed on a shortened text: “Consideration should be given to introducing specific safety and health measures, controls or adaptations necessary to protect persons in vulnerable situations, including but not limited to women who are pregnant or breastfeeding, inexperienced workers, apprentices, people with disabilities or older workers.” The proposal was adopted as amended.

3.6. Emergency preparedness

- 160.** The Worker Vice-Chairperson proposed to add two new paragraphs:
- “In consultation with relevant competent authorities, emergency plans should take account of the risks of extreme weather events including floods, extreme heat or cold, wildfires and natural disasters.

In consultation with relevant competent authorities, emergency plans should take account of other public health risks that could impact the workforce, including communicable and vector-borne diseases, particularly endemic and pandemic infections.”.

161. The Worker Vice-Chairperson explained that the paragraphs were included to make reference in the code to the need for emergency preparedness in cases of extreme weather events and pandemics, such as COVID-19.
162. The Government Vice-Chairperson reminded the Meeting that those provisions were found in other parts of the text. However, he did not oppose the Workers’ proposal.
163. The Employer Vice-Chairperson did not agree with the reference to “in consultation with relevant competent authorities” in the proposed paragraphs as employers had their own emergency preparedness plans. He suggested adding “where appropriate” at the end of each paragraph. The Worker Vice-Chairperson agreed. The proposal was adopted as amended.
164. In subparagraph 4(f), the Worker Vice-Chairperson proposed to add “and raising the alarm in the event of” after “the means for reporting”. The Government Vice-Chairperson requested that the Workers’ group explain their proposal. The Worker Vice-Chairperson explained that it referred to how emergencies should be reported in practice. The Employer Vice-Chairperson said that the word “reporting” allowed for a broad explanation of options for reporting an alarm but agreed that different language could be used. The Worker Vice-Chairperson explained that it was important to make sure that there was a procedure that would inform everyone in the case of an emergency. The proposal was adopted.
165. The Government Vice-Chairperson introduced a new subparagraph after subparagraph 4(g) to read: “the provision of protected means of escape for high-risk sites to allow a safe evacuation.” The proposal was adopted.
166. The Worker Vice-Chairperson also introduced a new subparagraph to read as follows: “employers should ensure suitably trained first aid and medical support is available at all times. All necessary emergency equipment identified in the emergency plan should be in place and in good repair, with staff aware of its location and, where appropriate, trained in its safe use”.
167. The Government Vice-Chairperson stated that while they agreed to the inclusion of the second sentence of the proposed subparagraph, they did not agree with the first as it was already captured in the document.
168. The Employer Vice-Chairperson stated that the idea expressed by the proposed new subparagraph was covered in section 9.
169. The Worker Vice-Chairperson agreed with the Government and Employers’ groups. She suggested to delete the first sentence and to keep the second. Both the Government and Employer Vice-Chairpersons accepted. The new subparagraph was adopted as amended.
170. In paragraph 6, the Worker Vice-Chairperson suggested adding “including persons with disabilities and those working at remote locations” at the end of the paragraph. The Government and Employer Vice-Chairpersons agreed. The proposal was adopted.
171. In paragraph 8, the Worker Vice-Chairperson proposed to add “adequate means of communication to raise” before “alarm”, and to remove “appropriate” before “alarm”. The Government and Employer Vice-Chairpersons both agreed to the suggestion. The proposal was adopted.

3.7. Management of change

172. In paragraph 2, the Worker Vice-Chairperson proposed to add “contractors” after “new”. The Government and Employer Vice-Chairpersons both agreed to the suggestion. The proposal was adopted.

3.8. Procurement and contracting

173. In subparagraph 1(a), the Worker Vice-Chairperson proposed to add “and the OSH management plan” after “safety and health requirements”. The Government Vice-Chairperson agreed. The Employer Vice-Chairperson emphasized that the revised sentence would repeat what was said before and suggested removing “safety and health requirements”. The Government Vice-Chairperson raised concerns about the deletion of “safety and health”. It was important to keep that connotation when talking about requirements. After further discussion, all parties agreed to retain the original amendment: “safety and health requirements and the OSH management plan”. The proposal was adopted.

174. After paragraph 3, the Worker Vice-Chairperson proposed to add a new paragraph dealing with procurement contracts in line with Convention No. 94 to read as follows:

“In line with Convention No. 94:

- (a) Contracts to which this Convention applies shall include clauses ensuring to the workers concerned wages (including allowances), hours of work and other conditions of labour which are not less favourable than those established for work of the same character in the trade or industry concerned in the district where the work is carried on:
 - (i) by collective agreement or other recognized machinery of negotiation between organizations of employers and workers’ representatives respectively of substantial proportions of the employers and workers in the trade or industry concerned; or
 - (ii) by arbitration award; or
 - (iii) by national laws or regulations.
- (b) Where the conditions of labour referred to in the preceding paragraph are not regulated in a manner referred to therein in the district where the work is carried on, the clauses to be included in contracts shall ensure to the workers concerned wages (including allowances), hours of work and other conditions of labour which are not less favourable than:
 - (i) those established by collective agreement or other recognized machinery of negotiation, by arbitration, or by national laws or regulations, for work of the same character in the trade or industry concerned in the nearest appropriate district; or
 - (ii) the general level observed in the trade or industry in which the contractor is engaged by employers whose general circumstances are similar.
- (c) The terms of the clauses to be included in contracts and any variations thereof shall be determined by the competent authority, in the manner considered most appropriate to the national conditions, after consultation with the organizations of employers and workers concerned, where such exist.
- (d) Appropriate measures shall be taken by the competent authority, by advertising specifications or otherwise, to ensure that persons tendering for contracts are aware of the terms of the clauses.

(e) Where appropriate provisions relating to the health, safety and welfare of workers engaged in the execution of contracts are not already applicable in virtue of national laws or regulations, collective agreement or arbitration award, the competent authority shall take adequate measures to ensure fair and reasonable conditions of health, safety and welfare for the workers concerned.”

- 175.** The Government Vice-Chairperson said that he could not agree to including such provisions. He suggested including reference to Convention No. 94 in the appendix. The Employer Vice-Chairperson objected to the new paragraph. The Worker Vice-Chairperson reiterated that Convention No. 94 was one of the only ILO standards relevant to procurement and contracting and therefore needed to be included.
- 176.** The Employer Vice-Chairperson stated that Convention No. 94 was mentioned in the appendix and its repetition in the text was unnecessary.
- 177.** A representative from the Workers’ secretariat noted that when a Convention was up to date it was the obligation of the Office to promote it. Objections to the Convention could be included on the record. The advice from the representative of the ILO Legal Adviser was important to clarify this.
- 178.** The representative of the ILO Legal Adviser explained that the Meeting had already decided to list Convention No. 94 in the bibliography at the end of the draft code. The bibliography was referenced in the introduction and in paragraph 1.1.3. which provided that a list of relevant ILO instruments was contained in the bibliography at the end of the draft code. It was understood that the purpose of the bibliography was to avoid lengthy and repetitive references to those instruments in the main text of the draft code. Regarding the status of Convention No. 94, it had been determined to be “up to date” by the ILO Governing Body. That meant the standard in question was fit for purpose, and therefore should be promoted by the Office, fully supervised by the Committee of Experts, included in all relevant ILO publications, and serve as reference for new instruments, codes of practice and development cooperation activities. Nevertheless, the fact that a standard was up to date did not mean that it must be necessarily or explicitly referenced in the main body of a code of practice. Whether to include Convention No. 94 in the main body of the code was a question of emphasis that the Meeting wished to give to that Convention or a matter of contextual need to permit better understanding of certain parts of the text. Beyond those considerations, it was important to recall the decision-making process applicable to the Meeting: According to article 12 of the Standing Orders for meetings of experts, decisions should be taken by consensus. Experts should make every effort to reach an agreement that was generally accepted, so that a decision could be adopted without formal objections. In such cases, any dissenting positions or reservations should be placed on the record without, however, constituting an impediment to the adoption of the decision in question. Accordingly, the Meeting should reach a consensual understanding on the advisability of including a reference to Convention No. 94 in the main body of the text. Experts who might not be in full agreement with the decision to include such a reference but accept not to block consensus on the matter could always place their divergent opinion on the point in the summary record of proceedings.
- 179.** The Government Vice-Chairperson was in favour of keeping mention of Convention No. 94 in the bibliography since other relevant and up-to-date Conventions were also mentioned. It could also be mentioned in the main text but that was a decision to be made by the whole group.
- 180.** The Worker Vice-Chairperson thanked the Office for the legal clarifications. As far as the Workers’ group was concerned, in the section entitled “Procurement and contracting”, Convention No. 94 should be mentioned as this was the only ILO Convention that addressed the question of procurement and contracts. The proposed text was concise and should be uncontroversial.

181. The Employer Vice-Chairperson stated that there was no need for emphasis on Convention No. 94. That particular instrument was not supported by the Employer community.
182. The Worker Vice-Chairperson suggested using the occupational health and safety provisions from the Convention. That would have the effect of excluding the provisions of the Convention that the Employers' group did not consider appropriate.
183. The Government Vice-Chairperson considered that to be a reasonable compromise.
184. The Employer Vice-Chairperson stated that they could not agree to the reference in any form and requested that the Office explain the procedure for addressing a fundamental disagreement regarding text introduced into the draft code.
185. The representative of the ILO Legal Adviser stated that, according to the Standing Orders, all decisions at a meeting of experts were taken by consensus and every effort should be made to reach a generally accepted solution. That solution should be adopted without formal objections. If there were dissenting opinions, they should be faithfully reflected in the record. This, however, did not constitute an impediment to the adoption of the decision in question.
186. The Employer Vice-Chairperson clarified that he made a formal objection to the adoption of the proposal.
187. The Worker Vice-Chairperson stated that as the Government group also supported the inclusion of a reference to Convention No. 94, they would like to maintain it in the text.
188. The Government Vice-Chairperson reiterated his group's readiness to support the Workers' group's proposal as the Convention in question was in force and it would have been particularly important to refer to the Convention clauses dealing with occupational safety and health.
189. The Employer Vice-Chairperson confirmed that his group could not accept the proposal.
190. In response to a query by the Employer Vice-Chairperson, the representative of the Legal Adviser clarified that because of the formal objection of the Employers' group, the proposal could not be adopted.
191. The Worker Vice-Chairperson withdrew the initial proposal and proposed the following subparagraph: "Take account of the provisions of Convention No. 94 on labour clauses in public contracts, where applicable". The Government Vice-Chairperson accepted the proposal. The Employer Vice-Chairperson rejected the proposal. The amendment was withdrawn.

3.9. Performance monitoring and evaluation

192. In paragraph 1, the Worker Vice-Chairperson proposed to add at the end of the paragraph: "This should be carried out by the employer, in consultation with the safety and health committee and workers' representatives".
193. The Employer Vice-Chairperson said that such a sentence would imply that workers' representatives were not in the safety and health committees.
194. The Government Vice-Chairperson stated that there was no need to mention safety and health committees and workers' representatives as in some countries it depended on the system in place and on the number of workers in a construction company.
195. The Worker Vice-Chairperson accepted the explanation and suggested to remove "safety and health committee" and to keep "workers' representatives". The Employer and Government Vice-Chairpersons agreed to the change. The amended proposal was adopted.

3.10. Safety and health officers

- 196.** In paragraph 1, the Government Vice-Chairperson proposed to add “notwithstanding the employer’s overall duties and responsibilities and in line with national law and regulation” after “at every construction site” and to replace “be in charge” with “supervise”. The Employer Vice-Chairperson agreed to the first amendment but not the second. “Supervise” was too strong and meant that officers were in control. He proposed “coordinate”. The Government and the Worker Vice-Chairpersons both agreed. The proposal was adopted as amended.
- 197.** In clause 4(b)(iv), the Worker Vice-Chairperson proposed to add “provided, maintained and” before “used adequately”. The Government Vice-Chairperson stated that a number of points were repeated elsewhere in the code. All agreed but accepted to adopt the subparagraph.
- 198.** In clause 4(b)(vii), the Worker Vice-Chairperson proposed to delete “and hygiene” and add “health and” before “safety”. The Government and Employer Vice-Chairpersons agreed. The proposal was adopted.

3.11. Safety and health committees

- 199.** In paragraph 1, the Worker Vice-Chairperson proposed replacing “representatives” with “equal representation” and deleting “or make other suitable arrangements”. The Employer and Government Vice-Chairpersons agreed to the first amendment.
- 200.** Regarding the second amendment, the Employer Vice-Chairperson stated that it narrowed the statement, nevertheless he could accept it. The Government Vice-Chairperson accepted the amendment. The proposals were adopted.

3.12. Worker safety and health representatives

- 201.** In subparagraph 2(f), the Worker Vice-Chairperson proposed to add “occupational diseases, ill health” after “accidents”.
- 202.** She also proposed to add new subparagraphs after subparagraph 2(f):
- “(g) be given adequate information on safety and health matters, enabled to examine factors affecting safety and health, and encouraged to propose measures on the subject;
 - (h) be consulted when major new safety and health measures are envisaged and before they are carried out, and seek to obtain the support of the workers for such measures;
 - (i) be consulted in planning alterations of work processes, work content or organization of work, which may have safety or health implications for the workers;
 - (j) be given protection from dismissal and other measures prejudicial to them while exercising their functions in the field of occupational safety and health as workers’ representatives or as members of safety and health committees;
 - (k) be able to contribute to the decision-making process at the level of the undertaking regarding matters of safety and health;
 - (l) have access to all parts of the workplace and be able to communicate with the workers on safety and health matters during working hours at the workplace;
 - (m) be free to contact labour inspectors;
 - (n) be able to contribute to negotiations in the undertaking on occupational safety and health matters;”.

- 203.** The Worker Vice-Chairperson explained that the inclusion would make the text more consistent and align it with the Occupational Safety and Health Recommendation, 1981 (No. 164).
- 204.** The Employer Vice-Chairperson agreed to all but the fifth and last points.
- 205.** The Government Vice-Chairperson requested that the Office verify if all of the Workers' group proposal was included in Recommendation No. 164. If that was the case, then they would agree.
- 206.** The Office confirmed that the amendments were aligned with Recommendation No. 164.
- 207.** The Government Vice-Chairperson stated that they would accept the proposal but would prefer a reference instead. The Employer Vice-Chairperson said that he would also have liked to see a reference to Recommendation No. 164 instead to avoid repetition.
- 208.** The Worker Vice-Chairperson explained that in the workplace it was necessary to be able to access all information in the code without having to refer to other sources.
- 209.** After further discussion, the Worker Vice-Chairperson proposed to keep the following subparagraphs:
- “(g) be given adequate information on safety and health matters, enabled to examine factors affecting safety and health, and encouraged to propose measures on the subject;
 - (h) be consulted when major new safety and health measures are envisaged, and before they are carried out;
 - (i) be consulted in planning alterations of work processes, work content or organization of work, which may have safety or health implications for the workers;
 - (j) be able to contribute to the decision-making process at the level of the undertaking regarding matters of safety and health;
 - (k) have access to all parts of the workplace and be able to communicate with the workers on safety and health matters during working hours at the workplace;
 - (l) be able to contribute to negotiations in the undertaking on occupational safety and health matters.”.
- 210.** The Worker Vice-Chairperson explained that the text was derived from the pertinent provisions of Recommendation No. 164.
- 211.** The Government Vice-Chairperson asked the Worker Vice-Chairperson if she made any changes in the clauses because Chapter 3 in the code of practice was a critical chapter in the current code, which was specifically designed and developed for the construction industry taking into special consideration repeated tasks, for example in the usage of lumber.
- 212.** The Worker Vice-Chairperson reiterated that the clauses were taken “verbatim” from Recommendation No. 164.
- 213.** The Employer Vice-Chairperson proposed to insert a chapeau immediately before the clauses. After detailed discussion between the Workers' and Employers' groups, the Meeting requested the Office to perform a final edit of the amended text of paragraphs 2, 3 and 4 based on Recommendation No. 164. The amended proposal was adopted.
- 214.** In paragraph 3, the Worker Vice-Chairperson proposed to add a phrase after “entitled to” to read: “be given protection from dismissal, retaliation and other measures prejudicial to them while exercising their functions in the field of occupational safety and health as workers' representatives or as members of safety and health committees”. The Employer Vice-Chairperson preferred the original text. The Worker Vice-Chairperson specified that “retaliation” should not be included in

their proposal. She explained that it had been included there to follow the original structure of the text, however it could be included as a subparagraph of paragraph 2. The Employer Vice-Chairperson agreed. The proposal was adopted as amended.

