

**Interregional Tripartite Meeting of Experts on
Safety and Health in Shipbreaking for Selected
Asian Countries and Turkey**Bangkok
7-14 October 2003

Report of the discussion**Introduction**

1. At its 285th Session (November 2002), the Governing Body decided to convene an Inter-regional Tripartite Meeting of Experts on Safety and Health in Shipbreaking for Selected Asian Countries and Turkey. The Meeting was held in Bangkok from 7 to 14 October 2003.
2. The agenda of the Meeting consisted of a single item: to review, revise and adopt guidelines on safety and health in shipbreaking.

Participants

3. Fifteen experts were invited to the Meeting from Bangladesh, China, India, Pakistan and Turkey. Five of them were appointed by their respective governments, five after consultation with the Employers' group of the Governing Body and five after consultation with the Workers' group of the Governing Body.
4. Representatives of the International Maritime Organization (IMO), the Secretariat of the Basel Convention (SBC) of the United Nations Environment Programme, and the International Metalworkers' Federation (IMF) attended the Meeting as observers. Six resource persons took part in the Meeting from Canada, Germany, Norway, Republic of Korea, United Kingdom and the United States.
5. A list of participants is annexed to this report.

Opening address

6. A representative of the Director-General (Dr. Jukka Takala, Director, InFocus Programme on SafeWork) welcomed the participants and explained the purpose of the Meeting. He emphasized the importance of shipbreaking, which was among one of the most hazardous industries. The shipbreaking industry faced high rates of accidents leading to fatalities or serious injuries. The situation was worsened by inadequate monitoring, numerous hazards, the lack of training and a poor safety culture. The ILO is concerned with worker protection including safety and health, social security, and working conditions. The long-term objective is the improvement of occupational safety and health (OSH) and working conditions in the shipbreaking industry by moving it from the informal economy to the formal sector and thereby contributing to poverty alleviation. Relevant ILO instruments, such as Conventions, Recommendations and codes of practice, have enhanced social

awareness and national action for enforcement, and assisted employers and workers in improving OSH at the workplace.

7. Another representative of the Director-General (Mr. Norman Jennings, Sectoral Activities Department) outlined the strategic objectives and cross-cutting issues of the ILO and placed occupational safety and health issues and ILO instruments within the context of the main activities of the Organization. ILO codes of practice and guidelines provided detailed technical guidance in upgrading OSH standards. They did not replace national laws and regulations, but could be incorporated into them and in collective agreements. The draft guidelines on safety and health in shipbreaking had been prepared after considerable research and consultations. The final text adopted by the Experts would be posted on the Internet and presented to the Governing Body in March in 2004. The guidelines would be translated into Bengali, Chinese, Hindi, Turkish and Urdu for wider dissemination and extensive use.

Appointment of the Chairperson

8. The participants appointed Capt. Moin Ahmed, representative of Bangladesh to the IMO, as Chairperson of the Meeting.

Presentation of the draft guidelines

9. Dr. Igor Fedotov (InFocus Programme on SafeWork) explained the contents of the draft document to the participants. The introduction comprised general provisions and industry characteristics; Part I presented a national framework, and Part II dealt with safe shipbreaking operations, followed by a glossary, bibliography and annexes. The draft had been distributed to 25 countries for comment, and detailed replies, which had been received from nine of them, was available for consultation by the participants.

General discussion

10. A Government expert, speaking on behalf of his colleagues, said that the draft guidelines were appropriate and practical. He welcomed this ILO initiative as the guidelines would be important for improving OSH and would contribute to the development of the Decent Work Agenda. The spokesperson of the Worker experts congratulated the Office on the draft, which was well prepared and useful. The Employer experts also welcomed the guidelines, but were concerned about the cost of their effective implementation. An observer from the IMO regarded the draft guidelines as a good basis for discussion and said they should remain clear and user-friendly. An observer from the SBC welcomed the ILO initiative to develop guidelines specifically focusing on safety and health.

