

## The opinion of the Swedish ILO-committee on the ILO report VI (3): Protection against biological hazards in the working environment

---

Through a referral from the Swedish ministry of Employment of the 21st of August 2024 the Swedish ILO-committee has been asked to submit its opinion on the *ILO Report VI (3): Protection against biological hazards in the working environment*.

The report, with several proposals of alterations and questions, to the Constituents from the Office, interspersed in the text of the initial part of the report, can be found on the following link: [ILO website](#)

The Swedish ministry of Employment has asked for the opinion of the committee at the latest the 5th of November 2024, and has requested to obtain the answer in English.

The report has been prepared by the ILO in preparation of the second standard setting discussion on protection against biological risks, which is at the agenda of the international labour conferences 113<sup>th</sup> session (2025).

The Swedish ILO-committee in its turn has sent the report for comments to the following authorities and organizations:

The Swedish Agency for Government Employers (Arbetsgivarverket), The Swedish Work Environment Authority (Arbetsmiljöverket), The Public Health Agency of Sweden (Folkhälsomyndigheten), The Swedish Social Insurance Agency (Försäkringskassan), The Swedish Board of Agriculture (Jordbruksverket), The Swedish Trade Union Confederation (Landsorganisationen i Sverige, LO), The Swedish International Development Coordination agency (SIDA), The National Board of Health and Welfare (Socialstyrelsen), The Confederation of Swedish Enterprise (Svenskt Näringsliv), The Swedish Confederation of Professional Associations (Sveriges Akademikers Centralorganisation, Saco), The Swedish Association of Local Authorities and Regions (Sveriges Kommuner och Regioner), The Swedish Confederation of Professional Employees (Tjänstemännens Centralorganisation, TCO) and The Swedish Transport Agency (Transportstyrelsen).

For a compilation of the submissions, see **attachment 2**.

## **General comment**

The Swedish ministry of Employment asked The Swedish ILO-committee for its opinion also on the first report from the Office, then precluding the first standard setting discussion on protection against biological hazards in the working environment (our file 9/2023). The committee was of the opinion that there are regulations and systems in place to handle biological hazards in the working environment in Sweden. This is still the case.

The Swedish ILO-committee initially would like to repeat that it welcomes that ILO is acknowledging the issue of biological hazards in the working environment. It is important that there is a set of regulations globally.

The committee notes that Sweden has ratified all of the ILO-conventions mentioned in the report, namely

- Labour Inspection Convention, 1947 (No. 81)
- Social Security (Minimum Standards) Convention, 1952 (No. 102). Sweden has accepted Parts II to IV and VI to VIII. According to the ILO webpage Part VI is no longer applicable as a result of the ratification of Convention (No. 130) Medical Care and sickness benefits
- Labour Inspection (Agriculture) Convention, 1969 (No. 129)
- Occupational Safety and Health Convention, 1981 (No. 155)
- Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)
- Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121)
- Occupational Health Services Convention, 1985 (No. 161)
- Prevention of Major Industrial Accidents Convention, 1993 (No. 174).

In the proposed texts there are also references to instruments outside of the regulatory framework of the ILO.

## **The Swedish ILO-committee answers to the questions and proposals from the Office as follows**

# **Proposed Convention**

## **I. Definition and scope**

### **Article 1**

#### **Office point 16**

The Swedish ILO-committee **supports** the suggested simplification.

### **Office point 20**

The Swedish ILO-committee **prefers** the alternative simplified formulation suggested by the Office.

### **Office point 21**

The Swedish ILO-committee **supports** the proposal of a new Paragraph in the Recommendation. **However** The Swedish ILO-committee proposes that, “ectoparasites” in c) **is deleted**, as they are not included in the EU’s definition of infectious agents (only internal parasites are included).

### **Office point 22**

The Swedish ILO-committee **prefers** the rewording of the Article.

### **Office point 23**

The Swedish ILO-committee **supports** the proposal but **would like to add** the wording “but is not limited to” after 1...includes, so that the list will not be exhaustive, as other diseases may occur.

*“Harm to human health caused by exposure to biological hazards in the working environment includes, but is not limited to:”*

### **Office point 24**

The Swedish ILO-committee **prefers** the alternative text proposed by the Office.

### **Office point 25**

The Swedish ILO-committee **supports** the inclusion of the proposed definition of “Biological risk”.

## **II. National Policies**

### **Article 3**

#### **Office point 29**

The Swedish ILO-committee **supports** the alternative text, namely “an assessment of biological hazards and risks at the national level”.

