

No. 14147

BRAZIL
and
PARAGUAY

Supplementary Administrative Agreement on occupational health and safety of the workers engaged by ITAIPU, its building contractors and subcontractors, and its service contractors and subcontractors. Signed at Brasília on 8 January 1975

Authentic texts: Portuguese and Spanish.

Registered by Brazil on 8 August 1975.

BRÉSIL
et
PARAGUAY

Accord administratif complémentaire relatif à l'hygiène et à la sécurité du travail applicable aux travailleurs engagés par l'ITAIPU et par ses entrepreneurs et sous-traitants de travaux et loueurs et sous-loueurs de services. Signé à Brasília le 8 janvier 1975

Textes authentiques : portugais et espagnol.

Enregistré par le Brésil le 8 août 1975.

[TRANSLATION — TRADUCTION]

SUPPLEMENTARY ADMINISTRATIVE AGREEMENT¹ ON OCCUPATIONAL HEALTH AND SAFETY OF THE WORKERS ENGAGED BY ITAIPU, ITS BUILDING CONTRACTORS AND SUBCONTRACTORS, AND ITS SERVICE CONTRACTORS AND SUBCONTRACTORS

The Government of the Federative Republic of Brazil and
The Government of the Republic of Paraguay,

Considering the provisions of article 4 of the Protocol on labour relations and social security² for workers engaged by ITAIPU and of article 7 of the Additional Protocol concerning employment relations and social security in connexion with the work contracts of workers engaged by contractors and subcontractors and employers and subemployers,³

Have resolved to conclude this Supplementary Administrative Agreement and have agreed as follows:

Article 1. Workers shall be required to undergo a medical examination, at the expense of the employer, when they first report for work. The compulsory examination shall include, at least, clinical and radiological examination (Abreuograph) and any special and laboratory tests, specifically parasitological examinations of feces and blood tests for syphilis and glycemia, necessary in order to establish the worker's physical and mental fitness for the function that he is to perform.

Article 2. The medical examination shall be repeated:

- I. at regular intervals of not more than 12 months;
- II. every six months in the case of unhealthy occupations or operations;
- III. whenever the competent occupational health and medicine authorities of either High Contracting Party deem it necessary;
- IV. in the event of termination of the worker's contract.

Article 3. If, as a result of the medical examination referred to in the foregoing article, the worker is found to be unfit to perform the function assigned to him, the employer concerned shall refer him to the social insurance institution of the country in which the employment contract was concluded. Should that institution find the worker fit or rehabilitate him for another occupational activity, the employer shall, if possible, arrange for his transfer to another function compatible with his personal status.

Sole paragraph: The transfer envisaged in this article shall not cause a reduction in wages and the situation resulting from it shall not be held to justify equalization of wages.

Article 4. The data from the clinical examination and the results of the tests referred to in the preceding articles shall be recorded on an individual card and filed

¹ Came into force on 8 January 1975 by signature, in accordance with article 23.

² United Nations, *Treaty Series*, vol. 972, No. 1-14089.

³ See p. 426 of this volume.

with the relevant occupational health and medicine service, professional secrecy being observed. Doctors shall be the only persons allowed to consult the cards and the tests.

Article 5. The use of individual protective clothing shall be compulsory and such clothing shall be supplied free by the employer; the worker shall not on any pretext refuse to use it.

Article 6. The competent occupational safety, health and medicine authorities shall specify which occupations and operations are unhealthy, such occupations and operations being understood to be, for the purposes of a reduction in working hours or of payment of a health risk supplement to the normal hourly wage, those that expose the workers to active disease agents for such exposure times and in such concentration as to be capable of damaging their health. The specifications shall be reviewed periodically by the competent occupational safety, health and medicine authorities.

Sole paragraph: The employment of minors and women in unhealthy or dangerous conditions is prohibited.

Article 7. For the purposes of article 4, letter *a*) of the Protocol on labour relations and social insurance for workers engaged by ITAIPU, the health risk supplement to the normal hourly wage shall be as follows:

- 20 per cent for minimum-level unhealthy conditions;
- 30 per cent for intermediate-level unhealthy conditions;
- 40 per cent for maximum-level unhealthy conditions.

Sole paragraph: If the individual protective measures ordered by the competent occupational safety, health and medicine authorities are sufficient to prevent the active disease agents from damaging the health of workers, there shall be no reduction in the working hours and no payment of health risk supplements.

Article 8. Employees who work in constant contact with inflammable or explosive substances shall be entitled to a 30 per cent supplement to the normal hourly wage.

Sole paragraph: The competent occupational safety, health and medicine authorities shall specify which occupations are dangerous for the purposes of this article and shall determine the occupational safety measures to be adopted.

Article 9. An ITAIPU employee working in unhealthy and dangerous occupations or operations shall be entitled to only one wage supplement.

Sole paragraph: An employee of building contractors or subcontractors or of services contractors or subcontractors who works in an unhealthy and dangerous occupation or operation shall receive the danger supplement without prejudice to the observance of the standard working hours prescribed for work in unhealthy conditions.

