HEIDI

Health and Environment Interplay Database

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**METHODOLOGY**

**What count as a “norm”?**

* Except when otherwise expressly indicated in this codebook, a norm does not need to have a high degree of commitment (“must”, “shall”, “will”, etc.). Norms with low degree of commitment (“may”, “could”, “best efforts”, “encourage”, “recognize”, etc.) are included. A norm can also be an example of a broader measure (“areas of cooperation may include”, “such as…”).
* A norm can be explicitly limited to a single Party.
* A single norm can be found in different parts of the same agreement.
* Except when otherwise indicated, a norm can be found in any part of the agreement, including the preamble, annexes, parallel documents, footnotes, exchanges of letters.
* Except when otherwise indicated, do not code the reservations.
* Norms are not mutually exclusive. A single article, or even a single sentence, can qualify for several different norms.
* Amendments to agreements must be coded taking into account of the original article that they modify. If the amendment only adds a single word to the original article, a norm can still be found in the amendment, since it is necessary to refer to the original article of the convention.

**What count as “environmental”?**

* We do not consider that all norms in an environmental treaty are automatically environmental norms.
* Environment is considered as the natural world - including air, water and soil/land - in which people, animals and plants live and develop.
* Environmental norms seek to manage or prevent human impacts on natural resources, plant and animal species, the atmosphere, oceans, rivers, lakes, terrestrial habitats and other elements of the natural world.
* Environmental norms may cover specific or general environment-related issues. Specific issues include, but are not limited to: biological diversity, desertification, endangered species, climate change, ozone layer, acid rain, migratory species, hazardous wastes, pollution and pollutant and wildlife trade.
* Environmental norms may also cover non-environmental issues, such as agriculture and aquaculture, energy, mining, farming, nuclear weapons, trade, cultural diversity, health, labour, weather, radiation, etc.
* Except when otherwise expressly indicated in this codebook, the term resource includes natural, biological and genetic resources as well as genetically modified resources. It excludes human and commercial resources.

**What count as “health”?**

* Health norms include all norms which aim at protecting human health, or life, which is understood as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity (WHO definition).
* Norms can refer to health in a general or in a more specific way. General norms are related to health in a broad way, including the survival of mankind, whereas specific ones apply to medical.
* Health can be referred to as, but not only, public health, human health, health of human being, human wellbeing, wellbeing of peoples, threat to humankind and adversely effects to humankind.
* Excludes references to animal health except if it is explicitly related to human health.
* References to welfare are not sufficient to be considered as health norms.
* Food supply is not automatically an health issue. Must be related to “healthy food” or human health. References to nutritional aspects of a resource in general or references to a resource as a protein source are considered as a reference to health.
* Excludes references to sanitary measures or standards when not expressly related to human health.

1. Preamble

Limited to the main preamble (in case chapters or sections have their own preamble).

Includes references to agreements in the preamble.

Includes general and specific references.

## 1.02 Preamble refers to human health

* Includes general references to health.
* Includes more specific references to survival of mankind, public health, human health, health of human being, human wellbeing, wellbeing of peoples, threat to humankind, etc.
* Includes references to WHO and other international organizations dealing with health.
* Excludes references to welfare, sanitary measures or standards if not explicitly related to human health.

1989 Basel Convention, preamble: “Aware of the risk of damage to human health and the environment caused by hazardous wastes and other wastes and the transboundary movement thereof.”

2009 International Convention for the Safe and Environmentally Sound Recycling of Ships, preamble: “Noting also the role of the International Labour Organization in protecting the occupational safety and health of workers involved in ship recycling.”

1. Factual or causal beliefs

Includes only causal claims (is, are…), not normative claims (should, could, must…). See section 3.

If action from a Party is required, it generally goes beyond a simple causal belief and should be excluded. For instance, when the parties are required to cooperate in trade matters to make trade compatible with environmental protection, it means that trade does not automatically contribute to environmental protection.

Not limited to the main preamble. Norms can be found in the entire text of the agreement.

