

# THE CROATIAN PARLIAMENT

1334

Pursuant to the Article 89 of the Constitution of the Republic of Croatia, I hereby issue the

## DECISION

### PROMULGATING THE OCCUPATIONAL HEALTH AND SAFETY ACT

I hereby promulgate The Occupational Health and Safety Act, passed by the Croatian Parliament at its session held on 30 July 2014.

Class: 011-01/14-01/88

Reg. No: 71-05-03/1-14-2

Zagreb, 5 June 2014

President

of the Republic of Croatia

Ivo Josipović, m.p.

## OCCUPATIONAL HEALTH AND SAFETY

### ACT

#### I. GENERAL PROVISIONS

*Subject matter and the purpose of the Act*

#### Article 1

(1) This Act regulates the occupational health and safety system in the Republic of Croatia, in particular national policy and activities, general principles of prevention and occupational health and safety regulations, employer's obligations, rights and obligations of employees and of employees' commissioner for occupational health and safety, activities in relation to occupational health and safety, supervision and misdemeanour

liability. This Act establishes the Institute for the Advancement of Safety at Work and determines its activities and management.

(2) The purpose of this Act is a systematical improvement of safety and health protection of employees and persons at work, prevention of injuries at work, occupational diseases and other work-related diseases.

(3) For the purpose of improving safety and health protection at work the following shall be prescribed: general principles for prevention of risk at work and health protection, regulation for the elimination of risk factors, procedures for training employees as well as information and consultation procedures for employees and their representatives with employers and their authorized persons.

(4) This Act prescribes additional requirements for the protection against specific risks at work to particularly vulnerable groups of persons.

## Article 2

(1) By this Act the following Directives of the European Union shall be transposed into the legal order of the Republic of Croatia:

1) Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health protection of employees at work (OJ L 183, 29.6.1989)

2) Directive 2007/30/EC of the European Parliament and of the Council of 20 June 2007 amending Council Directive 89/391/EEC, its individual Directives and Council Directives 83/477/EEC, 91/383/EEC, 92/29/EEC and 94/33/EC with a view to simplifying and rationalizing reports on practical implementation (OJ L 165, 27. 6.2007)

3) Council Directive 91/383/EEC of 25 June 1991 supplementing measures to encourage improvements in the safety and health protection at work of employees with a fixed-duration employment relationship or a temporary employment relationship (OJ L 206, 29.7.1991)

4) Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health protection at work of pregnant employees and employees who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 paragraph 1 of Directive 89/391 / EEC) (OJ L 348, of 28.11.1992)

5) Council Directive 94/33 /EC of 29 June 1994 on the protection of young people at work (OJ L 216, of 20.8.1994).

(2) The Government of the Republic of Croatia shall submit to the European Commission a single report on the implementation of Directive 989/391/EEC and individual directives of the content and within the deadlines as laid down by Directive 2007/30/EC.

### *Explanation of terms*

#### Article 3

(1) Terms used in this Act and Regulations adopted by this Act shall have the following meaning:

1) *Biological harms* are biological agents i.e. microorganisms, including genetically modified cell cultures and endoparasites of human and animal origin which may cause infection, allergy or poisoning, used at work or which are present in the work environment

2) *Other person* is a person who is at the workplace for any reason of work (business associate, service provider, etc..)

3) *Explosive atmosphere* is a mixture of air with flammable gas or vapour or mist or dust in atmospheric conditions in which, after the initial ignition, the burning process spreads out to the entire mixture, presenting a potential source of explosion or fire at the workplace and can lead to injury to employees and other persons

4) *Alternative workplace* is a workplace where the employee does the contracted work at home or in other premises, which are not the employer's premises

5) *Workplace* is every place at which the employees and persons at work have to be, or have to go to, or have access to during work due to the work they perform for the employer, as well as any space i.e. room used by the employer to perform work and is under his direct or indirect supervision

6) *Exertions* are statodynamic, psychophysiological efforts, efforts of vision and efforts of speech which may cause damage to the health of employees exposed to them

7) *Accident* is an unexpected and undesirable event at work or in relation to work without an injury to the employee, but if repeated in minimally altered subjective or objective circumstances injury could be caused

8) *Hazardous chemicals* are substances, mixtures and preparations as identified in a special regulation

9) *Hazards* are all conditions at work and related to work which may endanger health and safety of employees

10) *Person at work* is a natural person who is not employed by that employer but performs certain activities or works for it (person at training for work, seasonal worker performing temporary or occasional seasonal works in agriculture; person working at certain works under a special regulation; full-time student and full-time secondary school pupil at work in accordance with a special regulation; person working as a volunteer, apprentice, student and pupil on work experience, person working while serving a prison sentence or correctional measures, etc.)

11) *Authorized officer* is an employee to whom the employer gives authority for the implementation of occupational safety and health protection, notwithstanding other contracted work

12) *Authorized person* is a legal or natural person authorized to perform activities of occupational safety and health protection by the ministry responsible for work

13) *Injury at work* is an injury to an employee which occurred on the employer's premises where the work is performed, or which are used during work, or can be accessed to, i.e. any other area which is not the employer's premises, but the employee performs work there

14) *Employer* is a natural or legal person for whom the employee or person at work performs work

15) *Work with special working conditions* is work for which the employee working has to, besides general requirements needed for concluding an employment contract, meet prescribed special requirements relating to age, professional qualifications, health, or mental ability

16) *Commissioner for occupational safety* is an employee in accordance with this Act, elected to represent the interests of employees in the field of occupational health and safety

17) *Prevention* is a measure planned or undertaken in each work process in the undertaking with the purpose of preventing or reducing risks at work

18) *Work site* is a temporary or mobile workplace, such as a construction site, a forestry site, a place of shipbuilding and places in which temporary maintenance, demolition and repair work, agricultural work and work of exploration and exploitation of mineral resources are performed

19) *Work equipment* is machinery and appliances, plants, means of conveyance and transport of freight, tools and scaffolding and other devices for periodical work at height

20) *Working environment* consists of physical, chemical and biological factors at the workplace and around it

21) *Employee who is breastfeeding* is an employee who is the mother of a child under one year of age who is breastfeeding, who has informed the employer about that matter in written form at least 30 days before returning to work

22) *Employee who has recently given birth* is an employee who gave birth not more than six months earlier, who has informed the employer about that matter in written form

23) *Employee* is a natural person under the employment contract who performs work for the employer

24) *Risk* is the product of the probability of occurrence of a hazardous or harmful event and the harms of the event i.e. its consequences

25) *Specialist in occupational medicine* is a specialist appointed by the employer in accordance with the regulations relating to specific health care and health insurance

26) *Means of work* are facilities designed for work with their installations, devices and equipment, means of transport and work equipment

27) *Stress at work* are health and psychological changes which are the result of the accumulating impact of stressors at work over a longer period of time, manifested as physiological, emotional and cognitive reactions and as behavioral changes of the employee

28) *Occupational health and safety specialist* is an employee appointed by the employer to perform tasks of occupational health and safety who meets the requirements prescribed for performing such tasks

29) *Harms* are the chemical, biological and physical harms which may cause damage to the health of employees and others exposed to them

*Pregnant employee* is an employee who has informed the employer about the pregnancy in written form

31) *Safety at work* is a system of rules, principles, measures, procedures and activities by whose organized application health protection and safety at work is achieved and improved, with the purpose of risk prevention at work, injuries at work, occupational diseases, diseases in relation to work and other material and non-material damage at work and in relation to work.