- 215.** In paragraph 4, the Worker Vice-Chairperson proposed to add a phrase after “representatives should” to read: “have reasonable time during paid working hours to exercise their safety and health functions and to receive training related to these functions, as well as”. The Employer Vice-Chairperson had no objection. The Worker Vice-Chairperson suggested moving the text to become a subparagraph of paragraph 2. The proposal was adopted as amended.

4. Competence, information, instruction and training

- 216.** In subparagraph 1(a), the Worker Vice-Chairperson proposed to delete “their” before “workplace” and to replace it with “the” and to add “or travelling to or from the workplace”. The Government Vice-Chairperson proposed to add “in accordance with national law and regulation”. The Employer Vice-Chairperson considered the text too broad and agreed to the Government recommendation. The proposal was adopted as amended.
- 217.** In subparagraph 1(b), the Government Vice-Chairperson proposed to replace “hazards” with “risks”. The proposal was adopted.
- 218.** In paragraph 3, the Worker Vice-Chairperson proposed to add “where practicable” before “should be considered”. The proposal was adopted.
- 219.** In subparagraph 6(i), the Government Vice-Chairperson proposed to add “site-specific” after “hazard”. The proposal was adopted.
- 220.** The Government Vice-Chairperson proposed to add a new subparagraph after subparagraph 11(e) to read: “workers engaged in confined spaces”. The proposal was adopted.
- 221.** In subparagraph 11(j) the Government Vice-Chairperson proposed to add “or disturbing” after “handling”. The proposal was adopted.
- 222.** In subparagraph 11(l), the Employer Vice-Chairperson proposed to delete “bankspersons”. The Worker Vice-Chairperson disagreed. The proposal was withdrawn.
- 223.** She proposed to add a new subparagraph after subparagraph 11(l) to read: “workers engaging in night working and other shift patterns and”. The Employer Vice-Chairperson disagreed with the inclusion and on how training would be provided on shift patterns. The Government Vice-Chairperson agreed with the Employers’ group. The Worker Vice-Chairperson withdrew the proposal.
- 224.** The Government Vice-Chairperson also proposed the addition of two new subparagraphs after subparagraph 11(l) to read:
- “(m) workers exposed to hazardous dusts, e.g. silica, woodworking dust; and
(n) workers engaged in demolition.”.
- 225.** The Worker Vice-Chairperson agreed that the first proposed subparagraph should be included. However, she suggested that “asbestos” should be added before “silica”. The Employer Vice-Chairperson proposed that the Government suggestion be moved to subparagraph 11(l) and to add “hazardous substances”, before “hazardous dust”. The amended proposal was adopted.
- 226.** The second subparagraph proposed by the Government group was accepted by the Worker and Employer Vice-Chairpersons. The proposal was adopted.

227. In paragraph 13, the Employer Vice-Chairperson proposed to add “commensurate with the level of risk” after “performance factors”. The Worker Vice-Chairperson found it unnecessary to qualify the clause as suggested since the weight assigned to performance factors depended on the project. The Employer Vice-Chairperson clarified that the weight of OSH factors could be higher depending on the level of risk. The Worker and Government Vice-Chairpersons agreed. The proposal was adopted.

5. Reporting of accidents and diseases

228. In subparagraph 3(a), the Worker Vice-Chairperson proposed to add “and near misses” after “dangerous occurrences”. The Government Vice-Chairperson objected because “near misses” was not included in the Protocol of 2002 to the Occupational Safety and Health Convention, 1981. The Employer Vice-Chairperson agreed with the Government. The Worker Vice-Chairperson asked that the Office verify whether it was included in the Protocol of 2002 to the Occupational Safety and Health Convention, 1981. The Government Vice-Chairperson reiterated his disagreement. Including the requirement to report near misses was too broad and was not a requirement in most countries’ national law. The Worker Vice-Chairperson withdrew the proposal.

229. In clause 3(a)(iii), the Worker Vice-Chairperson proposed to add “and suspected occupational diseases” after “occupational diseases”. The Employer Vice-Chairperson disagreed. There was no requirement to report suspected occupational diseases unless it was identified as an occupational disease in national law. The Worker Vice-Chairperson stated that it was in Recommendation No. 194. The Employer Vice-Chairperson said that suspected exposure to occupational disease would be more fitting, but the term would be too broad. The Government Vice-Chairperson accepted the Workers’ group proposal. The Employer Vice-Chairperson suggested rewording the phrase to be in line with the language in Recommendation No. 194: “to the extent possible, suspected occupational diseases”. The Worker Vice-Chairperson agreed. The proposal was adopted as amended.

230. In clause 3(a)(iv), the Worker Vice-Chairperson proposed to add a new subparagraph to read: “commuting accidents”. The Employer Vice-Chairperson accepted the amendment. The Government Vice-Chairperson stated that it was a repetition of paragraphs 5.14 and 5.18. After further discussion, the proposal was adopted.

231. In subparagraph 3(b), the first two amendments suggested by the Workers’ group regarding terminology of occupational diseases and ill health were handed over to the Office to find consistent language.

232. The Worker Vice-Chairperson proposed to add “in consultation with workers’ representatives” at the end of the paragraph. The Secretary-General pointed out that the chapeau already referred to representatives. The Employer and Government Vice-Chairpersons shared the concern of the Secretary-General. After explanations from the Employers and the Governments considering that those issues concerned the competent authority and could not be decided at the workplace level, the Worker Vice-Chairperson withdrew the amendment.

233. In subparagraphs 6(b) and 7(b), the Worker Vice-Chairperson proposed to add “and commuting accidents” at the end. The Employer and Government Vice-Chairpersons were opposed to the amendments. The Government Vice-Chairperson stated that the subject was treated in the definitions section. The matter was referred to the working group, which recommended withdrawal.

- 234.** In paragraph 8, the Employer Vice-Chairperson suggested removing “At the level of the construction site”. The amendment was accepted by the Worker and Government Vice-Chairpersons. The proposal was adopted.
- 235.** In paragraph 15, the Worker Vice-Chairperson proposed to add “and/or designated contact person”. The amendment was accepted by the Employer and Government Vice-Chairpersons. The proposal was adopted.
- 236.** In clause 17(b)(iii), the Employers proposed to add “in accordance with national privacy laws and regulations” to protect workers’ privacy. The Secretary-General stated that the chapeau already mentioned national laws or regulations. The Worker Vice-Chairperson objected, preferring to keep the original text. The Employer Vice-Chairperson withdrew the amendment.

6. PPE

6.1. General provisions

- 237.** In paragraph 1, the Worker Vice-Chairperson proposed to add “collective” before “protection” and “measures” after. The Employer Vice-Chairperson objected to the amendment, deeming it unnecessary. The Government Vice-Chairperson agreed with the Employers’ group but could accept the Workers’ amendment. The Worker expert from France explained that the general principles of prevention state that collective protection measures should have priority over individual protection in the workplace. Those collective protection measures should be in place before having recourse to individual protection measures. After a clarification of the terminology by the Chairperson, the Employer Vice-Chairperson accepted the Workers’ amendment. The proposal was adopted.
- 238.** The Government Vice-Chairperson proposed to delete “injury to health” and replace it with “ill health”. They also proposed to add “in line with an assessment of the risks associated with the work” after “PPE”. The Governments’ first amendment was handed over to the Office to find consistent language. The second amendment was accepted by the Employers and the Workers. The proposal was adopted.
- 239.** In paragraph 2, the Worker Vice-Chairperson proposed to add “and international” between “national” and “standards”. The Employer Vice-Chairperson stated that he could not agree with the Workers’ amendment. The Government Vice-Chairperson objected to the proposed text adding that he would only accept the original text.
- 240.** The Worker Vice-Chairperson clarified that the proposed text was consistent with International Organization for Standardization (ISO) and International Electrotechnical Commission (IEC) standards. The Government Vice-Chairperson stated that ISO and IEC standards were not mandatory but voluntary standards. They only became mandatory when they were included in the national law. He added that some countries did not have access to those standards, and in some instances, countries had to pay to access them since they were not free as opposed to national regulation.
- 241.** The Worker Vice-Chairperson clarified that the focus was on protective clothing and not the certification process of the standards. The Government Vice-Chairperson insisted that countries had a certification process for those international standards and cited Brazil as an example. There, a certification procedure existed to certify the equipment in accordance with national standards and not international standards unless the latter had been included in national laws. The Worker Vice-Chairperson withdrew the proposed text.

242. In subparagraph 5(b), the Worker Vice-Chairperson proposed to include “and replaced before any expiration date is reached” after “maintained”. The Worker expert from France explained that the proposal was to ensure that the protective equipment was replaced before the expiry date even if the protective equipment might still appear to be in good condition. The Government and Employer Vice-Chairpersons agreed. The proposal was adopted.
243. The Worker Vice-Chairperson also proposed to add “good practice” after “in accordance with”. The Employer and Government Vice-Chairpersons had no objections. The proposal was adopted.
244. In subparagraph 6(b), the Worker Vice-Chairperson proposed to delete “replaced or repaired” and add “report to a supervisor any need for repair or replacement” before “as necessary”. The Government Vice-Chairperson inquired whether the proposed text was not already included in other paragraphs of the document. The Worker expert from France confirmed that the text was mentioned in another paragraph, but there the responsibility was placed on workers rather than the employer. The worker should only inform the employer to provide the equipment. The Government Vice-Chairperson agreed that it should be the responsibility of the employer to examine the personal protective equipment and ascertain its condition before issuing it to the worker, otherwise it would be an added responsibility for the worker. The Employer Vice-Chairperson agreed with the Governments’ position.
245. The Secretary-General stated that the intention was clear but suggested examining the language in the text. The Meeting might wish to clarify whether it was the reporting to the supervisor that had no cost to the user or the repair and replacement of the equipment.
246. The Worker expert from France clarified that the paragraph was not about the obligation to have a periodic review of the different types of protection but the daily inspection of the equipment before it was used. If at the time the equipment was found to be in poor condition, then the worker should inform the supervisor to assess whether the equipment could be used or not. If it was not in good condition, then the equipment had to be replaced at no cost to the user.
247. The Employer Vice-Chairperson observed that it was clear in the original text that it was the employer’s obligation. The Government Vice-Chairperson had no objection. The Worker Vice-Chairperson withdrew the proposed text. The original text was adopted.

6.2. Types

6.2.2. Head protection

248. In paragraph 5, the Government group proposed to replace “hazard” with “risk”. Both the Employer and Worker Vice-Chairpersons accepted. The proposal was adopted.
249. In paragraph 6, the Government group proposed to delete “of” and replace it with “and”. The Worker and Employer Vice-Chairpersons had no objections. The proposal was adopted.

6.2.4. Hand and foot protection

250. In paragraph 1, the Worker Vice-Chairperson proposed to add “Gloves may not be appropriate when using rotating machinery such as lathes, or machines with nip points”. The Government Vice-Chairperson observed that the statement was a specific recommendation or procedure regarding the use of gloves and if that was the case, the Meeting could add recommendations regarding other equipment. The Employer Vice-Chairperson objected to the proposed amendment adding that it was too specific and therefore not appropriate to include in the paragraph. The issue of gloves was adequately covered by the existing provisions.

251. A Worker expert from the United Kingdom expressed concern about the phrase “should be worn when”; in certain situations, gloves should not be worn.
252. A Worker expert from the United Kingdom proposed to make the phrase a separate paragraph to read: “Gloves may not be appropriate when using rotating machinery such as lathes, or machines with nip points, and other appropriate protections employed”. The Government Vice-Chairperson suggested to add “in accordance with the risk assessment”.
253. A Worker expert from the United Kingdom proposed to revise the paragraph to read: “Should a risk assessment determine gloves are not appropriate when using rotating machinery such as lathes, or machines with nip points, then other appropriate protections should be employed”.
254. The Employer Vice-Chairperson proposed deleting the paragraph and placing alternative text at the beginning of the paragraph, which read: “subsequent to risk assessment being undertaken”. She did not understand why a specific hazard was being singled out.
255. The Government Vice-Chairperson agreed with the Employers. Other examples would also have to be mentioned.
256. The Government expert from Kenya agreed to the Employers’ proposal. He also thought that a form of protection was required when lathing.
257. A Worker expert from the United Kingdom explained that there was no objection to including reference to the risk assessment, but he highlighted the need for including specific language in the code related to the use of gloves when using rotating machinery, as serious incidents occurred regularly on construction sites.
258. After further discussion, the Government Vice-Chairperson expressed concern about the added value of including risk assessment in the paragraph as language about conducting a risk assessment was already included in the general provisions; however, in order to come to an agreement, the Government group would accept it.
259. The Employer Vice-Chairperson accepted the proposal for the sake of compromise but asked that “employed” be changed to “provided”. The proposal was adopted as amended.
260. In paragraph 2, the Worker Vice-Chairperson proposed to add “or other rigid material” after “with steel (rigid)”.
261. The Employer Vice-Chairperson proposed to remove “with steel (rigid) or other rigid material toecaps and midsoles and slip-resistant”. A description of the material was unnecessary. The Government accepted the Employers’ group proposal.
262. The Worker expert from France said that it was necessary to include specific text. On construction sites, appropriate footwear included those that had either midsoles, proper slip-resistance, and steel toecaps or a composite material of similar resistance to protect workers’ feet from pointed objects or falling objects. It was necessary to be specific about the material.
263. The Government Vice-Chairperson agreed with the Employers’ group that “Footwear of an appropriate type” was adequate. The explanation of what was appropriate was specified in a subsequent paragraph (6.2.4.4).
264. The Worker expert from France insisted that as the Meeting was aiming to agree on a code of practice for the next 30 years, it was important to refer to composite materials as they were increasingly used to manufacture footwear.
265. The Government Vice-Chairperson proposed to remove any mention of materials and use the following: “Footwear of appropriate type should be used in workplaces”. The Employer Vice-

Chairperson accepted the proposal. The Worker expert from France reiterated the importance of retaining toe caps in steel or other material as a specification.

