

APPENDIX "A"

State Paper No. 1/1980

Labour

Ratification of International/Conventions and implementation of International Labour Recommendations adopted at the 63rd Session of the INTERNATIONAL LABOUR CONFERENCE held in Geneva from 1 to 22 June, 1977.

The International Labour Conference adopted the following Conventions and Recommendations during its 63rd Session:

1. Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148) See Appendix "A".
2. Nursing Personnel Convention, 1977 (No. 149) See Appendix "B".

Working Environment (Air Pollution, Noise and Vibration) Recommendation (No. 156) See Appendix "C".
4. Nursing Personnel Recommendation, 1977 (No. 157) See Appendix "D".

2. As a member of the International Labour Organisation, Guyana is under obligation to bring these Conventions and Recommendations to the attention of the National Assembly within the period of one year or at the most eighteen months from the closing of the session of the Conference for the enactment of legislation or other action; and to inform the Director-General of the International Labour Organisation of the measures taken in this respect.

3. The Honourable House is accordingly invited to adopt the conclusions contained in this paper in respect of the instruments listed above so that the decisions of the Parliament of Guyana may be conveyed to the Director-General of the International Labour Organisation at the earliest opportunity.

The Working Environment (Air Pollution,
Noise and Vibration) Convention, 1977.

Scope and Definitions:

1. This Convention applies to all branches of economic activity. However, in consultation with the representative organisation of employers and employees concerned:
 - (a) certain branches of economic activity could be excluded; and
 - (b) each member may accept the obligations of this Convention separately in respect of

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- (i) air pollution;
- (ii) noise; and
- (iii) vibration.

2. 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.

3. General Provisions:

The Convention provides for:

(a) the making of national laws and regulations to prevent control, and protect against occupational hazards in the working environment due to air pollution, noise and vibration;

(b) the consultation, association, participation and close collaboration with the representative organisations of employers and employees in respect of the practical implementation and application of laws and regulations prescribed;

(c) the representatives of the employers and of the workers of undertakings to have the opportunity to accompany inspectors to supervise the application of the measures prescribed;

(d) the workers to comply with **safety** procedures;

(e) the workers or their representatives, to have the right to present proposals to obtain information and training and to appeal to appropriate bodies in order to ensure protection against occupational hazards.

Preventive and
Protective Measures:

(f) the competent authority with the help of officers designated by employers and workers to establish and revise regularly the criteria for determining the hazards of exposure to their pollution, noise and vibration in the working environment and where appropriate to specify exposure limits;

(g) the working environment to be kept free from any hazards due to air pollution, noise and vibration by the application of technical measures to new plants or processes in design or installation, or additions to existing plant or processes;

(h) the employer to provide and maintain suitable protective equipment and to refrain from requiring a worker to work without the personal protective equipment prescribed;

(i) the supervision at suitable intervals, free of cost and by pre-assigned conditions of the health of workers exposed or liable to be exposed to occupational hazards;

(j) providing workers who are to continue working in with suitable alternative

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(k) the notification of the competent authority of processes, substances machinery and equipment which involved exposure of workers to occupational hazards;

(l) the dissemination of information and instructions on potential occupational hazards in the working environment;

(m) the employer to have the services of someone competent to deal with matters pertaining to the prevention and control of air pollution, noise and vibration in the working environment; and for the competent authority to provide appropriate inspection services to supervise the application of the provisions of the Conventions.

The Working Environment

(Air Pollution, Noise and Vibration)
Recommendation, 1977.

Scope

The provisions of both instruments are to be applied^{to}/all branches of economic activity for both employed and self-employed persons.

Preventive and Protective Measures:

The Recommendation provides for:

(a) the competent authority to prescribe, the nature, frequency and other conditions of monitoring of air pollution, noise and vibration in the working environment to be carried out on the employers' responsibility;

(b) the employer to arrange for equipment used to monitor air pollution, noise and vibration to be regularly inspected, maintained and calibrated;

(c) the workers and/or their representatives and the inspection services to be afforded access to the records of inspection, main-

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tenance and calibration of apparatus and equipment used on the monitoring of the working environment;

(d) substances which are harmful to health or otherwise dangerous to be replaced by less harmful substances;

(e) the replacement of processes involving air pollution, noise and vibration;

(f) the competent authority to determine the substances to be prohibited or limited in the manufacture, supply or use in the working environment;

(g) the competent authority to approve standards for the emission levels of machinery and installations to be attained as appropriate by (a) design; or (b) built-in devices; or (c) those standards to be placed on the manufacturer or the supplier of the machinery or installations;

(h) the employer to ensure the regular inspection and maintenance of machines and installations, with respect to the emission of harmful substances, dust, noise and vibration;

(i) the competent authority to establish a procedure for the approval of personal protective equipment;

(j) the competent authority to promote in consultation with employers' and workers' organisations the reduction of exposure through suitable systems or schedules of work organisations including the reduction of working time without loss of pay;

provided that due account is taken of the relationship between the protection of the working environment and the protection of the general environment.

Supervision of the Health
of Workers:

In supervising the health of workers the following are prescribed -

- (a) a pre-assignment medical examination;
- (b) a periodic medical examination at suitable intervals;
- (c) biological or other tests or investigations to control the degree of exposure;
- (d) medical examinations or biological or other tests or investigations after cessation of the assignment to be made available on a regular basis and on a prolonged period.

In addition the competent authority is required :

- (i) to make the results of all tests available to the worker and at his request to his personal physician;
- (ii) to carry out tests during working hours, free of cost to the workers;
- (iii) to develop a system of records to include information on occupational exposure to any pollution, noise and vibration in the environment;
- (iv) to provide suitable alternative employment and to maintain his previous income through social security measures if the worker is advised not to continue working in the environment.

Training, Information
and Research:

- (i) to promote the training and to provide information with respect to the prevention and control of and protection against existing and occupational hazards in consultation in advance with the workers' representatives;
- (ii) to promote and stimulate research in the field of prevention and control of hazards;
- (iii) to inform workers of the hazards before being assigned;
- (iv) to encourage workers' and employers' organisations to take positive action to carry out programmes of training and information.

Measures of Application:

The competent authority is expected to consult with the most representative organisations of employers and workers concerned, and as appropriate manufacturers' suppliers' and importers' organisations.

Position in Guyana

The Safety, Health and Welfare Regulations made under the Factories Act, Cap. 95:02 make provisions to cover air pollution in factories. These are (a) The Distilleries (Safety) Regulations which prescribe (i) "breathing apparatus" for persons entering any place where dangerous fumes are liable to be present (ii) belts breathing and reviving apparatus to be readily accessible in work places where fumes are present. (iii) vent pipe to be placed above the roof of buildings which carry spiritous vapour, (b) Factories (Health, and Welfare) Regulations which cover cleanliness, over crowding, temperature, ventilation, lighting, drainage, sanitary conveniences etc., of working environments. (c) Factories (Safety) Regulations which issue precautions in places where dangerous fumes are liable to be present (Part V) (d) Building (Safety) Regulations which prescribe laws in parts VI and VII to cover aspects of Health and Welfare governing - inhalation of dust and fumes metallic compounds and other poisonous substances Part VIII covers miscellaneous areas (e.g.) mechanically propelled vehicles and trailers, explosives excavation of steam, smoke and vapour.

It is recognisable, therefore, that there are very few measures in Guyana relating to Air Pollution, Vibration and noise as Guyana's level of industrialisation does not warrant such measures.

