



IOE Guidance
to the ILC Report IV (1) Questionnaire

Consolidation of Instruments on Chemical Hazards: Standard-Setting Discussion

March 2026



A powerful
and balanced
voice for business

IOE Secretariat's Foreword

Ahead of the ILO standard-setting discussion on the consolidation of instruments on **chemical hazards** at the 2027 and 2028 International Labour Conferences, the ILO Office sent out a background report (the so-called White report), which includes a questionnaire in preparation for this discussion.

Comments from ILO constituents (Governments, Employers and Workers) will be compiled and analysed by the ILO Office. Based on the responses, the ILO Office will then prepare a Yellow Report, which will be used as a basis for the discussions next year.

The IOE Secretariat is calling on all its members to follow the guidance provided in their respective questionnaire responses. This approach aims to ensure that the collective voice of employers is cohesive, heard clearly and forcefully at the ILO Office.

With the ILO's deadline for questionnaire submission set for 30 June 2026, we stress the importance of early and proactive engagement. Members are encouraged to submit their responses ahead of the deadline and to begin lobbying their respective governments, using IOE's guidance.

The IOE team remains available to address any questions or provide further assistance.

▶ Questionnaire

At its 350th Session (March 2024), the Governing Body of the International Labour Office decided to place on the agenda of the 115th Session (2027) of the International Labour Conference an item on the consolidation of instruments on chemical hazards for standard-setting on the basis of a double discussion.¹ A new instrument or instruments complementing the Chemicals Convention (No. 170) and Recommendation (No. 177), 1990, could ensure that the International Labour Organization's relevant normative framework is in line with scientific, regulatory and societal developments.

Governments are requested to provide their views on the form and content of the future instrument or instruments by responding to this questionnaire and to consult the most representative organizations of employers and workers before finalizing their replies, which should reflect the results of that consultation. Such consultations are mandatory in the case of Members that have ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). The organizations consulted by governments should be indicated in their replies. Governments are also reminded of the importance of ensuring that all relevant departments or ministries that have oversight or other functions connected to chemical hazards are involved in responding to this questionnaire. In accordance with established practice, the most representative organizations of employers and workers may send their replies directly to the International Labour Office. The replies received should enable the Office to prepare a report for the International Labour Conference. In order for the Office to take account of the replies to this questionnaire, governments are requested to submit their replies to the Office no later than **30 June 2026**.

To facilitate the Office's efficient processing of replies, a separate electronic form accompanies this report. The use of this form is the preferred method of receiving responses; nevertheless, they may be submitted in other formats. **All replies should be submitted by email to chemicalhazards@ilo.org**. The responsible branch is the Occupational Safety and Health and Working Environment (OSHE) Branch.

Respondent information (for online version only)

Country name: Click or tap here to enter text.

Select: Employers' organization

Full name of the entity or organization: International Organisation of Employers

Abbreviation or acronym (if applicable): IOE

Consultations (for Governments only) (for online version only)

Governments are requested to indicate if the most representative organizations of employers and workers were consulted before they finalized their replies.

Choose an item.

If so, please indicate the full names and abbreviations or acronyms of the organizations consulted.

Click or tap here to enter text.

¹ ILO, [GB.350/PV](#), paragraph 80(a).

I. Form of the international instrument or instruments

1. Should the International Labour Conference adopt an instrument or instruments consolidating existing international labour standards on chemicals?

Yes

Comments

As reflected in the 2017 SRM recommendation and in the GB.350/INS/2/1 decision point, the purpose of the ILC discussion should aim at consolidating ILO instruments on chemical hazards

2. If so, should the instrument or instruments consolidate and revise: ²

- the Lead Poisoning (Women and Children) Recommendation, 1919 (No. 4)?
- the White Phosphorus Recommendation, 1919 (No. 6)?
- the White Lead (Painting) Convention, 1921 (No. 13)?
- the Benzene Convention, 1971 (No. 136)?
- the Benzene Recommendation, 1971 (No. 144)?

Comments

In line with the Standard Review Mechanism (SRM) recommendations and Governing Body (GB) decision GB.350/INS/2/1, which placed the item on chemical hazards on the agenda of the International Labour Conference (ILC), Employers agree that the new instrument should aim at **consolidating** the instruments concerning chemical hazards referred to upon.