266. The Employer Vice-Chairperson reformulated the proposal to read: "Footwear of an appropriate type with toecaps, midsoles and slip-resistant".
267. The Worker Vice-Chairperson withdrew the Workers' group's proposed amendment. The Meeting had spent too much time discussing footwear and should more effectively utilize its limited time to discuss other important matters. She accepted the Employers' group proposal.
268. In paragraph 4, the Worker's Vice-Chairperson highlighted that many construction workers in heat wore sandals and slippers on construction sites. She suggested deleting the first sentence of the paragraph and moving the second sentence to paragraph 2 to read: "Footwear of an appropriate type with toecaps, midsoles and slip-resistant should be used in workplaces where there is a risk of exposure to adverse conditions likely to cause injury, such as falling objects, moving vehicles, hot or hazardous substances, sharp-edged tools or nails and slippery, wet or ice-covered surfaces. Sandals and similar footwear should not be worn when working." The amendment was adopted.

6.2.5. Respiratory protective equipment

269. In paragraph 1, the Employer Vice-Chairperson proposed to add "suitably risk assessed" instead of "suitable" in the text to provide clarity on what was required in that section. The Worker and Government Vice-Chairpersons agreed. The proposal was adopted.
270. In paragraph 2, the Government Vice-Chairperson proposed an additional phrase at the beginning of the paragraph to read as follows: "Where there is risk to life or serious ill health (for example oxygen deficiency) or". They also proposed to add "until such time that the risk can be assessed more accurately" at the end of the paragraph.
271. The Employer Vice-Chairperson proposed to delete the whole paragraph as it required that when a risk cannot be assessed, employers should make the positive-pressure air-supplied respiratory protection devices available. However, that might not necessarily be the appropriate control for the particular circumstances.
272. The Government Vice-Chairperson stated that it was an important aspect not only in the current draft code but also in other codes that when one could not assess the level of risk, positive-pressure air-supplied respiratory protection devices should be used. His group therefore continued to support their own proposal and did not agree with removing the paragraph. The Worker expert from France agreed with the Governments. The Employer Vice-Chairperson rejected the Government proposal. The matter was referred to the working group, which recommended that the Governments' proposal be included. The proposal was adopted.
273. In paragraph 3, the Employer Vice-Chairperson proposed to add "protection level" after "such as". The Worker and Government Vice-Chairpersons agreed. The proposal was adopted.
274. In paragraph 4, the Employer Vice-Chairperson proposed to delete "for their ability" and add "when there is a known suspected inability" before "to wear a respirator safely". It was unnecessary for every worker to be medically evaluated.
275. The Government Vice-Chairperson stated that he did not agree. Risk assessment was important, and the measure was to capture the individual condition of the worker. He therefore proposed to maintain the text proposed by the Office.

- 276.** The Worker expert from France also objected to the Employers' position. Wearing protective respiratory equipment could pose a major health risk to employees that might not be aware of medical conditions that were incompatible with such protective equipment.
- 277.** The Employer Vice-Chairperson proposed a compromise by disregarding the first proposal and instead inserting "in accordance with national laws and regulations". The Worker and Government Vice-Chairpersons agreed. The proposal was adopted.
- 278.** In paragraph 5, the Government Vice-Chairperson proposed two amendments. The first was to replace "tight fitting face pieces" with "using respiratory protective equipment". The second was to replace "and this should be conducted yearly" with "in line with national laws and regulations".
- 279.** The Worker Vice-Chairperson proposed: "When there is a need for tight-fitting face pieces, there would be a need for a face fit test and this should be conducted by a competent person, initially when first supplied and yearly or whenever there is a change to the circumstances of the wearer that could alter the fit of the respiratory protective equipment."
- 280.** The Employer Vice-Chairperson proposed: "When there is a need for tight-fitting face pieces, there would be a need for a face fit test and this should be conducted in accordance with national laws and regulations or whenever there is a change to the circumstances of the wearer that could alter the fit of the respiratory protective equipment."
- 281.** The Secretary-General asked for clarification on which of the three proposed options was agreed upon.
- 282.** The Employer Vice-Chairperson withdrew his group's proposed amendment favouring the text proposed by the Government.
- 283.** The Worker expert from France reiterated the need to ensure that the fit test would be carried out by a competent person and not by the employer, as it required specific equipment to test the air tightness of the mask. Moreover, depending on national laws and regulations, there should be regular fit testing performed by a competent person.
- 284.** The Government Vice-Chairperson suggested adding "by a competent person" before "in line with national law and regulation" to the Government proposal. The wording of "in accordance with national laws and regulations" already covered the yearly aspect of the proposal made by the Workers' group. The Employer Vice-Chairperson and the Worker expert from France agreed. The proposal was adopted.
- 285.** The Worker Vice-Chairperson proposed a new paragraph after paragraph 5 to read: "Periodic breaks should be introduced when respiratory protective equipment is required to be worn by workers." The Employer Vice-Chairperson said that the proposal was unnecessary as it was dealt with in section 9. The Government Vice-Chairperson confirmed that the issue was not exactly about breaks but rather cycles of use.
- 286.** The Worker expert from France clarified that they requested periodic breaks because wearing face masks increased heartbeat and blood pressure. For example, in Europe, workers usually wore their masks for two or two and a half hours and then had a 30-minute break.
- 287.** The Employer Vice-Chairperson referred to paragraph 9.14.3.2 and in particular subparagraph (a), which stated that "short breaks during working hours especially when the work is strenuous, dangerous, monotonous or requires hyperfiltration". She reiterated that would adequately address the case.
- 288.** The Worker expert from France clarified that the Workers' group was not referring to the same type of breaks. Those were necessary breaks to allow workers to recuperate vital functions.

- 289.** The Government Vice-Chairperson suggested a new text, which would read: “The health and well-being of the workers should be considered when wearing respiratory protective equipment.”
- 290.** The Employer Vice-Chairperson suggested an alternative that would refer to paragraph 9.
- 291.** Following further discussion, the matter was referred to the working group, which recommended the following formulation: “Periodic breaks from wearing respiratory protective equipment that results in undue stress should be introduced when respiratory protective equipment is required to be worn by workers”. The recommendation was adopted.

6.2.6. Hearing protection

- 292.** In paragraph 3, the Employer Vice-Chairperson suggested deleting “to meet the attenuation criteria”. The Worker expert from France emphasized that such protection was necessary to mitigate and reduce the level of noise that a person would hear. The attenuation criteria were therefore very important. The Employer expert from Pakistan said that workers should not have a choice regarding the selection of the attenuation criteria because it was a subjective choice based on the noise levels prevailing in the working environment. The Government Vice-Chairperson said that this was in line with agreed language in the code of practice on safety and health in textiles, clothing, leather and footwear and there were no differences between workers on construction sites and those in textiles factories. The Employer Vice-Chairperson withdrew the proposal.

6.2.7. Protectors against radioactive contamination

- 293.** The Worker Vice-Chairperson proposed adding a new paragraph after paragraph 1 to read: “Any work in the vicinity of radioactive sources be limited to workers with relevant authorization, training and provided with necessary health surveillance.” The Employer and Government Vice-Chairpersons agreed. The proposal was adopted.

6.2.8 Protection from falls

- 294.** The Government Vice-Chairperson suggested moving paragraphs 1 and 2 from the current chapter and adding them as paragraphs 15 and 16 in section 14.1: Work at heights including roof work, General provisions. The Worker and Employer Vice-Chairpersons agreed. The proposal was adopted.

7. Welfare

7.1. General provisions

- 295.** The Worker Vice-Chairperson proposed a new paragraph before paragraph 1, which read: “Suitable welfare facilities are essential to ensuring safe, healthy and productive work on site. All workers should be provided reasonable opportunities in paid work time to make use of welfare facilities, including adequate toilet and refreshment breaks, and for changing clothes, and washing.”
- 296.** The Employer Vice-Chairperson said the subject was already covered elsewhere in the document and should not be considered here. The Government Vice-Chairperson said the proposed amendment could either be accepted or removed as it did not add any requirement. The Worker Vice-Chairperson said that the definition did not appear elsewhere in the text and was therefore not a repetition.

- 297.** The Worker Vice-Chairperson proposed to rephrase the paragraph to read: “All workers should be provided reasonable opportunities in paid work time to make use of welfare facilities, including adequate toilet and refreshment breaks, and for changing clothes, and washing”.
- 298.** The Employer and Government Vice-Chairpersons accepted the proposed amendment. The proposal was adopted.
- 299.** In paragraph 1, the Worker Vice-Chairperson proposed to delete “or within reasonable access” while the Government Vice-Chairperson proposed to add “to the worker on” before “every construction site”. The Worker Vice-Chairperson agreed to withdraw their proposed amendment with a view to progressing on the text.
- 300.** In paragraph 2, the Government Vice-Chairperson proposed to add “to the worker on” before “every construction site”. The Worker and Employer Vice-Chairpersons agreed. The proposal was adopted.
- 301.** The Worker Vice-Chairperson proposed to delete “for different genders” in the same sentence. The proposal was to be read in conjunction with their proposal for paragraph 7.1.4 regarding access to sanitary facilities. The proposal was adopted.
- 302.** In subparagraph 2(e), the Employer Vice-Chairperson proposed to delete “childcare facilities and” before “living accommodation”. They also proposed to add “and facilities” before “for workers” as well as “according to national practices” at the end of the sentence. The Government and Worker Vice-Chairpersons agreed to the proposed amendment. The proposal was adopted.
- 303.** In paragraph 3, the Employer Vice-Chairperson proposed to add “where appropriate” after “changing facilities”. The Worker Vice-Chairperson said it was important to keep the original text. The Employer Vice-Chairperson argued that the world of work was changing and moving towards gender neutrality. The Worker Vice-Chairperson disagreed. It was an important problem for women working on construction sites. The Government Vice-Chairperson noted that this was specifically relevant in the context of sleeping facilities. He therefore proposed to include “where appropriate” after “sleeping facilities” and move the phrase to ensure it would not apply to other types of facilities. Following discussion, the final proposed text read as follows: “Men and women workers should be provided with separate and private sanitary, washing and changing facilities and sleeping facilities where appropriate.” The Government and Employer Vice-Chairperson agreed. The proposal was adopted.

7.2. Drinking water

- 304.** In paragraph 8, the Worker Vice-Chairperson proposed to add another sentence: “To reduce the risk of dehydration during work at high temperature rehydration liquids, including wholesome water of suitable temperature, should be freely available”. The Government Vice-Chairperson said that the issue was covered in another section dealing with the subject of heat stress and suggested moving the proposed amendment there. The Employer Vice-Chairperson noted that the issue was already covered in paragraph 9.7.3. The Worker Vice-Chairperson withdrew the amendment.

7.3. Sanitary and washing facilities

- 305.** In paragraph 1, the Worker Vice-Chairperson proposed to add “and should be in relation to the number of workers at the site.” The Government and Employer Vice-Chairpersons agreed. The proposal was adopted.

- 306.** In paragraph 2, the Worker Vice-Chairperson proposed to add “and lit” after “adequately ventilated”. The Government and Employer Vice-Chairpersons agreed. The proposal was adopted.
- 307.** In paragraph 5, the Worker Vice-Chairperson proposed to add a sentence at the end to read as follows: “Employers should provide without charge toilet paper and sanitary products, soap and disposable towels as required and facilities for their safe and hygienic disposal.” The Government Vice-Chairperson requested clarification about the meaning of “sanitary products”. The Worker Vice-Chairperson clarified that this meant pads and tampons. The Employer Vice-Chairperson agreed to the amendments except for the inclusion of sanitary products as this was a very different practice around the world, and it was a question of different national regulations.
- 308.** The Worker Vice-Chairperson clarified that construction workers were often in isolated areas where the availability of those products was a problem. It should be considered a question of productivity, hygiene and dignity. While they agreed to delete the specific reference to sanitary products, they wanted to put on the record that this was a very important point for the Workers’ group as it could make construction work more friendly for women. The proposal was adopted as amended.
- 309.** The Worker Vice-Chairperson introduced a new paragraph as follows: “Separate facilities for men and women with a door that can be locked, in the vicinity of changing rooms should be provided”. The Employer Vice-Chairperson agreed to the first part, but not on the inclusion of “the vicinity of changing rooms”. The Government Vice-Chairperson agreed to the proposed new paragraph and suggested to accommodate the Employers’ concerns by adding “preferably” before “in the vicinity of”. Both the Employer and Worker Vice-Chairpersons agreed. The proposal was adopted with the subamendment.
- 310.** In paragraph 6, the Worker Vice-Chairperson suggested adding the phrase “and recommended/suitable cleaning and skin care products”, at the end of the paragraph. The Government Vice-Chairperson suggested using “appropriate” instead of “recommended/suitable”. The Worker and Employer Vice-Chairpersons agreed. The proposal was adopted as amended.
- 311.** The Worker Vice-Chairperson suggested adding a new paragraph to read as follows: “Where workers are exposed to solar radiation, a broad-spectrum sunscreen should be provided to all workers without cost.” The Employer Vice-Chairperson emphasized that this was dealt with under paragraph 9.6.7. The Worker Vice-Chairperson withdrew the proposal.

7.5. Facilities for food and drink

- 312.** In paragraph 1, the Worker Vice-Chairperson proposed two amendments. The first suggested replacing “adequate” with “clean, hygienic and safe” when discussing facilities; the second amendment suggested adding “serving” after “obtaining”. Both the Government and Employer Vice-Chairpersons agreed. The proposal was adopted.
- 313.** After paragraph 2, the Worker Vice-Chairperson suggested adding a new paragraph as follows: “At sites where food is provided due to the location of the site, the food should be nutritious, balanced and safe.” She emphasized that they wanted to ensure the variety of food and a nutritious diet to sustain manual work. The Employer Vice-Chairperson did not agree to the new paragraph. The Government Vice-Chairperson agreed to the new paragraph but suggested replacing “safe” with “hygienic”. The Chairperson suggested removing “due to the location of the site” to simplify the language used. The proposal was adopted as amended.

7.6. Shelters

- 314.** In paragraph 1, the Government Vice-Chairperson proposed to add the following phrase to the end of the paragraph: "There could be a designated and safe area for smoking". The Worker Vice-Chairperson agreed. The Secretary-General clarified that the decision to include the text was for the groups to make; however, the ILO did not promote including such a reference.
- 315.** Both Government and Worker Vice-Chairpersons emphasized that it was a safety concern. There were people who smoked and therefore a need to ensure a safe area for them to do so. The Government Vice-Chairperson added that it could also be discriminatory. A Worker expert from the United Kingdom clarified that a reference to smoking was also in the code of practice on safety and health in textiles, clothing, leather and footwear.
- 316.** The Secretary-General stated that smoking was also addressed in paragraph 8.6.4. However, the Office would examine the matter and the language would be aligned to existing ILO tools or instruments.
- 317.** The Office provided the following text: "Notwithstanding employers should consider introducing a no-smoking policy, smoking may be permitted in certain outdoor areas". The Worker Vice-Chairperson asked to replace "certain outdoor" with "designated".
- 318.** The Employer Vice-Chairperson and Government Vice-Chairperson accepted. The proposal was adopted as amended.