Point-by-point discussion

General provisions

11. The Meeting agreed to delete “deaths” from 1.1.1(a).

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12. A proposal by the Employer experts to add a reference to environmental protection in the section on objectives was not supported because there was general agreement that this concern was already covered by 1.1.2.
 13. A proposal by the Worker experts to replace in 1.1.1(a) the term “work-related injuries” with “any injuries at the workplace” was not acceptable to the Employer experts, who felt that workers were already covered by social security regardless of whether the injuries were work-related or not. The Government experts felt that the term “work-related injuries” was the correct designation. It was agreed to include a definition of “work-related injury” in the glossary.

Industry characteristics

14. Although the Employer experts agreed with a proposal by the observer from IMO to change the subtitle (2.1) from “Problems of the industry” to “Challenges for the industry”, it was not acceptable to the Worker experts. It was finally agreed to have the first two paragraphs standing individually and to insert the subheading “Problems of the industry” before 2.1.3 and to renumber the remaining paragraphs of the section.
15. In response to a proposal from the Employer experts to delete the entire paragraph on “Shipbreaking is one of the most hazardous occupations” (2.1.3), a new paragraph was drafted taking into consideration their concerns and those of the Government experts.
16. The Government experts noted that the substances mentioned in the original 2.1.4 were not banned in all countries; hence a suggestion to amend the text to read “mostly restricted or banned” was approved by the Meeting.
17. In response to a proposal by the Government experts to delete 2.1.5, since labour laws already covered shipbreaking, it was agreed to replace the paragraph with a new text.
18. The Worker experts pointed out that a change in location of the shipbreaking site, as mentioned in 2.1.6, could lead to problems in ensuring that OSH provisions were enforced because of a different jurisdiction. The Government experts responded that national laws were applicable despite a change in location and administrative level. The text remained unchanged.
19. In response to the Employer experts’ proposal to replace “may” in line 9 of 2.1.7 with “shall”, it was agreed to keep the text in line with the ILO practice of using “shall” in legally binding texts such as Conventions, and “should” in all non-binding ILO instruments such as Recommendations, codes of practice and guidelines. Accordingly, it was agreed to replace “may” with “should”.
20. In response to the Employer experts’ question about the green passports, mentioned in 2.1.7, the Chairperson explained that such passports were recently developed by IMO, the details of which could be found on page 8 of the draft IMO Assembly resolution, which was available to the participants. The observer from IMO confirmed the importance of green passports and welcomed reference to them in the ILO guidelines. He further clarified that for a new ship the green passport would be issued by the builder, whereas for an existing ship the current owner would prepare it.
21. The proposal by the observer from the SBC to include “wastes” after “hazardous substances” in 2.1.7(a) was agreed to. The Employer experts proposed deleting 2.1.7(f) on welfare facilities, which they felt was out of context. However, the Chairperson, supported by the Government experts, responded that the ILO had a responsibility to deal with

workers' welfare. After rejecting a proposal by the Worker experts to insert "basic amenities" before "appropriate housing" in 2.1.7(f), it was agreed that the subparagraph would remain as was, especially since drinking water and other basic amenities were mentioned in 18.2.1.

22. In considering table 1, the Government experts proposed that the risks mentioned under "Serious accident hazards" might be redistributed among the other five categories of hazards. An ILO expert explained that these accident hazards had been identified through national statistics provided to the ILO and formed the basis for priority attention. The Employer experts supported the idea of redistributing the hazards mentioned, whereas the Worker experts were of the opinion that the idea of listing frequent accident hazards be maintained. The Chairperson requested the secretariat to revise the table, and 2.2.2 accordingly.

Part I: National framework

General responsibilities, duties and rights and legal framework

23. Proposals by the Worker experts to add in 3.1.2(a) a text specifying the employment relationship and one by the Government experts to delete it were not supported.
24. The Worker experts' proposal to insert "specific" before laws and regulations and "effective" before mechanism was agreed to in 3.1.2(c).
25. The Government experts pointed out that audits of facilities mentioned in 3.3.2(c) should not be carried out by inspectors, but by independent persons. An ILO expert explained that this had been intended to reflect the contents of the *ILO Guidelines on occupational safety and health management systems (ILO-OSH 2001)*. The use of "periodically determine ..." was accepted.
26. A proposal by the Worker experts to replace the term "affected parties" in 3.3.3 with "concerned parties" was not supported by the Government experts, and the Chairperson suggested keeping the original wording.
27. Proposals by the Worker expert to delete "(at the end of the shift)" in 3.5.1(d), and to add "and for compensation for permanent disability or death as a consequence of such diseases or injuries" at the end of 3.6.1(d) were agreed to.