Conclusions

There is no need at this point in time to ratify this Convention as our level of industrialisation is low. However, it is proposed to implement the relevant provisions of the Recommendation at the appropriate time.

NURSING PERSONNEL

Convention, 1977 (No. 149)

Scope:

The Convention applies to all nursing personnel, wherever they work.

"Nursing personnel" includes all categories of persons providing care and nursing services.

However, special rules concerning nursing personnel who give nursing care and services on a voluntary basis are to be worked out in consultation with employers' and workers' organisations.

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The Convention provides for each

(a) after consulting the employers' and workers' organisations concerned to adopt and apply in a manner appropriate to national conditions a policy concerning nursing services and nursing personnel designed within the framework of a general health programme;

(b) to take the necessary measures to provide nursing personnel with -

(i) education and training appropriate to the exercise of their functions; and

(ii) employment and working conditions, including career prospects and remuneration;

(c) to lay down by national laws or regulations

(i) the basic requirements regarding nursing education and training and the supervision of such education and training;

(ii) the requirements and limitations for the practice of nursing;

(iii) the measures to promote the participation of nursing personnel in the planning of nursing services, and consultation with such personnel on decisions concerning them;

(d) to provide for the conditions of employment and work to be negotiated between employers' and workers' organisations and for the settlement of disputes arising from the determination of terms and conditions of employment to follow the

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(e) to ensure that nursing personnel enjoy conditions at least equivalent to those of other workers in the following:

(a) hours of work, including regulation and compensation for overtime, inconvenient hours and shift work;

(b) weekly rest;

(c) paid annual holidays;

(d) educational leave;

(e) maternity leave;

(f) sick leave;

(g) social security;

(f) to endeavour to improve existing laws and regulations on occupational health and safety to meet the special nature of nursing work and of the environment in which it is carried out.

Nursing Personnel Recommendation, 1977.

I Scope:

This Recommendation applies to all "nursing personnel" providing nursing care and nursing services everywhere. Special rules, however, may be established to govern nursing personnel who give services on a voluntary basis.

II. Policy concerning
Nursing Services and
Nursing Personnel.

Every member is requested:

(i) to adopt and apply in a manner appropriate to national conditions a policy concerning nursing personnel designed within the framework of a general health programme;

(ii) to establish in consultation with employers' and workers' organisations a national nursing personnel structure as follows:

- (a) professional nurses, having the education and training recognised as necessary for assuming highly complex functions;
- (b) auxiliary nurses, having at least the education and training recognised as necessary for assuming less complex functions;
- (c) nursing aides, having prior education and for on-the-job training to enable them to perform specified tasks under supervision;

(iii) not to use substitutes for nursing personnel of a higher category except in case of special emergency and provided they have adequate training and experience and are given appropriate compensation.

III. Education and Training.

The Recommendation provides for:

- (i) the necessary information and guidance on the nursing profession to be given to persons wishing to take up nursing as a career;
- (ii) nursing education and training to include both theory and practice;
- (iii) the duration of basic nursing education and training to be related to the minimum educational requirements for entry to training;
- (iv) an advanced level of training to train professional nurses;

(vi) programmes of higher nursing education to prepare nursing personnel for the higher responsibilities in direct and supportive nursing care, in the administration of nursing education and in research and development, in the field of nursing;

(vii) nursing aides to be given theoretical and practical training appropriate to their functions;

(viii) continuing education and training both at the work place and outside.

IV. General

The Recommendation provides also for:

(a) Laws and regulations to specify requirements for the practice of the Nursing profession in terms of

(i) limitation of practice (ii) standards (iii) assignment of work (iv) accelerated training to prepare nurses for higher positions (v) civil liability of nursing personnel (vi) disciplinary rules (vii) and exemptions from performing specific duties;

(b) the promotion of measures to promote participation of nursing personnel in the planning and in decisions concerning national health policy in general;

(c) measures to ensure reasonable career prospects in career development;

(d) the remuneration of nursing personnel to be fixed at levels commensurate with their socio-economic needs, qualification, responsibilities, duties and experience;

(e) the working time and rest periods to be fixed in each country;

(f) the occupational health protection and safety of nurses to be regulated by laws;

(g) nursing personnel to enjoy social security protection at least equivalent to that of other persons employed in the public service or sector, private service or self employer;

(h) special employment arrangements to be made to prevent the withdrawal of qualified persons from the profession;

(i) nursing students to enjoy the rights and freedom of students in other disciplines;

(j) the harmonisation of education and training for the nursing profession without the lowering of standards by international co-operation by means of mutual recognition of qualifications among countries; harmonising the requirements of authorisation to practise; and organising nursing personnel exchange programmes;

(k) the Recommendation to be applied by means of national laws or regulations, collective agreements, work rules, arbitration awards or judicial decisions or otherwise consistent with national practice.

Position in Guyana

The Scope of the Convention constitutes provisions which are consistent with those enjoyed by Nursing Personnel of Guyana (i.e.) "all categories of persons providing nursing care and services."

The provisions of the Convention cater for the following:

- (a) a policy on nursing service and nursing personnel (Article 2)
- (b) Education and Training (Article 3)
- (c) Practice of the Nursing Profession (Article 4)
- (d) Participation of Nursing Personnel in the planning

of nursing services (Article 5). These provisions are either fully in operation or in part and those of Articles 6 and 7 are also negotiated.

Moreover, the General Nursing Council in Guyana is a body corporate established under the Nurses and Mid-wives Registration Act Cap. 137 and consequently, it has the power by law to make rules regulating education and training, examination and certification of nursing personnel. Thus Articles 3 and 4 of the Convention could be fully satisfied.

Conclusions

As a result of the foregoing, it is obvious that no problem would arise in terms of the implementation of the Convention, if the Convention is ratified. Consequently, it is proposed to ratify the Convention and to implement as an aim of policy the provisions of the Recommendation.

SUMMARY OF CONCLUSIONS FOR ADOPTION BY
THE NATIONAL ASSEMBLY

1. WORKING ENVIRONMENT (AIR POLLUTION, NOISE AND VIBRATION)
CONVENTION, 1977 (No. 148)

WORKING ENVIRONMENT (AIR POLLUTION, NOISE AND VIBRATION)
RECOMMENDATION, 1977 (No. 156)

It is proposed not to ratify the Convention on Working Environment but to implement those aspects of the Recommendation which are appropriate to the present stage of the country's level of industrialisation.

The Safety, Health and Welfare Regulations made under the Factories Act Cap. 95:02 give adequate protection to workers in the working environment. Aspects of air pollution, vibration and noise, however, are not looked upon as an immediate threat to the working population.

2. NURSING PERSONNEL CONVENTION, 1977 (No. 149)
NURSING PERSONNEL RECOMMENDATION, 1977 (No. 157)

The Scope of the Convention constitutes provisions which are consistent with those practised within the Nursing working environment. In consequence there would be little difficulty in implementing the articles of the Convention and, therefore, it is proposed to ratify the Convention and to implement as an aim of policy the provisions of the Recommendation.

H. GREEN

Minister of Health, Housing and
Labour.

Ministry of Health, Housing and Labour
MP. 23/2/1^{III}

Convention 148

CONVENTION CONCERNING THE PROTECTION OF WORKERS AGAINST OCCUPATIONAL HAZARDS IN THE WORKING ENVIRONMENT DUE TO AIR POLLUTION, NOISE VIBRATION

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 MEASURES

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--

- (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;

Convention 149

Convention concerning Employment and Conditions of Work and Life of Nursing Personnel.