7.8. Living accommodation

- 319.** In paragraph 1, the Employer Vice-Chairperson proposed to include "in accordance with national practices" before "at construction sites".
- 320.** The Worker Vice-Chairperson opposed the proposal as there were many unhygienic and unsafe accommodations based on national practices. The aim of the code was to offer advice and guidance to improve the national situation. The Government Vice-Chairperson agreed to the inclusion but suggested moving the wording to another part of the paragraph to clarify its meaning. He inquired whether "suitable" would be sufficient for the Employers' group. The Employer Vice-Chairperson insisted on keeping their proposed addition. The wording was linked to the term "remote", which varied depending on the national setting.
- 321.** Following extensive discussion, the Worker Vice-Chairperson stated that they would accept the Employers' proposal if the phrase "national standards" replaced "national practices", which could be broad. The Employer Vice-Chairperson accepted. The Government Vice-Chairperson also agreed. The proposal was adopted as amended.
- 322.** In paragraph 2, the Worker Vice-Chairperson suggested to amend the bullet points of the paragraph and to replace them with a more extensive list as follows:
- "(a) a separate bed for each worker;
 - (b) adequate headroom, providing full and free movement, of not less than 203 cm;
 - (c) the minimum inside dimensions of a sleeping space should be at least 198 cm by 80 cm;
 - (d) beds should not be arranged in tiers of more than two;
 - (e) bedding materials should be reasonably comfortable;
 - (f) bedding and bed frame materials should be designed to deter vermin;
 - (g) separate accommodation of the sexes;

- (h) adequate natural light during the daytime and adequate artificial light;
- (i) a reading lamp for each bed;
- (j) adequate ventilation to ensure sufficient movement of air in all conditions of weather and climate;
- (k) heating or cooling where appropriate;
- (l) adequate supply of safe wholesome, water;
- (m) adequate sanitary facilities (see below);
- (n) adequate drainage;
- (o) adequate furniture for each worker to secure his or her belongings, such as a ventilated clothes locker which can be locked by the occupant to ensure privacy;
- (p) common dining rooms, canteens or mess rooms, located away from the sleeping areas;
- (q) appropriately situated and furnished laundry facilities;
- (r) reasonable access to telephone, internet or other modes of communication, with any charges for the use of these services being reasonable in amount;
- (s) rest and recreation rooms, religious facilities, and health facilities, where not otherwise available in the community."

323. After discussion, the following list was accepted:

- "(a) a separate bed for each worker;
- (b) separate accommodation for workers of different genders;
 - (c) a separate locker for keeping personal belongings;
 - (d) an adequate supply of drinking water;
 - (e) adequate sanitary and washing facilities;
 - (f) adequate ventilation and, where appropriate, heating;
 - (g) canteens; and
 - (h) rest and recreation facilities."

324. The amended proposal was adopted.

325. After paragraph 4, the Office proposed text for the new paragraphs based on the ILO code of practice on safety and health in textiles, clothing, leather and footwear. The paragraphs read as follows:

"As far as practicable, sleeping rooms should be arranged so that shifts are separated and no workers working during the day share a room with workers on night shifts.

In cases where housing is provided by the employer, the premises should be inspected at regular intervals to ensure that the accommodation is clean, habitable and maintained in a good state of repair, and that smoke detection and fire alarm systems, emergency lighting, fire-extinguishing equipment and exit doors are operational. There should be at least two exit doors on each floor and on opposite sides of the building, and these should never be locked from the outside.

Further information about workers' housing can be found in ILO Helpdesk Factsheet No. 6: Workers' Housing (2009)."

326. The proposal was adopted.

8. Safety of workplaces

8.2. Means of access and egress

327. In paragraph 1, the Employer Vice-Chairperson suggested adding the following sentence at the end of subparagraph (e): "In any event, loads should not be passed over the means of access while workers are on it." The wording stemmed from the code of practice on safety and health in shipbuilding and ship repair. The Worker and Government Vice-Chairpersons agreed. The proposal was adopted.

8.3. Housekeeping

328. After paragraph 3, the Worker Vice-Chairperson proposed to add the following new paragraph: "Areas assessed to be unsafe should be closed off and clearly signposted until suitable remedial work has taken place." The Meeting agreed. The proposal was adopted.

8.4. Precautions against the fall of materials and persons, and collapse of structures

329. After paragraph 4, the Worker Vice-Chairperson proposed to add the following new paragraph: "The employer should ensure all the above precautions are inspected/reviewed regularly, to ensure suitable protection is maintained." The Meeting agreed. The proposal was adopted.

8.5. Prevention of unauthorized entry

330. In paragraph 3, the Worker Vice-Chairperson proposed to insert "and workers' organizations" after "worker representatives". While mindful of the discussion on similar amendments there might not be a one-size-fits-all approach. In the absence of a suitable worker representative on site, workers should be able to call upon a trade union representative with expertise to provide advice.

331. In line with its previous recommendation, the Office proposed the use of "workers and their representatives". The paragraph was adopted as amended.

8.6. Fire prevention and fire response

332. In paragraph 1, the Government Vice-Chairperson proposed to insert the following phrase at the end of subparagraph (a): "including, but not limited to, effective design of the construction site". The aim was to ensure that fire prevention would already be considered during the design. The Employer and Worker Vice-Chairpersons agreed. The proposal was adopted.

333. In paragraph 2, the Government Vice-Chairperson proposed to insert "In line with national law and regulation" at the beginning of the paragraph explaining that smoke detection depended on the country, the national legislation, the size and activities of the respective construction site. The Worker Vice-Chairperson opposed the amendment arguing that codes of practice were aspirational in nature. For those countries that did not have national legislation on smoke detection it was essential to draw attention to the need for such systems. The Government Vice-Chairperson withdrew the amendment.

- 334.** In paragraph 3, the Employer Vice-Chairperson suggested inserting “suitably segregated with respect to compatibility” after “Sufficient and secure storage areas”. The Worker and Government Vice-Chairpersons agreed. The proposal was adopted.
- 335.** In paragraph 4, the Worker Vice-Chairperson proposed to delete the sentence “Employers should consider introducing a no-smoking policy and enforcing it”. The Worker Vice-Chairperson explained that the section dealt with fire prevention and not health. The Employer and Government Vice-Chairpersons agreed but proposed that, instead of deleting the sentence, it should be moved to a more appropriate section, such as that dealing with shelters and no smoking areas as the measure was non-discriminatory and promoted health. The Worker Vice-Chairperson accepted the suggestion provided that the words “and enforcing it” were deleted. The proposal was adopted.
- 336.** In paragraph 5, the Government Vice-Chairperson proposed to delete “In confined spaces and other places in which” and to replace it with “Wherever”. He also proposed to delete subparagraph (e). A chapeau referring exclusively to confined spaces with the same subparagraphs, including subparagraph (e), should also be moved to the appropriate section dealing with confined spaces. The Worker and Employer Vice-Chairpersons agreed.
- 337.** In subparagraph (e), the Worker Vice-Chairperson proposed to replace the term “but” with “or”, and to add the following sentence at the end: “Equipment capable of generating static, for example hoses, should be supplied or fitted with appropriate mitigation measures to eliminate the risk”.
- 338.** The Employer and Government Vice-Chairpersons accepted the proposal. However, the Employer Vice-Chairperson suggested replacing the last part of the sentence, to read “with appropriate risk mitigation measures” as risk could not be eliminated. The proposal was adopted as amended.
- 339.** In subparagraph 9(a), the Worker Vice-Chairperson proposed to insert the following phrase after “equipment”: “appropriate to the materials to be extinguished”. The Employer and Government Vice-Chairpersons agreed. The proposal was adopted.

8.7. Lighting

- 340.** In paragraph 2, the Worker Vice-Chairperson proposed to add “or stroboscopic effects” at the end of the paragraph. The Employer Vice-Chairperson requested that the Workers’ group clarify the rationale of the amendment. A Worker expert from the United Kingdom explained that, while the required luminance was set by guidance in each individual country, the amendment had been introduced in order to consider issues concerning distinguishing colours for certain occupations, such as electricians, and to ensure visibility at night. The proposal was adopted.
- 341.** The Worker Vice-Chairperson proposed a new paragraph to read: “Account should be taken of required luminance set by competent authorities for artificial lighting. This includes the ability to recognize and discriminate colours.” The proposal was adopted.
- 342.** The Worker Vice-Chairperson proposed a new paragraph: “Suitable and sufficient emergency lighting should be in place.” The proposal was adopted.

9. Health hazards, first aid and occupational health services

9.1. General requirements

- 343.** In paragraph 1, the Worker Vice-Chairperson proposed to delete “and” before “climatic conditions” and to add “psychosocial risks or risks arising from adverse”. The Government and Employer Vice-Chairpersons agreed. The proposal was adopted.
- 344.** In paragraph 2, the Government expert from the United Kingdom proposed to replace the text with a new paragraph to read: “The preventative measures referred to in paragraph 9.1.1 should be determined through assessment of risk and should prioritize avoidance of exposure through elimination from the workplace of the hazard to health. If this is not possible then prevention should be achieved in line with the following hierarchy:
- (a) through substitution with a substance or process that is less hazardous to health;
 - (b) designing and using suitable work processes and engineering controls (for example, mechanical handling aids);
 - (c) controlling exposure to the hazard at source through, for example, local exhaust ventilation; and
 - (d) provision of PPE alongside relevant information, instruction and training.”
- 345.** The aim was to introduce a hierarchy of controls that would be applied to the topics discussed in the chapter. The proposal was adopted.
- 346.** At the end of paragraph 2, the Worker Vice-Chairperson proposed to add two new subparagraphs to read as follows:
- “(e) design of work methods and organization to reduce, as far as practicable, psychosocial risks including long hours, poorly designed shift patterns, high workplace pressure, and unachievable work targets and timetables, and related adverse impacts on mental health at work; and
 - (f) measures to identify and address risks posed by biological agents, including infectious diseases and vector-borne diseases/zoonoses, other biological agents (for example organic dusts) and diseases that can occur in combination with other hazards, for example silicotuberculosis.”.
- 347.** A Worker expert from the United Kingdom clarified that one of the main causes of excess morbidity and mortality amongst construction workers was psychosocial risk. There was considerable evidence of issues like suicide ideation and suicide being linked to construction work. Therefore, it was important that those factors be addressed.
- 348.** Regarding the first proposed paragraph, the Government Vice-Chairperson did not agree with the addition. The issue of psychosocial risk was already covered. He suggested to keep part of the first sentence: “Design of work methods and organization to reduce, as far as practicable psychosocial risks”. The Employer Vice-Chairperson agreed with the Government group. A Worker expert from the United Kingdom accepted the Government Vice-Chairperson’s proposal. The Workers’ group proposal was adopted as amended.
- 349.** Concerning the second paragraph, the Government Vice-Chairperson proposed to delete the text after “biological agents”. The Employer Vice-Chairperson agreed with the Government Vice-Chairperson. A Worker expert from the United Kingdom accepted. The proposal was adopted as amended.

350. After paragraph 3, the Worker Vice-Chairperson proposed to add a new paragraph to read: “Reward systems should not encourage hazardous work practices.” The Employer Vice-Chairperson disagreed with the addition. He suggested including the language used in the code of practice on safety and health in textiles, leather, clothing and footwear: “design production processes and reward systems so they do not promote injurious work”. The matter was referred to the working group, which recommended that the Employers’ proposal be adopted. The Worker Vice-Chairperson suggested adding “the employer should” to the beginning of the new paragraph to be consistent with the previous text. The proposal was adopted as amended.

9.2. First aid

351. In paragraph 4, the Employer Vice-Chairperson proposed to delete “for example defibrillators”. The Government Vice-Chairperson agreed. The Worker Vice-Chairperson asked for justification. The Employer Vice-Chairperson explained that the purpose of the deletion was to keep the text broad. The Worker Vice-Chairperson accepted. The proposal was adopted.

9.3. Occupational health services

352. In subparagraph 4(a), a Worker expert from the United Kingdom proposed to delete “the identification and assessment of the risks from health hazards in the workplace” and replace it with “the need for a thorough investigation of all work-related factors and the nature of the occupational hazards and risks in the workplace which may affect workers’ health. These should include physical, chemical, biological and psychosocial risks”. The original text dealt with secondary details like canteens, but not sufficiently with primary health factors. The Employer and Government Vice-Chairpersons preferred the original text. The amendment was withdrawn.

353. After subparagraph 5(d), the Worker Vice-Chairperson proposed to add three new subparagraphs to read as follows:

“(e) respect for medical privacy of screened workers;

(f) provision of the findings of surveillance to screened workers; and

(g) on request and where not in breach of medical confidentiality, provision of periodic anonymized summaries of occupational health surveillance programmes to workers’ representatives on request, in order to determine possible problems to be addressed.”.

354. The Government Vice-Chairperson asked that the Office confirm if those paragraphs were in ILO documents. He agreed to keep the same text as the references mentioned in Appendix I.

355. A Worker expert from the United Kingdom stated that there was language in the code that covered some of the text in the first two proposed additional subparagraphs, for example in Appendix I, section 4(1)(a). The third subparagraph addressed another issue that was not covered in the guidelines. He recommended including it as a separate paragraph instead.

356. After further discussion, the Secretary-General proposed to include the language used in Appendix I. The Office added that text into the new subparagraphs, as follows:

“(b) Collection, processing, communication and use of worker’s personal medical data should:

(i) be collected and stored in conformity with medical confidentiality, in accordance with the ILO code of practice on the protection of workers’ personal data (1997); and

(ii) be used to protect the health of workers (physical, mental and social well-being) individually and collectively.

- (c) The results and records of workers' health surveillance should:
- (i) be clearly explained by professional health personnel to the workers concerned or to persons of their choice;
 - (ii) not be used for discrimination, for which there should be recourse in national law and practice;
 - (iii) be made available, where requested by the competent authority, to any other party agreed by both employers and workers, to prepare appropriate health statistics and epidemiological studies, provided anonymity is maintained, where this may aid in the recognition and control of occupational injuries and diseases; and
 - (iv) be kept for the time and under the conditions prescribed by national laws and regulations, with appropriate arrangements to ensure that workers' health surveillance records are securely maintained in the case of establishments that have closed down."

357. The Employer, Worker, and Government Vice-Chairpersons agreed to the text suggested by the Office. The proposal was adopted.

9.4. Hazardous substances

358. In paragraph 1, a Worker expert from the United Kingdom proposed to add a sentence at the beginning of the paragraph to read: "ILO Chemicals Convention, 1990 (No. 170) recognizes the need for effective management of chemicals in the workplace."

359. The Government Vice-Chairperson objected; it was not necessary to mention Convention No. 170 there. His group had proposed to delete the paragraph and replace it with the following text: "The competent authority should provide information to parties in the construction industry on health risks associated with hazardous substances including exposure limits. The competent authority should keep this information under review using the results of international scientific research".