(2) Notwithstanding their grammatical gender, the terms used in this Act are gender-neutral and shall apply equally to male and female gender.

#### *Scope of application*

#### Article 4

(1) The provisions of this Act shall apply to all activities in which employees perform work for the employer.

(2) The provisions of this Act shall not apply when performing certain work to which, due to its uniqueness and inevitable conflict with the provisions of this Act, the Act cannot be fully applied, such as activities of the Croatian Armed Forces, police activities, protection and rescue activities, protection of persons and property and activities of firefighters and deminers.

(3) When performing the activities referred to in paragraph 2 of this Article occupational health and safety shall be regulated by special regulations.

(4) The obligations of the employer in implementing occupational health and safety prescribed by this Act and Regulations in relation to the employee also refer to persons at work, unless this Act prescribes otherwise.

(5) The provisions of this Act shall not apply to domestic servants.

## II. NATIONAL POLICY AND ACTIVITIES

*Special social interest protects life and health at work*

## Article 5

(1) Life, health and preservation of working capacity are values of special public interest in the Republic of Croatia.

(2) Occupational health and safety as organized systematic activities is of public interest.

*The authority of the Government of the Republic of Croatia*

## Article 6

(1) The Government of the Republic of Croatia (hereinafter: the Government) systematically monitors the state of occupational health and safety in the Republic of Croatia and in consultation with representatives of employers and employees identifies, proposes, implements and systematically reviews the policy of occupational health and safety and proposes amendments to the legislation in order to improve safety and protect health of employees and with that aim it established the National Council for Work Safety.

(2) The National Council for Work Safety consists of seven members.

(3) The members of the National Council referred to in paragraph 2 of this Article shall be appointed by the Government's decision as its advisory body for occupational health and safety, and shall consist of the director of the Institute for the Advancement of Safety at Work (hereinafter: the Institute), two representatives nominated by the minister responsible for labour affairs (hereinafter: the Minister) and two representatives per the employers and per the employees, nominated by representative associations of the employer and employees of a higher level under a special regulation.

(4) The Institute established by this Act is a public institution to which regulations on institutions apply, unless this Act provides otherwise.

(5) The Republic of Croatia is the founder of the Institute, with all the founding rights and responsibilities exercised by the Government.

(6) The Ministry responsible for labour affairs in cooperation with the National Council for Work Safety proposes to the Government the adoption of the National Programme on Occupational Health and Safety, published in the "Official Gazette".

## Article 7

(1) The National Council for Work Safety:

1) monitors, analyzes and evaluates the system and policy of occupational health and safety and informs the Government on its findings and assessments and proposes necessary changes

2) monitors the effects of the application of this Act, its implementing regulations, specific laws and other regulations which protect health and safety of employees in the Republic of Croatia and, if necessary, proposes changes to the Government, including their alignment with international regulations

3) gives its opinion on draft statements of the regulatory impact assessment and on draft regulations proposals in the field of occupational health and safety

4) proposes measures for improving occupational health and safety system in the Republic of Croatia

5) participates in the organization of the National Day of Occupational Health and Safety

6) performs other tasks at the request of the Government.

(2) The President of the National Council is elected by the members of the National Council at its first session.

#### Article 8

(1) For the purpose of improving occupational health and safety in the Republic of Croatia, legal and natural persons may be awarded recognitions and rewards.

(2) The Minister shall, by virtue of an ordinance, regulate the types of recognitions and rewards, their appearance, i.e. the financial amount as well as the method, manner and conditions for awarding the recognitions and rewards.

#### *National Day of Occupational Health and Safety*

#### Article 9



In the Republic of Croatia the National Day of Occupational Health and Safety shall be celebrated on 28 April on the World Day of Occupational Health and Safety.

### III. OCCUPATIONAL HEALTH AND SAFETY RULES AND GENERAL PRINCIPLES OF PREVENTION

#### *Occupational health and safety rules*

#### Article 10

(1) Occupational health and safety as organized activities includes a set of rules, in particular:

- 1) rules for designing and fabrication of the means of work
- 2) rules for the usage, maintenance, inspection and testing of means of work
- 3) rules relating to employees and adapting of work processes to their sex, age, physical, physical and mental abilities
- 4) methods and procedures for training and informing employees and employers with the purpose of achieving an appropriate level of occupational health and safety
- 5) methods and procedures for cooperation between the employer, employees and their representatives, associations and governmental institutions and bodies responsible for occupational health and safety
- 6) ban on putting employees in an unfavourable position as a result of carrying out activities aimed at occupational safety and health protection
- 7) other measures for preventing risks at work, with the aim of eliminating risk factors and their harmful effects.

(2) Occupational health and safety as a systematically organized activity is an integral part of performing a working process which the employer achieves by applying basic, special and recognized occupational health and safety rules in accordance with the general principles of prevention.

#### *General principles of prevention*

#### Article 11

The employer shall be obliged to implement occupational health and safety measures based on the following general principles of prevention:

- 1) risk avoidance
- 2) risk assessment
- 3) prevention of risks at their source
- 4) adjustment of work to the employees in relation to the design of the workplace, the choice of work equipment as well as to the mode of operation and work processes to relieve monotonous work, work at a set pace, result-based work in a given period of time (normative work) and other exertions in order to reduce their harmful effect on health
- 5) adapting to technical progress
- 6) replacing the hazardous by the non or less hazardous
- 7) development of a consistent comprehensive prevention policy by connecting technology, organization of work, working conditions, human relationships and the influence of work environment
- 8) giving preference to collective protective measures over individual ones
- 9) appropriate training and informing of the employees
- 10) free prevention i.e. free measures for protection at work for the employees.

*Basic occupational health and safety rules*

Article 12

(1) Basic occupational health and safety rules include requirements a means of work must meet when in use, in particular:

- 1) protection against mechanical hazards
- 2) protection against electric shock
- 3) prevention of fire and explosion
- 4) securing mechanical resistance and stability of the building

- 5) securing the necessary work area and work space
  - 6) securing necessary passage routes, transport and evacuation of employees and other persons
  - 7) securing cleanliness
  - 8) securing the required temperature and air humidity and air velocity limits
  - 9) securing required illumination
  - 10) protection against noise and vibration
  - 11) protection from adverse weather and climatic impacts
  - 12) protection from physical, chemical and biological harmful effects
  - 13) protection from excessive exertion
  - 14) protection against electromagnetic and other radiation
  - 15) securing spaces and devices for personal hygiene
- (2) Basic occupational health and safety rules take precedence in their application over specific occupational health and safety rules.