Occupational safety and health management

28. At the invitation of the Chairperson, an ILO expert explained that this chapter followed the philosophy behind ILO-OSH 2001, which was gaining in importance as a management tool, including in China, India, Malaysia and Japan. The Worker experts proposed to delete "stepwise and progressively" in line 6 of 4.1.1 since it seemed to allow the authorities to take a long time before effective implementation, and to replace it with the phrase "should be introduced immediately and implemented stepwise and progressively". In view of objections from the Government experts, supported by the Employer experts, the Worker experts proposed to delete "stepwise and progressively", which was agreed to.
29. The resource person from the United States proposed to insert in 4.2.1 a new subparagraph (a) "management commitment to, and leadership of, the occupational safety and health and

environmental programmes”, as it would serve to crystallize OSH programmes at the workplace. The Employer and Worker experts supported this proposal.

30. The Worker experts proposed to expand the wording “competent persons” in 4.3.1 to “the competent authorities through competent persons”. The Government experts pointed out that the Government should not be involved in such initial reviews. An ILO expert noted that the term “competent person” was more fully defined in the glossary of the code of practice *Ambient factors in the workplace*. The Meeting agreed to include this expanded definition in the glossary.

Reporting, recording and notification of work-related injuries and diseases, ill health and incidents

31. The Worker experts proposed adding in 5.5.1 a new subparagraph (d) which would read “measures taken for the recovery of the person affected by an occupational disease”, since it was necessary to take into consideration the long-term effects of exposure to some substances which manifested themselves many years later, such as asbestos. An ILO expert explained that the ILO code of practice *Recording and notification of occupational accidents and diseases* was the basis for Chapter 5 of the draft guidelines. As the code of practice did not go beyond investigation and statistics, it did not deal with the treatment of occupational diseases. Although the Worker experts’ proposal was not agreed to, the ILO expert said that their point had not been ignored, but it could not be dealt with in detail. Development of appropriate social security schemes was the responsibility of competent authorities. The Chairperson added that 17.1.1(a) covered the above aspects.

Occupational health services

32. The text was agreed to as drafted.

Part II: Safe shipbreaking operations

Operational planning

33. On the suggestion by the resource person from Canada, the text of 7.2.1.3(a) was deleted; after “certificate for dismantling” the phrase “– as is described in 2.1.7 of this document” was inserted.
34. The observer from IMO provided an editorial comment on the green passport and indicated that 7.2.1.3(b) should read that this has been developed by IMO and was in the process of being adopted as an IMO Assembly resolution.

General preventive and protective measures

35. The Government experts proposed that in 8.1.1(a) “safe” should be replaced with “reasonably safe”, as no workplaces could be perfectly safe. The Worker experts did not agree. As the Employer experts agreed with the original wording, the proposal was not supported. An ILO expert added that the concept of “acceptable levels of risks” was already mentioned in 7.5.2. The Government experts’ proposal to amend 8.1.1(b) to read “... from the site and associated shipbreaking operations.” was agreed to.

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36. The Government experts proposed moving paragraph 8.2.2 or inserting it in 8.7. The Chairperson responded that 8.7 dealt with “fire”, while 8.2.2 concerned dangers in general. The secretariat suggested adding the phrase “in case of danger except the circumstance involving fire”, which was not supported. Another suggestion to merge 8.2.2 with 8.7.12 under a new subtitle of 8.3 “Means of escape in case of danger” was proposed by the Government experts and agreed to. When the Government expert from China proposed to insert “more than one means of egress”, other Government experts pointed out that 7.1.8 already mentioned “escape routes”. The Meeting agreed that this met the proposal made by the expert from China, and no changes were made.
 37. A reference to clothing and other protective equipment likely to generate static electricity and sparks was added as new subparagraph (f) at the end of 8.8.4.
 38. With respect to confined spaces, the Government experts stated that the contents of 8.8.4 and 8.8.5 were for the competent authorities to deal with and could be deleted, especially in light of 8.8.2, as noted by the Chairperson. This was agreed and modified to refer to IMO regulations for entering enclosed spaces on ships.
 39. After a thorough discussion on 8.8.6 about the status, duties and protection of those attending workers in confined spaces, the text remained unchanged.
 40. The Worker experts pointed out in 8.10.1 that workers’ representatives should not be regarded as visitors, even if they were not employed at the site. The Employer experts remarked that reasonable restrictions were needed to control access to shipbreaking sites, which were dangerous. There were discussions on how visitors and workers’ representatives should be defined. A proposal by an ILO expert to insert a new paragraph 8.10.2 was agreed to.

