TWENTY THIRD INTERNATIONAL LABOUR CONFERENCE SESSION ON 23 JUNE 1937 - AT GENEVA

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SAFETY PROVISIONS (BUILDING)

Convention Concerning Safety Provisions in the Building Industry.
Entry into force: 04 July 1942

Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-third Session on 3 June 1937, and

Considering that building work gives rise to serious accident risks which it is necessary to reduce both on humanitarian and on economic grounds, and

Having decided upon the adoption of certain proposals with regard to safety provisions for workers in the building industry with reference to scaffolding and hoisting machinery, which is the first item on the agenda of the Session, and

Considering that, in view of the desirability of standardising minimum safety provisions without prescribing requirements too rigid for general application, the most appropriate form for these proposals is that of an international Convention accompanied by a Recommendation embodying a model code of safety regulations,

adopts this twenty-third day of June of the year one thousand nine hundred and thirty-seven the following Convention, which may be cited as the Safety Provisions (Building) Convention, 1937:

PART I. OBLIGATIONS OF PARTIES TO THE CONVENTION

Article 1

- 1. Each Member of the International Labour Organisation which ratifies this Convention undertakes that it will maintain in force laws or regulations--
  - (a) which ensure the application of the General Rules set forth in Parts II to IV of this Convention; and
  - (b) in virtue of which an appropriate authority has power to make regulations for the purpose of giving such effect as may be possible and desirable under national conditions to the provisions of, or provisions equivalent to the provisions of, the model code annexed to the

Safety Provisions (Building) Recommendation, 1937, or any revised model code subsequently recommended by the International Labour Conference.

- 2. Each such Member further undertakes that it will communicate every third year to the International Labour Office a report indicating the extent to which effect has been given to the provisions of the model code annexed to the Safety Provisions (Building) Recommendation, 1937, or of any revised model code subsequently recommended by the International Labour Conference.

Article 2

- 1. The laws or regulations for ensuring the application of the General Rules set forth in Parts II to IV of this Convention shall apply to all work done on the site in connection with the construction, repair, alteration, maintenance and demolition of all types of buildings.
- 2. The said laws or regulations may provide that the competent authority may, after consultation with the organisations of employers and workers concerned where such exist, exempt from all or any of their provisions work of such a character that reasonably safe conditions normally obtain.

Article 3

The laws or regulations for ensuring the application of the General Rules set forth in Parts II to IV of this Convention, and regulations made by the appropriate authority for the purpose of giving effect to the model code annexed to the Safety Provisions (Building) Recommendation, 1937, shall--

- (a) require employers to bring them to the notice of all persons concerned in a manner approved by the competent authority;
- (b) define the persons responsible for compliance therewith; and
- (c) prescribe adequate penalties for any violation thereof.

Article 4

Each Member which ratifies this Convention undertakes to maintain, or satisfy itself that there is maintained, a system of inspection adequate to ensure the effective enforcement of its laws and regulations relating to safety precautions in the building industry.

Article 5

- 1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of economic development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of the Convention either generally or with such exceptions in respect of particular localities or particular kinds of building operations as it thinks fit.

- 2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.
- 3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

Article 6

Each Member which ratifies this Convention undertakes to communicate annually to the International Labour Office the latest statistical information relating to the number and classification of accidents occurring to persons occupied on work within the scope of this Convention.

PART II. GENERAL RULES AS TO SCAFFOLDS

Article 7

- 1. Suitable scaffolds shall be provided for workmen for all work that cannot be safely done from a ladder or by other means.
- 2. A scaffold shall not be constructed, taken down, or substantially altered, except--
  - (a) under the supervision of a competent and responsible person; and
  - (b) as far as possible by competent workers possessing adequate experience in this kind of work.
- 3. All scaffolds and appliances connected therewith and all ladders shall--
  - (a) be of sound material;
  - (b) be of adequate strength having regard to the loads and strains to which they will be subjected; and
  - (c) be maintained in proper condition.
- 4. Scaffolds shall be so constructed that no part thereof can be displaced in consequence of normal use.
- 5. Scaffolds shall not be overloaded and so far as practicable the load shall be evenly distributed.
- 6. Before installing lifting gear on scaffolds special precautions shall be taken to ensure the strength and stability of the scaffolds.

- 7. Scaffolds shall be periodically inspected by a competent person.
- 8. Before allowing a scaffold to be used by his workmen every employer shall, whether the scaffold has been erected by his workmen or not, take steps to ensure that it complies fully with the requirements of this Article.