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

Recognising the vital role played by nursing personnel, together with other workers in the field of health, in the protection and improvement of the health and welfare of the population, and

Recognising that the public sector as an employer of nursing personnel should play an active role in the improvement of conditions of employment and work of nursing personnel, and

Noting that the present situation of nursing personnel in many countries, in which there is a shortage of qualified persons and existing staff are not always utilised to best effect, is an obstacle to the development of effective health services, and

Recalling that nursing personnel are covered by many international labour Conventions and Recommendations laying down general standards concerning employment and conditions of work, such as instruments on discrimination, on freedom of association and the fight to bargain collectively, on voluntary conciliation and arbitration, on hours of work, holidays with pay and paid educational leave, on social security and welfare facilities, and on maternity protection and the protection of workers' health, and

Considering that the special conditions in which nursing is carried out make it desirable to supplement the above-mentioned general standards by standards specific to nursing personnel, designed to enable them to enjoy a status corresponding to their role in the field of health and acceptable to them, and

Noting that the following standards have been framed in co-operation with the World Health Organisation and that there will be continuing co-operation with that Organisation in promoting and securing the application of these standards, and

Having decided upon the adoption of certain proposals with regard to employment and conditions of work and life of nursing personnel, 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-first day of June of the year one thousand nine hundred and seventy-seven the following Convention, which may be cited as the Nursing Personnel Convention, 1977:

Article 1

1. For the purpose of this Convention, the term "nursing personnel" includes all categories of persons providing nursing care and nursing services.
2. This Convention applies to all nursing personnel, wherever they work.
3. The competent authority may, after consultation with the employers' and workers' organisations concerned, where such organisations exist, establish special rules concerning nursing personnel who give nursing care and services on a voluntary basis; these rules shall not derogate from the provisions of Article paragraph 2(a), Article 3, Article 4 and Article 7 of this Convention.

Article 2

1. Each Member which ratifies this Convention shall adopt and apply, in a manner appropriate to national conditions, a policy concerning nursing services and nursing personnel designed, within the framework of a general health programme, where such a programme exists, and within the resources available for health care as a whole, to provide the quantity and quality of nursing care for attaining the highest possible level of health for the population.

2. In particular, it shall take the necessary measures to provide nursing personnel with —

- (a) education and training appropriate to the exercise of their functions; and
- (b) employment and working conditions, including career prospect and remuneration,

which are likely to attract persons to the profession and retain them in it.

3. The policy mentioned in paragraph 1 of this Article shall be formulated in consultation with the employers' and workers' organisations concerned, where such organisations exist.

4. This policy shall be co-ordinated with policies relating to other aspects of health care and to other workers in the field of health, in consultation with the employers' and workers' organisations concerned.

Article 3

1. The basic requirements regarding nursing education and training and the supervision of such education and training shall be laid down by national laws or regulations or by the competent authority or competent professional bodies, empowered by such laws or regulations to do so.

2. Nursing education and training shall be co-ordinated with the education and training of other workers in the field of health.

Article 4

National laws or regulations shall specify the requirements for the practice of nursing and limit that practice to persons who meet these requirements.

Article 5

1. Measures shall be taken to promote the participation of nursing personnel in the planning of nursing services and consultation with such personnel on decisions concerning them, in a manner appropriate to national conditions.

2. The determination of conditions of employment and work shall preferably be made by negotiation between employers' and workers' organisations concerned.

3. The settlement of disputes arising in connection with the determination of terms and conditions of employment shall be sought through negotiations between the parties, or, in such a manner as to ensure the confidence of the parties involved through independent and impartial machinery such as mediation, conciliation and voluntary arbitration.

Article 6

Nursing personnel shall enjoy conditions at least equivalent to those of other workers in the country concerned in the following fields:

- (a) Hours of work, including regulations and compensation of overtime, inconvenient hours and shift work;
- (b) weekly rest;
- (c) paid annual holidays;
- (d) educational leave;
- (e) maternity leave;
- (g) sick leave;
- (g) social security.

Article 7

Each Member shall, if necessary, endeavour to improve existing laws and regulations on occupational health and safety by adapting them to the special nature of nursing work and of the environment in which it is carried out.

Article 8

The provisions of this Convention, in so far as they are not otherwise made effective by means of collective agreements, works rules, arbitration awards, court decisions, or in such other manner consistent with national practice as may be appropriate under national conditions, shall be given effect by national laws or regulations.

Article 9

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

Article 10

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 11

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 12

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 13

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 14

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 Conference the question of its revision in whole or in part.

Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides —

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 11 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 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 16

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

Recommendation concerning the protection of workers against occupational hazards in the working environment due to air pollution, noise and vibration.

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 a Recommendation supplementing the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977

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

SCOPE

1. (1) To the greatest extent possible, the provisions of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, and of this Recommendation should be applied to all branches of economic activity.

(2) Measures should be taken to give self-employed persons protection in the working environment analogous to that provided for in the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, in this Recommendation.

II. PREVENTIVE AND PROTECTIVE MEASURES.

2. (1) The competent authority should prescribe the nature, frequency and other conditions of monitoring of air pollution, noise and vibration in the working environment to be carried out on the employer's responsibility.

(2) Special monitoring in relation to the exposure limits referred to in Article 8 of the Working Environment (Air, pollution, Noise and Vibration) Convention, 1977, should be undertaken in the working environment when machinery or installations are first put into use or significantly modified, or when new processes are introduced.

3. It should be the duty of the employer to arrange for equipment used to monitor air pollution, noise and vibration in the working environment to be regularly inspected, maintained and calibrated.

4. The workers and/or their representatives and the inspection services should be afforded access to the records of the monitoring of the working environment and to the records of inspection, maintenance and calibration of apparatus and equipment used therefor.

Substances which are harmful to health or otherwise dangerous and which are liable to be airborne in the working environment should, as far as possible, be replaced by less harmful or harmless substances.

6. Processes involving air pollution, noise or vibration in the working environment as defined in Article 3 of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, should be replaced as far as possible by processes involving less or no air pollution, noise or vibration.

7. The competent authority should determine the substances or which the manufacture, supply or use in the working environment should be prohibited or made subject to its specific authorisation, requiring compliance with particular measures of prevention or protection.

8. (1) In appropriate cases the competent authority should approve standards for the emission levels of machinery and installations as regards air pollution, noise and vibra-

(2) Those standards should be attained as appropriate by

(a) design; or

(b) built-in devices; or

(c) technical measures during installation

(3) An obligation to ensure compliance with these standards should be placed on the manufacturer or the supplier of the machinery or installations.

9. Where necessary, the manufacture, supply or use of machinery and installations which do not, in the light of the most recent technical knowledge, meet the requirements of paragraph 8 of this Recommendation should be made subject to authorisation by the competent authority requiring compliance with other appropriate technical or administrative protective measures

10. The provisions of Paragraphs 8 and 9 of this Recommendation should not relieve the employer of his obligations in pursuance of Article 6 of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977

11. The employer should ensure the regular inspection or maintenance of machines and installations, with respect to the control of harmful substances, dust, noise and vibration.

12. The competent authority should, when necessary for the protection of the workers' health, establish a procedure for the approval of personal protective equipment.