*Specific occupational health and safety rules*

Article 13

- (1) If risks to health and safety of employees cannot be eliminated or can only be partially eliminated by applying basic occupational health and safety rules, specific occupational health and safety rules related to the employees, to the way of conducting work and to work processes shall additionally be applied.
- (2) Special occupational health and safety rules include requirements relating to age, sex, completion of professional education and other forms of education and training for work, health, physical state, psycho-physiological and psychological abilities which employees must meet when performing work with special working conditions.
- (3) Specific occupational health and safety rules, apart from the requirements in paragraph 2 of this Article, contain both rights and obligations in relation to:

- 1) the organization of work time and rest
- 2) the use of appropriate personal protective equipment
- 3) special procedures while using or being exposed to physical harms, hazardous chemicals, i.e. biological harms
- 4) placing safety signs which provide information or instructions
- 5) instructions on work processes and ways of conducting work, particularly with respect to the duration of work, performance of monotonous work and result-based work in a given period of time (normative work) and the exposure of employees to other exertions at work or in connection with work
- 6) procedures for an injured or ill employee up to provision of emergency medical care i.e. up to their admission to a health institution.

*Recognized occupational health and safety rules*

Article 14

If in the legal system of the Republic of Croatia the legal occupational health and safety rules which the employer should apply for the purpose of safety and health protection of employees are not effective, recognized occupational health and safety rules which include norms, codes of practice or in practice proven methods by which risks at work are eliminated or reduced and which prevent the occurrence of injuries at work, occupational diseases, diseases in relation to work and other adverse consequences for employees shall be applied.

*Application of the most favourable right for employee*

Article 15

This Act and its implementing regulations prescribe minimum occupational health and safety requirements, but do not affect the application of more favourable occupational health and safety, if the more favourable occupational health and safety is prescribed by law, other regulation i.e. collective agreement, agreement between the works council and the employer or by employment contract.

*Authorities of the ministers for adoption of subordinate legislation*

Article 16

(1) Subordinate legislation of safety at work is passed by the minister, i.e. the minister responsible for health with the consent of the minister, subject to the authority set forth by this Act.

(2) Subordinate legislation relating to health protection is passed by the minister responsible for health, subject to the authority set forth by this Act and special regulations in the field of health care.

(3) Competent ministers with the consent of the Minister shall regulate subordinate legislation of occupational health and safety in specific areas of activities by implementing regulations.

(4) The competent minister may entrust the drafting of technical bases for subordinate legislation referred to in paragraphs 1, 2 and 3 of this Article to a scientific or professional institution, i.e. to scientists or experts for particular issues in relation to occupational health and safety, and is empowered to appoint working groups for drafting proposed legislation.

#### IV. EMPLOYER'S OBLIGATIONS IN IMPLEMENTING OCCUPATIONAL HEALTH AND SAFETY

##### 1. The organization and implementation of occupational health and safety

*General obligations of the employer regarding the organization and implementation of occupational health and safety*

##### Article 17

(1) The employer shall be obliged to organize and implement occupational health and safety, taking into account risk prevention as well as informing, training, organization and resources.

(2) The employer shall be obliged to implement prevention in all work processes, in work organization and in the management of work processes, whereby the highest possible level of safety at work for the employees must be ensured.

(3) When organizing and implementing occupational health and safety, the employer shall be obliged to respect the nature of conducted work and customize occupational health and safety to variable circumstances for the purpose of improving the conditions.

(4) In the organization of work process and delegating work to an employee the employer shall be obliged to take into account the abilities of the employee which could affect occupational health and safety.

(5) For the purpose of improving safety and protecting health of employees, the employer shall be obliged to improve the level of occupational health and safety and coordinate work processes with changes and advances in the field of technology, health care, ergonomics and other scientific and technical fields, and shall organize them in order to reduce the exposure of employees to risks, harms and exertions prescribed in the regulations referred to in Article 18, paragraph 6 of this Act, in particular exposure to monotonous work, work at a set pace, result-based work in a given period of time (normative work), for the purpose of injury prevention, prevention of occupational diseases and diseases in relation to work.

(6) The employer bears the costs of occupational health and safety implementation, i.e. employees shall not be charged for its implementation.

(7) The minister responsible for health, with the prior consent of the Minister, shall by virtue of an ordinance regulate the measures, rules, procedures and activities of occupational health and safety of employees exposed to statodynamic, psychophysiological and other exertions by virtue of an ordinance.

*The obligation of risk assessment at work*

Article 18

(1) The employer shall be obliged to, taking into account the work and its nature, assess the risks to life and health of employees and people at work, particularly in relation to the means of work, the work environment, technology, physical harms, used chemicals i.e. biological agents, design of the workplace, the organization of work processes, work monotony, statodynamic and psychophysiological exertions, work at a set pace, result-based work in a given period of time (normative work), night work, mental workload and other risks that are present, for the purpose of preventing or reducing the risk.

(2) The employer shall be obliged to produce a risk assessment in written or electronic form which corresponds to the existing risks at work and in relation to work available to the employee at the workplace.

(3) On the basis of risk assessment the employer shall be obliged to apply occupational health and safety rules, preventive measures, organize and implement work and production procedures, i.e. methods as well as undertake other actions to prevent and reduce the exposure of employees to the identified risks in order to avoid or to reduce to the lowest possible level the likelihood of injuries, occupational diseases or diseases in relation to work with the purpose of providing a better level of occupational health and safety at all stages of work and management.

(4) Omissions in the procedure of risk assessment (e.g. failure to perceive the likelihood of occurrence of hazardous or harmful event at work or in relation to work, incorrect assessment of harmfulness of the event, i.e. underestimation of its harmful effects, etc.) do not absolve the employer from obligations and liabilities in relation to occupational health and safety.

(5) The employer shall be obliged to involve the employees and their representatives in the risk assessment procedure in the manner prescribed by this Act.

(6) The minister shall, by virtue of an ordinance, regulate the conditions, manner and method of drafting the risk assessment, the required subject matter covered by the assessment, the information on which a risk assessment shall be based and the classification of hazards, harms and exertion at work and in relation to work.

*Employer's responsibility for organizing and implementing occupational health and safety*

## Article 19

(1) The employer shall be responsible for the organization and implementation of occupational health and safety of employees in all segments of the organization of work and in all work processes.

If the organization of the implementation of occupational health and safety and the rights, obligations and responsibilities of the authorized officers and employees are not regulated under this Act and regulations adopted in pursuance thereof, a collective agreement, agreement between the works council and the employer or employment contract, the employer shall by virtue of an ordinance or other Act do so, in accordance with general regulations on work.

(3) The employer is responsible for organizing and implementing occupational health and safety, regardless of whether one or more occupational health and safety specialists have been employed for that purpose or whether the performing of occupational health and safety tasks has been entrusted to a person authorized to perform those tasks.

(4) The transfer of authority for the implementation of occupational health and safety does not absolve the employer from liability.

(5) Prescribed obligations of employees in the field of occupational health and safety shall not affect the responsibility of the employer referred to in paragraph 1 of this Article.

*Contracting the performance of occupational health and safety*

Article 20

(1) The employer shall be obliged to establish and perform tasks of occupational health and safety in accordance with the risk assessment, condition of safety at work and number of employees.

(2) The employer who employs up to and including 49 employees may carry out the tasks referred to in paragraph 1 of this Article himself if he meets the prescribed requirements or can contract the performance of these tasks by virtue of an employment contract with an occupational health and safety specialist.

(3) The employer who employs from 50 up to, and including, 249 employees shall be obliged to contract the performance of the tasks referred to in paragraph 1 of this Article with an occupational health and safety specialist by virtue of an employment contract.