360. The Employer Vice-Chairperson agreed with the Government Vice-Chairperson. A Worker expert from the United Kingdom insisted on including their amendment as there were only two Conventions pertinent to chemicals that were relevant and up to date.

361. The Chairperson proposed to add "as specified by the Chemicals Convention, 1990 (No. 170)" at the end of the last sentence of the Government group's proposal. The Government Vice-Chairperson accepted. A Worker expert from the United Kingdom accepted in the interest of advancing. The Employer Vice-Chairperson also accepted. The proposal was adopted as amended.

362. Regarding the Government Vice-Chairperson's proposal to delete the sentence beginning "An information system", the Worker Vice-Chairperson objected and requested clarification. The Government expert from the United Kingdom stated that specifying "information system" was limiting. The alternate phrase proposed by the Government group captured the idea that information should be provided rather than a system must be created. The suggested sentence afforded greater flexibility to the competent authorities to provide information related to hazardous substances.

363. A Worker expert from the United Kingdom suggested moving the sentence that the Government group proposed to delete to after the Government group's proposed additional sentence. It was important to maintain "information system" because the term was used in various chemical panels, and Government agreements elsewhere referred to the need for information systems.

- 364.** The Government expert from the United Kingdom agreed and suggested replacing “should” before “be set up” with “can” or “could”. The Employer Vice-Chairperson and a Worker expert from the United Kingdom accepted. The proposal was adopted as amended.
- 365.** After paragraph 4, the Worker Vice-Chairperson proposed a new paragraph to read: “The employer should ensure that workers are adequately protected from hazardous substances that are generated at work and are therefore not labelled. These include exposures to respirable crystalline silica from work with stone, brick and concrete, diesel exhaust fumes and welding and cutting fumes.”
- 366.** Following discussion, the Government Vice-Chairperson proposed to add “but are not limited to” and “in particular engineered stone” in the last sentence of the new paragraph.
- 367.** The Worker and Government Vice-Chairpersons agreed to the amendments. The proposal was adopted as amended.
- 368.** In paragraph 9, the Worker Vice-Chairperson proposed to add the following text: “Additional health and safety controls are necessary where work could present a risk of exposure to carcinogens used or generated at work, prioritizing prohibitions or ‘every effort’ to replace cancer-causing substances with safer alternative substances or processes as specified by the Occupational Cancer Convention, 1974 (No. 139)”. A Worker expert from the United Kingdom clarified that the proposed text also considered the provisions contained in Convention No. 170.
- 369.** The Employer and Government Vice-Chairpersons disagreed. They both maintained that the text was not necessary. The matter was referred to the working group which recommended that the text be included. The recommendation was adopted.
- 370.** In paragraph 10, the Worker Vice-Chairperson proposed to add the following text at the end of the last sentence: “Where insufficient data on health effects are available, the use of these substances should be avoided.” The Employer Vice-Chairperson disagreed with the inclusion as it was not necessary. The Government Vice-Chairperson stated that the language in the same paragraph that referred to assessing risks was adequate and that the Workers’ group proposal could be removed. A Worker expert from the United Kingdom maintained that their proposal addressed the separate issue of cases in which there was insufficient data regarding a substance because it had not yet been effectively assessed. Following further discussion, a Worker expert from the United Kingdom proposed rephrasing the sentence to read: “Where insufficient data on health effects are available, a precautionary approach to the use of these substances should be adopted”.
- 371.** The proposal was adopted as amended.
- 372.** A Worker expert from the United Kingdom proposed a new section on asbestos with the paragraphs to read as follows:

“Priority should be given to the elimination of asbestos risks, which is most effectively achieved through a ban on all use. This approach is supported by the ILO and the World Health Organization (WHO) in their joint *Outline for the Development of National Programmes for Elimination of Asbestos-Related Diseases*.

In accordance with the Chemicals Convention, 1990 (No. 170), countries should ensure that where hazardous substances ‘are prohibited for reasons of safety and health at work, this fact and the reasons for it shall be communicated by the exporting Member State to any importing country’. Asbestos is recognized by the WHO’s International Agency for Research on Cancer (IARC) as a Group 1 human carcinogen. A warning to this effect should accompany any exports.

Continuing asbestos use in some countries and asbestos in-situ in buildings and infrastructure everywhere requires the strictest approach to identification and management of risks and prevention of asbestos-related disease.

In line with the Asbestos Convention, 1986 (No. 162), national laws or regulations should recognize the serious health risks posed by asbestos exposure at work, and require the 'prevention and control' of those risks, through effective regulation, training, information and supervision.

Employers are responsible for compliance with these measures, which will be enforced by competent authorities, with an adequate and appropriate system of inspection, and effective enforcement with appropriate penalties.

Measures to prevent and control asbestos risks at work to be required by competent authorities under national laws or regulations include:

- (a) strict safety rules should be drawn up and applied by the competent authority in respect of workers engaged in the construction, renovation, demolition or dismantling of any building in which there is a risk of exposure to asbestos;
- (b) the client of the premises should carry out a survey for the presence of asbestos before starting any renovation, demolition or dismantling of the building:
 - (i) this survey should be done by a competent person with in-depth knowledge in the field of asbestos;
 - (ii) the results of this survey must be communicated to all employers operating on site presenting an asbestos risk;
- (c) employers should consult with workers and their representatives any work to be undertaken with asbestos;
- (d) the employer should provide appropriate training to workers to enable them to carry out their work in accordance with the rules established by the competent authority. The training must relate in particular to the removal technique used to minimize the release of asbestos fibres and to the use of respiratory protection, hand protection and work clothes. It should also focus on how to decontaminate after an intervention exposed to asbestos fibres;
- (e) buildings intended to be renovated, demolished or dismantled must be cleared of asbestos by trained workers before any other intervention by other workers on the premises;
- (f) remedial work with asbestos must be carried out in suitable enclosures to avoid the asbestos contamination of the workplace and the wider environment;
- (g) workers must be declared fit by the competent authority and not have a history of serious respiratory ill health;
- (h) medical follow-up must be provided for all employees exposed to asbestos to detect the diseases they may develop following exposure to asbestos;
- (i) the employer must provide workers with individual respiratory protection with a high protection factor: this equipment should be made available to workers at no cost;
- (j) the employer must ensure that respiratory protection is effectively worn by workers;
- (k) the disposal of all waste containing asbestos must be done in accordance with the laws, directives and regulations put in place by the competent authority."

- 373.** He clarified that the text was sourced from Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work, and the Workers' group had ensured that the text was consistent with and aligned to Convention No. 162.
- 374.** The Employer Vice-Chairperson requested that the Office confirm whether the proposed text was consistent with ILO language.
- 375.** The Secretary-General informed the Meeting that the text had been verified by the International Labour Standards Department of the Office and that any minor differences could be addressed by the Office to ensure that the text was consistent.
- 376.** The proposal was adopted.
- 377.** A Worker expert from the United Kingdom proposed that a new section entitled "Silica" be included. The matter was referred to the working group, which recommended that the section include the following paragraph: "National authorities should introduce measures to eliminate respirable crystalline silica-related risks, as prioritized in the ILO/WHO Global Programme for the Elimination of Silicosis (GPES) and described in the ILO/WHO Outline for a National Programme for the Elimination of Silicosis (NPES). The recommendation was adopted.

9.6. Radiation hazards

- 378.** After paragraph 4, a Worker expert from the United Kingdom proposed to add a new paragraph to read: "Workers in these settings should be provided with personal radiation dose meters and trained in their use. Workers exceeding a permissible dose in a designated time period should be suspended on full pay." That was the standard practice when working with radiation.
- 379.** The Employer Vice-Chairperson proposed to modify the last sentence. After "permissible dose" he proposed to add "should be temporarily reassigned to other tasks where they are not exposed to further radiation".
- 380.** A Worker expert from the United Kingdom proposed to add "in a designated time period" after "permissible dose". He also suggested adding "or" before "suspended with full pay." The Government and Employer Vice-Chairpersons agreed. The proposal was adopted with the amendments.
- 381.** In paragraph 8, the Worker Vice-Chairperson proposed to add "these measures should be provided by the employer at no cost" at the end of the sentence. The Government Vice-Chairperson accepted. The Employer Vice-Chairperson disagreed as there was already text covering PPE. A Worker expert from the United Kingdom emphasized that sunscreen was not always considered PPE and should be included for the sake of clarity. The Employer Vice-Chairperson reiterated his disagreement. The Worker Vice-Chairperson recalled that it had been agreed to mention sunscreen there and it was in fact not a repetition of text that appeared elsewhere. The Government Vice-Chairperson agreed with the Workers' group that in some countries sunscreen was not considered PPE. The Employer Vice-Chairperson accepted. The proposal was adopted.

9.7. Heat stress, cold and wet conditions

- 382.** In paragraph 1, the Worker Vice-Chairperson proposed to add a new subparagraph after subparagraph (f): "workers should be able to stop work from adverse conditions immediately, if they start to experience symptoms of heat/cold stress". The Government Vice-Chairperson suggested including language on the process, for example the need to inform the supervisor. The

Employer Vice-Chairperson agreed to the Government group's suggestion. At the same time, he argued that the subject of the right of workers to remove themselves from any workplace in circumstances that pose a danger to their safety or health had already been covered in other parts of the text.

- 383.** A Worker expert from the United Kingdom emphasized that the text was an educational document and would benefit from covering that specific situation. He agreed to the Government group's proposal to include a reference to the need to inform the supervisor.
- 384.** Following discussion, the Meeting requested that the Office formulate new text for its consideration. The Office proposed to add a new paragraph after paragraph 1, with the text to read as follows: "Workers should, when experiencing symptoms of heat and cold stress brought about by climatic conditions, have the right to remove themselves from work when they have reasonable justification to believe that there is an imminent and serious danger to their safety and health. In doing so, workers should inform their supervisor immediately." The Workers', Employers', and Governments' groups agreed to the text. The proposal was adopted.
- 385.** In paragraph 2, the Worker Vice-Chairperson proposed to replace "uncomfortable" with "hazardous". The Employer Vice-Chairperson supported the amendment. The Government Vice-Chairperson proposed to replace "are hazardous" with "can be hazardous". The Employer and Worker Vice-Chairpersons agreed. The proposal was adopted.

9.8. Noise and vibration

- 386.** In paragraph 1, the Employer Vice-Chairperson proposed to delete "on a daily basis and for the maximum peak noise level". The Government Vice-Chairperson and a Worker expert from the United Kingdom agreed. The proposal was adopted.
- 387.** In subparagraph 3(b), the Government Vice-Chairperson proposed to add "vibrating equipment, for example" and delete "for vibrators". The Employer Vice-Chairperson pointed out that the Government group's proposal would create repetitions in the text. The Government Vice-Chairperson reformulated the phrase to read: "remote operation of jackhammers, drills and other equipment that causes vibration and noise hazards". The amended proposal was adopted.
- 388.** In subparagraph 5(a), the Government group proposed to replace "a safety helmet" with "other PPE".
- 389.** The Employer and Worker Vice-Chairpersons agreed. The proposal was adopted.
- 390.** In subparagraph 5(b), the Employer Vice-Chairperson proposed to delete "having in mind their limited effectiveness". A Worker expert from the United Kingdom and the Government Vice-Chairperson preferred to keep the original text. The Employer Vice-Chairperson withdrew the proposal.
- 391.** In paragraph 6, the Government Vice-Chairperson proposed to delete "and vibration levels". The Employer and Worker Vice-Chairpersons agreed. The proposal was adopted.
- 392.** The Government Vice-Chairperson proposed to add a new paragraph to read: "Workers who may be, or have been, exposed to significant vibration levels should receive regular and suitable checks by a competent person to identify any signs and symptoms of ill health". The Employer and Worker Vice-Chairpersons agreed. The proposal was adopted.

9.9. Biological agents

- 393.** After paragraph 1, a Worker expert from the United Kingdom proposed to add a new paragraph: "Employers should ensure that risks, such as those of infections, allergy or poisoning due to

biological hazards, including viral conditions like SARS, COVID-19, Ebola and West Nile virus; tick-borne diseases like Monkey fever and Lyme disease; bacterial conditions like Leptospirosis (Weil's disease), Psittacosis, and Legionnaire's disease; blood-borne diseases like HIV and Hepatitis B and C; and mould or fungal spore-related conditions like Histoplasmosis and Extrinsic Allergic Alveolitis (e.g. Farmer's lung); and Organic Dust Toxic Syndrome (moulds, pollens and other organic dusts), are so far as is reasonably practicable, controlled effectively when the appropriate measures of protection are taken".

- 394.** The Government Vice-Chairperson proposed not to list each disease but rather to use the term "agents", instead of "hazards", to include all of them. A Worker expert from the United Kingdom said his group could propose a shorter version of the amendment that would refer to categories, such as biological hazards, tick-borne diseases and bacterial conditions rather than specific examples. Not including those categories and using only the word "agents" would significantly weaken the text. It would not convey the important information about the wide range of pertinent occupational diseases, many of which were part of Recommendation No. 194.
- 395.** The Employer Vice-Chairperson agreed with the Government group and objected to the Workers' group's revised proposal. After additional discussion, the Meeting requested that the Office prepare an alternative proposal for its consideration.
- 396.** The Office proposed text for a new paragraph, which read: "Employers should ensure that risks generated by exposure to biological agents, such as bacteria, viruses, fungi, other microorganisms and their associated toxins, allergens, and organic dusts, are eliminated or minimized so far as is reasonably practicable".
- 397.** The Worker Vice-Chairperson asked for clarity from the Office on the origin of the text.
- 398.** A specialist from the Office stated that the text was based on the biological guidelines developed in the code of practice on safety and health in textiles, clothing, leather and footwear.
- 399.** A Worker expert from the United Kingdom accepted. The proposal was adopted.
- 400.** In subparagraph 2(c), a Worker expert from the United Kingdom proposed to replace "such as" with "including" before "rats and insects" and to include "such as physical protections, fumigation and insecticides. The use of alternative measures such as medical", while deleting "including chemical" before "prophylaxis and immunization". He also proposed to add "should be considered only in consultation with workers and their representatives" at the end of the sentence. The Employer Vice-Chairperson asked to remove "only" before "in consultation". The Worker Vice-Chairperson agreed. The Government Vice-Chairperson also agreed. The amended proposal was adopted.
- 401.** In subparagraph 2(d), a Worker expert from the United Kingdom proposed to delete "wild" before "animals" and add "such as spiders, snakes and". They also proposed to delete "mainly in rural areas". The Employer Vice-Chairperson and the Government Vice-Chairperson accepted the proposal. The proposal was adopted.
- 402.** The Worker Vice-Chairperson proposed to add a new subparagraph: "Risk assessments should identify measures to minimize exposures to contaminated materials and dusts, for example mould, bird and rat droppings". The Employer Vice-Chairperson and the Government Vice-Chairperson agreed to include the suggested text as the first sentence of paragraph 9.11.3. The proposal was adopted.