## 2.06 Importance of a resource for human health

* Includes provisions that mention the importance of a resource to human health, public health, the survival of humankind, etc.
* Includes references to nutritional importance or value of a resource, to the nutritional needs of a population or to the importance of a resource as a protein source.
* Resources include natural, biological and genetic resources as well as genetically modified resources.
* Excludes provisions that mention the importance of a resource for food supply or security without mention of health.
* Excludes human resources.

2010 Nagoya Protocol on Access to Genetic Resources and their Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, preamble: “Recognizing the importance of genetic resources to food security, public health, […].”

1985 Convention Portant Création De La Commission Sous Régionale Des Pêches, preamble: “ […] reconnaissant les possibilités qu'offre l'exploitation rationnelle des ressources halieutiques pour développer leurs économies et satisfaire les besoins nutritionnels de leurs populations.”

## 2.07 Substance or activity considered dangerous to human health

* Includes any association, established or suspected, between a substance or an activity and detrimental health effect, or detrimental effect on the survival of humankind.
* Includes definitions of substances or activities that are recognized to affect human health.
* Includes provisions that recognize that a substance or activity affects negatively human health.
* Is considered an activity any human action that may or has an impact on the environment. Can be an individual action or a collective action, such as smoking or transport of hazardous waste.
* Excludes any actions that are not posed by humans, such as natural disaster.
* The recognition that a substance is hazardous is not sufficient, it must be hazardous for human health.
* Excludes any other definitions of substances or activities that do not indicate harmfulness of the said substances to human health.
* Compelling Parties to do research on the effects of a substance or activity on human health is not sufficient.

1978 Agreement on Great Lakes Water Quality, art. 1(j):”"Hazardous polluting substance" means any element or compound identified by the Parties which, if discharged in any quantity into or upon receiving waters or adjoining shorelines, would present an imminent and substantial danger to public health or welfare […].”

2013 Minamata Convention, preamble: “Aware of the health concerns, especially in developing countries, resulting from exposure to mercury […].”

3. Principles

Not limited to the main preamble.

3.02 Protection of human health as one of the objectives of the agreement

* Must be clear that it is one of the objectives of the agreement.
* As always, can be in the preamble or not.
* Included if the agreement has no ‘list of objectives’ but the health objective is stated somewhere in the agreement.
* Excludes statements simply expressing a concern about human health, or compelling the Parties to take measures to protect human health.
* A mere reference to international health standards or to other health agreements is not sufficient (see 1.02 or 14).

2013 Minamata Convention on Mercury, art. 1: “The objective of this Convention is to protect the human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds.”

1981 Convention To Ban The Importation Into The Forum Island Countries Of Hazardous And Radioactive Wastes And To Control The Transboundary Movement And Management Of Hazardous Wastes Within The South Pacific, preamble: “CONSCIOUS of their responsibility to protect, preserve and improve the environment of the South Pacific for the good health, benefit and enjoyment of present and future generations of the people of the South Pacific;”

3.03 Recognition of a right to health

* Includes provisions that mention the right to health.
* As always, can be found in the preamble as well as in the main text.
* Includes the “right to [live in] a healthy environment” or the “right to live in an environment adequate for one’s health”.

2015 Paris Agreement, preamble: “[...] Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on […] the right to health.”

1998 Convention On Access To Information, Public Participation In Decision-Making And Access To Justice In Environmental Matters, art 1: “In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.”

## 3.08 Precautionary principle

* Not limited to the terms “precautionary principle” as it might not be used. However, the mention of the “precautionary principle” is sufficient.
* Refers to a duty or the possibility to prevent harm by taking action when there is a lack of scientific certainty. In other words, insufficient scientific evidence shall not be used as a reason for postponing or rejecting measures.
* Includes references to principle 15 of the Rio Declaration.
* Calling Parties to take account of scientific information is not sufficient.
* To be distinguished from the prevention principle (which is about risks rather than uncertainty). See 3.09 for the international prevention principle.
* Does not need to be explicitly about health.

2012 Protocol for the Protection of the Caspian Sea against Pollution from Land-Based Sources and Activities, art. 2: “The Contracting Parties shall, in particular: (a) Apply the precautionary principle, by virtue of which where there are threats of serious or irreversible damage […] lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent such damage.”

