

INTERNATIONAL LABOUR OFFICE

---

REPORT FORM  
FOR THE  
OCCUPATIONAL CANCER  
CONVENTION, 1974 (No. 139)

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

The Government may deem it useful to consult the appended text of the Occupational Cancer Recommendation, 1974 (No. 147), the provisions of which supplement the present Convention and can contribute to a better understanding of its requirements and facilitate its application.

---

PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

*First reports*

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

*Subsequent reports*

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

- (a) any new legislative or other measures affecting the application of the Convention;
- (b) replies to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organisations of employers and workers and on any observations received from these organisations;
- (c) replies to comments by supervisory bodies: the report must contain replies to any comments regarding the application of the Convention in your country which may have been addressed to your Government by the Committee of Experts or by the Conference Committee on the Application of Conventions and Recommendations.

## Article 22 of the Constitution of the ILO

Report for the period ..... to .....  
made by the Government of .....

on the

### OCCUPATIONAL CANCER CONVENTION, 1974 (No. 139)

(ratification registered on .....) )

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

Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit of, or as a result of, ratification.

- II. Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

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

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

#### Article 1

1. Each Member which ratifies this Convention shall periodically determine the carcinogenic substances and agents to which occupational exposure shall be prohibited or made subject to authorisation or control, and those to which other provisions of this Convention shall apply.

2. Exemptions from prohibition may only be granted by issue of a certificate specifying in each case the conditions to be met.

3. In making the determinations required by paragraph 1 of this Article, consideration shall be given to the latest information contained in the codes of practice or guides which may be established by the International Labour Office, as well as to information from other competent bodies.

*Please indicate the manner in which the carcinogenic substances and agents to which the provisions of paragraph 1 apply are periodically determined in the light in particular of the information referred to in paragraph 3.*

*Please list the carcinogenic substances and agents which are prohibited or subject to the restrictions mentioned in paragraph 1.*

*Please provide information on the exemptions from the prohibition granted in accordance with paragraph 2.*

#### Article 2

1. Each Member which ratifies this Convention shall make every effort to have carcinogenic substances and agents to which workers may be exposed in the course of their work replaced by non-carcinogenic substances or agents or by less harmful substances or agents; in the choice of substitute substances or agents account shall be taken of their carcinogenic, toxic and other properties.

2. The number of workers exposed to carcinogenic substances or agents and the duration and degree of such exposure shall be reduced to the minimum compatible with safety.

*Please indicate the measures taken to have carcinogenic substances and agents replaced by others which are non-carcinogenic or less harmful.*

*Please indicate the measures taken to reduce to a minimum the number of workers exposed and the duration and level of such exposure.*

#### Article 3

Each Member which ratifies this Convention shall prescribe the measures to be taken to protect workers against the risks of exposure to carcinogenic substances or agents and shall ensure the establishment of an appropriate system of records.

*Please give details of the protective measures prescribed and of the system of records established.*

#### Article 4

Each Member which ratifies this Convention shall take steps so that workers who have been, are, or are likely to be exposed to carcinogenic substances or agents are provided with all the available information on the dangers involved and on the measures to be taken.

*Please describe the steps taken to give effect to this Article.*

#### Article 5

Each Member which ratifies this Convention shall take measures to ensure that workers are provided with such medical examinations or biological or other tests or investigations during the period of employment and thereafter as are necessary to evaluate their exposure and supervise their state of health in relation to the occupational hazards.

*Please indicate the manner in which the medical examinations, etc., mentioned in this Article, including those after the period of employment, are ensured.*

*Please provide particulars of the nature of the examinations, the prescribed tests and their frequency.*

#### Article 6

Each Member which ratifies this Convention—

- (a) shall, by laws or regulations or any other method consistent with national practice and conditions and in consultation with the most representative organisations of employers and workers concerned, take such steps as may be necessary to give effect to the provisions of this Convention;
- (b) shall, in accordance with national practice, specify the persons or bodies on whom the obligation of compliance with the provisions of this Convention rests;
- (c) undertakes to provide appropriate inspection services for the purpose of supervising the application of this Convention, or to satisfy itself that appropriate inspection is carried out.

*If the Convention is applied partially or wholly by methods other than laws or regulations, please specify the methods used.*

*Please supply information on the consultations on the subject which have taken place with the organisations of employers and workers.*

*Please indicate the persons and bodies on whom the obligation to comply with the provisions of the Convention rests.*

*Please give information on the organisation, functions and powers of the inspection services responsible for supervising the application of the Convention.*

- III. **Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.**
- IV. **Please give a general appreciation of the manner in which the Convention is applied in your country, including extracts from inspection reports and, if such statistics are available, information concerning the number of workers covered by the legislation or other measures which give effect to the Convention, the number and nature of the contraventions reported, the number, nature and cause of cases of disease, etc.**
- V. **Please indicate the representative organisations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation.<sup>1</sup> If copies of the report have not been communicated to representative**

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

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

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

## ANNEX

### OCCUPATIONAL CANCER RECOMMENDATION, 1974 (No. 147)

#### I. GENERAL PROVISIONS

1. Every effort should be made to replace carcinogenic substances and agents to which workers may be exposed in the course of their work by non-carcinogenic substances or agents or by less harmful substances or agents; in the choice of substitute substances or agents account should be taken of their carcinogenic, toxic and other properties.

2. The number of workers exposed to carcinogenic substances or agents and the duration and degree of such exposure should be reduced to the minimum compatible with safety.

3. (1) The competent authority should prescribe the measures to be taken to protect workers against the risks of exposure to carcinogenic substances or agents.

(2) The competent authority should keep the measures prescribed up to date, taking into account the codes of practices or guides which may be established by the International Labour Office and the conclusions of meetings of experts which may be convened by the International Labour Office, as well as information from other competent bodies.