Management of hazardous substances

41. The section was agreed to with a minor modification.

Measures against physical hazards

42. An ILO expert explained that major parts of the chapter were based on the code of practice *Ambient factors in the workplace* and the Meeting decided that a new section 10.1 “General provisions” reflecting this should be inserted.
43. The Worker experts made a suggestion to omit in 10.1.1 the wording “if feasible”, as it was felt that it would always be feasible to consider. An alternative proposal to move “if feasible” to the front of subparagraph (a) was put forward by the secretariat and supported. The resource person from the United States suggested the inclusion of monitoring noise and health impact; 10.1.1 was amended by two additional subparagraphs to reflect this.
44. A proposal by the Government experts to include audiometric examination in 10.1.6(a) was supported.
45. The Worker experts suggested that the phrase “where appropriate” in paragraph 10.3.2 be omitted, while the Employer experts disagreed. In view of the fact that the proposal was strongly supported by the Government experts, the Chairperson concluded that the phrase could be omitted.

Measures against biological hazards

46. Chapter 11 was agreed to.

Ergonomic and psychosocial hazards

47. Chapter 12 was agreed to with minor modifications to 12.3 and 12.4.

Safety requirements for tools, machines and equipment

48. The Government experts expressed concern that maintenance and minor repairs by workers as mentioned in paragraph 13.1.4 might not be safe. The sentence was amended to reflect this.
49. A proposal by the Employer experts to insert a new paragraph 13.2.4 was agreed.
50. The proposal by the Government experts to specify in 13.4.4 that inspections and tests should be carried out by a competent person was supported.
51. After a thorough discussion of the suggestion made by the Employer experts to insert “if necessary” after “adequate silencers” in 13.6.1, the Chairperson proposed that “adequate” be replaced by “necessary”, which was accepted.
52. The Worker experts found that it was not clear whether “persons” in 13.9.2 referred to workers and/or visitors. The secretariat offered a proposal for a revised text of 13.9.2. After a modification to reflect the wish to be able to use such equipment in cases of emergencies, the text was agreed to.

Competence and training

53. A proposal made by the Worker experts to ensure that the necessary OSH competence requirements be defined by the component authority, instead of by the employer, as suggested in the first line of 14.1.1, led to a thorough discussion. A suggestion to include the wording “based on the provisions of national laws or regulations or, in the absence thereof, in consultation with workers’ representatives” was accepted.
54. A proposal by the Government experts to include “contractors” in 14.1.4(a) was supported, whereas the inclusion of manufacturers, suppliers and designers was not.
55. A proposal by the Government experts to make specific reference to fire-fighting and working in confined spaces in 14.1.4 led to the insertion of a new subparagraph (d).
56. In response to the concern voiced by the Government and Worker experts about the expression “if possible” in 14.1.5, an ILO expert explained that this text had been discussed and adopted previously in similar forums. However, a suggestion to amend the paragraph to: “Training should be provided to all participants at no cost and should take place during working hours. If this is not possible, the timing and other arrangements should be discussed between the Employers’ and Workers’ representatives” was agreed.
57. A suggestion by the Worker experts to specify in 14.3.3 that certification be made by a legally authorized body was not supported. An alternative proposal “authorized body, recognized by the competent authority” was accepted.

Personal protective equipment and protective clothing

58. As an introduction to the chapter, an ILO expert explained that most of the paragraphs were based on the code of practice *Ambient factors in the workplace* and had thus been discussed at length on previous occasions.
59. A suggestion to delete or rephrase 15.1.1 was put forward by the Worker experts, since the paragraph could be seen as a repetition of 4.4.3. An ILO expert explained that the two paragraphs were complementary. The Government experts added that the reiteration of personal protective equipment (PPE) as the last line of defence was appropriate, and they supported retention of the paragraph. The Employer experts agreed and the Chairperson concluded that there should be a reference to 4.4.3.
60. The Employer and Worker experts accepted a proposal made by the Government experts to delete 15.6, including 15.6.1, as it was covered in 15.5.