1987 Montreal Protocol On Substances That Deplete The Ozone Layer, preamble: “DETERMINED to protect the ozone layer by taking precautionary measures to control equitably total global emissions of substances that deplete it [...].”

4. Imports and Exports

Includes norms regulating trade, be it legal trade or illegal trade.

Includes provisions prohibiting or limiting trade of a product or a resource or one of its elements.

Includes provisions compelling the Parties not to prohibit or limit trade.

Excludes norms on transit, re-importation and re-exportation.

Excludes measures regulating emission trading schemes (see instead 5.05).

Making available for commercial purposes or selling is not sufficient to be considered as trade. See instead 6.03.

4.01 Regulation of importations

* Includes measures applicable to trade in general (unspecified if imports or exports).
* Excludes measures specific for non-parties to the agreement (see instead 4.03).

4.01.02 Restrictions or limitations of importations of general application

4.01.02.02 Importer can impose a quarantine

* Includes provisions authorizing Parties to quarantine a product, regardless of how this quarantine is conducted.
* Includes the right to submit a product or cargo to an inspection at a port of entry.
* Quarantine includes disinfection and disinfestation.
* The conduct of sanitary and veterinary controls at the frontier is not sufficient (see 4.01.02.03).
* Excludes provisions dealing with the consequences of the quarantine or inspections measures (for refusal of entry, see 4.01.01.03).

1956 Plant Protection Agreement for the South East Asia and Pacific Region, art. 5: “[E]ach Contracting Government shall use its best endeavours to apply, with respect to the importation into its territory of any plants, […] such measures of […] inspection, disinfection, disinfestation, quarantine, destruction or other measures.”

1929 International Convention for the Protection of Plants, art 6: “Each State retains the right to inspect and place in quarantine plants or parts of plants, or temporarily and exceptionally to prohibit their importation, even when the consignments are accompanied by a health certificate.”

# 5. Promotion of certain activities

## 5.08 Parties should invest in national health services and capacities

* Includes the “promotion of services” and “strengthen institutional or professional capacities”.
* Not to be confused with commitment to adopt or establish policies.

2001 Stockholm Convention on persistent organic pollutants, Annex B, Part II: […] Measures to strengthen health care and to reduce the incidence of the disease.

2013 Minamata Convention, art. 16(1): “Parties are encouraged to: […] (d) Establish and strengthen, as appropriate, the institutional and health professional capacities for the prevention, diagnosis, treatment and monitoring of health risks related to the exposure to mercury and mercury compounds”.

8. Flexibility

Includes the temporary or permanent suspension of commitments.

8.01 Exceptions and safeguards

* Includes exceptions for the entire agreement, or for some specific commitment.
* Excludes provisions that affirm that the Parties can go beyond their obligations, since it would not be an exception or a safeguard.
* Excludes reservations.

8.01.01 Exceptions and safeguards to preserve human health

* Includes exceptions related to human health, human life, public health, etc.
* Includes exceptions related to the survival of humans, may it be the protection of a single life or the protection of humankind with references, for example, to situations such as famine, food security, defense of human life if directly threatened by an animal, etc.
* Includes exceptions and safeguards due to danger for human health.

1968 African Convention on the Conservation of Nature, art. 17(1): “The provisions of this Convention shall not affect the responsibilities of Contracting States concerning: [...] (b) for the protection of public health”.

1989 Basel Convention, art. 4(11): “Nothing in this Convention shall prevent a Party from imposing additional requirements that are consistent with the provisions of this Convention [...] in order better to protect human health and the environment.”

9. Follow up cooperation

All norms in the section will require state-state interaction following the entry into force of the agreement.

Excludes cooperation with the private sector (see 5.07) or with established international institutions (see 14.01).

## 9.05 Harmonization of domestic measures

* Includes commitment to adopt common guidelines, standardized methods, to harmonize domestic measures, be it policies, standards, procedures, joint measures, etc.
* Includes the adoption of new, common or uniform regulations.
* Can be general or focused on a specific issue.
* Includes avoidance of exceptional national standards.
* Unilateral harmonization with one Party’s standards is considered as harmonization.
* The implementation of international standards is not sufficient for harmonization.
* Cooperation or coordination is not sufficient to imply harmonization.
* If the guidelines to be implemented in a common way as determined in the agreement are already existing guidelines prepared by another forum, it is found in 14.01.