13. In pursuance of Article 9, subparagraph (b) of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, the competent authority should, as appropriate, provide for or promote, in consultation with employers' and workers' organisations, the reduction of exposure through suitable systems or schedules of work organisation, including the reduction of working time without loss of pay.

14. In prescribing measures for the prevention and control of air pollution, noise and vibration in the working environment, the competent authority should take into consideration the most recent codes or practice or guides established by the International Labour Office and the conclusions of meetings of experts convened by the International Labour Office, as well as information from other competent bodies.

15. In prescribing measures for the prevention and control of air pollution, noise and vibration in the working environment, the competent authority should take into consideration the relationship between the protection of the working environment and the protection of the general environment.

III SUPERVISION OF THE HEALTH OF WORKERS

16. (1) The supervision of the health of workers provided for in Article 11 of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, should include as determined by the competent authority-

- (a) a pre-assignment medical examination;
- (b) periodic medical examinations at suitable intervals;
- (c) biological or other tests or investigations which may be necessary to control the degree of exposure and supervise the state of health of the worker concerned;
- (d) medical examinations or biological or other tests or investigations after cessation of the assignment which, when medically indicated, should be made available as of right on a regular basis and over a prolonged period.

(2) The competent authority should require that the results of any such examinations or tests be made available to the worker, and at his request to his personal physician.

17. The supervision provided for in Paragraph 16 of this Recommendation should normally be carried out in working hours and should be free of cost to the worker.

18. (1) The competent authority should develop a system of records of the medical information obtained in pursuance of Paragraph 16 of this Recommendation and should determine the manner in which it is to operate. Provision should be made for the maintenance of such records for an appropriate period of time to assure their availability, on terms which will permit personal identification by the competent authority only, for epidemiological and other research.

(2) To the extent determined by the competent authority, the records should include information on occupational exposure to air pollution, noise and vibration in the working environment.

19. Where continued assignment to work involving exposure to air pollution, noise or vibration is found to be medically inadvisable, every effort should be made, consistent with national practice and conditions, to provide the worker concerned with suitable alternative employment and to maintain his previous income through social security measures or otherwise.

20. In implementing this Recommendation, the rights of workers under social security or social insurance legislation should not be adversely affected.

IV. TRAINING, INFORMATION AND RESEARCH

21. (1) The competent authority should take measures to promote the training and information of all persons concerned with respect to the prevention and control of, and protection against, existing and potential occupational hazards in the working environment due to air pollution, noise and vibration.

(2) Representatives of the workers of the undertaking should be informed and consulted in advance by the employer on projects, measures and decisions which are liable to have harmful consequences on the health of workers, in connection with air pollution, noise and vibration in the working environment.

(3) Before being assigned to work liable to involve exposure to hazards of air pollution, noise or vibration, workers should be informed by the employer of the hazards, of safety and health measures, and of possibilities of having recourse to medical services.

22. (1) The competent authority, in close co-operation with employers' and workers' organisations, should promote, assist and stimulate research in the field of prevention and control of hazards in the working environment due to air pollution, noise and vibration, with the assistance, as appropriate, of international and national organisations.

(2) All concerned should be informed of the objectives and results of such research.

23. Employers' and workers' organisations should take positive action to carry out programmes of training and information with respect to the prevention and control of, and

protection against, existing and potential occupational hazards in the working environment due to air pollution, noise and vibration.

24. Workers' representatives within undertakings should have the facilities and necessary time, without loss of pay, to play an active role in respect of the prevention and control of, and the protection against, occupational hazards in the working environment due to air pollution, noise and vibration. For this purpose, they should have the right to seek assistance from recognised experts of their choice.

25. Such measures as are necessary should be taken to secure that, in connection with the use at a workplace of a substance liable to be harmful to health or otherwise dangerous, adequate information is available on--

- (a) the results of any relevant tests relating to the substance; and
- (b) the conditions required to ensure that, when properly used, it is without danger to the health of workers.

V. MEASURES OF APPLICATION

26. 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) 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;
- (c) endeavour to do so as speedily as national conditions permit.

27. In giving effect to the provisions of this Recommendation the competent authority should act in consultation with the most representative organisations of employers and workers concerned, and, as appropriate, manufacturers', suppliers' and importers' organisations.

28. (1) The provisions of this Recommendation which relate to the design, manufacture and supply of machinery and equipment to an approved standard should apply forthwith to newly manufactured machinery and equipment.

(2) The competent authority should, as soon as possible, specify time limits appropriate to their nature for the modification of existing machinery and equipment.

RECOMMENDATION CONCERNING EMPLOYMENT AND CONDITIONS OF WORK AND LIFE OF NURSING PERSONNEL

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

Recognising the vital role played by nursing personnel, together with other workers in the field of health, in the protection and improvement of the health and welfare of the population, and

Emphasising the need to expand health services through co-operation between governments and employers' and workers' organisations concerned in order to ensure the provision of nursing services appropriate to the needs of the community, and

Recognising that the public sector as an employer of nursing personnel should play a particularly active role in the improvement of conditions of employment and work of nursing personnel, and

Noting that the present situation of nursing personnel in many countries, in which there is a shortage of qualified persons and existing staff are not always utilised to the best effect, is an obstacle to the development of effective health services, and

Recalling that nursing personnel are covered by many international labour Conventions and Recommendations laying down general standards concerning employment and conditions of work, such as instruments on discrimination, on freedom of association and the right to bargain collectively, on voluntary conciliation and arbitration, on hours of work, holidays with pay and paid educational leave, on social security and welfare facilities, and on maternity protection and the protection of workers' health, and

Considering that the special conditions in which nursing is carried out make it desirable to supplement the above-mentioned general standards by standards specific to nursing personnel, designed to enable them to enjoy a status corresponding to their role in the field of health and acceptable to them, and

Noting that the following standards have been framed in co-operation with the World Health Organisation and that there will be continuing co-operation with that Organisation in promoting and securing the application of these standards, and

Having decided upon the adoption of certain proposals with regard to employment and conditions of work and life of nursing personnel, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-first day of June of the year one thousand nine hundred and seventy-seven the following Recommendation, which may be cited as the Nursing Personnel Recommendation, 1977:

I. SCOPE

1. For the purpose of this Recommendation, the term "nursing personnel" includes all categories of persons providing nursing care and nursing services.
2. This Recommendation applies to all nursing personnel, wherever they work.
3. The competent authority, may, after consultation with the employers' and workers' organisations concerned, where such organisations exist, establish special rules concerning nursing personnel who give services on a voluntary basis; these rules should not derogate from the provisions of Parts II, III, IV and IX of this Recommendation.

II. POLICY CONCERNING NURSING SERVICES AND NURSING PERSONNEL

4. (1) Each Member should adopt and apply, in a manner appropriate to national conditions a policy concerning nursing services and nursing personnel designed, within the framework of a general health programme and within the resources available for health care as a whole, to provide the quantity and quality of nursing care necessary for attaining the highest possible level of health for the population.

(2) The said policy should--

- (a) be co-ordinated with policies relating to other aspects of health care and to other workers in the field of health, in consultation with representatives of the latter;
- (b) include the adoption of laws or regulations concerning education and training for and the practice of the nursing profession and the adaptation of such laws or

regulations to developments in the qualifications and responsibilities required of nursing personnel to meet all calls for nursing services;

(c) include measures—

- (i) to facilitate the effective utilisation of nursing personnel in the country as a whole; and
 - (ii) to promote the fullest use of the qualifications of nursing personnel in the various establishments, areas and sectors employing them; and
- (d) be formulated in consultation with the employers' and workers' organisations concerned.