However, neither the SRM recommendations nor the GB decision make any reference to the need to **revise** these instruments. The 2017 SRM recommendation specifically requested *“the Office to prepare, for consideration for inclusion at the earliest possible dates in future agendas of the International Labour Conference, proposals for possible standard-setting items on the consolidation of the instruments concerning chemical hazards.”* Similarly, the GB decision placing the item on the ILC agenda states that it *“decided to place on the agenda of the 115th Session (2027) of the Conference an item on the consolidation of instruments on chemical hazards for standard-setting on the basis of a double discussion.”*

Accordingly, Employers agreed to the consolidation of the above-mentioned instruments, but not to their revision as such. This has clear implication on the choice of the instrument.

3. Should the instrument or instruments take the form of:

- (a) a Convention?
- (b) a Recommendation?
- (c) a Convention supplemented by a Recommendation?
- (d) a Protocol to the Chemicals Convention, 1990 (No. 170)?

² See paragraph 310 of Report IV(1): Chemicals and the World of Work.

- (e) a Protocol to the Chemicals Convention, 1990 (No. 170), supplemented by a Recommendation?
- (f) a Convention comprising mandatory provisions and provisions providing guidance? ³
- (g) a Protocol comprising mandatory provisions and provisions providing guidance? ⁴

Comments

The proposed new instruments should take the form of a new Recommendation. As mentioned in paragraph 313 of the White Report, a new Recommendation would provide practical and detailed guidance for actions to be taken to implement the regulatory framework on chemical hazards. A new Recommendation could accompany C.170 and exist concomitantly with R.177, thus providing up-to-date guidance with regards to outdated provisions contained in R.4, R.6, C.13, C.136 and R.144. It would also allow for the inclusion of issues related to chemical hazards that have emerged since the adoption of C.170 and R.177.

As such, a new Recommendation would not undermine the continued relevance of C.170, but build upon it, thereby contributing to the objective of consolidating the ILO's framework on chemical hazards through the adoption of updated guidance.

With regard to the potential downside identified by the Office—namely that a new Recommendation would not revise older Conventions but only Recommendations—Employers recall their response to Question 2 above, which clarifies that the objective of the standard-setting exercise, as reflected in the SRM recommendation and the GB decision, is to consolidate the ILO's framework, not to revise all existing instruments.

Moreover, Employers note that, following the adoption of the new proposed instrument, the GB could decide to place an item on the ILC agenda to abrogate outdated OSH instruments on chemicals, including C.13 and C.136. This would eliminate the need to revise these older instruments and contribute to the overall consolidation exercise. This is explicitly mentioned in paragraph 310 of the White Report: "When a Recommendation expressly provides that it "revises" or "supersedes" an earlier one, the earlier instrument is deemed to have been "juridically replaced". When a new Recommendation overrides the provisions of an earlier instrument without making explicit reference to revision, the earlier instrument is considered "de facto replaced". In the future, should the Governing Body consider that older instruments included in the consolidation have become obsolete, it may wish to propose that, in accordance with article 19(9) of the ILO Constitution, the International Labour Conference consider their abrogation or withdrawal, as relevant, as well as the withdrawal of Recommendations Nos 4, 6 and 144".

II. Preamble

4. Should the Preamble of the instrument or instruments recall the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work by the International Labour Conference at its 110th Session (2022)?

Yes

³ See paragraph 317 of *Report IV(1): Chemicals and the World of Work*.

⁴ See paragraph 317 of *Report IV(1): Chemicals and the World of Work*.

Comments

Employers agree with this inclusion and suggest that the language be aligned with the similar clause in the preamble of C.192.

5. Should the Preamble of the instrument or instruments note the need to pursue coherence of chemicals-related international labour standards, in the light of scientific, regulatory and societal developments since their adoption, in order to achieve safe chemicals management and ensure the continued and future relevance of international labour standards in this area?