9.05.02 Harmonization related to health policy

1980 Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources, art. 7(1): “The parties shall progressively formulate and adopt[…] common guidelines and, as appropriate, standards or criteria dealing in particular with […] (c) the quality of sea-water for specific purposes that is necessary for the protection of human health.”

1968 European Agreement on the Restriction of the Use of certain Detergents in Washing and Cleaning Products, preamble: “[…] the said governments […] have undertaken to harmonise their national legislations in pursuance of the action mentioned in the foregoing paragraph.”

## 9.11 Negotiation of other agreements or through other international organizations

* Commitment to cooperate in the context of bilateral, regional or multilateral negotiations, including cooperation for negotiations taking place at the WTO Trade and Environment committee.
* Includes cooperation on agreements related to the environment, trade or other issue-areas.
* Includes commitment to collaborate to develop international law.
* “Cooperation in other bilateral, regional and multilateral fora” is considered as referencing to negotiation. However, “cooperating with third Parties” is not sufficient.
* Includes cooperation in, within or through international organizations - also found in reference to the organization (14.07).
* Merely communicating through an international organization does not mean negotiation/cooperation (see instead 9.02 or 9.03).
* Excludes the negotiation of amendments, protocols or annexes to the given agreement (see 9.07, 9.08, 9.09, and 9.10).
* Excludes additional/separate/subsidiary agreements/protocols/regulations whose purpose is the implementation of certain provisions of the main agreement (see 9.08).
* Excludes when the Parties call for future negotiations about the implementation of the agreement already signed.
* Excludes negotiation of joint/common/harmonized national regulations (see 9.05 or 9.12).
* Excludes negotiations between companies/private bodies of the Parties, or negotiations between the state Parties and foreign companies/private bodies (see 5.07, 9.12 or 10.05).
* Excludes negotiations for (or in the process of) dispute settlement (see section 13).
* Excludes negotiations for seat/headquarters agreement (“accord de siège”) with the organization created (see section 12 or 14.01).

9.11.01 Negotiation on health matters

* Includes cooperation/negotiation in/within/through health-related organizations (criteria for health-related organizations are found in 14.01.01 or 14.07.01).

[No example]

14. References to other international institutions

Excludes references to agreements that are too vague (e.g. Reference to “other agreements” or “bilateral agreements” without more details).

Throughout section 14, the following institutions are considered as:

TRADE

* European Economic Community (EEC): “trade” - when in an international context.
* UN Economic Commissions (for Europe, Africa, etc.): “trade” - not other.
* SADC: trade - not other.
* CARICOM: trade - not other.
* Andean Community (CAN): “trade” - not other.
* Lomé Convention: “trade” - not other.

ENVIRONMENTAL

* International Council for the Exploration of the Sea (ICES): “environmental” - not other.
* World Meteorological Organization (WMO): “environmental” - not other.

OTHER

* Food and Agriculture Organization (FAO): “other” - not environment or health.
* International Maritime Organization (IMO) & IMCO: “other” - not environmental.
* UNCLOS (the 1982 Montego Bay Convention): “other” - not “environmental.
* International Labor Organization (ILO): “other” - not trade.
* IFIs (World Bank and/or IMF): “other” - not trade.
* OECD & OEEC: other - not trade.
* European Communities (EC), European Union (EU): “other” - when in an international context.
* AIEA and the Non-Proliferation Treaty (NPT): other – not environment.