5. (1) Measures should be taken, in consultation with the employers' and workers' organisations concerned, to establish a rational nursing personnel structure by classifying nursing personnel in a limited number of categories determined by reference to education and training, level of functions and authorisation to practise.

(2) Such a structure may include the following categories, in accordance with national practice:

professional nurses, having the education and training recognised as necessary for assuming less complex functions, and authorised to perform them;

(b) auxiliary nurses, having at least the education and training recognised as necessary for assuming less complex functions, under the supervision of a professional nurse as appropriate, and authorised to perform them;

(c) nursing aides, having prior education and/or on-the-job training enabling them to perform specified tasks under the supervision of a professional or auxiliary nurse.

6. (1) The functions of nursing personnel should be classified according to the level of judgement required, the authority to take decisions, the complexity of the relationship with other functions, the level of technical skill required, and the level of responsibility for the nursing services provided.

(2) The resulting classification should be used to ensure greater uniformity of employment structure in the various establishments, areas and sectors employing nursing personnel.

(3) Nursing personnel of a given category should not be used as substitutes for nursing personnel of a higher category except in case of special emergency, on a provisional basis, and on condition that they have adequate training or experience and are given appropriate compensation.

III EDUCATION AND TRAINING

7. (1) Measures should be taken to provide the necessary information and guidance on the nursing profession to persons wishing to take up nursing as a career

(2) Where appropriate, basic nursing education should be conducted in educational institutions within the framework of the general education system of the country at a level similar to that of comparable professional groups.

(3) Laws or regulations should prescribe the basic requirements regarding nursing education and training and provide for the supervision of such education and training, or should empower the competent authority or competent professional bodies to do so.

(4) Nursing education and training should be organised by reference to recognised community needs, taking account of resources available in the country, and should be co-ordinated with the education and training of other workers in the field of health.

8. (1) Nursing education and training should include both theory and practice in conformity with a programme officially recognised by the competent authorities.

(2) Practical training should be given in approved preventive, curative and rehabilitation services, under the supervision of qualified nurses.

9. (1) The duration of basic nursing education and training should be related to the minimum educational requirements for entry to training and to the purposes of training.

(2) There should be two levels of approved basic education and training:

(a) an advanced level, designed to train professional nurses having sufficiently wide and thorough skills to enable them to provide the most complex nursing care and to organise and evaluate nursing care, in hospitals and other health-related community services; as far as possible, students accepted for education and training at this

level should have the background of general education required for entry to university;

(b) a less advanced level, designed to train auxiliary nurses able to provide general nursing care which is less complex but which requires technical skills and aptitude for personal relations; students accepted for education and training at this level should have attained as advanced a level as possible of secondary education.

10. There should be programmes of higher nursing education to prepare nursing personnel for the highest responsibilities in direct and supportive nursing care, in the administration of nursing services, in nursing education and in research and development in the field of nursing.

11. Nursing aides should be given theoretical and practical training appropriate to their functions.

12.(1) Continuing education and training both at the workplace and outside should be an integral part of the programme referred to in Paragraph 8, sub-paragraph 1, of this Recommendation and be available to all so as to ensure the updating and upgrading of knowledge and skills and to enable nursing personnel to acquire and apply new ideas and techniques in the field of nursing and related sciences.

(2) Continuing nursing education and training should include provision for programmes which would promote and facilitate the advancement of nursing aides and auxiliary nurses.

(3) Such education and training should also include provision for programmes which would facilitate re-entry into nursing after a period of interruption.

IV. PRACTICE OF THE NURSING PROFESSION

13. The laws or regulations concerning the practice of the nursing profession should--

(a) specify the requirements for the practice of the nursing profession as professional nurse or as auxiliary nurse and, where the possession of certificates attesting the attainment of the required level of education and training does not automatically imply the right to practise the profession, empower a body including representatives of nursing personnel to grant licences;

(b) limit the practice of the profession to duly authorised persons;

(c) be reviewed and updated, as necessary, in accordance with current advances and practices in the profession.

14. The standards concerning nursing practice should be co-ordinated with those concerning the practice of other health professions.

15. (1) Nursing personnel should not be assigned to work which goes beyond their qualifications and competence.

(2) Where individuals are not qualified for work on which they are already employed, they should be trained as quickly as possible to obtain the necessary qualifications, and their preparation for these qualifications should be facilitated.

16. Consideration should be given to the measures which may be called for by the problem of civil liability of nursing personnel arising from the exercise of their functions.

17. Any disciplinary rules applicable to nursing personnel should be determined with the participation of representatives of nursing personnel and should guarantee such personnel a fair judgement and adequate appeal procedures, including the right to be represented by persons of their choice at all levels of the proceedings, in a manner appropriate to national conditions.

18. Nursing personnel should be able to claim exemption from performing specific duties, without being penalised, where performance would conflict with their religious, moral or ethical convictions and where they inform their supervisor in good time of their objection so as to allow the necessary alternative arrangements to be made to ensure that essential nursing care of patients is not affected.

V. PARTICIPATION

19. (1) Measures should be taken to promote the participation of nursing personnel in the planning and in decisions concerning national health policy in general and concerning their profession in particular at all levels, in a manner appropriate to national conditions.

(2) In particular—

- (a) qualified representatives of nursing personnel, or of organisations representing them, should be associated with the elaboration and application of policies and general principles regarding the nursing profession, including those regarding education and training and the practice of the profession;
- (b) conditions of employment and work should be determined by negotiation between the employers' and workers' organisations concerned;
- (c) the settlement of disputes arising in connection with the determination of terms and conditions of employment should be sought through negotiation between the parties or through independent and impartial machinery, such as mediation, conciliation and voluntary arbitration, with a view to making it unnecessary for the organisations representing nursing personnel to have recourse to such other steps as are normally open to organisations of other workers in defence of their legitimate interests;

in the employing establishment, nursing personnel or their representatives in the meaning of Article 3 of the Workers' Representatives Convention 1971, should be associated with decisions relating to their professional life, in a manner appropriate to the questions at issue.

20. Representatives of nursing personnel should be assured the protection provided for in the Workers' Representatives Convention and Recommendation, 1971.

VI. CAREER DEVELOPMENT

21. (1) Measures should be taken to offer nursing personnel reasonable career prospects by providing for a sufficiently varied and open range of possibilities of professional advancement, leadership positions in direct and supportive nursing care, the administration of nursing services, nursing education, and research and development in the field of nursing, and a grading and a remuneration structure recognising the acceptance of functions involving increased responsibility, and requiring greater technical skill and professional judgement.

(2) These measures should also give recognition to the importance of functions involving direct relations with patients and the public.

22. Measures should be taken to give nursing personnel advice and guidance on career prospects and, as appropriate, on re-entry into nursing after a period of interruption.

23. In determining the level at which nursing personnel re-entering the profession after an interruption of its practice should be employed, account should be taken of previous nursing experience and the duration of the interruption.

24. (1) Nursing personnel wishing to participate in programmes of continuing education and training and capable of doing so should be given the necessary facilities.

(2) These facilities might consist in the grant of paid or unpaid educational leave, adaptation of hours of work, and payment of study or training costs; wherever possible, nursing personnel should be granted paid educational leave in accordance with the Paid Educational Leave Convention, 1974.