(4) The employer who employs 250 or more employees shall be obliged to contract the performance of the tasks referred to in paragraph 1 of this Article with one or more occupational health and safety specialists in accordance with the implementing regulation referred to in paragraph 9 of this Article by virtue of an employment contract.

(5) The employer may contract the performance of the tasks of occupational health and safety referred to in paragraph 1 of this Article with an authorized person only in a case when, for an objective and legitimate reason, he cannot perform these tasks himself, i.e. may contract those tasks in the manner set out in paragraphs 2, 3 and 4 of this Article.



(6) If the employer contracted the performance of occupational health and safety with an authorized person, that person shall appoint in writing one or more occupational health and safety specialists for the purpose of performing the tasks of occupational health and safety in the undertaking.

(7) Where two or more employers are doing business in the same location, they may mutually contract out the organization and implementation of occupational health and safety to an occupational health and safety specialist they commonly employ and may also establish a joint service for occupational health and safety, applying the criterion of the number of employees and other criteria set out in paragraphs 1, 2, 3 and 4 of this Article.

(8) The employees, occupational health and safety specialists, employees' commissioners for occupational health and safety and authorized persons shall cooperate in the implementation of occupational health and safety.

(9) The minister shall, by virtue of an ordinance, prescribe the type, levels of education and the number of occupational health and safety specialists, the manner and conditions for performing the occupational health and safety tasks in the undertaking, depending on risks, activities and number of employees.

### *Occupational health and safety tasks*

#### Article 21

(1) Occupational health and safety tasks are in particular:

1) technical assistance to the employer and his authorized employees, employees and employees' commissioners for occupational health and safety in the implementation and improvement of occupational health and safety

2) participation in the development of business strategy and operational plans and programmes of the employer's business activities, in the sector which need not be in relation to occupational health and safety, as well as participation in the implementation of management methods and techniques for the strategy implementation

3) participation in the procedure of drafting risk assessment

4) internal supervision over the implementation of occupational health and safety rules and encouragement of the employer and his consultation with

authorized officers to eliminate deficiencies in occupational health and safety established by internal control

5) collecting and analyzing the data in relation to accidents, injuries at work, occupational diseases and diseases in relation to work as well as the preparation of prescribed registration of injuries at work and occupational diseases and drafting reports for the employer's needs

6) cooperation with the bodies responsible for work inspection, with the institute responsible for health protection and safety at work, the Institute for the Advancement of Safety at Work, authorized persons and with a specialist in occupational medicine

7) training of employees, employers and authorized officers for work in a safe manner

8) training of employees' occupational health and safety commissioners and assistance in their activities

9) active participation in the committee for occupational health and safety in the undertaking

10) cooperation with the employer during the design, construction and reconstruction of buildings intended for work, procurement of work equipment and other means of work, personal protective equipment and dangerous chemicals

11) participation in the implementation of international certification standards for the management of occupational health and safety, quality, risks, social responsibility in business activities etc safety in the undertaking

12) other occupational health and safety tasks in accordance with the employer's needs.

(2) Documents on internal control, which may be in written or electronic form, shall be drafted and stored.

(3) The activities referred to in paragraph 1 of this Article, under the conditions prescribed by this Act, shall be performed by the employer, occupational health and safety specialist, i.e. authorized person.

*Working conditions of the occupational health and safety specialist*

(1) The employer shall be obliged to enable the occupational health and safety specialist the fulfillment of obligations and shall be obliged to provide him with the necessary time, equipment, assistance of other expert employees and other working conditions, as well as with professional independence, and shall not put him at a disadvantage as a result of carrying out activities pursuant to this Act, other regulations or agreement or professional rules.

(2) The employer shall be obliged to provide professional health and safety training to the health and safety specialist and bear the cost of that training'

(3) By the ordinance from Article 20, paragraph 9 of this Act the Minister shall, by virtue of an ordinance, regulate the manner and conditions of professional examination for occupational health and safety specialists as well as the conditions for the acceptance of the status of occupational health and safety specialist, forms of continual professional development and ways of its valuation, issuance, seizure and termination of the approval and also the organization and maintenance of the register of approvals issued to occupational health and safety specialists.

#### *Authorized officer*

#### Article 23

The employer may delegate the implementation of occupational health and safety in writing to his authorized officer within his scope of work.

#### *Authorized officer's tasks*

#### Article 24

(1) The employer implementing occupational health and safety through activities of an authorized officer shall be obliged to authorize the authorized officer, in particular:

1) not to allow an employee not trained for work in a safe manner, to work without the supervision of a trained employee

2) not to allow an employee for whom it has not been established in the prescribed manner to meet the requirements to perform work with special working conditions, i.e. to prohibit the employee who no longer meets the requirements to continue to perform work with special working conditions

3) not to allow particularly vulnerable groups of employees to perform activities which could adversely affect them

4) to exclude from use work equipment which is defective, i.e. not safe, as well as personal protective equipment subject to deformations presenting risks to the health and safety of employees

5) in collaboration with the specialist for occupational health and safety ensure registration of any accidents and injury at work and every case of employees' actions in accordance with the provisions of Article 69, paragraphs 3 and 4 of this Act

6) to supervise employees in order for them to work in accordance with occupational health and safety rules, instructions of the employer i.e. manufacturer of work equipment, in particular personal protective equipment, hazardous chemicals and biological harms and to use prescribed personal protective equipment

7) to prohibit the work to the employee if performed contrary to subparagraph 6 of this paragraph

8) to secure the required number of employees trained for evacuation, rescue and first aid and to make all the required equipment available

9) to ensure that during working time there is no consumption of alcohol or other addictive substances, i.e. to prohibit employees who are at work under the influence of alcohol or other addictive substances from working, and to suspend them.

(2) The employer shall be obliged to provide the authorized officer with working conditions and shall not put him at a disadvantage as a result of carrying out activities pursuant to the occupational health and safety rules and acting in accordance with professional rules and the authorizations of the employer.

(3) Under the conditions of work referred to in paragraph 2 of this Article, the independence of authorized officers in making and implementing decisions and autonomy in the management of the funds which the employer shall be obliged to provide is implied.

## 2. Liability for damage at work and in relation to work

### *The liability of the employer*

## Article 25

(1) Injury at work and occupational disease suffered by an employee performing duties in the undertaking shall be considered to have originated from work and the employer shall be liable for it according to the principle of objective liability.

(2) The employer may be exonerated from liability or his liability may be limited if the damage occurred is due to force majeure, or intentional or gross negligence of the employee or a third party where the employer could not have influenced or avoided the consequences, in spite of the implemented occupational health and safety.

*The liability of the authorized person and the occupational health and safety specialist*

## Article 26

(1) The authorized person referred to in Article 82 of this Law shall be liable for damage at work and in relation to work which he causes to the employer i.e. to the employee, by performing tasks of occupational health and safety, if he does not act in compliance with the provisions of this Act and other regulations.

(2) For the purpose of determining the liability referred to in paragraph 1 of this Article general provisions of the law of obligations shall be applied.