#### **Office point 30**

The Swedish ILO-committee **supports** the proposed new subparagraph.

### **Office point 31**

The Swedish ILO-committee **supports** the suggestion to include further details in the Recommendation.

## **Article 4**

### **Office points 33 - 35**

The Swedish ILO-committee **supports** the suggested text with the new wording, “emerging and re-emerging hazards instead of “new or emerging”, “plans and procedures” instead of “measures”, and to delete “considering the need to establish”.

### **Office point 36**

The Swedish ILO-committee **supports** the proposal of a new subparagraph under Article 4.

## **Article 5**

### **III. Preventive and protective measures**

## **Article 6**

### **Office point 40**

The Swedish ILO-committee **supports the proposal** that the process should apply to the guidelines referred to in Article 6.

### **Office point 41**

The Swedish ILO-committee **supports** the proposal to merge point 14 and 16.

### **Office point 42**

The Swedish ILO-committee **supports** the proposal to add an additional clause.

### **Office point 43**

The Swedish ILO-committee **supports** the proposal and **proposes to add** the phrase “but are not limited to”.

*“Examples may include, but are not limited to...”*

### **Office point 44**

The Swedish ILO-committee **supports** the proposal.

## Article 7

### Office point 45

The Swedish ILO-committee **supports** the added text.

### Office point 46

The Swedish ILO-committee **proposes** that the comma in the sentence is removed... “timely information, and support” as the employers in the event of a hazardous situation will need both.

### Office point 47

The Swedish ILO-committee **supports** the proposed new text.

## Article 8

### Office point 48

The Swedish ILO-committee **supports** the proposal to merge point 14 and 16 into a single Article.

## IV. Occupational health and occupational health services

## Article 9

### Office point 50

The Swedish ILO-committee **supports** the proposed added text.

## V. Data collection, recording and notification of occupational diseases and occupational accidents

## Article 10

### Office point 52 (no question from the Office)

The Swedish ILO-committee **notes** that several articles refer to “national law and practice”. In Article 10, there is instead a reference to “national *conditions* and practice.”

The committee **does not understand** the reason behind this difference.

## Article 11

### VI. Employment injury benefits

#### Office Point 53

The Swedish ILO-committee **notes** that the text seems to be written with the presumption that there already is a demand to have a list of occupational diseases in the member states.

The committee is not sure from where such an obligation derives. In the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121), in Article 8 there are several alternatives for member states on how to define occupational diseases, of which a list is one. In Sweden, only infectious diseases are listed; eligibility for other conditions is open and based on individual assessment. If there is no demand to have a list of occupational diseases in the first place, it would be strange to oblige member states to revise such a list.

In order for the committee to be able to have an opinion, the meaning of the text **needs to be clarified**.

## Article 12

#### Office point 54

The Swedish ILO-committee **supports** the proposal to add “death” before “disease, injury or incapacity”.

### VII. Enforcement of laws and regulations

## Article 13

#### Office point 55

The Swedish ILO-committee **prefers** the original office text.

## Article 14

#### Office point 56

The Swedish ILO-committee **objects** to the replacing of “systematic approach”, as i.e. SME:s rarely has business management systems compared to larger companies.

#### Office point 57

The Swedish ILO-committee **supports** the proposal to combine Article 13 and 14.

The Swedish ILO-committee **suggests that** the wording “...including the supply of technical information and advice to employers and workers...” is deleted.

The Swedish ILO-committee **proposes** that the 2 (b) is deleted.

## Article 15

### Office point 58

The Swedish ILO-committee **supports** the formulation “provide for”.

The Swedish ILO-committee also **supports** the proposed wording “in accordance with national law and regulations”.

## VIII. Duties and responsibilities of employers

## Article 17

### Office point 60

The Swedish ILO-committee **notes** that some of the points raised in Article 17 and Article 20 are not specific to biological hazards and are already covered in other ILO-instruments.

### Office point 62

The Swedish ILO-committee **objects to the proposal to add the text** “with certain conditions”. It is necessary to take account of all workers with a need of protection against biological hazards, not only persons with certain conditions.

### Office point 65

The Swedish ILO-committee **notes** that the word “practice” is presently not mentioned in the introductory text of Article 17.

If the deletion proposed by the Office in e) is made – which is **not opposed** in itself – for consistency the word “practice” could be added in the introductory text instead.

## Article 19

### Office point 69

The Swedish ILO-committee **supports** the proposal to change the reference to “plans and procedures”.