(3) Employers should provide staff and facilities for in-service training of nursing personnel, preferably at the workplace.

VII. REMUNERATION

25. (1) The remuneration of nursing personnel should be fixed at levels which are commensurate with their socio-economic needs, qualifications, responsibilities, duties and experience, which take account of the constraints and hazards inherent in the profession, and which are likely to attract persons to the profession and retain them in it.

(2) Levels of remuneration should bear comparison with those of other professions requiring similar or equivalent qualifications and carrying similar or equivalent responsibilities.

(3) Levels of remuneration for nursing personnel having similar or equivalent duties and working in similar or equivalent conditions should be comparable, whatever the establishments, areas or sectors in which they work.

(4) Remuneration should be adjusted from time to time to take into account variations in the cost of living and rises in the national standard of living.

(5) The remuneration of nursing personnel should preferably be fixed by collective agreement.

26. Scales of remuneration should take account of the classification of functions and responsibilities recommended in Paragraphs 5 and 6 and of the principles of career policy set out in Paragraph 21 of this Recommendation.

27. Nursing personnel who work in particularly arduous or unpleasant conditions should receive financial compensation for this.

28. (1) Remuneration should be payable entirely in money.

(2) Deductions from wages should be permitted only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement or arbitration award.

(3) Nursing personnel should be free to decide whether or not to use the services provided by the employer.

29. Work clothing, medical kits, transport facilities and other supplies required by the employer or necessary for the performance of the work should be provided by the employer to nursing personnel and maintained free of charge.

VIII. WORKING TIME AND REST PERIODS

30. For the purpose of this Recommendation —

(a) the term "normal hours of work" means the number of hours fixed in each country by or in pursuance of laws or regulations, collective agreements or arbitration awards;

(b) the term "overtime" means hours worked in excess of normal hours of work;

(c) the term "on-call duty" means periods of time during which nursing personnel are, at the workplace or elsewhere, at the disposal of the employer in order to respond to possible calls;

(d) the term "inconvenient hours" means hours worked on other than the normal working days and at other than the normal working time of the country.

31. The time during which nursing personnel are at the disposal of the employer — such as the time needed to organise their work and the time needed to receive and to transmit instructions — should be counted as working time for nursing personnel, subject to possible special provisions concerning on-call duty.

32. (1) The normal weekly hours of nursing personnel should not be higher than those set in the country concerned for workers in general.

(2) Where the normal working week of workers in general exceeds 40 hours, steps should be taken to bring it down, progressively, but as rapidly as possible, to that level for nursing personnel, without any reduction in salary, in accordance with Paragraph 9 of the Reduction of Hours of Work Recommendation, 1962.

33. (1) Normal daily hours of work should be continuous and not exceed eight hours, except where arrangements are made by laws or regulations, collective agreements, works rules or arbitration awards for flexible hours or a compressed week; in any case, the normal working week should remain within the limits referred to in Paragraph 32, subparagraph (1), of this Recommendation.

(2) The working day, including overtime, should not exceed 12 hours.

(3) Temporary exceptions to the provisions of this Paragraph should be authorised only in case of special emergency.

34. (1) There should be meal breaks of reasonable duration.

(2) There should be rest breaks of reasonable duration included in the normal hours of work.

35. Nursing personnel should have sufficient notice of working schedules to enable them to organise their personal and family life accordingly. Exceptions to these schedules should be authorised only in case of special emergency.

36. (1) Where nursing personnel are entitled to less than 48 hours of continuous weekly rest, steps should be taken to bring their weekly rest to that level.

(2) The weekly rest of nursing personnel should in no case be less than 36 uninterrupted hours.

37. (1) There should be as little recourse to overtime work, work at inconvenient hours and on-call duty as possible.

(2) Overtime and work on public holidays should be compensated in time off and/or remuneration at a higher rate than the normal salary rate.

(3) Work at inconvenient hours other than public holidays should be compensated by an addition to salary.

38. (1) Shift work should be compensated by an increase in remuneration which should not be less than that applicable to shift work in other employment in the country.

(2) Nursing personnel assigned to shift work should have a period of continuous rest of at least 12 hours between shifts.

(3) A single shift of duty divided by a period of unremunerated time (split shift) should be avoided.

39. (1) Nursing personnel should be entitled to, and required to take, a paid annual holiday of at least the same length as other workers in the country.

(2) Where the length of the paid annual holiday is less than four weeks for one year of service, steps should be taken to bring it progressively, but as rapidly as possible, to that level for nursing personnel.

40. Nursing personnel who work in particularly arduous or unpleasant conditions should benefit from a reduction of working hours and/or an increase in rest periods, without any decrease in total remuneration.

41. (1) Nursing personnel absent from work by reason of illness or injury should be entitled, for a period and in a manner determined by laws or regulations or by collective agreements, to —

(a) maintenance of the employment relationship and of rights deriving therefrom;

(b) income security.

(2) The laws or regulations, or collective agreements, establishing sick leave entitlement should distinguish between

(a) cases in which the illness or injury is service-incurred;

(b) cases in which the person concerned is not incapacitated for work but absence from work is necessary to protect the health of others;

cases of illness or injury unrelated to work.

42. (1) Nursing personnel, without distinction between married and unmarried persons, should be assured the benefits and protection provided for in the Maternity Protection Recommendation 1952.

(2) Maternity leave should not be considered to be sick leave.

(3) The measures provided for in the Employment (Women with Family Responsibilities) Recommendation, 1965, should be applied in respect of nursing personnel.

43. In accordance with Paragraph 19 of this Recommendation, decision concerning the organisation of work, working time and rest periods should be taken in agreement or in consultation with freely chosen representatives of the nursing personnel or with organisations representing them. They should bear, in particular, on —

- (a) the hours to be regarded as inconvenient hours;
- (b) the conditions in which on-call duty will be counted as working time;
- (c) the conditions in which the exceptions provided for in Paragraph 33, subparagraph (3), and in Paragraph 35 of this Recommendation will be authorised;
- (d) the length of the breaks provided for in Paragraph 34 of this Recommendation and the manner in which they were to be taken;
- (e) the form and amount of the compensation provided for in Paragraphs 37 and 38 of this Recommendation;
- (f) working schedules;
- (g) the conditions to be considered as particularly arduous or unpleasant for the purpose of Paragraphs 27 and 40 of this Recommendation.

IX. OCCUPATIONAL HEALTH PROTECTION

44. Each Member should endeavour to adapt laws and regulations on occupational health and safety to the special nature of nursing work and of the environment in which it is carried out, and to increase the protection afforded by them.

45. (1) Nursing personnel should have access to occupational health services operating in accordance with the provisions of the Occupational Health Services Recommendation, 1959.

(2) Where occupational health services have not yet been set up for all undertakings, medical care establishments employing nursing personnel should be among the undertakings for which, in accordance with Paragraph 4 of that Recommendation, such services should be set up in the first instance.

46. (1) Each Member and the employers' and workers' organisations concerned should pay particular attention to the provisions of the Protection of Workers' Health Recommendation, 1953, and endeavour to ensure its application to nursing personnel.

(2) All appropriate measures should be taken in accordance with Paragraphs 1 to 7 of that Recommendation to prevent, reduce or eliminate risks to the health or safety of nursing personnel.

47. (1) Nursing personnel should undergo medical examinations on taking up and terminating an appointment, and at regular intervals during their service.

