

C136 - Benzene Convention, 1971 (No. 136)

Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-sixth Session on 2 June 1971, and

Having decided upon the adoption of certain proposals with regard to protection against hazards arising from benzene, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-third day of June of the year one thousand nine hundred and seventy-one the following Convention, which may be cited as the Benzene Convention, 1971:

Article 1

This Convention applies to all activities involving exposure of workers to--

- (a) the aromatic hydrocarbon benzene C₆H₆, hereinafter referred to as **benzene** ;
- (b) products the benzene content of which exceeds 1 per cent by volume, hereinafter referred to as **products containing benzene** .

Article 2

- 1. Whenever harmless or less harmful substitute products are available, they shall be used instead of benzene or products containing benzene.
- 2. Paragraph 1 of this Article does not apply to--
 - (a) the production of benzene;
 - (b) the use of benzene for chemical synthesis;
 - (c) the use of benzene in motor fuel;
 - (d) analytical or research work carried out in laboratories.

Article 3

- 1. The competent authority in a country may permit temporary derogations from the percentage laid down in Article 1, subparagraph (b), and from the provisions of Article 2, paragraph 1, of this Convention under conditions and within limits of time to be determined after consultation with the most representative organisations of employers and workers concerned, where such exist.
- 2. In such case the Member in question shall indicate in its reports on the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation the position of its law and practice as regards the derogations and any progress made towards complete application of the terms of the Convention.
- 3. At the expiration of three years from the date on which this Convention first entered into force, the Governing Body of the International Labour Office shall submit to the Conference a special report concerning the application of paragraphs 1 and 2 of this Article and containing such proposals as it may think appropriate for further action in regard to the matter.

Article 4

- 1. The use of benzene and of products containing benzene shall be prohibited in certain work processes to be specified by national laws or regulations.
- 2. This prohibition shall at least include the use of benzene and of products containing benzene as a solvent or diluent, except where the process is carried out in an enclosed system or where there are other equally safe methods of work.

Article 5

Occupational hygiene and technical measures shall be taken to ensure effective protection of workers exposed to benzene or to products containing benzene.

Article 6

- 1. In premises where benzene or products containing benzene are manufactured, handled or used, all necessary measures shall be taken to prevent the escape of benzene vapour into the air of places of employment.
- 2. Where workers are exposed to benzene or to products containing benzene, the employer shall ensure that the concentration of benzene in the air of the places of employment does not exceed a maximum which shall be fixed by the competent authority at a level not exceeding a ceiling value of 25 parts per million (80 mg/m³).
- 3. The competent authority shall issue directions on carrying out the measurement of the concentration of benzene in the air of places of employment.

Article 7

- 1. Work processes involving the use of benzene or of products containing benzene shall as far as practicable be carried out in an enclosed system.
- 2. Where it is not practicable for the work processes to be carried out in an enclosed system, places of work in which benzene or products containing benzene are used shall be equipped with effective means to ensure the removal of benzene vapour to the extent necessary for the protection of the health of the workers.

Article 8

- 1. Workers who may have skin contact with liquid benzene or liquid products containing benzene shall be provided with adequate means of personal protection against the risk of absorbing benzene through the skin.
- 2. Workers who for special reasons may be exposed to concentrations of benzene in the air of places of employment which exceed the maximum referred to in Article 6, paragraph 2, of this Convention shall be provided with adequate means of personal protection against the risk of inhaling benzene vapour. The duration of exposure shall be limited as far as possible.

Article 9

- 1. Workers who are to be employed in work processes involving exposure to benzene or to products containing benzene shall undergo--
 - (a) a thorough pre-employment medical examination for fitness for employment which shall include a blood-test;
 - (b) periodic re-examinations, which shall include biological tests including a blood-test, at intervals fixed by national laws or regulations.
- 2. The competent authority in a country may, after consultation with the most representative organisations of employers and workers concerned, where such exist, permit exceptions from the obligations of paragraph 1 of this Article in respect of specified categories of workers.

Article 10

- 1. The medical examinations provided for in Article 9, paragraph 1, of this Convention shall be--
 - (a) carried out under the responsibility of a qualified physician, approved by the competent authority, and with the assistance, as appropriate, of a competent laboratory;
 - (b) certified in an appropriate manner.

- 2. These medical examinations shall not involve the workers in any expense.

Article 11

- 1. Women medically certified as pregnant, and nursing mothers, shall not be employed in work processes involving exposure to benzene or products containing benzene.
- 2. Young persons under 18 years of age shall not be employed in work processes involving exposure to benzene or products containing benzene: Provided that this prohibition need not apply to young persons undergoing education or training who are under adequate technical and medical supervision.

Article 12

The word "Benzene" and the necessary danger symbols shall be clearly visible on any container holding benzene or products containing benzene.

Article 13

Each Member shall take appropriate steps to provide that any worker exposed to benzene or products containing benzene receives appropriate instructions on measures to safeguard health and prevent accidents, as well as on the appropriate action if there is any evidence of poisoning.

Article 14

Each Member which ratifies this Convention--

- (a) shall, by laws or regulations or any other method consistent with national practice and conditions, 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 person or persons 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 the provisions of this Convention, or to satisfy itself that appropriate inspection is carried out.

Article 15

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 16

- 1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

- 2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
- 3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 17

- 1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
- 2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 18

- 1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
- 2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 19

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 20

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 21

- 1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:
 - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 17 above, if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
- 2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 22

The English and French versions of the text of this Convention are equally authoritative.