9.12. Ergonomic hazards

- 403.** The Government Vice-Chairperson proposed to change the title from “Ergonomic hazards” to “Ergonomics”. The proposal was adopted.
- 404.** In paragraph 2, the Worker Vice-Chairperson proposed to add: “Any new equipment should meet best ergonomic design principles, including ease and safety of operation and adaptability to the individual user, including consideration of gender, size and reasonable adjustments for disabilities.” The Government Vice-Chairperson said that he could agree to the proposal if the word “best” before “ergonomic design principles” was deleted. The Employer Vice-Chairperson stated that he could agree to the first part of the proposal but the text after “user” was not necessary and should be deleted.
- 405.** A Worker expert from the United Kingdom said the issues of gender, size and workers with disabilities were very pertinent and should be reflected. The Government Vice-Chairperson proposed to change “adaptability to the individual user” to “adjustability to the user, including consideration of gender”. The Employer Vice-Chairperson reiterated his group’s position that the phrase referring to “consideration of gender, size and reasonable adjustments for disabilities” be deleted.
- 406.** A Worker expert from the United Kingdom underscored the importance of ensuring that the document that would be produced was gender sensitive and took into consideration workers with disabilities. He said his group was ready to remove the word “size” from their proposal.
- 407.** The Government Vice-Chairperson stated that the word “user” had a broader meaning which would include other important vulnerable groups of people such as women and people with disabilities. He also stated that it was important that the principles of the ergonomics protection would apply to all workers regardless of gender, size and disabilities, among other factors.
- 408.** The Secretary-General suggested that the groups reconsider the inclusion of the term “size” because it did not seem to fit in the paragraph in the same manner as “gender”. A Worker expert from the United Kingdom agreed to the deletion of “size”.
- 409.** The Government Vice-Chairperson proposed to utilize the same language as in the code of practice on safety and health in textiles, clothing, leather and footwear, citing: “the physical characteristics of the workers engaged in the activities (such as height, build, gender, age);” (10.2.1.(g)).
- 410.** A Worker expert from the United Kingdom requested that the Office redraft the text in question with stronger language taking into consideration gender equality, diversity, age and other essential terminology to protect a group of vulnerable workers. He suggested the Office consider the following ILO references: *Work from home: Human factors/ergonomics considerations for teleworking* and the ILO *Ergonomic checkpoints: Practical and easy-to implement solutions for improving safety, health and working conditions* (second edition).
- 411.** The matter was referred to the working group, which recommended that the sentence read as follows: “Any new equipment should meet ergonomic design principles, including ease and safety of operation and adjustability to the user.” The recommendation was adopted.
- 412.** After paragraph 3, the Worker Vice-Chairperson proposed new paragraphs to read: “Employers should provide workers with information about the weight of any object to be handled, lifted or moved by hand. Wherever possible, alternatives to manual handling should be used, including lifting aids and devices. Workers and their representatives should be consulted on manual handling risk assessments and procedures.

Workers should receive the information, instruction and training on manual handling and on measures to minimize the need of manual handling.

Information should be provided to all workers to inform them about the musculoskeletal disorders related to manual handling, including repetitive movements and heavy lifting, carrying and the moving of heavy loads, including back problems and repetitive strain injuries. Practical information should be provided on manual handling best practices.

National authorities in cooperation with the manufacturers and suppliers should seek to lower the individual weight of manufactured containers, sacks or boxes, wherever possible with a maximum weight of 25 kg.

When buying new equipment, employers should consider the technical evolution and buy machines which present no or less risks for the workers in charge of guiding them in terms of ergonomics: better access, better seats, etc.”

- 413.** A Worker expert from the United Kingdom stated that the proposed texts were extracted from the EU Directive on manual handling of loads (Council Directive 90/269/EEC of 29 May 1990 on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers (fourth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)), which was consistent with the ILO principles as well as national laws in Argentina, Chile, Uruguay and many other countries.
- 414.** The Employer Vice-Chairperson stated that the Employers’ group could generally support the Workers’ group’s proposed texts, with a few exceptions. “Where possible” should replace “wherever possible”. “All workers” should be amended to “affected workers”. The phrase “with a maximum weight of 25 kg” should be deleted. Finally, “no” in the phrase “which present no or less risks for the workers” should be deleted. Regarding a maximum weight limit, that should be decided by each country. The Meeting of Experts should not substitute the functions of national governments. Concerning the elimination of “no”, he stated that the proposed text would not make sense with it included as it was not possible for there to be no risk.
- 415.** In the first sentence of the Workers’ group’s proposed text, a Worker expert from the United Kingdom proposed to change “where possible” to “where practicable”. The Employer Vice-Chairperson accepted the change.
- 416.** A Worker expert from the United Kingdom did not agree with the use of “affected workers” and suggested to use just “workers”. Employers were requested to provide information to every worker, not only affected workers. The Employer and Government Vice-Chairpersons agreed.
- 417.** A Worker expert from the United Kingdom stated that the Workers’ group would like to retain a maximum weight limit of 25 kg. It was widely accepted in national laws. Furthermore, recalling that the code of practice should be aspirational in nature, if the Meeting would prefer a more stringent maximum weight limit, the Meeting should choose 20 kg, which was enacted and enforced in Australia. The Government Vice-Chairperson did not accept the inclusion of a maximum weight limit.
- 418.** The Worker Vice-Chairperson highlighted that many people in the construction industry and the building materials industry (such as the cement manufacturing sector) had had problems handling heavy materials at work. Many countries had set up different maximum weight limits. It was problematic that people in different countries working in the same cement manufacturing multinational enterprises could not have the same maximum weight limit.
- 419.** The Employer Vice-Chairperson reiterated his opposition to inserting any maximum weight limit given the different limits in different countries.

- 420.** The Worker Vice-Chairperson stated that in the case of the EU Directive on the manual handling of loads, national authorities and manufacturers as well as suppliers had agreed to reduce the maximum weight limit to 25 kg. It would be good practice to provide the construction industry with clear guidance on a maximum weight limit to eliminate occupational injuries.
- 421.** The Office proposed text for a new paragraph, which read: “National authorities in cooperation with the manufacturers and suppliers should seek to lower the individual weight of manufactured containers, sacks or boxes, to as low a weight as practicable”. The Worker Vice-Chairperson agreed to the proposed text. The proposal was adopted.
- 422.** The Worker Vice-Chairperson proposed to add a new section on “Psychosocial risks and work-related stress” to read:

“Poorly controlled psychosocial risk factors at work, including high mental demands on workers through excessive or poorly managed workloads, unachievable targets and deadlines and unsupportive management methods where workers have little control, are a significant cause of work-related sickness absence and disability.

Poorly designed and managed work can lead to anxiety, stress and depression, fatigue, chronic health problems including heart disease and has been linked to elevated rates of suicide ideation and suicide in construction workers. To minimize these risks, it is necessary to undertake workplace stress management assessments considering demands, control, roles, management of change and relationships at work, including labour relations.

Pay, target and reward systems should not encourage overwork, excessive work pace or other hazardous work practices.

Preventive measures should include worker participation, representation, and collective bargaining.

A psychosocial risk assessment should be carried out and written risk control measures drawn up for all operations, in accordance with national laws and regulations.

The psychosocial risk assessment and control measures should be developed in consultation with workers and their representatives and there should be a demonstrated commitment from all parties that it will be supported by the whole organization. It should cover the rosters, roles and responsibilities of managers, professional staff, contractors, subcontractors, those who work on planned rosters and unplanned work such as overtime and call-outs. Commuting times as well as suitability of employer-provided accommodation should also be considered.

The psychosocial risk assessment should consider work-related fatigue, resulting from features of the work and the workplace. Fatigue is associated with increased risks of work-related accidents and dangerous occurrences. The fatigue risk control measures should specify working-time arrangements where workers:

- (a) carry out work between 7 p.m. and 6 a.m.;
- (b) work more than 48 hours in any consecutive five-day period (working on each day) including unplanned work, emergencies, overtime, breakdowns and call-outs;
- (c) are employed on rotating or irregular shift patterns; or
- (d) do not have a minimum of two consecutive days off in any seven-day period;
- (e) require long commutes before and after shifts;
- (f) consider the nature of the work undertaken, with particular attention given to safety critical work, for example driving, machine operation and work in hostile environments.

Additional fatigue hazards identified during the risk assessment should be included in the plan.”.

- 423.** A Worker expert from the United Kingdom explained that the ILO Standards Review Mechanism Tripartite Working Group had identified the protection of workers from psychological risks as a priority for new ILO instruments at its first Meeting (February 2016). The Workers’ group had proposed new language as there were no international labour standards on the matter.
- 424.** The Employer expert from Australia stated that the Australian construction industry had developed a comprehensive programme for protecting construction workers from mental and psychological risks. She also stated that no direct or indirect causal relation had been identified between workers’ psychological occupational disease and illness and the employer’s actions. More research was needed to reveal the causes of construction workers’ psychological and mental occupational diseases and illness.
- 425.** In reference to the statement delivered by the Employer expert from Australia, a Worker expert from the United Kingdom stated that his group could provide the Employers’ group with sufficient evidence that employers’ actions or inactions could be causes of workers’ psychological risks. Consequently, employers should make positive interventions in that regard. Additionally, the Meeting could accept the proposed text without much discussion because the texts were excerpts from the UK’s competent authority, the Health and Safety Executive (HSE). The UK had implemented several intervention programmes such as mental health projects and emergency responses through the Blue Light Project, among others.
- 426.** The Government Vice-Chairperson stated that the Government group could agree with proposed paragraphs 4, 5 and 6. The other paragraphs were covered elsewhere in the code of practice. He requested that the Office redraft the text. A Worker expert from the United Kingdom stated that the proposed text was fully compliant with the six clauses and control measures stipulated by the OSH management systems of the UK Health and Safety Executive (HSE), and thus could be adopted by the Meeting.
- 427.** Following extensive discussion, the matter was referred to the working group, which recommended the final text include the following 3 points:
- “A psychosocial risk assessment should be carried out and written risk control measures drawn up for all operations, in accordance with national laws and regulations.
- The psychosocial risk assessment and control measures should be developed in consultation with workers and their representatives and there should be a demonstrated commitment from all parties. It should cover roles and responsibilities of managers, professional staff, contractors and subcontractors.
- The psychosocial risk assessment should consider work-related fatigue, resulting from features of the work and the workplace.”.
- 428.** The recommendation was adopted.

10. Scaffolds, ladders, lifting appliances and mobile elevated working platforms

- 429.** The Employer Vice-Chairperson suggested creating two distinct parts in the code: “General provisions” and “Technical guidance”. The proposed “Technical guidance” section should start with Chapter 10. The proposal was adopted.

10.1. General provisions

- 430.** In subparagraph 4(a), the Government Vice-Chairperson suggested adding “falls from height” after “workers”. The Employer Vice-Chairperson said that scaffolding was designed to increase efficiency, and that aside from concerns regarding falls from height, challenges included musculoskeletal issues, among others. The Government Vice-Chairperson suggested adding “for example, falls from height”. The proposal was adopted with the amendment.
- 431.** In paragraph 5, the Government Vice-Chairperson proposed to add “Further to the requirements in subparagraph 4.11(c),” at the beginning. The purpose was to connect the supervision and training of workers to the issues of erecting and dismantling the scaffold given the high potential for accidents. The proposal was adopted.

10.2. Materials

- 432.** In paragraph 11, the Employer Vice-Chairperson proposed to delete “thereby ensuring conformity in load bearing capacity and strength” and inserting “be selected according to the applicable standards or comply with the relevant national laws and regulations”.
- 433.** The Worker expert from France stated that the Employer Vice-Chairperson’s proposal added clarity. However, it also raised a technical issue concerning the usage of multiple scaffoldings. He warned about the responsibilities of the usage of scaffolds stating that it should be clear that it was not up to a contractor to mix the usage of different kinds of scaffoldings.
- 434.** The Employer Vice-Chairperson suggested adding “unless authorized by the manufacturer” at the end of the subparagraph. The Worker and Government Vice-Chairpersons agreed. The proposal was adopted.

10.3. Design and construction

- 435.** In paragraph 1, the Employer Vice-Chairperson proposed to delete “at least”. The Worker and Government Vice-Chairpersons agreed. The proposal was adopted.

10.4. Inspection and maintenance

- 436.** In subparagraph 1(b), the Employer Vice-Chairperson proposed to delete “(once a week is suggested)”. The Worker expert from France stated that the frequency of scaffold inspections depended on national regulations. In some countries, there would be daily inspections while in others inspections could be conducted on a monthly or quarterly basis. Therefore, it should be referred to “national laws and regulations”. The Government and Worker Vice-Chairpersons agreed to delete the phrase. The proposal was adopted.

10.6. Prefabricated scaffolds

- 437.** The Employer Vice-Chairperson proposed to delete paragraph 2: “Frames of different types should not be intermingled in a single scaffold.” The Worker expert from France stated that because only the scaffold manufacturers could authorize proper usage of the scaffolds, the text must have clear reference to either manufacturers or employer’s instructions. The Employer Vice-Chairperson proposed instead to add “unless authorized by the manufacturer” to the end of the sentence. The Government and Worker Vice-chairpersons agreed. The proposal was adopted.

10.7. Mobile scaffolding

- 438.** After paragraph 6, the Worker Vice-Chairperson proposed to add a new paragraph to read as follows: “When mobile scaffolding is being moved, risk assessment should be made to avoid any contact with overhead electric cables.” The Employer Vice-Chairperson suggested inserting “uneven or unstable surfaces” and reformulated the sentence to read: “When mobile scaffolding is being moved, a risk assessment should be made to mitigate movement of uneven surfaces or to avoid any contact with overhead electric cables.”
- 439.** The Worker expert from France stated that the proposed text highlighted two different risks. Therefore, he suggested separating the sentence into two subparagraphs. In response, the Government Vice-Chairperson proposed an amendment, which read:
- “When mobile scaffolding is being moved, a risk assessment should be made to:
- (a) mitigate movement of uneven surfaces; and
 - (b) avoid any contact with overhead electric cables.”.
- 440.** The Employer and Worker Vice-Chairpersons agreed. The proposal was adopted as amended.

10.11. Ladders

- 441.** In paragraph 1, the Employer Vice-Chairperson proposed to delete the sentence: “Ladders are not designed to replace working platforms.” The Worker and Government Vice-Chairpersons both objected to the deletion. The Employer Vice-Chairperson stated that ladders were not designed to replace working platforms, but they could be utilized as work platforms. Following further discussion, the Employer Vice-Chairperson withdrew his proposal.
- 442.** In paragraph 11, the Employer Vice-Chairperson proposed to insert the phrase “or working off” before “ladder”. After extensive discussion, the Government Vice-Chairperson proposed an amendment to read: “Workers using or working off ladders for low risk and short duration tasks should”.
- 443.** The Worker and Employer Vice-Chairpersons agreed to the Government group’s proposed amendments. The proposal was accepted as amended.

11. Lifting appliances and gear

11.1. General provisions

- 444.** In paragraph 1, the Worker Vice-Chairperson proposed the addition of a new subparagraph to read: “(c) take account of the ILO code of practice on safety and health in the use of machinery (2013), which defines safety and health requirements and precautions and provides detailed guidance applicable to governments, workers and employers, and also to designers, manufacturers and suppliers of machinery”.
- 445.** The Government Vice-Chairperson agreed to include the code of practice on safety and health in the use of machinery (2013) in the annex of the code.
- 446.** An Office representative clarified that there was already a reference included.
- 447.** The Employer Vice-Chairperson stated that because the usage and proper handling of machinery would have multiple applications in the code, the Office should suggest where the code of practice on safety and health in the use of machinery (2013) could be placed in the current code.