(2) Nursing personnel regularly assigned to work in circumstances such that a definite risk to their health or to that of others around them exists or may be suspected should undergo regular medical examinations at intervals appropriate to the risk involved.

(3) Objectivity and confidentiality should be assured in examinations provided for in this Paragraph; the examinations referred to should not be carried out by doctors with whom the persons examined have a close working relationship.

48. (1) Studies should be undertaken - and kept up to date - to determine special risks to which nursing personnel may be exposed in the exercise of their profession so that these risks may be prevented and, as appropriate, compensated.

(2) For that purpose, cases of occupational accidents and cases of diseases recognised as occupational under laws or regulations concerning employment injury benefits, or liable to be occupational in origin, should be notified to the competent authority, in a manner to be prescribed by national laws or regulations, in accordance with Paragraphs 14 to 17 of the Protection of Workers' Health Recommendation, 1953.

49. (1) All possible steps should be taken to ensure that nursing personnel are not exposed to special risks. Where exposure to special risks is unavoidable, measures should be taken to minimise it.

(2) Measures such as the provision and use of protective clothing, immunisation, shorter hours, more frequent rest breaks, temporary removal from the risk or longer annual holidays should be provided for in respect to nursing personnel regularly assigned to duties involving special risks so as to reduce their exposure to these risks.

(3) In addition, nursing personnel who are exposed to special risks should receive financial compensation.

50. Pregnant women and parents of young children whose normal assignment could be prejudicial to their health or that of their child should be transferred, without loss of entitlements, to work appropriate to their situation.

51. The collaboration of nursing personnel and of organisations representing them should be sought in ensuring the effective application of provisions concerning the protection of the health and safety of nursing personnel.

52. Appropriate measures should be taken for the supervision of the application of the laws and regulations and other provisions concerning the protection of the health and safety of nursing personnel.

X. SOCIAL SECURITY

53. (1) Nursing personnel should enjoy social security protection at least equivalent, as the case may be, to that of other persons employed in the public service or sector, employed in the private sector, or self-employed, in the country concerned; this protection should cover periods of probation and periods of training of persons regularly employed as nursing personnel.

(2) The social security protection of nursing personnel should take account of the particular nature of their activity.

54. As far as possible, appropriate arrangements should be made to ensure continuity in the acquisition of rights and the provision of benefits in case of change of employment and temporary cessation of employment.

55. (1) Where the social security scheme gives protected persons the free choice of doctor and medical institution, nursing personnel should enjoy the same freedom of choice.

(2) The medical records of nursing personnel should be confidential.

56. National laws or regulations should make possible the compensation, as an occupational disease, of any illness contracted by nursing personnel as a result of their work.

XI. SPECIAL EMPLOYMENT ARRANGEMENT.

57. With a view to making the most effective use of available nursing personnel and to preventing the withdrawal of qualified persons from the profession, measures should be taken to make possible temporary and part-time employment.

58. The conditions of employment of temporary and part-time nursing personnel should be equivalent to those of permanent and full-time staff respectively, their entitlements being, as appropriate, calculated on a pro rata basis.

XII. NURSING STUDENTS

59. Nursing students should enjoy the rights and freedoms of students in other disciplines, subject only to limitations which are essential for their education and training.

60. (1) Practical work of nursing students should be organised and carried out by reference to their training needs; it should in no case be used as a means of meeting normal staffing requirements.

(2) During their practical work, nursing students should only be assigned tasks which correspond to their level of preparation.

(3) Throughout their education and training, nursing students should have the same health protection as nursing personnel.

(4) Nursing students should have appropriate legal protection.

61. During their education and training, nursing students should receive precise and detailed information on the employment, working conditions and career prospects of nursing personnel, and on the means available to them to further their economic, social and professional interests.

XIII. INTERNATIONAL CO-OPERATION

62. In order to promote exchanges of personnel, ideas and knowledge, and thereby improve nursing care, Members should endeavour, in particular by multilateral or bilateral arrangements, to -

- (a) harmonise education and training for the nursing profession without lowering standards;
- (b) lay down the conditions of mutual recognition of qualifications acquired abroad;
- (c) harmonise the requirements for authorisation to practice;
- (d) organise nursing personnel exchange programmes.

63. (1) Nursing personnel should be encouraged to use the possibilities of education and training available in their own country.

(2) Where necessary or desirable, they should have the possibility of education and training abroad, as far as possible by way of organised exchange programmes.

64. (1) Nursing personnel undergoing education or training abroad should be able to obtain appropriate financial aid, on conditions to be determined by multilateral or bilateral arrangement or national laws or regulations.

(2) Such aid may be made dependent on an undertaking to return to their country within a reasonable time and to work there for a specified minimum period in a job corresponding to the newly acquired qualifications, on terms at least equal to those applicable to other nationals.

65. Consideration should be given to the possibility of detaching personnel wishing to work or train abroad for a specified period, without break in the employment relationship.

66. (1) Foreign nursing personnel should have qualifications recognised by the competent authority as appropriate for the posts to be filled and satisfy all other conditions for the practice of the profession in the country of employment; foreign personnel participating in organised exchange programmes may be exempted from the latter requirement.

(2) The employer should satisfy himself that foreign nursing personnel have adequate language ability for the posts to be filled.

(3) Foreign nursing personnel with equivalent qualifications should have conditions of employment which are as favourable as those of national personnel in posts involving the same duties and responsibilities.

67. (1) Recruitment of foreign nursing personnel for employment should be authorised only

- (a) if there is a lack of qualified personnel for the posts to be filled in the country of employment;
- (b) if there is no shortage of nursing personnel with the qualifications sought in the country of origin.

(2) Recruitment of foreign nursing personnel should be undertaken in conformity with the relevant provisions of the Migration for Employment Convention and Recommendation (Revised), 1949.

68. Nursing personnel employed or in training abroad should be given all necessary facilities when they wish to be repatriated.

69. As regards social security, Members should, in accordance with national practice

- (a) assure to foreign nursing personnel training or working in the country equality of treatment with national personnel;
- (b) participate in bilateral or multilateral arrangements designed to ensure the maintenance of the acquired rights or rights in course of acquisition of migrant nursing personnel, as well as the provision of benefits abroad.

XIV. METHODS OF APPLICATION

70. This Recommendation may be applied by national laws or regulations, collective agreements, work rules, arbitration awards or judicial decisions, or in any other manner consistent with national practice which may be appropriate, account being taken of conditions in each country.

71. In applying the provisions of this Recommendation, Members and the employers' and workers' organisations concerned should be guided to the extent possible and desirable by the suggestions concerning its practical application set forth in the Annex.

ANNEX

Suggestions concerning Partical Application
Policy concerning Nursing Services and
Nursing Personnel.

1. Sufficient budgetary provision should be made to permit the attainment of the objectives of the national policy concerning nursing services and nursing personnel.

2. (2) The programming of nursing services should be a continuing process at all levels of general health programming.

(2) Nursing services should be programmed on the basis of —

- (a) information obtained from studies and research which are of a continuing nature and permit adequate evaluation of the problems arising and of the needs and available resources;
- (b) technical standards appropriate to changing needs and national and local conditions.

