

C148 - Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)

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 Sixty-third Session on 1 June 1977, and

Noting the terms of existing international labour Conventions and Recommendations which are relevant and, in particular, the Protection of Workers' Health Recommendation, 1953, the Occupational Health Services Recommendation, 1959, the Radiation Protection Convention and Recommendation, 1960, the Guarding of Machinery Convention and Recommendation, 1963, the Employment Injury Benefits Convention, 1964, the Hygiene (Commerce and Offices) Convention and Recommendation, 1964, the Benzene Convention and Recommendation, 1971, and the Occupational Cancer Convention and Recommendation, 1974, and

Having decided upon the adoption of certain proposals with regard to working environment: atmospheric pollution, noise and vibration, which is the fourth item on the agenda of the session, and

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

adopts this twentieth day of June of the year one thousand nine hundred and seventy-seven the following Convention, which may be cited as the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977:

PART I. SCOPE AND DEFINITIONS

Article 1

- 1. This Convention applies to all branches of economic activity.
- 2. A Member ratifying this Convention may, after consultation with the representative organisations of employers and workers concerned, where such exist, exclude from the application of the Convention particular branches of economic activity in respect of which special problems of a substantial nature arise.

- 3. Each Member which ratifies this Convention shall list in the first report on the application of the Convention submitted under Article 22 of the Constitution of the International Labour Organisation any branches which may have been excluded in pursuance of paragraph 2 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the branches excluded, and the extent to which effect has been given or is proposed to be given to the Convention in respect of such branches.

Article 2

- 1. Each Member, after consultation with the representative organisations of employers and workers, where such exist, may accept the obligations of this Convention separately in respect of--
 - (a) air pollution;
 - (b) noise; and
 - (c) vibration.
- 2. A Member which does not accept the obligations of the Convention in respect of one or more of the categories of hazards shall specify this in its ratification and shall give reasons in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation; it shall state in subsequent reports the position of its law and practice in respect of the category or categories of hazards excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of each such category of hazards.
- 3. Each Member which has not on ratification accepted the obligations of this Convention in respect of all the categories of hazards shall subsequently, when it is satisfied that conditions permit this, notify the Director-General of the International Labour Office that it accepts the obligations of the Convention in respect of a category or categories previously excluded.

Article 3

For the purpose of this Convention--

- (a) the term ***air pollution*** covers all air contaminated by substances, whatever their physical state, which are harmful to health or otherwise dangerous;
- (b) the term ***noise*** covers all sound which can result in hearing impairment or be harmful to health or otherwise dangerous;

- (c) the term **vibration** covers any vibration which is transmitted to the human body through solid structures and is harmful to health or otherwise dangerous.

PART II. GENERAL PROVISIONS

Article 4

- 1. National laws or regulations shall prescribe that measures be taken for the prevention and control of, and protection against, occupational hazards in the working environment due to air pollution, noise and vibration.
- 2. Provisions concerning the practical implementation of the measures so prescribed may be adopted through technical standards, codes of practice and other appropriate methods.

Article 5

- 1. In giving effect to the provisions of this Convention, the competent authority shall act in consultation with the most representative organisations of employers and workers concerned.
- 2. Representatives of employers and workers shall be associated with the elaboration of provisions concerning the practical implementation of the measures prescribed in pursuance of Article 4.
- 3. Provision shall be made for as close a collaboration as possible at all levels between employers and workers in the application of the measures prescribed in pursuance of this Convention.
- 4. Representatives of the employer and representatives of the workers of the undertaking shall have the opportunity to accompany inspectors supervising the application of the measures prescribed in pursuance of this Convention, unless the inspectors consider, in the light of the general instructions of the competent authority, that this may be prejudicial to the performance of their duties.

Article 6

- 1. Employers shall be made responsible for compliance with the prescribed measures.
- 2. Whenever two or more employers undertake activities simultaneously at one workplace, they shall have the duty to collaborate in order to comply with the prescribed measures, without prejudice to the responsibility of each employer for the health and safety of his employees. In appropriate circumstances, the competent authority shall prescribe general procedures for this collaboration.