Article 10. Materials, substances or products that are dangerous to the health or physical safety of workers and are used, handled or transported on work-sites shall bear a label stating their composition, recommendations for first aid in the event of accident and the appropriate danger symbol prescribed in international standards. The employer responsible for using such materials, substances or products shall be required to post notices or posters warning workers at all stages of their handling.

Article 11. ITAIPU, the building contractors and the services contractors shall organize and maintain occupational safety services and occupational health and medicine services which shall be responsible for carrying out measures in these spheres, to be organized in conformity with the regulations issued by the competent occupational safety, health and medicine authorities, having regard to the number of workers and the places at which the building work and services are performed. These services shall not be subcontracted to third parties.

Paragraph 1: Building services contracts and subcontracts shall stipulate the conditions on which building and services subcontractors may use the services referred to in this article maintained by the respective contractors.

Paragraph 2: Building and services contractors having fewer than 100 employees may use the ITAIPU services referred to in this article on terms stipulated in their respective contracts.

Article 12. ITAIPU, building contractors and subcontractors and services contractors and subcontractors shall maintain internal accident prevention committees (CIPA), to be responsible for preventing accidents and for occupational safety and health measures in conformity with the regulations issued by the competent occupational safety, health and medicine authorities.

Sole paragraph: The occupational safety services and the occupational health and medical services shall be responsible for organizing and supervising the internal accident prevention committees (CIPA).

Article 13. Each internal accident prevention committee (CIPA) shall have eight members, employers and employees being equally represented.

Sole paragraph: If the employer uses manpower engaged in Brazil and in Paraguay, the workers of both nationalities shall be represented on the internal accident prevention committee (CIPA).

Article 14. The functions and mode of operation of the internal accident prevention committees (CIPA) and procedure for choosing their members shall be established by agreement between the competent occupational safety, health and medicine authorities.

Article 15. The competent occupational safety, health and medicine authorities shall establish by agreement rules concerning:

- I. individual protective clothing;
- II. lighting;
- III. ventilation;
- IV. permanent and temporary electric installations;
- V. movement of loads;
- VI. machinery and equipment;
- VII. fuels and inflammable and explosive substances;
- VIII. fire protection;
- IX. work in the open air;
- X. excavations;
- XI. noise and vibration;
- XII. ionizing and non-ionizing radiation;
- XIII. prevention of fatigue, including limitations on the use of physical effort;

- XIV. personal hygiene, cloakrooms, refectories and drinking water;
- XV. cleaning of work sites;
- XVI. clearing of debris;
- XVII. earth-moving equipment;
- XVIII. concreting, form-work and the installation of reinforcement;
- XIX. heat welding and cutting;
- XX. rock crushing and cement crushing;
- XXI. vehicle traffic and staff transport;
- XXII. compressed air plant;
- XXIII. scaffolding;
- XXIV. combined action of the internal accident prevention committees (CIPA);
- XXV. materials;
- XXVI. structures;
- XXVII. tools;
- XXVIII. general.

Article 16. The rules concerning occupational safety, health and medicine laid down in this Agreement shall be binding in ITAIPU, building contractors and subcontractors and services contractors and subcontractors and on all workers to whom the Protocols mentioned in the preamble to this instrument apply.

Article 17. Contravention of any of the rules concerning occupational safety, health and medicine shall constitute sufficient cause for dismissing an employee.

Article 18. Monitoring of compliance with the rules laid down in this Agreement and any other rules issued in implementation of it shall be the responsibility of the administrative authority competent for the place at which the work is carried out, which shall impose the penalties laid down in the relevant legislation for any contraventions that occur.

Article 19. The contracts concluded by ITAIPU with building and services contractors shall lay down the fines and other contractual penalties applicable in the event of contravention of the rules concerning occupational safety, health and medicine.

Sole paragraph: The contracts referred to in this article shall include an undertaking by building and service contractors to incorporate in building and services subcontracts similar clauses providing for proportional penalties.

Article 20. It shall be the responsibility of the competent occupational safety, health and medicine authorities to interpret, by agreement, the rules laid down by them in pursuance of this Agreement, if the need arises.

Article 21. For the purposes of this Agreement the competent occupational safety, health and medicine authorities shall be:

- In Brazil: Labour Relations Secretariat of the Ministry of Labour;
- In Paraguay: Occupational Health and Safety Department of the Ministry of Justice and Labour.

Article 22. The rules mentioned in articles 1, 2, 6, 8, 11, 14 and 15, to be known as “Normative Measures” shall be drafted and signed by the authorities mentioned in the preceding article and shall enter into force 30 days after they have been

notified to ITAIPU, and it shall be the responsibility of that Agency to bring them to the notice of building contractors and subcontractors and services contractors and subcontractors.

Article 23. This Agreement shall enter into force on the date of signature and shall remain in force until the High Contracting Parties adopt by agreement other decisions altering it.

DONE at Brasília on 8 January 1975, in two copies in Portuguese and Spanish, both texts being equally authentic.

For the Government
of the Federative Republic
of Brazil:

ANTONIO FRANCISCO AZEREDO
DA SILVEIRA

ARNALDO DA COSTA PRIETO

For the Government
of the Republic of Paraguay:

RAÚL SAPENA PASTOR

SAÚL GONZÁLEZ