Yes

Comments

Employers could accept this language on the condition that the term “societal” is replaced by “technological”. Technological developments are a key consideration when addressing safety and health in the context of chemical hazards. This is appropriately reflected in Question 11 below and would ensure consistency between the Preamble language and the operative provisions of the new instrument. By contrast, the concept of “societal development” is overly broad and insufficiently accurate in the OSH context. It may encompass a wide range of social, economic and cultural changes for which no clear or direct link to chemical risks can be established.

6. Should the Preamble of the instrument or instruments note the need to consolidate and revise the White Phosphorus Recommendation, 1919 (No. 6), the White Lead (Painting) Convention, 1921 (No. 13), the Lead Poisoning (Women and Children) Recommendation, 1919 (No. 4), and the Benzene Convention (No. 136) and Recommendation (No. 144), 1971?

No

Comments

As set out in the Employers’ response to Question 2 above, the objective of the new instrument should be the consolidation of existing ILO instruments, not their revision.

7. Should the Preamble of the instrument or instruments recall the continued relevance of the Chemicals Convention (No. 170) and Recommendation (No. 177), 1990, further noting that the new instrument or instruments would complement these up-to-date standards?

Yes

Comments

A new Recommendation could indeed build on and complement C.170 and R.177.

8. Should the Preamble of the instrument or instruments note the relevance of international instruments, frameworks and programmes for the sound management of chemicals and waste, such as:
- the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal;
 - the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade;
 - the Stockholm Convention on Persistent Organic Pollutants;
 - the Minamata Convention on Mercury;

- the Global Framework on Chemicals – For a Planet Free of Harm from Chemicals and Waste;
- the Globally Harmonized System of Classification and Labelling of Chemicals (GHS);
- the Inter-Organization Programme for the Sound Management of Chemicals (IOMC)?

Comments

While the relevance of the listed instruments is acknowledged, Employers do not favour engaging in a listing exercise, as this could inadvertently result in the omission of other relevant instruments. The formulation should therefore remain sufficiently flexible, while not precluding the adoption in the future of other internationally agreed instruments. In this regard, the wording used in paragraph 8 of Recommendation No. 209—“*any other relevant and applicable convention or instrument*”—was precisely intended to address this concern.

Moreover, the chapeau should not include a reference to “waste”, as this goes beyond the agreed scope of the instruments, which is limited to chemical hazards. Chemical waste is, by definition, encompassed within the concept of the sound management of chemicals.

The proposed clause should therefore read: “The Preamble of the instrument or instruments note the relevance of international instruments, frameworks and programmes for the sound management of chemicals, such as:”.

9. Should other considerations be included in the Preamble of the instrument or instruments? If so, please specify.

Yes

Comments

The Preamble could refer to “*Stressing the importance of promoting international policy coherence and cooperation*”, in line with C.192.

It could also consider the importance of chemicals in the economy, along the lines of the Global framework on Chemicals preamble: “*Chemicals play an important role as an integral part of our everyday lives in materials, articles and products globally. Their sound management is crucial for preventing and, where prevention is not feasible, minimizing adverse impacts on human health and the environment. The economic, environmental and social benefits of action are indisputable, in particular to achieve the good health and well-being of all populations.*”

III. Definitions

10. Should the instrument or instruments include definitions? If so, please specify.

No

Comments

Definition in C.170 is valid and up to date.

IV. General provisions

Occupational exposure limits

11. Should the instrument or instruments provide that the competent authority should fix occupational exposure limits or other exposure criteria for chemicals, as appropriate, and periodically review and update them in the light of technological progress and advances in scientific knowledge?

Yes

Comments

Employers understand the intent of this question; however, several important elements are missing.

First, as currently formulated, the question does not acknowledge that occupational exposure limits (OELs) may be either binding or non-binding.

Second, the objective of this provision should not be to set OELs directly, but rather to require that arrangements be made enabling the competent authority to adopt OELs, where appropriate. The notion of “making arrangements” is already reflected in several questions below, including Questions 15, 16, 17 and 18.

Third, the establishment of OELs at the national level should be carried out in consultation with the social partners.