## IX. Rights and duties of workers and their representatives

### Article 20

#### Office point 72

The Swedish ILO-committee **objects** to the proposal to delete the reference to “medical examinations”. Medical examinations are of various kinds and are often required. The term medical examinations do not exclude or limit any kind of examination or surveillance.

#### Office point 73

The Swedish ILO-committee **proposes** that the wording should be national law **and practice**.

*...”in accordance with national law and practice and...*

### Article 21

#### Office point 74

The Swedish ILO-committee **notes** that there is an inconsistency in the wordings as in the heading to the section IX the word “duty” is used, as well as in article 22, but not in the rewording of the introductory text of article 21, where “shall be required to” is used instead.

## Proposed Recommendation

The Swedish ILO-committee **notes** that the wording of the proposed Recommendation was not discussed during the International Labour Conference in 2024.

Regarding the questions from the Office on the proposed Recommendation, the Swedish ILO-committee answers as follows.

### I. Preventative and protective measures

#### Paragraph 2

#### Office point 79

The Swedish ILO-committee **supports** the proposed placement of the point in the proposed Recommendation.



### **Office point 80**

The Swedish ILO-committee **supports** the idea of giving examples of other relevant treaties and international frameworks in the Recommendation but are **not able to evaluate** which would be relevant.

### Paragraph 3

#### **Office point 82**

The Swedish ILO-committee **supports** the alternative text.

### Paragraph 4

#### **Office point 84**

The Swedish ILO-committee **supports** the alternative text, **and proposes that** the wording “...are at a high risk...” is replaced with “...may be at a high risk...”.

### Paragraph 5

#### **Office point 85**

The Swedish ILO-committee is of the opinion that the need for a list as such **can be questioned. What should be included in a list, if needed, has to be carefully considered.**

If the list, as proposed, remains, the wording “with certain conditions” in the beginning of paragraph 5 should be **deleted** in order to be consistent with the deletion of “with certain conditions” in article17 (a) in the proposed convention.

### Paragraph 7

#### **Office point 88**

The Swedish ILO-committee **supports** the replacing and the changing of the last sentence.

The committee **objects** to the deletion of “occupational”.

## II. Recording of occupational diseases

### Paragraph 8

#### **Office point 89**

The Swedish ILO-committee **supports** the deletion of this point.

## III. Employment injury benefits

#### **Office point 90**

The Swedish ILO-committee **supports** the proposal to include para 9, 10 and 11 under Part III, and to the proposal to change the title.

### Paragraph 9

#### **Office point 91**

The Swedish ILO-committee **supports** the proposal to make a reference to C102.

### Paragraph 10

#### **Office point 92**

The Swedish ILO-committee **supports** the proposal of a new text.

### Paragraph 16

#### **Office point 99**

The Swedish ILO-committee **supports** the proposal of a para 16 and to replace “arrangements” with “plans and procedures”.

### Paragraph 17

#### **Office point 100**

The Swedish ILO-committee **prefers** the original wording.

I beslutet i detta ärende har deltagit undertecknad ordförande Cathrine Lilja Hansson och ledamöterna Ulrika Björne, Cecilia Mobach, Ola Brinnen, Cyrene Martinsson Waern, Lise Donovan och Sophie Silverryd.

Ledamöterna utsedda av arbetstagarorganisationerna har reserverat sig mot kommitténs svar avseende Offices frågor i punkterna 21 och 58.

Ärendet har hanterats av undertecknad sekreterare.

För Svenska ILO-kommittén

Cathrine Lilja Hansson  
Ordförande

Helle Ellehøj  
Sekreterare

**Attachment 1:** Reservation by the trade union representatives from LO, TCO, and Saco regarding the ILO Committee's Statement on the Report "Protection against Biological Hazards in the Working Environment" (ILC 113/Report IV(3)).

## Attachment 1

### **Reservation by the trade union representatives from LO, TCO, and Saco regarding the ILO Committee's Statement on the Report "Protection against Biological Hazards in the Working Environment" (ILC 113/Report IV(3)).**

We support the Swedish ILO Committee's response to the ILO Office's questions and proposals with the following two exceptions:

1. **Paragraph 21 of the Office's proposal:** We believe that the definition in Article 1 of the upcoming convention should be as broad as possible. Therefore, "ectoparasites" should remain in the recommendation's list of examples of biological hazards.
2. **Paragraph 58 of the Office's proposal:** We do not support the Office's proposed amendment to replace "Shall apply adequate penalties" with "Shall provide for adequate penalties" in Article 15 of the draft convention. We consider this proposal a substantive weakening and do not consider it to be a better alignment with Article 18 of ILO Convention 81 and Article 9(2) of ILO Convention 155.