4. (1) Employers should make every effort to use work processes which do not cause the formation, and particularly the emission in the working environment, of carcinogenic substances or agents, as main products, intermediates, by-products, waste products or otherwise.

(2) Where complete elimination of a carcinogenic substance or agent is not possible, employers should use all appropriate measures, in consultation with the workers and their organisations and in the light of advice from competent sources, including occupational health services, to eliminate exposure or reduce it to a minimum in terms of numbers exposed, duration of exposure and degree of exposure.

(3) In cases to be determined by the competent authority, the employer should make arrangements for the systematic surveillance of the duration and degree of exposure to carcinogenic substances or agents in the working environment.

(4) Where carcinogenic substances or agents are transported or stored, all appropriate measures should be taken to prevent leakage or contamination.

5. Workers and others involved in occupational situations in which the risk of exposure to carcinogenic substances or agents may occur should conform to the safety procedures laid down and make proper use of all equipment furnished for their protection or the protection of others.

#### II. PREVENTIVE MEASURES

6. The competent authority should periodically determine the carcinogenic substances and agents to

which occupational exposure should be prohibited or made subject to authorisation or control, and those to which other provisions of this Recommendation apply.

7. In making such determinations the competent authority should give consideration to the latest information contained in the codes of practice or guides which may be established by the International Labour Office, and in the conclusions of meetings of experts which may be convened by the International Labour Office, as well as to information from other competent bodies.

8. The competent authority may permit exemptions from prohibition by issue of a certificate specifying in each case—

- (a) the technical, hygiene and personal protection measures to be applied;
- (b) the medical supervision or other tests or investigations to be carried out;
- (c) the records to be maintained; and
- (d) the professional qualifications required of those dealing with the supervision of exposure to the substance or agent in question.

9. (1) For substances and agents subject to authorisation or control, the competent authority should—

- (a) secure the necessary advice, particularly as regards the existence of substitute products or methods and the technical, hygiene and personal protection measures to be applied, as well as the medical supervision or other tests or investigations to be carried out before, during and after assignment to work involving exposure to the substances or agents in question;
- (b) require the institution of such measures as are appropriate.

(2) The competent authority should further establish the criteria for determining the degree of exposure to the substances or agents in question, and where appropriate should specify levels as indicators for surveillance of the working environment in connection with the technical preventive measures required.

10. The competent authority should keep the determination of carcinogenic substances and agents made in pursuance of this Part of this Recommendation up to date.

#### III. SUPERVISION OF HEALTH OF WORKERS

11. Provision should be made, by laws or regulations or any other method consistent with national practice and conditions, for all workers assigned to work involving exposure to specified carcinogenic substances or agents to undergo as appropriate—

- (a) a pre-assignment medical examination;
- (b) periodic medical examinations at suitable intervals;
- (c) biological or other tests and investigations which may be necessary to evaluate their expo-

sure and supervise their state of health in relation to the occupational hazards.

12. The competent authority should ensure that provision is made for appropriate medical examinations or biological or other tests or investigations to continue to be available to the worker after cessation of the assignment referred to in Paragraph 11 of this Recommendation.

13. The examinations, tests and investigations provided for in Paragraphs 11 and 12 of this Recommendation should be carried out as far as possible in working hours and should be free of cost to the workers.

14. If as the result of any action taken in pursuance of this Recommendation it is inadvisable to subject a worker to further exposure to carcinogenic substances or agents in that worker's normal employment, every reasonable effort should be made to provide such a worker with suitable alternative employment.

15. (1) The competent authority should establish and maintain, where practicable and as soon as possible, in association with individual employers and representatives of workers, a system for the prevention and control of occupational cancer including—

- (a) the institution, maintenance, preservation and transfer of records; and
- (b) exchange of information.

(2) In establishing such a system of records and exchange of information, account should be taken of the assistance which may be provided by international and national organisations, including organisations of employers and workers, and by individual employers.

(3) In the case of closure of an undertaking, records and information held in compliance with this Paragraph should be dealt with in accordance with the directions of the competent authority.

(4) In any country in which the competent authority does not establish such a system of records and information, the employer, in consultation with representatives of workers, should make every effort to attain the objectives of this Paragraph.

#### IV. INFORMATION AND EDUCATION

16. (1) The competent authority should promote epidemiological and other studies and collect and disseminate information relevant to occupational cancer risks, with the assistance as appropriate of international and national organisations, including organisations of employers and workers.

(2) It should endeavour to establish the criteria for determining the carcinogenicity of substances and agents.

17. The competent authority should draw up suitable educational guides for both employers and workers on substances and agents liable to give rise to occupational cancer.

18. Employers should seek information, specially from the competent authority, on carcinogenic hazards which may arise with regard to any substance or agent introduced or to be introduced into the undertaking; when a carcinogenic potential is suspected, they should decide in consultation with the competent authority on the additional studies to be carried out.

19. Employers should ensure that in the case of any substance or agent which is carcinogenic there is at the workplace an appropriate indication to any worker who may be liable to exposure of the danger which may arise.

20. Employers should instruct their workers before assignment and regularly thereafter, as well as on introduction of a new carcinogenic substance or agent, on the dangers of exposure to carcinogenic substances and agents and on the measures to be taken.

21. Employers' and workers' organisations should take positive action to carry out programmes of information and education with regard to the hazards of occupational cancer, and should encourage their members to participate fully in programmes of prevention and control.

#### V. MEASURES OF APPLICATION

22. Each Member should—

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

23. In applying the provisions of this Recommendation, the competent authority should consult with the most representative organisations of employers and workers concerned.