Finally, and in line with national practice, it is essential that the adoption of OELs is also underpinned by other considerations, such as being consistent with the application of risk assessment and the recognition that any science-based value should be achievable in terms of socioeconomic impacts and technical achievability. This is consistent with paragraph 207 of the White Report, which refers to the need for OELs to “remain relevant, scientifically robust and feasible to implement in real world workplace conditions.”

On this basis, Employers could support the following formulation: “The competent authority make arrangements to fix, in consultation with employers’ and workers’ organizations, occupational exposure limits or other exposure criteria for chemicals, as appropriate and whether binding or non-binding, taking into account their socio-economic impacts and technical achievability, and to periodically review and update them in the light of technological progress and advances in scientific knowledge.”

12. Should the instrument or instruments provide that the competent authority should make public in a timely manner information on occupational exposure limits or other exposure criteria for chemicals?

Yes

Comments

Click or tap here to enter text.

13. Should the instrument or instruments provide that the competent authority should define the sampling and analytical methods for assessing compliance with occupational exposure limits for chemicals?

Yes

Comments

Click or tap here to enter text.

Non-discrimination

14. Should the instrument or instruments provide that Members should ensure that any prohibition or restriction on employment in specific occupations or tasks involving the use of chemicals is based on a risk-based approach that ensures equal opportunity and treatment for women and men?

Yes

Comments

While employers support the intent underpinning this question, namely that women and men should enjoy the same treatment in terms of protection, they note that a risk-based approach could, in certain cases, justify differences in treatment between workers due to physiological differences. For example, a pregnant woman may be restricted from performing specific tasks involving exposure to a chemical hazard.

To avoid potential contradictions in the provision, employers suggest the following formulation: "Based on the principle of equal opportunity and treatment for women and men, Members should ensure that any prohibition or restriction on employment in specific occupations or tasks involving the use of chemicals is based on a risk-based approach."

Information exchange

15. Should the instrument or instruments provide that Members should make arrangements, as appropriate, for the exchange of information and for coordination on hazardous chemicals among relevant national authorities, including environmental, public health, and occupational safety and health authorities, and with scientific institutions, including when applying Article 19 of Convention No. 170? ⁵

Yes

Comments

Employer could support the intent underpinning this question but note that, contrary to Article 5 of C.192 – from which the formulation is directly taken - the question does not specify the purpose for the exchange of information. In C.192, Article 5 specifies that the exchange of information is "*with a view to obtaining the best available information on biological hazards in the working environment*".

As such the clause in the new instrument should read: With a view to obtaining the best available information on the use of chemical at work, Members should make arrangements, as appropriate, for the exchange of information and for coordination on hazardous chemicals among relevant national

⁵ Convention No. 170, Article 19.

authorities, including environmental, public health, and occupational safety and health authorities, and with scientific institutions, including when applying Article 19 of Convention No. 170.

Research

16. Should the instrument or instruments provide that Members should make arrangements, as appropriate, to promote and support research on the use of chemicals at work where the available information is insufficient?

Yes

Comments

Click or tap here to enter text.

Classification and labelling of chemicals

17. Should the instrument or instruments provide that Members should make arrangements to ensure that their system of classification and labelling of chemicals, as required under Articles 6 and 7 of Convention No. 170,⁶ is aligned, where appropriate, with the Globally Harmonized System of Classification and Labelling of Chemicals (GHS)?

Yes

Comments

Click or tap here to enter text.

Health surveillance

18. Should the instrument or instruments provide that Members should make arrangements to ensure that workers who are involved in work processes where they are exposed or liable to be exposed to certain hazardous chemicals, as determined by the national authority, should undergo:

- (a) a thorough pre-assignment medical examination;

Yes

Comments

Employers could support sub-clause (a) provided that the qualifier “thorough” is deleted, as it is subjective and legally unclear, and that the term “medical examination” is replaced with “health surveillance.”

As clarified in the ILO *Code of Practice on Safety in the Use of Chemicals at Work* (1993), Section 13.1: “Health surveillance should also include, where appropriate, simple techniques for the early detection of effects on health. These could include examination and questioning about health complaints.” Since not all pre-assignment situations require a full “medical examination” — for example, when one worker resumes work after a short absence — the broader concept of “health surveillance” should be preferred.