448. The Secretary-General stated that the code had numerous sections concerning the usage of machinery which already encompassed different technical issues regarding handling machinery. She also stated that it would not be an Office intention to create a dedicated chapter on the usage of machinery.
449. The Meeting requested that the Office draft text should have a clear reference to the code of practice on safety and health in the use of machinery (2013), which would be helpful for the relevant chapters of the code on construction.
450. The Secretary-General stated that the Office would find an appropriate place to refer to the code.
451. In paragraph 1, the Government Vice-Chairperson proposed to insert another subparagraph after subparagraph (b): "(c) in accordance with manufacturer's instructions." The proposed amendment would enhance good practices of the safe usage of lifting appliances and gear.
452. The Worker expert from France said that national regulations would require employers to conduct themselves or have conducted a periodic verification of the maintenance of lifting appliances and gear and proof of any reconditioning of the equipment and its good maintenance had to be clearly shown.
453. The Government Vice-Chairperson stated that many national laws would require all appliances to show a label proving proper maintenance had been carried out in a stipulated period.
454. The Worker Vice-Chairperson stated that the proposed amendment would be acceptable if workers could clearly see that the appliances were properly maintained and inspected.
455. The Employer Vice-Chairperson said that employers would maintain all the appliances and provide workers with access to the information.
456. The proposal was adopted.
457. In paragraph 3, the Worker Vice-Chairperson suggested adding "and manufacturers specifications" after "laws and regulations". The Government and Employer Vice-Chairpersons accepted the amendment. The proposal was adopted.
458. The Worker Vice-Chairperson suggested a new subparagraph to read: "display in a visible location to the operator, the date of the technical revision and by whom it was performed". The Government Vice-Chairperson agreed that it was good practice, however, it was not possible on some machines. He suggested adding "as practicable" or "where appropriate".
459. The Worker expert from France stated that it applied to all lifting appliances. The Government Vice-Chairperson replied that there were different practices. The Worker Vice-Chairperson agreed that there might be different practices, but it should still be visible to the user.
460. The Employer Vice-Chairperson reiterated that it was not always visible and agreed to adding: "where appropriate". The amendment was modified to: "accessible to the operator, the date of the technical revision and by whom it was performed, where appropriate". The revised amendment was adopted.
461. In paragraph 7, the Government Vice-Chairperson proposed to add "or surface" after "ground". The Worker and Employer Vice-Chairpersons agreed to the Governments' amendment. The proposal was adopted.
462. In paragraph 12, the Government Vice-Chairperson suggested adding a new subparagraph to read as follows: "after every exceptional circumstance liable to affect the safety of the equipment". The Worker and Employer Vice-Chairpersons agreed to the amendment. The proposal was adopted.

463. In paragraph 17, the Government Vice-Chairperson proposed to add: “designed to be” before “used outdoors”. They also proposed to delete subparagraph (a).
464. The Worker and Employer Vice-Chairpersons agreed to the first amendment, “designed to be”. However, the Employer Vice-Chairperson requested an explanation for the deletion of subparagraph (a).
465. The Worker Vice-Chairperson requested that language should not be lost and suggested to include “where applicable” at the end of subparagraph (a).
466. The revised amendment was accepted. The proposal was adopted with the amendment.
467. In paragraph 18, the Worker Vice-Chairperson pointed out that the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), should also be mentioned elsewhere in the code. The Office was requested to find other suitable sections in which to refer to the Conventions.

11.5. Tower cranes, including remote, self-erecting or pedestrian-operated tower cranes

468. In paragraph 7, the Government Vice-Chairperson proposed to add the following text at the end of the paragraph: “When this is not practicable, preventive measures to avoid collision should be adopted”.
469. The Government expert from the United Kingdom explained that the formulation suggested in the draft code could be interpreted in such a way that it would be impossible to operate tower cranes in cities.
470. The Employer Vice-Chairperson agreed. The Worker Vice-Chairperson stated that more examples were required. The Government expert from the United Kingdom agreed with the Workers but stated that the list would be too long.
471. Paragraph 7 was reformulated as follows: “Where two or more tower cranes are in the same location, they should be sited in positions so that when in operation their jibs cannot touch any part of the other crane or structures. Any transported loads should also not be able to touch the other crane. When this is not practicable, preventive measures to avoid collision should be adopted, such as direct means of communication between them and a distinct warning system operated from the cab so that one driver may alert the other to impending danger.”
472. Paragraph 9 was also reformulated to read: “When the tower crane is left unattended or out of service, the manufacturers’ instructions should be followed to ensure safety. For longer periods or at times when adverse weather conditions are expected, the main jib should be slewed around to stow to the side of the tower away from the wind, put into free slew and the crane immobilized”.
473. Both amendments were accepted. The proposals were adopted as amended.

12. Transport, earth-moving and materials-handling equipment

12.1. General provisions

474. In paragraph 6, the Office was requested to find an explanation of “dangerous proximity”. The Office suggested to reformulate the paragraph as follows: “Earth-moving or materials-handling equipment should not be operated in dangerous proximity to live electrical conductors. When practicable, adequate precautions should be taken; such as isolating the electrical supply or

erecting ground-level and overhead barriers warning of the presence of live electrical conductors.”

- 475. A Worker expert from the United Kingdom agreed to the proposal.
- 476. The Employer Vice-Chairperson asked for a reference to relevant standards.
- 477. The Secretary-General explained that the references differed depending on the country. As a result, it would not be advisable to include a reference there. However, the Office found language in ILO standards stipulating that earth-moving or material-handling equipment should not be operated in dangerous proximity to live electrical conductors. The Office then added “when practicable, adequate precautions”.
- 478. The Employer and Government Vice-Chairpersons agreed to the Office’s proposal. The proposal was adopted.
- 479. In paragraph 11, the Employer Vice-Chairperson’s suggestion to add “where practicable” after “equipped” was accepted by the Worker and Government Vice-Chairpersons. The proposal was adopted.

12.2. Power shovels, excavators

- 480. In paragraph 15, the Employer Vice-Chairperson proposed to delete “danger” and to add “struck or” before “crushed”.
- 481. The Government and Worker Vice-Chairpersons agreed. The proposal was adopted.

12.5. Mobile asphalt layers and finishers

- 482. In paragraph 6, the Worker Vice-Chairperson suggested using “clothing” instead of “jackets”. The proposal was adopted.
- 483. The Government Vice-Chairperson proposed to delete “Control systems may include”. The Worker Vice-Chairperson objected. The Government Vice-Chairperson suggested to keep the text but to add “but not limited to”. He explained that the control systems were not limited to those mentioned and therefore that should be specified.
- 484. The Government expert from the United Kingdom emphasized the importance of “barriers” and suggested mentioning them as the first item in the list in the second sentence of the paragraph and ending the list with “reflective clothing”.
- 485. The paragraph was adopted as amended.
- 486. In paragraph 7, the Worker Vice-Chairperson proposed to add “appropriate to the materials to be extinguished” after “fire extinguishers”. The Government and Employer Vice-Chairpersons agreed. The paragraph was adopted as amended.

13. Plant, machinery, equipment and hand tools

13.1. General provisions

- 487. In subparagraph 1(b), the Employer Vice-Chairperson suggested adding “and stored” after “maintained”. The Government and Worker Vice-Chairpersons agreed. The proposal was adopted.

13.3. Pneumatic tools

488. The Worker expert from France proposed to add two new subparagraphs after paragraph 6 to read:

“Reservoirs used to feed pneumatic tools must be checked according to applicable laws, regulations and the manufacturer’s maintenance schedule.

A safety valve set at twice the standards service pressure level should be installed.”.

489. He explained that it was not possible to have pneumatic tools unless there was an air storage tank or a reservoir.

490. The Employer Vice-Chairperson questioned why “twice the standards service” rather than three or four, for instance. The Worker expert from France explained that that was the recommendation issued by most manufacturers of pneumatic tools. The Government Vice-Chairperson also disagreed with the use of “twice the standards” and suggested including “in accordance with established national standards”. Following extensive discussion, the Worker Vice-Chairperson proposed deleting “and set at twice the standards service pressure level”. The amended text read as follows:

“Reservoirs used to feed pneumatic tools should be checked according to applicable laws, regulations and the manufacturer’s maintenance schedule.

A safety valve should be installed in accordance with established national standards.”.

491. The Government and Employer Vice-Chairpersons agreed. The proposal was adopted as amended.

13.6. Power tools

492. In paragraph 2, the Worker Vice-Chairperson proposed to add “be operated at the lowest voltage rate possible, and” after “corded tools should”.

493. They also proposed to add “Employers should ensure provision of low voltage systems with adequate protection measures and devices.”

494. The Government expert from the United Kingdom stated that his group had made a similar suggestion to be included in Chapter 21 on electricity, which was to take the same principle of reducing the voltage of hand tools and include that electric shock should be avoided either through the use of cordless battery-powered devices or the provision of a reduced voltage system so that the voltage a person was exposed to would be no more than 55 volts. The Meeting could either agree to mention the text twice or include it only in the chapter on electricity. The Government Vice-Chairperson agreed to the Government expert’s proposal.

495. The Employer Vice-Chairperson requested clarification because several countries had different voltages. He stated that generators could also be used to create different voltages in the same country.

496. The Chairperson said that in the context of corded tools, the voltage was the same regardless of the country.

497. The Employer Vice-Chairperson agreed that was the case because “corded tools” did not have variable power ratings. The sentence as it was worded was unclear.

498. A Worker expert from the United Kingdom said that the statement regarding the generation of electricity in different countries was untrue as transformers on site could reduce the voltage. The

statement did make sense as it was worded and was to be understood as saying that voltage should be kept as low as possible. This was possible with adequate equipment.

- 499.** The Government Vice-Chairperson suggested including the text they had proposed from Chapter 21: “Risk of electric shock from portable electrical equipment should be reduced by either using cordless (battery powered) tools or operate from a centre tapped to earth (CTE) supply so that the maximum voltage does not exceed 55V.”
- 500.** The Employer Vice-Chairperson and a Worker expert from the United Kingdom agreed with the suggested addition. The paragraph was adopted as amended.

13.8. Engines

- 501.** In paragraph 2, the Government Vice-Chairperson proposed to replace “run for long periods” with “be operated”. He also proposed to delete the last part of the sentence: “unless adequate exhaust ventilation is provided”.
- 502.** The Employer Vice-Chairperson disagreed to the deletion of the last part of the sentence as internal combustion engines sometimes had to be used in confined spaces, for example when building caissons.
- 503.** The Worker Vice-Chairperson agreed with the Employers’ group. The proposal was adopted as amended.
- 504.** In paragraph 4, the Government Vice-Chairperson proposed to add “and measures taken to contain and attend to spillages and leaks” after “other equipment”. The Employer and Worker Vice-Chairpersons agreed. The proposal was adopted.

13.14. Power generators

- 505.** In paragraph 5, the Worker Vice-Chairperson proposed to delete “adequate” and add “vertical” before “silencers”. She also proposed to add “at a minimum height of 2.5m” after “silencers”. The Employer Vice-Chairperson stated that many manufacturers developed small and large generators that released emissions horizontally. The addition was unnecessary as it was not possible to place small generators at 2.5 metres. The Worker Vice-Chairperson specified that the text referred to large generators. The Employer Vice-Chairperson reiterated his disagreement. Including the proposed text would make it necessary to add similar qualifications elsewhere in the code. The Worker Vice-Chairperson withdrew the proposal.

14. Work at heights including roof work

14.1. General provisions

- 506.** The Worker Vice-Chairperson proposed to add provisions from section 7.7. “Precautions against risk arising from work at heights” in the ILO code of practice on safety and health in textiles, clothing, leather and footwear.
- 507.** In paragraph 2, the Worker Vice-Chairperson proposed to add “site-specific” before “fall-prevention”. The proposal was adopted.
- 508.** In subparagraph 2(d), the Government Vice-Chairperson proposed to insert “use, training, care” after “provision”. The proposal was adopted.
- 509.** The Worker Vice-Chairperson proposed to add a subparagraph after subparagraph 2(d) to read: “Instruction and training for donning and using a harness”. The Employer Vice-Chairperson stated

that the chapter on training covered comprehensive and broad aspects of OSH training, including on life vests and life preservers. He stressed that OSH training should be broader than merely training on a harness.

- 510.** The Worker expert from France said that employers must teach workers how to wear the harness and workers must learn where it should be hung as well as where they had to attach it. Thus, it would not be sufficient to provide workers with written instructions. Employers were responsible for providing their workers with effective OSH training. Following further discussion, the Worker Vice-Chairperson agreed to withdraw the proposal.
- 511.** In subparagraph 11(b), the Worker Vice-Chairperson proposed to add “which is fixed to the basket at all times, according to manufacturers’ instructions” after “anchorage point”. The Employer Vice-Chairperson disagreed with the addition on the basis that it was repetitive. The Worker expert from France maintained that it was an important point to specify. The Government Vice-Chairperson agreed that it could be added. The Employer Vice-Chairperson also agreed. The proposal was adopted.
- 512.** In subparagraph 13(b), the Worker Vice-Chairperson asked the Government Vice-Chairperson to clarify why 4 metres were required for a shock-absorbing lanyard. The Government Vice-Chairperson responded that when considering a proper lanyard for shock-absorbing in the short term, at least 4 metres were normally used. That could increase to 5 or 6 metres, while in other cases, self-protective acting systems required a much shorter distance, for example, just 1 metre. It could vary depending on the length of the lanyard and the shock-absorbing system, and it would also depend on the site, worker’s height and weight.
- 513.** The Worker expert from France stated that he agreed with the explanations. Taking that into consideration, he recommended using 6 metres or more as requirement. That would also be in line with adequate international standards.
- 514.** The Government Vice-Chairperson suggested that the Meeting should adopt 4 metres, firstly because it would be sufficient for protecting workers from falling from height, and secondly because accredited international standards varied from country to country.
- 515.** The Worker expert from France stated that the code of practice should provide a clear standard, agreeing with the Government Vice-Chairperson that several countries had adopted different lengths of lanyards.
- 516.** The Government Vice-Chairperson stated that the Meeting should take into consideration swing fall hazard factors. In an extraordinary case, 240 metres would be required for an adequate length of lanyard; however, it would not be practical for the purpose of the code of practice, therefore 4 metres should be adopted.
- 517.** After long and extensive discussion, the Employer Vice-Chairperson proposed to amend the text in question to read: “(b) a shock-absorbing lanyard, where the potential to fall is greater than 2 metres taking into consideration the swing fall hazard”.
- 518.** The amendment was adopted.
- 519.** As previously discussed, paragraphs 1 and 2 from section 6.2.8 were added after paragraph 14 in the current section. The proposal was adopted.

14.2. Roof work

- 520.** In paragraph 3, the Worker Vice-Chairperson proposed to add a second sentence to read: “For work on open or partially open fragile roofs a safety net should be set up underneath”. The Government Vice-Chairperson accepted the proposal. The Employer Vice-Chairperson stated that

the terms “open roof” and “fragile roof” were unclear. The Worker Vice-Chairperson clarified that the text was in reference to roofs under construction.