14.01 Cooperation with other international institutions

* Includes provisions that compel or encourage the Parties to cooperate with international organizations.
* Includes provisions that mention the possibility for the institution created to cooperate with other international institutions.
* Includes provisions identifying international institutions as a service provider (e.g. secretariat, etc.) for the agreement.
* Includes provisions on the participation of other institutions in the meetings/projects of the institution created, or allowing representatives from other institutions on a board/committee of the institution created, except when such an organization (e.g. EC/EU) replaces its member states or acts on their behalf (see also 10.01, 12).
* Cooperation with another international institution can be temporary.
* Reporting or communicating information to an organization is insufficient to establish cooperation (see 14.07) but the exchange of comments with another organization is considered cooperation.
* Excludes rules about the legal personality of the institutions.
* Excludes provisions that simply refer to such organizations without citing obligation to cooperate (see 14.07).
* Excludes provisions on the fact that IOs can become member of the agreement (see 10.01 and/or 14.07).
* Excludes provisions on cooperation through/within (rather than with) an organization (see 9.11).
* Using one-time data or standards from an organization is not sufficient to establish cooperation (see 14.07).
* Excludes cooperation with an international tribunal for dispute settlement (see 13.04).
* Excludes provisions merely asking other international institutions (not the ones created in the treaty) to cooperate.

14.01.01 Cooperation with international health institutions

14.01.01.01 Cooperation with WHO

* World Health Organization.
* Includes WHO-related institutions.

1985 Vienna Convention for the Protection of the Ozone Layer, art 6(4): “The Conference of the Parties shall keep under continuous review the implementation of this Convention, and [...] shall [...] seek [...] the services of competent international bodies [...] in particular […] the World Health Organization.”

14.01.01.02 Cooperation with other or unspecified health institutions

2002 Agreement establishing the Caribbean Community Climate Change Centre, art.3(5): “Notwithstanding the provisions of paragraph 3, the [...] Caribbean Environmental Health Institute (CEHI) [...] shall be deemed to have satisfied the requirements for associate membership of the Centre and shall be invited by the Council to participate in the work of the Centre [...]”.

14.02 Implementation of other international agreements

* Includes provisions that incorporate the obligations of cited agreement.
* Includes commitments to implement the complete agreement or only some of its substantive obligations.
* Includes wordings such as “reaffirm their commitment to implement X”, “reconfirm their obligations under X”, “reiterate their commitments as established by X”, “recognize that the implementation of X is critical or important”, “ensure that their laws and practices are in harmony with X”, “should be guided by the obligations of X”, “should adopt laws in line with X”, “have the intention to fulfill its obligation under X”, “shall adopt laws to fulfill its obligations under X”, “reaffirm their rights and obligations under X”.
* “Recalling”, “recognizing” or “considering” the obligations of agreement, “affirming the importance of an agreement” or “acknowledging the adoption of an agreement” is not sufficient to be considered as a commitment to implement (see 14.07).
* Referring only to definitions found in an agreement or referring only to the objectives of an agreement is not sufficient, as they are not “substantive obligations”.
* Excludes obligation or commitment to accede, join or ratify a specific agreement (see 14.05).
* Excluded if implementation of political declaration or domestic decrees (not “international agreements”).
* Excludes provisions defining which sources of law (e.g. specific treaties) should be applied by a court/tribunal/arbitration procedure - e.g. article 38 of the ICJ Statute is not “implementing” anything (see 13.03 and/or 14.07).
* Excludes application of an arbitration/settlement procedure that is contained in another agreement (e.g. UNCLOS) (see 13.03).
* Excludes provisions on respecting EU law (Community law) (excluded when in a context where it is equivalent to national law).
* Excludes, when an agreement is amending another agreement (or when considering such an eventuality), mere references to amendment clauses in the original agreement - amending an agreement involves “applying” the rules on how to amend the agreement, but not “implementing” the substance of the agreement itself (see 14.07 and/or 9.07).
* Excludes provisions inviting Parties (or ships, or companies, or whatever) to apply decisions / norms / standards / regulations decided by international bodies / agencies / commissions, as these are not “agreements” being implemented (see 14.07).
* Excludes procedural aspects (e.g. entry into force, notification) of amendment resolutions adopted by international bodies / commissions to amend an agreement (e.g. MARPOL and CITES amendments) (see 14.07).
* Excludes provisions merely extending in time the application of an agreement, or renewing it (see 8.04).
* Excludes provisions referring to rules of procedure in another agreement for application within a newly created organization (see 14.07).