⁶ Convention No. 170, [Article 6](#), Classification systems and [Article 7](#), Labelling and marking.

In addition, the objective of the pre-assignment examination may conflict with anti-discrimination laws, for example if the purpose is selection or access to the profession. The purpose must be to advise the worker and/or to determine the appropriate preventive measures.

- (b) periodic examinations at intervals fixed by national laws and regulations.

Yes

Comments

Same comment as above, "medical examination" should be replaced with "health surveillance".

In addition, the clause should end with ", where appropriate". Periodic examinations are contributing little to better prevention, being costly, time-consuming, taking up the limited resources for occupational medicine, and with little added value. These are momentaneous evaluations that most of the time tell nothing about future health conditions of the worker. For a lot of chemicals there is simply not even a predictive test. It would be much better to promote the possibility for workers to access occupational medicine when a chemical work-related health problem occurs or is suspected rather than wasting resources on programmed periodic examinations.

19. Should the instrument or instruments provide that such medical examinations should be:

- (a) carried out under the responsibility of a qualified medical practitioner with the assistance, as appropriate, of a competent laboratory?

Yes

Comments

Same comment as above

- (b) certified in an appropriate manner?

Yes

Comments

Click or tap here to enter text.

- (c) carried out, to the extent possible, during working hours?

Yes

Comments

Click or tap here to enter text.

- (d) at no cost to workers?

Yes

Comments

Click or tap here to enter text.

Reporting, recording and notification of occupational accidents and occupational diseases and collection of data

20. Should the instrument or instruments provide that Members should, in accordance with national conditions and practice and in consultation with the most representative organizations of employers and workers, establish, implement and periodically review procedures for:

- (a) the reporting, recording, notification and investigation of occupational accidents and occupational diseases that are caused by exposure to chemical hazards and, as appropriate, dangerous occurrences, by the employer or by any other person responsible?

Yes

Comments

Employers note that the current formulation, which is based on Article 10 of C.192, differs slightly from the original. To ensure legal clarity and consistency with agreed text, the provision should ensure that the reporting, recording, notification, and investigation of dangerous occurrences apply only to those dangerous occurrence "caused by exposure to chemical hazards."

- (b) the production and publication of annual statistics, disaggregated by sex, on occupational accidents and occupational diseases caused by exposure to chemical hazards and, as appropriate, dangerous occurrences?

Yes

Comments

Same comment as above, with regards to the dangerous occurrences.

- (c) the holding of inquiries by the competent authorities into serious cases of occupational accidents, occupational diseases or any other injuries to health caused by exposure to chemical hazards?

Yes

Comments

Click or tap here to enter text.

Chemical hazards, extreme weather events and changing weather patterns

21. Should the instrument or instruments provide that Members should evaluate risks and take preventive and protective measures to address risks arising from the use of chemicals at work that are aggravated or altered by extreme weather events and changing weather patterns?

Yes

Comments

We may ask ourselves first: is the use of chemicals aggravated or altered by extreme weather events or is there a higher likelihood of exposure to extreme weather events?

In any case, Employers could accept this provision provided that:

- "as appropriate" is added after "protective measures". This would ensure that protective measures are implemented only when the situation requires so.

- "and changing weather patterns" is removed since weather patterns are constantly changing; large parts of the world have seasonal variations for example. Extreme weather events should be at the core.

Occupational safety and health across supply chains

22. Should the instrument or instruments provide that Members, in consultation with the most representative organizations of employers and workers, should establish measures to address occupational safety and health risks arising from the transfer and handling of chemicals within outsourced production arrangements, including cases not covered by the supplier obligations set out in Article 9 of Convention No. 170?

No

Comments

We must deal with situations involving the transfer and handling of chemicals, regardless of who is responsible for them. The starting point for OHS is the employer/employee relationship. Attempting to change this would lead to the collapse of OHS legislation.

The formulation of this question is too broad and does not address the specific situation described in paragraph 298 of the White Report. In its current form, the suggested clause could encompass any risks arising from the transfer and handling of chemicals, which does not provide Governments with the necessary certainty for implementation.