### 3. Training for work in a safe manner

*The obligation of employees' training for work in a safe manner*

## Article 27

(1) On the basis of risk assessment the employer shall be obliged to train the employee for work in a safe manner, as follows:

- 1) before the commencement of work
- 2) when introducing changes in the work process
- 3) when introducing new work equipment or its changes
- 4) when introducing new technology

5) in the course of the induction of an employee into a new job, i.e. to a new workplace

6) when establishing health damage caused by hazards, harms or exertion at work.

(2) The employer shall implement the training referred to in paragraph 1 of this Article in such a way to inform the employee about all the facts and circumstances which affect or could affect the health and safety of employees (about work organization, risks and manner of performing work processes etc.), to explain to the employee and to train the employee for practical application of occupational health and safety measures which he is obliged to apply during work in accordance with the risks assessment to which he is exposed at work and in relation to work.

(3) The employer shall be obliged to implement the training referred to in paragraphs 1 and 2 of this Article in the event of change, i.e. the occurrence of new risks, regardless of whether any risk assessment in connection with it has already been amended.

(4) The employer shall be obliged to carry out the training of employees, authorized officers and employees' commissioners for occupational health and safety during working hours at his own expense.

*Prohibition of work for the employee not qualified for work in a safe manner*

#### Article 28

(1) The employer shall not permit an employee not previously trained for work in a safe manner to work independently.

(2) The employer shall be obliged to ensure an employee not trained for work in a safe manner work under the direct supervision of a worker trained for work in a safe manner, but for not longer than 60 days.

*Compulsory education and training of the employer and authorized officers*

#### Article 29

The employer or his authorized officer shall be educated and professionally trained in the field of occupational health and safety in accordance with risk assessment.

*Training for work in a safe manner*

## Article 30

(1) Employers may perform training for work in a safe manner on their own or entrust it to a person authorized to perform those tasks.

(2) The person authorized to carry out training for work in a safe manner must have basic knowledge of andragogy, for which he must provide Documentation confirming his competence in basic knowledge of andragogy issued by an authorized institution or a certificate from a higher education institution, if that knowledge was acquired during his studies.

(3) The report on the assessment of employees' qualification to work in a safe manner is drafted and signed by the direct authorized officer of the trained employee, the employee and the occupational health and safety specialist.

(4) By Article 20, paragraph 9 of this Act the Minister shall, by virtue of an ordinance, regulate the conditions and manner of training for work in a safe manner referred to in Article 27 of the Act as well as the conditions and manner of education and training referred to in Article 29 of this Law.

### 4. Information and consultation

#### *The obligation to inform and consult*

## Article 31

The employer shall be obliged to inform and consult with his employees or their representatives on occupational health and safety issues in accordance with this Act and general regulations on work.

#### *Information*

## Article 32

(1) The employer shall be obliged to inform the employees, the employees' commissioner for occupational health and safety, the occupational health and safety specialist, the authorized person if the performance of occupational health and safety tasks was contracted with him, and other persons of all the risks and changes which might affect the health and safety of employees, in particular of:

1) risks associated with the workplace and the nature or type of work, of possible damage to health and of protective and preventive measures and activities in every work process

2) first aid measures, protection against fire, employees' protection and rescue as well as of the employees who implement them.

(2) The employer shall by means of written instructions be obliged to ensure the implementation of work process in accordance with the occupational health and safety rules and shall be required to give the employees instructions in accordance with paragraph 1 of this Article.

(3) In the workplaces the employer shall be obliged to visibly display written instructions about the work environment, means of work, hazardous chemicals, biological harms, occupational hazards, sources of physical harms and other risks at work and in relation to work, in accordance with the risk assessment.

(4) In workplaces where work with special conditions is performed, the employer shall be obliged to ensure access only to employees who have received written instructions for work in a safe manner and have personal protective equipment whose mandatory usage results from risk assessment.

(5) The employer shall be obliged to make available the appropriate documentation to the occupational health and safety specialist, to the authorized officer and to the employees' commissioner for occupational health and safety, in particular:

1) risk assessment and the list of measures being implemented for the purpose of eliminating or reducing the estimated risks

2) records and documents which he shall be obliged to keep in line with the provisions of Article 61, paragraph 1 of this Act

3) administrative measures ordered by the authorized inspector.

(6) The employer who is not obliged to set up a committee for occupational health and safety and with whom a works council was set up or has a union commissioner with all the rights and obligations of the works council, shall be obliged to inform employees' commissioners for occupational health and safety on the state of occupational health and safety and planned activities for the next reporting period at least every three months in writing.

(7) The employer who is not obliged to set up a committee for occupational health and safety and with whom a works council was not set up or does not have a union commissioner with all the rights and obligations of the works council, shall be obliged to inform employees' commissioners for



occupational health and safety on the state of occupational health and safety and planned activities for the next reporting period at least every six months in writing.

(8) Notwithstanding the provisions of paragraphs 6 and 7 of this Article, in the event of any fatal or severe injury at work, an identified case of occupational disease or where a competent inspector identifies a failure in the implementation of occupational health and safety, the employer shall be obliged to inform the employees' commissioner for occupational health and safety immediately after the occurrence of the event.

(9) In the event of any fatal or severe injury, the employer shall be obliged to call the employees' commissioner for occupational health and safety to carry out the investigation at the workplaces.

(10) The employer shall be obliged to give an employee timely instructions on procedures in the event of an immediate risk to human life and health to which the employee is or could be exposed, as well as on possible measures to be taken in this case in order to prevent or reduce risks.

#### *Consultation*

#### Article 33

The employer shall be obliged to, in advance and in a timely manner, consult with the employees' commissioner for occupational health and safety on:

- 1) the employment of an occupational health and safety specialist and the tasks he shall perform
- 2) entrusting the implementation of occupational health and safety matters to the authorized person and on the tasks he shall perform
- 3) drafting the risk assessment and modifications, i.e. amendments to the risk assessment
- 4) the selection of the employees who shall provide first aid and the employees who shall implement measures for protection against fire, evacuation and rescue
- 5) safety and risks prevention at work and on prevention and reduction of risks
- 6) the prevention of accidents, injuries at work and occupational diseases

- 7) changes in the work process and technology
- 8) planning and conducting training in occupational health and safety
- 9) the improvement of working conditions and on planning and introducing new technologies
- 10) the impact of working conditions and working environment on the health and safety of employees
- 11) the choice of work equipment and personal protective equipment
- 12) the exposure of employees to monotonous work, work at a set pace, result-based work in a given period of time (normative work) and other exertions.

*Occupational health and safety committee*

Article 34

- (1) The employer employing 50 or more employees shall be obliged to set up an occupational health and safety committee (hereinafter: the Committee) as its advisory body for the improvement of occupational health and safety.
- (2) Notwithstanding paragraph 1 of this Article, the employer employing fewer than 50 employees shall be obliged to set up a committee if it is prescribed by a special law or other regulation.
- (3) The Committee consists of the employer or his authorized officer, occupational health and safety specialist performing tasks of occupational health and safety for the employer, occupational medicine specialist appointed in accordance with a special regulation and the employees' commissioner for occupational health and safety or their coordinator.
- (4) The President of the Committee is the employer or his authorized officer.
- (5) The employer shall issue a written decision on the appointment of the Committee members.
- (6) For the purpose of solving specific issues of occupational health and safety, the employer shall include specialists on specific areas in the work of the Committee.