Article 7

- 1. Workers shall be required to comply with safety procedures relating to the prevention and control of, and protection against, occupational hazards due to air pollution, noise and vibration in the working environment.

- 2. Workers or their representatives shall have the right to present proposals, to obtain information and training and to appeal to appropriate bodies so as to ensure protection against occupational hazards due to air pollution, noise and vibration in the working environment.

PART III. PREVENTIVE AND PROTECTIVE MEASURE

Article 8

- 1. The competent authority shall establish criteria for determining the hazards of exposure to air pollution, noise and vibration in the working environment and, where appropriate, shall specify exposure limits on the basis of these criteria.
- 2. In the elaboration of the criteria and the determination of the exposure limits the competent authority shall take into account the opinion of technically competent persons designated by the most representative organisations of employers and workers concerned.
- 3. The criteria and exposure limits shall be established, supplemented and revised regularly in the light of current national and international knowledge and data, taking into account as far as possible any increase in occupational hazards resulting from simultaneous exposure to several harmful factors at the workplace.

Article 9

As far as possible, the working environment shall be kept free from any hazard due to air pollution, noise or vibration-

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- (a) by technical measures applied to new plant or processes in design or installation, or added to existing plant or processes; or, where this is not possible,
- (b) by supplementary organisational measures.

Article 10

Where the measures taken in pursuance of Article 9 do not bring air pollution, noise and vibration in the working environment within the limits specified in pursuance of Article 8, the employer shall provide and maintain suitable personal protective equipment. The employer shall not require a worker to work without the personal protective equipment provided in pursuance of this Article.

Article 11

- 1. There shall be supervision at suitable intervals, on conditions and in circumstances determined by the competent authority, of the health of workers exposed or liable to be exposed to occupational hazards due to air pollution, noise

or vibration in the working environment. Such supervision shall include a pre-assignment medical examination and periodical examinations, as determined by the competent authority.

- 2. The supervision provided for in paragraph 1 of this Article shall be free of cost to the worker concerned.
- 3. Where continued assignment to work involving exposure to air pollution, noise or vibration is found to be medically inadvisable, every effort shall be made, consistent with national practice and conditions, to provide the worker concerned with suitable alternative employment or to maintain his income through social security measures or otherwise.
- 4. In implementing this Convention, the rights of workers under social security or social insurance legislation shall not be adversely affected.

Article 12

The use of processes, substances, machinery and equipment, to be specified by the competent authority, which involve exposure of workers to occupational hazards in the working environment due to air pollution, noise or vibration, shall be notified to the competent authority and the competent authority, as appropriate, may authorise the use on prescribed conditions or prohibit it.

Article 13

All persons concerned shall be adequately and suitably--

- (a) informed of potential occupational hazards in the working environment due to air pollution, noise and vibration; and
- (b) instructed in the measures available for the prevention and control of, and protection against, those hazards.

Article 14

Measures taking account of national conditions and resources shall be taken to promote research in the field of prevention and control of hazards in the working environment due to air pollution, noise and vibration.

PART IV. MEASURES OF APPLICATION

Article 15

On conditions and in circumstances determined by the competent authority, the employer shall be required to appoint a competent person, or use a competent outside service or service common to several undertakings, to deal

with matters pertaining to the prevention and control of air pollution, noise and vibration in the working environment.

Article 16

Each Member shall--

- (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 Convention;
- (b) provide appropriate inspection services for the purpose of supervising the application of the provisions of this Convention, or satisfy itself that appropriate inspection is carried out.

PART V. FINAL PROVISIONS

Article 17

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

Article 18

- 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 19

- 1. A Member which has ratified this Convention may denounce it, in whole or in respect of one or more of the categories of hazards referred to in Article 2 thereof, 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 20

- 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 21

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 22

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 23

- 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 19 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 24

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