- 521.** The Employer Vice-Chairperson stated that fall protection systems were already addressed elsewhere and the proposal was not necessary. The Worker Vice-Chairperson proposed “fragile roofs” A Worker expert from the United Kingdom explained that at certain heights a safety net was necessary. The Government Vice-Chairperson said that the text was redundant. The Worker Vice-Chairperson withdrew the proposal.
- 522.** In paragraph 5, the Government Vice-Chairperson proposed to reformulate the text to read: “In accordance with national laws and regulations, all work on sloping roofs requires edge protection including top and intermediate guard rails and a toe board or a system providing equivalent or greater protection. If these requirements are not possible to fulfil, a PFAS should be worn, used and properly tied.” The Employer and Worker Vice-Chairpersons agreed. The proposal was adopted.
- 523.** In paragraph 6, the Government Vice-Chairperson suggested the deletion of “simple” and the addition of “where appropriate” after “may be provided”. The Employer and Worker Vice-Chairpersons accepted. The proposal was adopted.
- 524.** In paragraph 9, the Government Vice-Chairperson suggested adding “or other measures” after “ladders” and deleting “and firmly secured in position as soon as is practicable”. The Employer and Worker Vice-Chairpersons accepted. The proposal was adopted.
- 525.** In paragraph 13, the Government Vice-Chairperson suggested including a definition of “fragile material”. The Employer Vice-Chairperson thought it was unnecessary. The Worker Vice-Chairperson agreed with the Employers’ group. The Government Vice-Chairperson withdrew the proposal.
- 526.** In paragraph 10, the Government Vice-Chairperson suggested adding “suitable edge protection systems” and deleting “strong barriers or guard rails and toe boards” as it repeated text from paragraph 14.2.5. The Employer and Worker Vice-Chairpersons accepted. The proposal was adopted.

15. Excavations, shafts, earthworks, underground works and tunnels

- 527.** The Worker Vice-Chairperson proposed to divide the chapter into two separate sections. There was a large amount of content relevant to tunnelling that did not fit with the rest of the text. She asked that the references to tunnelling be deleted. The Worker expert from France added that the problem had to do with the preventive measures. They were used in all types of work, but it was not clear which kind of measure was relevant to which type of work because tunnels were related to both tunnelling and excavation. A separate chapter should be created on tunnels.
- 528.** The Worker Vice-Chairperson stated that it would take too much time to discuss, and it would be difficult to separate the content. The amendment was withdrawn.

15.2. Excavations

- 529.** In paragraph 1, the Worker Vice-Chairperson proposed to add a new subparagraph after subparagraph (i) to read: “The land to be excavated does not contain unexploded ordnance”. The proposal was adopted.
- 530.** In paragraph 5, the Government expert from Argentina stated that, regarding excavations, the importance of the size of the teams working, the size of the surface they were working on, and the width of the workstations should be accounted for. She suggested adding two additional items

on security related to excavation and precautions to be taken to protect the structure from collapse. The proposal was withdrawn.

15.3. Underground works

15.3.1. General provisions

531. In paragraph 3, the Government Vice-Chairperson asked for consistency in the use of “solitary worker” and “lone worker”. The Worker Vice-Chairperson preferred “lone worker”, as that was a commonly used term in English, and it was used in many standards and contexts. The Meeting agreed to use the term “lone worker” consistently in the code of practice.

15.3.3. Ventilation

532. In subparagraph 3(b), the Worker Vice-Chairperson proposed to add “and tested” after “ventilation”. The proposal was adopted.

15.6. Blasting

533. In paragraph 5, the Employer Vice-Chairperson proposed to add “by a competent person” between “inspected” and “before”. The proposal was adopted.

15.8. Dust control

534. The Worker Vice-Chairperson proposed to add a new paragraph after paragraph 7 to read: “Occupational exposure to respirable crystalline silica can lead to cancers, respiratory diseases and other serious health problems. National authorities should introduce measures to eliminate these risks, as prioritized in ‘The ILO/WHO Global Programme for the Elimination of Silicosis (GPES)’ and described in ‘The ILO/WHO Outline for a National Programme for the Elimination of Silicosis (NPES)’.”

535. The Employer Vice-Chairperson did not agree, as it resembled the proposed additions in Chapter 9. Also, it was not helpful to include only certain hazards from the long list of hazards.

536. The Worker expert from the United Kingdom noted that silica was a different case, as it was one of the few occupational hazards for which the ILO had specific guidance for action.

537. The Worker Vice-Chairperson accepted that it could be included only in Chapter 9. However it was important to mention the role of national authorities in introducing measures, and it was important to mention ‘The ILO/WHO Global Programme for the Elimination of Silicosis (GPES)’. She reiterated that it was one of the few cases for which the Office had detailed advice and programmes. The initial proposal to add a new paragraph was withdrawn.

19. Work over water

19.2. Boats

538. In paragraph 2, the Government Vice-Chairperson proposed to replace “adequate and experienced crew” with “adequate and competent crew in line with national laws and regulations”. The Worker Vice-Chairperson asked for clarification on the meaning of “in line with national laws and regulations” in the current context. The Government Vice-Chairperson explained that depending on the country, there were different regulations to become licensed, and competent could be seen as too broad a definition. The proposal was adopted.

19.3. Rescue and emergency procedures

539. In paragraph 1, the Government expert from the United Kingdom noted that it was not clear whether the emergency procedures mentioned in 19.3.1 applied to only section 19.2, or to all work over or near water. If it applied to the latter, paragraph 19.3.1. should be moved as a new paragraph under section 19.1. The Worker and Government Vice-Chairpersons agreed to move the paragraph. The proposal was adopted.

20. Demolition

20.1. General provisions

540. In paragraph 1, the Government Vice-Chairperson proposed to replace “to” with “in the vicinity of” before “public”. The Employer Vice-Chairperson preferred the original text as the proposed text was too broad. The Government Vice-Chairperson proposed to reformulate the text to read: “other persons in the vicinity”. The Employer and Worker Vice-Chairpersons agreed. The amended proposal was adopted.

541. In subparagraph 2(c), the Government Vice-Chairperson proposed adding the following: “and must include an assessment survey for asbestos-containing materials”. The Employer Vice-Chairperson preferred the broader language as the proposed assessment survey would not be automatically carried out. The Worker Vice-Chairperson supported the Government group’s amendment. The Employer Vice-Chairperson suggested adding “if applicable” as he could not agree to “must”. The Worker Vice-Chairperson suggested modifying “must” to “should”. The proposal was adopted as amended.

542. In paragraph 3, the Employer Vice-Chairperson proposed to add “urban heating channelling” after “and” and “above or underground” after “service lines”. The Worker representative from France suggested including “underground”. The Employer Vice-Chairperson stated that adding “underground” was not necessary as it was already present elsewhere in the paragraph. The proposal was adopted.

543. In paragraph 5, the Employer Vice-Chairperson introduced an amendment to replace “the” with “any” before “danger zone”. The proposal was adopted.

544. In paragraph 13, the Worker expert from France suggested adding “constantly or” before “at suitable intervals”. The proposal was adopted.

21. Electricity

21.1. General provisions

545. In paragraph 2, the Government Vice-Chairperson proposed to add “and certified” so that the text would read “by a competent and certified person”. The Employer Vice-Chairperson could not agree with the proposal as the “competent” would already include any necessary certification. The Government Vice-Chairperson withdrew his proposal. The original text was adopted.

546. After paragraph 6, the Employer Vice-Chairperson proposed to add a new paragraph which would read: “All electrical circuits should be fitted with a ground-fault circuit interrupter (GFCI)”. The proposal was adopted.

547. The Government Vice-Chairperson also proposed to add a new paragraph to read: “Risk of electric shock from portable electrical equipment should be reduced by either using cordless (battery powered) tools or operate from a centre tapped to earth (CTE) supply so that the maximum

voltage does not exceed 55V.” A Worker expert from the United Kingdom suggested adding “Protection devices should be installed with this system” at the end of the Government group proposal.

548. The Government Vice-Chairperson reminded the Meeting that the proposal had been discussed earlier in paragraph 13.6. He agreed to the addition proposed by the Worker expert and suggested moving the entirety of the text to paragraph 13.6.2 on power tools.
549. The Meeting agreed to the subamended proposal and with moving it to paragraph 13.6 on power tools.

21.3. Testing

550. In paragraph 1, the Government Vice-Chairperson proposed to add a second sentence to read: “All electrical distribution panels, breakers, switches and junction boxes should be in accordance with the required ingress protection rating to avoid exposure to wet conditions and dust.”
551. He then requested that the proposed text be moved to an appropriate location in section 21.1 as a new paragraph. The Worker and Employer Vice-Chairpersons accepted. The paragraph was adopted as amended and moved to the beginning of section 21.1.

23. OSH, natural disasters, emergencies, extreme weather events and waste management

552. The working group recommended that the chapter should be renamed “OSH, natural disasters, emergencies, extreme weather events and waste management”. The recommendation was adopted.

23.1. General provisions

553. A Worker expert from the United Kingdom suggested the addition of a new paragraph. The matter was referred to the working group, which recommended the paragraph read as follows: “Natural disasters have become an increasing threat to the health and safety of construction workers. Work during and remedial work in the wake of these natural disasters inevitably places construction workers in hostile work environments with a heightened risk of accidents. Work with equipment in unusually challenging conditions may present an increased risk from water-, air- and vector-borne infections. Proper planning and preparation, involving workers and their representatives, can significantly reduce these risks.” The recommendation was adopted.

23.2. Disaster preparedness

554. A Worker expert from the United Kingdom suggested an additional paragraph under the new subtitle “Disaster preparedness”. The matter was referred to the working group, which proposed the following formulation: “Employers should prepare emergency action programmes on construction and disaster management, in consultation with workers and their representatives. Workers should receive all necessary instruction, information and training in safe and healthy working practices during and after disasters, with particular attention given to those working in disaster relief and related remedial work.” The recommendation was adopted.

23.3. Just transition

555. A Worker expert from the United Kingdom also suggested a new subsection entitled “Just transition”. The matter was referred to the working group, which recommended the addition of a

new section and paragraph to read: “In line with the ILO *Guidelines for a just transition towards environmentally sustainable economies and societies for all*, the competent authority in consultation with social partners should improve, adapt or develop and create awareness of OSH standards for technologies, work processes and new materials related to the transition”. The recommendation was adopted.

► III. Final sitting

Bibliography

- 556.** The Employer Vice-Chairperson suggested removing the list of Conventions from the bibliography as the list might change following discussions scheduled to take place later that year. The Worker Vice-Chairperson questioned whether the list of Conventions would appear in the main text instead. The Secretary-General of the Meeting responded that it would not be the case. The Employer Vice-Chairperson withdrew his amendment.
- 557.** In section B, under “Conventions”, the Secretary-General proposed to include the Labour Clauses (Public Contracts) Convention, 1949 (No. 94), as previously discussed.
- 558.** The Meeting adopted section B as amended.
- 559.** In section C, under “Recommendations”, the Worker Vice-Chairperson proposed to add the Employment Relationship Recommendation, 2006 (No. 198).
- 560.** The Meeting adopted section C as amended.
- 561.** In section D, under “ILO codes of practice, guidelines and relevant publications”, the Secretary-General proposed to include the ILO code of practice on safety and health in the use of machinery (2013), as previously discussed.
- 562.** The Worker Vice-Chairperson proposed to add the *Guidelines for a just transition towards environmentally sustainable economies and societies for all* (2015).
- 563.** The Government Vice-Chairperson proposed to add the *Encyclopaedia of Occupational Health and Safety*.
- 564.** The Worker expert from the United Kingdom proposed to add the Workers’ housing ILO Helpdesk Factsheet No. 6 (2009) to section D.
- 565.** The Meeting adopted section D as amended.
- 566.** In section E, A Worker expert from the United Kingdom proposed to add under “Other international instruments and processes”, The IEA/ILO *Principles and Guidelines for Human Factors/Ergonomics (HF/E) Design and Management of Work Systems*, “The ILO/WHO Global Programme for the Elimination of Silicosis (GPES)”, The ILO/WHO “Outline for a National Programme for the Elimination of Silicosis (NPES)” and *WASH@Work: a Self-Training Handbook*.
- 567.** The Worker Vice-Chairperson proposed to add the ILO/WHO *Outline for the Development of National Programmes for Elimination of Asbestos-Related Diseases*.
- 568.** Under “Other relevant publications”, the working group recommended that all references should be removed, except for those that could be relocated under section D, such as the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, and section E, such as the fifth edition and the United Nations *Globally Harmonized System of Classification and Labelling of Chemicals (GHS)* (GHS, Rev. 9). New text should be added to read: “In addition to these

publications, the Office consulted relevant laws, regulations, directives, guidelines and web pages of a number of ILO Member States and other sources concerning occupational safety and health for the preparation of this code.”

Appendices

569. The text of Appendices I and II were adopted as drafted.

► Closing statements

- 570.** The Secretary-General congratulated the experts on having completed the adoption of this document of such length and so relevant for the construction sector. The outcome offered valuable guidance that would promote safety and health in the construction sector. She underlined that social dialogue and the valuable knowledge of the experts had enabled the Meeting to reach consensus. She thanked the Chairperson for his very able conduct of the sittings, which had been complicated and long. She also thanked the secretariat and other ILO colleagues.
- 571.** The Employer Vice-Chairperson stated that the Employers’ group had a strong commitment to OSH. None of the parties in attendance at the Meeting had obtained everything they wanted, but that was the value of social dialogue. He thanked all the staff involved with arranging the Meeting and his co-Vice-Chairpersons. He also congratulated all parties on the adoption of the code of practice. Prevention was the priority in the construction sector.
- 572.** The Worker Vice-Chairperson expressed her thanks to all involved for their efforts. Consensus and tripartism had provided a guide to improving working conditions for all workers involved in construction. The code of practice could be used throughout the construction process. Furthermore, it had introduced new valuable preventive measures that should be used by governments, workers and employers. It was important to promote the use and implementation of the code of practice along with Convention No. 94. She dedicated the code to all workers that had suffered a work-related injury.
- 573.** The Government Vice-Chairperson thanked the Chairperson and his fellow Vice-Chairpersons and expressed his gratitude to the Office for its support and guidance along with all the participants. It had been an intense week and it was rewarding to see the adoption. Construction provided many work opportunities around the world and the sector was significant for the recovery after the COVID-19 pandemic. The adoption of the code of practice would contribute to a safer work environment in the future.
- 574.** The Chairperson paid tribute to the experts, advisers and observers and congratulated them all. The adopted code of practice was a key milestone in promoting decent work in the construction sector, which was vital to the recovery from the pandemic. The real work would now begin; it was the task of all involved to promote and ensure the wide impact of the code. He thanked everyone from the Office for their support before and throughout the Meeting. The opportunity to chair the meeting had been a great honour. Finally, he agreed with the Employer Vice-Chairperson that no one had got everything they wanted, except the Chairperson himself – to finalize the task of adopting the code of practice.