(3) In particular, measures should be taken to —

- (a) establish adequate nursing standards;
- (b) specify the nursing functions called for by the recognised needs;
- (c) determine the staffing standards for the adequate composition of nursing teams as regards the number of persons and qualifications required at the various levels and in the various categories;
- (d) determine on that basis the categories, number and level of personnel required for the development of nursing services as a whole and for the effective utilisation of personnel;
- (e) determine, in consultation with the representatives of those concerned, the relationship between nursing personnel and other categories of health personnel.

3. The policy concerning nursing services and nursing personnel should aim at developing four types of functions of nursing personnel: direct and supportive nursing care; the administration of nursing services; nursing education; and research and development in the field of nursing.

4. Appropriate technical and material resources should be provided for the proper exercise of the tasks of nursing personnel.

5. The classification of functions recommended in Paragraph 5 of the Recommendation should be based on an analysis of jobs and an evaluation of functions made in consultation with the employers' and workers' organisations concerned.

Education and Training

6. Where the educational possibilities of large sections of the population are limited, measures should be taken within the programmes of nursing education and training to supplement the general education of students who have not attained the level required in accordance with Paragraph 9 of the Recommendation.

7. Programmes of nursing education and training should provide a basis for access to education and training for higher knowledge and skills as members of the health team.

PRACTICE OF THE NURSING PROFESSION

8. (1) In conditions to be determined, the renewal of an authorisation to practise the nursing profession may be required.

(2) Such renewal might be made subject to requirements of continuing education and training, where this is considered necessary to ensure that authorised nursing personnel remain fully qualified.

9. Re-entry into the profession after an interruption of its practice may be made subject in specified circumstances to verification of qualifications; in such case, consideration should be given to facilitating re-entry by such methods as employment alongside another person for a specified period before verification takes place.

10. (1) Any disciplinary rules applicable to nursing personnel should include —

- (a) a definition of breach of professional conduct taking account of the nature of the profession and of such standards of professional ethics as may be applicable thereto;
- (b) an indication of the sanctions applicable, which should be proportional to the gravity of the fault.

(2) Any disciplinary rules applicable to nursing personnel should be laid down in the framework of rules applicable to health personnel as a whole or, where there are no such rules, should take due account of rules applicable to other categories of health personnel.

CAREER DEVELOPMENT

11. Where the possibilities of professional advancement are limited as a result of the manner in which nursing services in general are conceived, measures might be taken to facilitate access to studies leading to qualifications for other health professions.

12. (1) Measures should be taken to establish systems of classification and of scales of remuneration which provide possibilities of professional advancement on the basis of the classification of the level of functions envisaged in Paragraph 6 of the Recommendation.

(2) These systems should be sufficiently open to provide an incentive for nursing personnel to pass from one level to another.

(3) The promotion of nursing personnel should be based on equitable criteria and take account of experience and demonstrated ability.

13. Increases in remuneration should be provided for, at every level, by reference to the development of experience and ability.

14. (1) Measures should be taken to encourage nursing personnel to make the greatest possible use of their knowledge and their qualifications in their work.

(2) The responsibilities effectively assumed by nursing personnel and the competence shown by them should be continuously reviewed so as to ensure remuneration and possibilities of advancement or promotion corresponding thereto.

15. (1) Periods of paid educational leave should be considered to be periods of work for the purpose of entitlement to social benefits and other rights deriving from the employment relationship.

(2) As far as possible, periods of unpaid educational leave for the purpose of additional education and training should be taken into consideration in the calculation of seniority, particularly as regards remuneration and pension rights.

REMUNERATION

16. Pending the attainment of levels of remuneration comparable with those of other professions requiring similar or equivalent qualifications and carrying similar or equivalent responsibilities, measures should be taken, where necessary, to bring remuneration as rapidly as possible to a level which is likely to attract nursing personnel to the profession and retain them in it.

17. (1) Additions to salary and compensatory payments which are granted on a regular basis should, to an extent commensurate with general practice in the professions referred to in Paragraph 16 of this Annex, be regarded as an integral part of remuneration for the calculation of holiday pay, pensions and other social benefits.

(2) Their amount should be periodically reviewed in the light of changes in the cost of living.

WORKING TIME AND REST PERIODS

18. (1) In the organisation of hours of work, every effort should be made, subject to the requirements of the service, to allocate shift work, overtime work and work at inconvenient hours equitably between nursing personnel, and in particular between permanent and temporary and between full-time and part-time personnel, and to take account as far as possible of individual preferences and of special considerations regarding such matters as climate, transportation and family responsibilities.

(2) The organisation of hours of work for nursing personnel should be based on the need for nursing services rather than subordinated to the work pattern of other health service personnel.

19. (1) Appropriate measures to limit the need for overtime, for work at inconvenient hours and for on-call duty should be taken in the organisation of work, in determining the number and use of staff and in scheduling hours of work; in particular, account should be taken of the need for replacing nursing personnel during absences or leave authorised by laws or regulations or collective agreements, so that the personnel who are present will not be overburdened.

(2) Overtime should be worked on a voluntary basis, except where it is essential for patient care and sufficient volunteers are not available.

20. The notice of working schedules provided for in Paragraph 35 of the Recommendations should be given at least two weeks in advance.

21. Any period of on-call duty during which nursing personnel are required to remain at the workplace or the services of nursing personnel are actually used should be fully regarded as working time and remunerated as such.

22. (1) Nursing personnel should be free to take their meals in places of their choice.

(2) They should be able to take their rest breaks at a place other than their workplace.

23. The time at which the annual holiday is to be taken should be determined on an equitable basis, due account being taken of family obligations, individual preferences and the requirements of the service.

OCCUPATIONAL HEALTH PROTECTION

24. Nursing personnel in respect of whom special measures such as those envisaged in Paragraphs 47, subparagraph (2), 49 and 50 of the Recommendations should be taken should include, in particular, personnel regularly exposed to ionising radiations or to anaesthetic substances and personnel in contact with infectious diseases or mental illness.

25. Nursing personnel regularly exposed to ionising radiations should, ⁱⁿ addition, enjoy the protection of the measures provided for in the Radiation Protection Convention and Recommendation 1960.

26. Work to which pregnant women or mothers of young children should not be assigned should include —

- (a) as regards women covered by Paragraph 5 of the Maternity Protection Recommendation, 1952, the types of work enumerated therein;
- b) generally, work involving exposure to ionising radiations or anaesthetic substances or involving contact with infectious diseases.

SOCIAL SECURITY

27. In order to ensure continuity in the acquisition of rights and the provision of benefits, as provided in Paragraph 54 of the Recommendation, steps should be taken to coordinate such private supplementary schemes as exist with each other and with statutory schemes.

28. In order to ensure that nursing personnel receive the compensation for illness contracted as a result of their work, as provided for in Paragraph 56 of the Recommendation, Members should, by laws or regulations —

- (a) prescribe a list establishing a presumption of occupational origin in respect of certain diseases when they are contracted by nursing personnel, and revise the list periodically in the light of scientific and technical developments affecting nursing personnel;
- (b) complement that list by a general definition of occupational diseases or by other provision enabling nursing personnel to establish the occupational origin of diseases not presumed to be occupational by virtue of the list.

INTERNATIONAL CO-OPERATION

29. The financial aid given to nursing personnel undergoing education or training abroad might include, as appropriate —

- (a) payment of travel expenses; (b) payment of study costs; (c) scholarships; (d) continuation of full or partial remuneration, in the case of nursing personnel already employed.

30. As far as possible, periods of leave or detachment for training or work abroad should be taken into consideration in the calculation of seniority, particularly as regards remuneration and pension rights.