14.02.01 Implementation of health agreement

[No example]

14.03 Prevalence of other international agreements

* Refers to the prevalence of an agreement (or only some of its obligations) over the environmental agreement (or only some of its obligations) in case of conflict or inconsistency.
* The prevalence can be conditional.
* Is considered as prevalence of agreements: “In the event of any inconsistency between a Party’s obligations under this Agreement and X other agreement, the Party shall seek to balance its obligations under both agreements, but this shall not preclude the Party from taking a particular measure to comply with its obligations under the other agreement”.
* Is considered as prevalence: “nothing in this agreement shall be constructed to affect the existing rights and obligations of the Parties under the other agreement X” (this guides the interpretation of the current agreement but not the interpretation of the other agreement = asymmetric interpretation).
* A statement that is symmetric, claiming that two treaties are compatible, are not in conflict or that do not prevent the implementation of each other is not a statement on the prevalence.
* Excluded if implementation of political declaration or domestic decrees (not “international agreements”).
* Ignore statement on the absence of hierarchy between agreements, as there can nevertheless be an interpretive prevalence.

14.03.01 Prevalence of a health agreement

[No example]

14.05 Accession or ratification of other international agreements

* Includes obligation or commitment to accede, join or ratify a specific agreement.
* Includes the obligation to be a Party of another agreement when a state wants to be a Party of an agreement.
* Includes if being a Party to this ‘other agreement’ is just one of several ways to qualify for becoming a Party to the agreement.
* Includes provisions stating that only Parties to the main agreement can become Party to a protocol.
* Includes provisions stating that Parties withdrawing from another agreement will be presumed having withdrawn from this agreement (or vice versa) (e.g. main agreement / protocol).
* Excludes provisions merely stating that any member of a universal organization (e.g. UN, FAO, ICJ, IAEA, UNESCO) or Party to a universal treaty (e.g. UN Charter, ICJ Statute) can become Party to the agreement (see 10.01, 14.07, etc.).
* Excludes provisions stating that only states from a particular region / grouping / organization can become parties to this agreement, if it does not involve being Party to some specific other agreement (see 10.01, 14.07).
* Excludes provisions creating exceptions from restrictive membership rules (e.g. ‘states that are not parties to agreement X can also become parties if Y’).
* To be distinguished from obligation / commitment to negotiate other / future agreements (see 9.11).

14.05.01 Accession or ratification of health agreements

[No example]

14.06 Depositary and registration

* Includes provisions selecting an organization as “depository” for the agreement, or instructing states to send ratifications / accessions / amendments / reservations to the said organization.
* Includes provisions defining the tasks / responsibilities of the depository, e.g. sending documents or copies of the agreement to member states and/or other organizations.
* Includes provisions regarding the registration of the agreement with organizations (e.g. regional organizations, FAO, UN).

14.06.01 Health organization depositary & registration

[No example]

14.07 Other references to other international institutions

* Includes references to international organizations or agreements.
* Excludes calls for cooperation, ratification, implementation and prevalence (see 14.01, 14.02, 14.03, 14.04, 14.05).
* Excludes if commitment to negotiate an agreement or cooperate through an organization (9.11).
* A simple reference is the minimal requirement, including “Recalling X” in a protocol.
* Includes references to main agreement in an amendment, protocol or separate annex (code here and not in 14.02 except if explicitly said that the goal of the protocol is the implementation of the agreement, then code 14.07 and 14.02).
* Excludes references to the same agreement, e.g. in annexes, protocols or letters included within the text of the agreement and signed simultaneously.

14.07.01 Other references to a health institution

14.07.01.01 Reference to WHO

* Includes WHO-related institutions (e.g. Pan American Health Organization (PAHO)).

1999 Protocol on water and health, to the Convention on protection of transboundary watercourses, art. 6(2)(a): “(a) The quality of the drinking water supplied, taking into account the Guidelines for drinking-water quality of the World Health Organization”

14.07.01.02 Reference to other health institutions

1977 Convention Concerning The Protection Of Workers Against Occupational Hazards In The Working Environment Due To Air Pollution, Noise And Vibration, preamble: “Noting the terms of existing international labour Conventions and Recommendations which are relevant and, in particular, the Protection of Workers' Health Recommendation, 1953”.