(7) The Committee shall meet at least once every three months and keep minutes about its work.

(8) Notwithstanding the provisions of paragraph 7, in the event of death, serious injury at the workplace, an identified case of occupational disease or where a competent inspector has identified a failure in the implementation of occupational health and safety, the employer shall be obliged to convene a session within two working days after the occurrence of the injury.

(9) The employer shall notify the competent inspector about the Committee referred to in paragraph 8 of this Article, who may attend the session.

(10) If the employer fails to convene a session of the Committee within the time limits set out in paragraphs 7 and 8 of this Article, the employees' commissioner for occupational health and safety or the coordinator of the commissioners i.e. the works council or the trade union commissioner with the rights and obligations of the works council may convene the session of the Committee.

#### *Tasks of the Committee*

### Article 35

(1) For the purpose of continuous improvement of occupational health and safety the Committee shall plan and monitor:

- 1) the application of occupational health and safety rules in the undertaking
- 2) the organization of the performance of occupational health and safety
- 3) information and training in relation to occupational health and safety
- 4) prevention of risks at work and in relation to work and its effects on the health and safety of the employees.

(2) The tasks of the Committee referred to in paragraph 1 of this Article may be extended by the collective agreement or an agreement between the works council and the employer.

### 5. Work with special working conditions

#### *Employers' obligations in relation to work with special working conditions*

### Article 36

(1) The employer shall not permit an employee who does not meet the criteria prescribed by special regulation referred to in paragraph 6 of this Article, i.e. a special regulation for such works to perform work with special working conditions.

(2) The person who intends to enter into an employment contract for the purpose of performing of work with special working conditions shall be referred by the employer to a specialist in occupational medicine for a medical check-up, with a referral stating the details of the nature or type of work and other circumstances which are of importance for the assessment of his ability to perform that work and the potential impact of harms at the workplace to the employee's health.

(3) The employer shall be obliged to refer the employee who performs work with special working conditions for a medical check-up again prior to the expiry of the period referred to in paragraph 6 of this Article, or when deemed as necessary by the occupational medicine specialist.

(4) The employer shall not allow the employee to perform work with special conditions without referring him again to a medical check-up within the period he was obliged to do so or if the employee refuses to undergo a medical check-up to which he was referred.

At alternative workplaces in terms of general labour regulations work with conditions cannot be performed.

(6) The minister responsible for health, with the consent of the Minister, shall by virtue of an ordinance regulate work with special conditions and requirements which must be met by the employees performing these works.

#### 6. Particularly vulnerable groups of employees

##### *Particularly vulnerable groups of employees*

#### Article 37

(1) Particularly vulnerable groups for whom the employer shall be obliged to provide special protection at work are underage employees, pregnant employees, employees who have recently given birth and employees who are breastfeeding, employees suffering from occupational diseases and employees identified with a partial work capacity and a partial loss of work capacity or if there is an immediate risk of reduction of work capacity.

(2) For the purpose of implementation of special protection at work, the employer shall be obliged to indicate potentially risky works for particularly vulnerable groups of employees referred to in paragraph 1 of this Article in the risk assessment.

*Special occupational health and safety of underage employees*

Article 38

(1) The employer shall be obliged to provide special occupational health and safety for a minor for the purpose of preserving his unimpaired mental and physical development.

(2) A minor may not perform work with special conditions, except for minors who have completed vocational secondary education for this work and who meet other prescribed requirements.

(3) For the purpose of minors' safety and health protection at work, the employer shall be obliged to:

- 1) adjust conditions and working time organization for the purpose of eliminating safety and health risks
- 2) ensure other appropriate work i.e. a workplace, if adjustments are not feasible or justifiable
- 3) ensure the implementation of other occupational health and safety rules, in accordance with a special regulation.

*Special occupational health and safety of pregnant employees, employees who have recently given birth and who are breastfeeding*

Article 39

(1) The employer shall be obliged to implement special occupational health and safety measures for pregnant employees, employees who have recently given birth and employees who are breastfeeding, with the view to protect them against risks which could jeopardize the attainment of motherhood and recovery from pregnancy and childbirth.

(2) A pregnant employee and an employee who is breastfeeding shall not perform works set forth in the ordinance referred to in Article 45, paragraph 5 of this Act.

(3) For the purpose of protecting them against risks they must not be exposed to, for the employees referred to in paragraph 1 of this Article the employer shall be obliged to:

1) adjust the conditions and working time organization for the purpose of eliminating safety and health risks

2) ensure the opportunity to perform other appropriate work i.e. work at a different workplace, if adjustments are not technically feasible or justifiable at the workplace where they worked prior to pregnancy or childbirth.

(4) Adjustment of conditions, working time organization and the change of workplace shall not result in the salary reduction of the employees referred to in paragraph 1 of this Article.

(5) If it is not possible to provide special occupational health and safety, employees referred to in paragraph 1 of this Article shall be entitled to a leave with salary compensation in accordance with a special regulation.

(6) The assessment of any risks which could adversely affect the health and safety of pregnant employees, or a foetus or those employees who have recently given birth and the evaluation of what work is appropriate for them should be carried out by a occupational medicine specialist, specialising in gynaecology or obstetrics, based on risk assessment.

(7) The assessment of the risks which could adversely affect the health and safety of a child who is breastfed by an employee, as well as the assessment of what work is appropriate for her is given by a specialist in occupational medicine at the suggestion of a paediatric specialist , or a chosen family physician, based on the risk assessment.

*Special occupational health and safety of employees who have been identified as having a partial work capacity or a partial loss of work capacity or are exposed to immediate risk of reduction of work capacity*

#### Article 40

(1) To prevent further damage to the health and the ability to work of employees who have been identified as having an occupational disease, for whom a competent body of s under a special regulation has determined the partial work capacity and a partial loss of work capacity or are exposed to immediate risk of reduction of work capacity, for the purpose of preventing further health damage and reduction of the remaining work capacity an

employer shall be obliged to implement special occupational health and safety measures.

(2) An employee whom a specialist in occupational medicine determines to be permanently unable to perform works under special conditions, when the harms or exertion at the workplace are the cause of health damage, is by right entitled to special occupational health and safety.

(3) For the employees referred to in paragraphs 1 and 2 of this Article the employer shall be obliged to:

1) adjust work conditions and organization of working time in order to eliminate risks to health and safety

2) ensure the possibility of other appropriate works i.e. work at a different workplace, if adjustments are not technically feasible or justifiable at the workplace or at work performed at the time of identifying occupational diseases, of reduction of work capacity or of exposure to immediate risk of reduction of work capacity or permanent incapacity for performing work under specific conditions.

#### 7. Means of work, personal protective equipment and workplaces

##### *Employers' obligations in relation to the means of work, personal protective equipment and workplaces*

#### Article 41

(1) The employer shall be obliged to ensure that used workplaces are at all times safe, maintained, adapted to work and in good condition, in accordance with occupational health and safety rules.

(2) The employer shall be obliged to cease work in buildings intended for work in which occur changes presenting a risk to the safety and health of the employees.

(3) The employer shall be obliged to ensure that the means of work and personal protective equipment in use are at all times secured, maintained, adapted to work and in good condition and that they are used in accordance with occupational health and safety rules, technical regulations and manufacturer's instructions so that the during work they pose no danger to the employees.