Article 8

- 1. Working platforms, gangways and stairways shall--
  - (a) be so constructed that no part thereof can sag unduly or unequally;
  - (b) be so constructed and maintained, having regard to the prevailing conditions, as to reduce as far as practicable risks of persons tripping or slipping; and
  - (c) be kept free from any unnecessary obstruction.
- 2. In the case of working platforms, gangways, working places and stairways at a height exceeding that to be prescribed by national laws or regulations--
  - (a) every working platform and every gangway shall be closely boarded unless other adequate measures are taken to ensure safety;
  - (b) every working platform and gangway shall have adequate width; and
  - (c) every working platform, gangway, working place and stairway shall be suitably fenced.

Article 9

- 1. Every opening in the floor of a building or in a working platform shall, except for the time and to the extent required to allow the access of persons or the transport or shifting of material, be provided with suitable means to prevent the fall of persons or material.
- 2. When persons are employed on a roof where there is a danger of falling from a height exceeding that to be prescribed by national laws or regulations, suitable precautions shall be taken to prevent the fall of persons or material.
- 3. Suitable precautions shall be taken to prevent persons being struck by articles which might fall from scaffolds or other working places.

Article 10

- 1. Safe means of access shall be provided to all working platforms and other working places.
- 2. Every ladder shall be securely fixed and of such length as to provide secure handhold and foothold at every position at which it is used.
- 3. Every place where work is carried on and the means of approach thereto shall be adequately lighted.
- 4. Adequate precautions shall be taken to prevent danger from electrical equipment.

- 5. No materials on the site shall be so stacked or placed as to cause danger to any person.

PART III. GENERAL RULES AS TO HOISTING APPLIANCES

Article 11

- 1. Hoisting machines and tackle, including their attachments, anchorages and supports, shall--
  - (a) be of good mechanical construction, sound material and adequate strength and free from patent defect; and
  - (b) be kept in good repair and in good working order.
- 2. Every rope used in hoisting or lowering materials or as a means of suspension shall be of suitable quality and adequate strength and free from patent defect.

Article 12

- 1. Hoisting machines and tackle shall be examined and adequately tested after erection on the site and before use and be re-examined in position at intervals to be prescribed by national laws or regulations.
- 2. Every chain, ring, hook, shackle, swivel and pulley block used in hoisting or lowering materials or as means of suspension shall be periodically examined.

Article 13

- 1. Every crane driver or hoisting appliance operator shall be properly qualified.
- 2. No person under the age to be prescribed by national laws or regulations shall be in control of any hoisting machine, including any scaffold winch, or give signals to the operator.

Article 14

- 1. In the case of every hoisting machine and of every chain, ring, hook, shackle, swivel and pulley block used in hoisting or lowering or as a means of suspension the safe working load shall be ascertained by adequate means.
- 2. Every hoisting machine and all gear referred to in the preceding paragraph shall be plainly marked with the safe working load.
- 3. In the case of a hoisting machine having a variable safe working load each safe working load and the conditions under which it is applicable shall be clearly indicated.
- 4. No part of any hoisting machine or of any gear referred to in paragraph 1 of this Article shall be loaded beyond the safe working load except for the purpose of testing.

Article 15

- 1. Motors, gearing, transmissions, electric wiring and other dangerous parts of hoisting appliances shall be provided with efficient safeguards.

- 2. Hoisting appliances shall be provided with such means as will reduce to a minimum the risk of the accidental descent of the load.
- 3. Adequate precautions shall be taken to reduce to a minimum the risk of any part of a suspended load becoming accidentally displaced.

PART IV. GENERAL RULES AS TO SAFETY EQUIPMENT AND FIRST AID

Article 16

- 1. All necessary personal safety equipment shall be kept available for the use of the persons employed on the site and be maintained in a condition suitable for immediate use.
- 2. The workers shall be required to use the equipment thus provided and the employer shall take adequate steps to ensure proper use of the equipment by those concerned.

Article 17

When work is carried on in proximity to any place where there is a risk of drowning, all necessary equipment shall be provided and kept ready for use and all necessary steps shall be taken for the prompt rescue of any person in danger.

Article 18

Adequate provision shall be made for prompt first-aid treatment of all injuries likely to be sustained during the course of the work.

PART V. FINAL PROVISIONS

Article 19

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

Article 20

- 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 21

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 22

- 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 23

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

Article 24

- 1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:
  - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 22 above, if and when the new revising Convention shall have come into force;
  - (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
- 2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.