Contingency and emergency preparedness

61. A small working group was established to consider a proposal for revision and amendment of section 16.1, presented by the resource person from the United States. The proposal included an amendment of paragraph 16.1.1 to underline the reason for emergency planning; a replacement of the present text in paragraph 16.1.2 by six new paragraphs expanding the existing recommendations in this paragraph. The Chairperson of the working group informed the Meeting about the outcome of the discussions, which were further debated in plenary. As a result, it was decided to retain much of 16.1.1 and 16.1.3 from the original text and to insert the six paragraphs, referred to above, with minor modifications.
62. The Government experts expressed concern about the word “requirements” in the first line of 16.1.2, as it could imply that countries would be required to implement the provisions of Conventions despite not having ratified them. It was agreed to amend the sentence to read “... in accordance with relevant international instruments and national laws and regulations considering ...”.
63. The Government expert from China explained that alarms in China should also be visible, which led to the revision of the new text to reflect this.
64. The Government expert from India felt that the text could mean that training of workers to render first aid or the provision of first-aid supplies would only be required if there were no formal medical facilities. He pointed out that such measures were always required and suggested a revision to reflect this.
65. The resource person from Norway underlined the necessity to distribute emergency plans to relevant stakeholders, to outline the organization in case of emergency, to revise the emergency plans, and to conduct drills for testing preparedness. The Meeting agreed to the importance of these issues, but felt that they were covered in the existing text.
66. With the aim of ensuring checks at certain intervals, the Worker experts recommended the word “regularly” be added at the end of paragraph 16.3.2. The Employer experts suggested the word “periodically” instead and this was agreed to.
67. A proposal by Government experts to include in 16.3.3 that workers should be informed about their roles in case of emergency was agreed.

Special protection

68. A thorough discussion took place concerning working hours and the role of national laws and regulations, approvals by the labour inspectors, and collective agreements in this respect. The original text of paragraph 17.2.1 was retained.
69. Experts from all groups noted that night work was not widely used in the countries represented at the Meeting, as it was considered dangerous and difficult to ensure proper lighting. An Employer expert suggested that night work be banned in shipbreaking. Accordingly, the Government experts suggested the deletion of 17.3. An ILO expert explained that this section was based on information obtained during the initial preparation of the guidelines, which indicated that night work did occur. The Government experts expressed concern that, strictly speaking, paragraph 17.3 would only apply to night work as defined in Convention No. 171 and not to work during hours of darkness. The secretariat explained that working in the dark need not be confined to the narrow definition of night work, as defined in the Convention, but could be work after sunset or before sunrise, depending on the local conditions. The intention of this paragraph was also to take future situations into account. The representative of the IMF was also of the view that night work might become more prevalent; reference to it was required in these guidelines. At the request of the Chairperson, the secretariat drafted a text, taking account of the views expressed, which was agreed to.

Welfare

70. Proposals by the Government experts to remove the phrase “depending on the number of workers” from 18.1.1 and 18.5.2, to move the present 18.3.1 to 18.1 as a new 18.1.2 and to make consequential changes in 18.3.2 and 18.3.3 were agreed to.
71. The Meeting approved a suggestion by the Government experts to amend 18.6.2 to read “the competent authority, if appropriate, should identify the agency or agencies responsible for providing such living accommodation and should specify ...”.

Glossary

72. Minor modifications were made to a number of definitions to take account of queries, which had arisen during the discussions. These included the term “contractor”, “green passport”, “labour supply agent”, “safety and health committee” and “workplace”. New definitions were agreed for “labour inspectorate” and “work-related injury”.

Bibliography

73. The Meeting decided to include reference to ILO code of practice *Prevention of major industrial accidents* and the relevant Convention and Recommendation.

Annexes

74. As the text of the Annexes were based on already adopted documents, the Meeting approved that Annexes I, II and III be adopted as they were.
75. Based on a proposal from the resource person from Norway and supported by the Chairperson, it was decided to replace the existing Annex IV with the more recent IMO

Inventory of Potentially Hazardous Materials on Board Ships, which had been adopted by the Marine Environment Protection Committee (MEPC) in May 2003.