4) The employer shall be obliged to exclude from use means of work and personal protective equipment subject to deformations presenting risks to the health and safety of employees

(5) When it is not possible to eliminate or sufficiently limit the risks to the health and safety of employees by organizational measures or basic occupational health and safety rules, the employer shall be obliged to ensure appropriate personal protective equipment and ensure that the employees use it in the prescribed manner when performing work.

#### Article 42

(1) In accordance with this Act, its implementing regulations, occupational health and safety rules, special regulations i.e. manufacturer's instructions, the employer shall be obliged to inspect i.e. test the means of work used to determine whether occupational health and safety rules have been applied and whether the health and safety of employees have been put at risk due to changes that have occurred during their use.

(2) The Minister shall by virtue of an ordinance regulate the measures, rules and deadlines for inspections or tests in relation to the means of work, safety signs, personal protective equipment and workplaces.

#### *Supervisory devices as a means of occupational health and safety*

#### Article 43

(1) An employer may use supervisory devices as an occupational health and safety means under the conditions prescribed by this Act.

(2) The use of supervisory devices shall be permitted with the purpose of controlling entry and exit from work premises and facilities and reducing the employees' exposure to the risk of robbery, burglary, violence, theft and similar incidents at work or in relation to work.

(3) It is prohibited to install supervisory devices in the employees' personal hygiene and changing rooms.

(4) If supervisory devices continuously monitor all movements of the employees during the performance of work or if the supervisory devices are installed in such a way that employees are at all times, while working, in the visual field of the supervisory devices, the employer may use the supervisory devices solely on the basis of prior consent of the works council.



(5) If the works council or trade union commissioner with the rights and obligations of the works council refuses to give its consent, the employer may, within fifteen days of the receipt of the statement on refusal to give consent, ask that such consent be replaced by an arbitration award in accordance with the implementing regulations adopted pursuant to the general labour regulations.

(6) In the process of employment the employer shall be obliged to inform employees in writing that they will be supervised by means of audio or video supervisory devices.

(7) The employer shall not use the recorded matter for purposes other than specified in this Article, shall not broadcast them in public or before persons who do not have authority over supervising general security and safety at work and shall be obliged to ensure that the recorded matter is not available to unauthorized persons.

(8) The provisions of this article on the prohibition of recording and the prohibition on the use of recorded material shall be binding on the employer in relation to children and minors, regardless of whether they are at workplaces as underage employees or persons at work.

## 8. Technology of work and work processes

### *Employers' obligations in relation to technology of work and to work processes*

#### Article 44

(1) The employer shall be obliged to plan, prepare and implement work processes and develop and apply the technology of work so as not to endanger the health and safety of employees, while respecting the highest possible level of protection against risks at work and in relation to work, in accordance with occupational health and safety rules and other regulations.

(2) The employer shall be obliged to ensure that only employees who have received adequate instructions may have access to places where serious and specific danger is present.

(3) The employer exercises the obligations referred to in paragraphs 1 and 2 of this Article in accordance with a risk assessment which he shall be required to harmonize with scientific and expert knowledge, i.e. progress.

## 9 Working environment

*The obligation of testing the working environment*

Article 45

(1) The employer shall be obliged to assess risks and ensure health protection and safety of employees exposed to physical, chemical and biological harmful effects at work, in accordance with this Act, its implementing rules and regulations of occupational health and safety and special regulations on the protection against physical, chemical and biological harms.

(2) The employer shall be obliged to test the working environment at the workplace when:

1) the work process affects the temperature, humidity and air velocity

2) dust occurs during the work process

3) noise or vibrations occur during the work process

4) hazardous chemicals are used, produced or processed during work

5) there is exposure to hazardous radiation during work

6) risks of explosive atmospheres are present at work

7) it is necessary to provide adequate illumination during work in accordance with a risk assessment.

(3) The employer shall be obliged to carry out the tests referred to in paragraph 2 of this Article in a manner and within the deadlines laid down in the implementing rules and regulations of occupational health and safety and in special regulations.

(4) Notwithstanding paragraphs 2 and 3 of this Article, the obligation of testing exists immediately after conditions i.e. changes which render the testing compulsory, have occurred.

(5) The Minister, with the consent of the minister responsible for health, shall by virtue of an ordinance be obliged to regulate rules of protection for employees exposed to physical, chemical and biological harms at work or in relation to work and the obligation, methods and procedures for testing the working environment, testing deadlines, content, form and method of drafting the report and issuance of documents.

*Employers' obligations regarding the use of hazardous chemicals at work*

Article 46

(1) The employer shall be obliged to continuously improve occupational health and safety by applying less hazardous and harmful technologies, work procedures and work substances.

(2) The employer who uses, produces, processes or stores hazardous chemicals shall be obliged to, in accordance with a risk assessment, apply occupational health and safety rules.

*Sequence of procedures related to hazardous chemicals*

Article 47

(1) The employer may use hazardous chemicals only if he cannot achieve the same work results by applying harmless chemicals.

(2) If it is not possible to replace hazardous chemicals with harmless or less harmful chemicals, the employer shall be obliged to determine whether the application of another work process can reduce the risk or harm of their use.

(3) If using hazardous chemicals, the employer shall be obliged to apply occupational health and safety rules in the following sequence:

1) use closed systems, if possible, according to the type of work and the state of the technology

2) drain hazardous gases, vapours, dust, and aerosols whose release cannot be prevented from the site where they were formed, or outside the working environment, in a way that during draining the human environment is not polluted.

3) if it is not possible to drain hazardous gases, vapours, dust and aerosols from the site where they were formed, the following should be restricted to a minimum:

- the amount of hazardous chemicals
- the number of employees exposed to the hazardous chemical
- the time the employees are exposed to hazardous chemicals

4) if, by applying the rules set out in subparagraphs 1, 2 and 3 of this paragraph satisfactory health and safety of employees cannot be achieved, ensure that employees use prescribed personal protective equipment when working with hazardous chemicals. .

*Checking the concentrations of hazardous chemicals at work*

Article 48

(1) The obligation of the employer shall be to ensure that the concentration of hazardous chemicals, which act in the form of gases, vapours, dust and aerosols, at workplaces and their environment is as low as possible and below the exposure limit value.

(2) If the measured concentration of hazardous chemicals is determined to exceed the limit values, the employer shall be obliged to promptly:

- 1) identify the reasons for exceeding the limit values
- 2) apply additional occupational health and safety rules based on the identified reasons
- 3) repeat the measurements after the application of the basic rules.

*Other obligations of the employer when working with hazardous chemicals*

Article 49

(1) The employer shall be obliged to ensure that hazardous chemicals are packed and labeled in such a way that when used there is no risk or harm to the health and safety of the employees.

(2) The employer shall be obliged to ensure that employees are given information about the hazards or harms related to the use of hazardous chemicals, as well as about occupational health and safety rules i.e. measures.

(3) When storing hazardous chemicals the employer shall be obliged to ensure the application of occupational health and safety rules in accordance with the properties of these chemicals.

(4) The employer shall be obliged to ensure that the packaging remaining after the use of hazardous chemicals is handled in accordance with occupational health and safety rules and that it is disposed of in accordance with special regulations.