Paragraph 298 refers to the transfer of information between companies in a very specific arrangement, where "the enterprise is not acting as a traditional supplier within the meaning of the Convention but rather as the owner of a production process who provides intermediate materials to a subcontracted entity for the sole purpose of carrying out a specific stage of manufacturing."

However, this specific and confined situation is not reflected in the current formulation. To justify the inclusion of this question, the clause should be revised to clearly target the scenario described in paragraph 298.

23. Should the instrument or instruments further specify that such measures aim to ensure the communication of relevant chemical hazard information and preventive measures throughout all stages of the production process?

No

Comments

Since the term "measures" in this clause refers directly to Question 22 — which is itself too broad and could encompass any risks arising from the transfer or handling of chemicals within outsourced production arrangements — the proposed formulation for Question 23 is not acceptable.

Compliance with laws and regulations

24. Should the instrument or instruments provide that Members should ensure the enforcement of national laws and regulations concerning the use of chemicals at work through an adequate and appropriate system of inspection and, where applicable, other mechanisms for ensuring compliance?

Yes

Comments

While supporting the intent underpinning this question, employers note that the proposed language should be fully aligned with Article 13 of C.192, which includes after “[...] for ensuring compliance”: “, including the supply of technical information and advice to employers, workers and their representatives.”

This addition is indispensable to accurately reflect the full spectrum of the labour inspectorates’ mandate, as enshrined in Convention No. 81, as well as The ILO’s 2021 guidelines on general principles of labour inspection.

25. Should the instrument or instruments establish that Members should provide for adequate penalties and remedial measures for violations of national laws and regulations concerning the use of chemicals at work and ensure their effective application?

Yes

Comments

Click or tap here to enter text.

Amendments

26. Should a procedure for amending specific provisions be considered when drafting the instrument or instruments in order to ensure their continued relevance in the light of scientific, toxicological or regulatory developments impacting the prevention of exposure to chemical hazards in the working environment?

No

Comments

The proposal of a simplified amendment process is not justified for the new proposed instrument.

As indicated in the White Report, the objective of the consolidation exercise is to “provide a more comprehensive and modern framework for protecting workers from chemical hazards, reinforcing the effectiveness of the ILO’s body of standards.” In doing so, the Office has built on and mirrored the approach of the more recent, principle-based C.170, deliberately structuring the questionnaire so that “it does not aim to regulate specific chemical hazards in detail.” As such, the proposed new instrument departs from the first generation of ILO instruments on chemicals and other internationally agreed instruments, which focus on regulating specific and detailed elements.

This approach is reflected in questions formulated around broad principles that do not change and remain relevant over time. Member States are required to “make arrangements” or “review procedures” for areas such as occupational exposure limits, information exchange, research, classification, and health surveillance, among others. These principle-based requirements provide a durable framework for safe chemicals management.

Furthermore, to ensure that these arrangements and measures do remain aligned with technological and scientific developments, some provisions explicitly require that they be “periodically reviewed and updated in light of technological progress and advances in scientific knowledge,” for example with respect to occupational exposure limits. The proposed instrument also foresees ongoing collaboration

with scientific institutions when implementing certain provisions. Such features ensure that the framework will continue to build on and reflect the best available knowledge.

27. If so, please indicate the topics or subject areas related to the regulation of chemical hazards for which a simplified amendment procedure could be appropriate, if any.

Comments

Click or tap here to enter text.

V. Methods of application

28. Should the instrument, if it takes the form of a Convention or a Protocol, provide that Members should give effect to it by means of national laws and regulations, as well as through collective agreements or other measures consistent with national practice?

No

Comments

Consistent with our response on the format of the instrument.

VI. Other considerations

29. Are there unique features of national law or practice that are liable to create difficulties in the practical application of the instrument or instruments?

Choose an item.

Comments

Click or tap here to enter text.

30. (For federal States only) In the event of the instrument or instruments being adopted, would the subject matter be appropriate for federal action or, wholly or in part, for action by the constituent units of the federation?

Choose an item.

Comments

Click or tap here to enter text.

31. Are there any other pertinent issues not covered by the present questionnaire that ought to be considered when drafting the instrument or instruments?

Choose an item.

Comments

Click or tap here to enter text.



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