76. After explaining that the duration and frequency of the tasks were considered and referred to in paragraph 7.3.3 of the guidelines, Annex V was also adopted.

Adoption of the guidelines and of the report

77. After examining the text of the draft guidelines on safety and health in shipbreaking, the experts adopted the guidelines with minor modifications.
78. After examination of the draft report, the experts adopted it. Thereafter, the experts adopted the report and the guidelines.

Bangkok, 14 October 2003.

(Signed) Capt. Moin Ahmed,
Chairperson.

List of participants

Chairperson

Capt. Moin Ahmed, Representative of Bangladesh to the International Maritime Organization, High Commission for Bangladesh in the United Kingdom, London (United Kingdom)

Experts nominated by Governments

Mr. Farid Ahmed, Inspector of Factories (Engineering), Department of Inspection for Factories and Establishments, Ministry of Labour and Employment, Dhaka (Bangladesh)

Ms. Chen Feiyong, Deputy Director, State Administration of Work Safety, Ministry of Labour and Social Security, Beijing (China)

Mr. D.B. Deb, Deputy Director-General, Directorate General of Factory Advice Service and Labour Institutes, Ministry of Labour, New Delhi (India)

Mr. Abdul Wahid Baloch, Directorate of Labour Welfare, Government of Baluchistan, Quetta (Pakistan)

Mr. Erhan Batur, Chief Labour Inspector, Ministry of Labour and Social Security, Ankara (Turkey)

Experts nominated by the Employers

Capt. Enam Chowdhury, Consultant, Bangladesh Shipbreakers' Association, Chittagong, (Bangladesh)*

Mr. Jiang Xuesi, Vice President, China National Ship Scrapping Association (CNSA), Beijing (China)

Technical adviser:

Mr. Huang Zhaoli, Secretary General, China National Ship Scrapping Association (CNSA), Beijing (China)

Mr. M.Y. Reddy, Secretary, All India Shippers' Council, New Delhi (India)

Mr. U.R. Usmani, Director, Singer Pakistan Ltd., Karachi (Pakistan)

Mr. Oktay Sunata, Director, Cemas A.S. GemiSokum Aliaga-Izmir (Turkey)

Experts nominated by the Workers

Mr. Nazrul Islam Khan, President, Bangladesh Jatiyatabadi Sramik DAL-BJSD, Dhaka (Bangladesh)

*Did not attend.

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- Mr. Li Shaochen, Division Chief, Defence Industry, Postal and Telecommunications Workers' Union of China, Beijing (China)
- Mr. Vidyadhar V. Rane, President, Steel Metal and Engineering Workers' Federation of India – Maharashtra State, Mumbai (India)
- Mr. Moosa Khan, Organizing Secretary, Pakistan National Federation of Trade Unions (PNFTU), Karachi (Pakistan)
- Mr. Cumhuri Pekyigit, Expert, Shipbuilding Workers' Union, Kasimpasa-Istanbul (Turkey)

International governmental and non-governmental organizations represented

- Mr. Ibrahim Shafii, Programme Officer (Technical), Secretariat of the Basel Convention/UNEP, Geneva (Switzerland)
- Mr. Duchang Du, Marine Environment Division, International Maritime Organization, London (United Kingdom)
- Mr. P. Arunasalam, Regional Representative, International Metalworkers' Federation (IMF), South-East Asia and Pacific Office, Petalingjaya (Malaysia)

Resource persons

- Mr. Aage Bjorn Andersen, Det Norske Veritas (DNV), Oslo (Norway)
- Mr. Carl Halgren, Area Director for the Portland Area Office, Occupational Safety and Health Administration, Department of Labor, Oregon (United States)
- Mr. Kim Chi Joon, Vice President, Pal Pal Development Co. Ltd., Pusan (Republic of Korea)
- Dr. Jürgen Serbitzer, Adviser (former ILO official), Dresden (Germany)
- Mr. David Sparks, Maritime Consultant, Thoiry (France)
- Mr. Paul Topping, Environment Canada, Marine Environment Division, Hull, Quebec (Canada)

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