(5) The Minister, with the consent of the minister responsible for health, shall by virtue of the ordinance referred to in Article 45, paragraph 5 of this Act regulate rules, measures, procedures, deadlines and activities of occupational health and safety of the employees exposed to hazardous chemicals at work, limit values for exposure to hazardous chemicals and biological limit values.

*Employer's obligations in relation to the use of biological agents at work*

Article 50

(1) The employer shall be obliged to implement occupational health and safety measures for employees exposed to or likely to be exposed to biological harms.

(2) The employer shall carry out the protection referred to in paragraph 1 of this Article on the basis of risk assessment which determined the nature, degree and duration of employees' exposure.

(3) The employer shall be obliged to apply occupational health and safety rules in the following sequence:

1) the nature of work or activity permitting, he must avoid the use of a biological harm, i.e. replace it with an agent which is not harmful

2) if the use of biological harms cannot be avoided or if they cannot be replaced with an agent which is not harmful, the employer shall be obliged to ensure the use of an agent which is less harmful to the health and safety of the employees

3) if the application of the rules referred to in subparagraphs 1 and 2 of this Article is not technically feasible, the employer shall be obliged to reduce:

- the number of exposed employees, or employees who could be exposed

- the exposure time of the employees

4) if satisfactory protection of the employees' health cannot be achieved by the rules referred to in subparagraphs 1, 2 and 3 of this paragraph, the employer shall be obliged to ensure that the employees use the prescribed personal protective equipment and to take prescribed hygiene measures.

(4) The employer shall be obliged to ensure that employees are informed about the risks they are exposed to when working with biological harms and that they are trained to work in a safe manner.

(5) At the workplace the employer shall be obliged to visibly display written notifications and instructions for procedures in the case of serious hazard i.e. harm caused by the use of biological harms at work.

(6) The Minister, with the consent of the minister responsible for health, shall by virtue of the ordinance referred to in Article 45, paragraph 5 of this Act regulate rules, measures, procedures and activities of occupational safety and health protection of the employees exposed to biological harms.

#### 10. Stress at work or in relation to work

*Employers' obligations in relation to the prevention of stress caused at work or in relation to work*

#### Article 51

(1) The employer shall be obliged to implement stress prevention at work or in relation to work caused in particular by factors such as content of work, work organization, working environment, poor communication and interpersonal relationships, in order to minimize the employee's need to overcome difficulties of long-term exposure to intense pressure and to eliminate the possibility of impairing the employee's work efficiency and of the deterioration of his condition.

(2) If there are indications of stress at work or in relation to work, the employer shall be obliged to pay special attention to:

1) the organization of work and of work processes (working hours, level of independence, correspondence between the skills of the employees and work requirements, workload, etc..)

2) working conditions and the environment (exposure of the employees and the employer to violent behaviour, noise, heat, cold, hazardous chemicals, etc..)

3) communication (uncertainty about what is expected from work, prospects of work security or upcoming changes, etc..)

4) subjective factors (emotional and social pressures, feeling of helplessness, feeling there is not enough support, etc..).

*Obligations of employees and their representatives*

#### Article 52

(1) The employees shall be obliged to act in accordance with the employer's instructions in order to prevent, eliminate or reduce stress at work or in relation to work.

(1) The employees and their representatives shall be obliged to cooperate with the employer in order to prevent, eliminate or reduce stress at work or in relation to work.

(3) The obligations referred to in paragraphs 1 and 2 of this Article shall also apply to employees who are, in accordance with the general labour regulations, as managing employees or family members of the employer as a natural person, entitled to decide independently about their working hours, breaks and daily and weekly rest.

#### 11. Safety signs, written notifications and instructions

*Employers' obligations in relation to safety signs, written notifications and instructions*

#### Article 53

(1) The employer shall be obliged to permanently set up safety signs in a visible place at workplaces and means of work.

(2) If safety signs are not sufficient for efficient notification to the employees, the employer shall be obliged to set up written notifications and instructions about the conditions and manner of the use of means of work, hazardous chemicals, biological harms and sources of physical and other harms at work.

(3) The Minister shall by virtue of the ordinance referred to in Article 42, paragraph 2 of this Act regulate rules, measures and procedures related to safety signs.

#### 12. Foreign employees

*Occupational health and safety implementation for foreign employees*

#### Article 54

(1) Foreign employees must, under the conditions prescribed by special regulations, meet both the requirements laid down by the provisions of this Act and the regulations adopted in pursuance thereof.

(2) The employer which uses the services of an assigned employee, or a foreign national employee who has been posted to work for the employer shall check whether this employee has the necessary training referred to in paragraph 1 of this Article.

13. Prevention of fire and explosions, immediate and significant risk, evacuation and rescue operations

*The employers' obligations relating to fire prevention, evacuation and rescue operations*

Article 55

(1) The employer shall take the necessary measures to ensure fire prevention measures and rescue operations, draw up an evacuation and rescue plan, designate employees who will implement the measures, and ensure that the public fire prevention and rescue service can be called and can intervene, in accordance with special regulations.

(2) The employer shall determine and ensure the number of employees referred to in paragraph 1 of this Article, as well as their training and necessary equipment, in accordance with the regulations governing fire safety and rescue operations, depending on the nature of work processes, the size of the employer and the total number of its employees.

(3) Where there is an immediate and significant risk to life and health of the employees, the employer shall:

1) immediately notify them of the risk to which they are or might be exposed, as well as of measures that have or should be implemented in order to prevent or minimize the risk to life and health

2) take action and give instructions to employees to stop work, or to leave the workplace and proceed to a place of safety

3) instruct that work be resumed only after the risk has been eliminated.

(4) The employer shall ensure that all employees are able, in the event of immediate and significant risks to life and health to which they are or might be exposed, and where the responsible person cannot be informed thereof, to take the appropriate steps and put procedures in place in the light of their knowledge and the technical means at their disposal, to eliminate or minimize those risks.



(5) The training of the employees referred to in paragraph 4 of this Article shall ensure that employees are informed about the evacuation and rescue plan in case of emergency and that evacuation and rescue drills are performed at least once every two years.

(6) Employees who act in accordance with the provisions of paragraphs 4 and 5 of this Article, shall not be placed at any disadvantage because of their action, unless they acted so on purpose or there was negligence on their part.

(7) The employer shall implement occupational health and safety measures at workplaces endangered by explosive atmospheres in accordance with the implementing regulations and occupational health and safety rules.

(8) The Minister, with the consent of the minister competent for interior affairs, shall by virtue of an ordinance stipulate the requirements for occupational health and safety in areas endangered by explosive atmospheres referred to in paragraph 7 of this Article.

#### 14. The provision of first aid

##### *Employers' obligations in relation to the provision of first aid*

#### Article 56

(1) The employer shall organize and ensure first-aid assistance for employees and other persons until they have been provided with emergency medical care or until they have been admitted to a health care institution. The employer shall also ensure that the public emergency medical service is able to intervene.

(2) On every work site or in workrooms where between 2 and 20 employees work at the same time, at least one employee, and one more employee per every additional group of up to 50 employees, must be trained to provide first aid in accordance with occupational health and safety safety rules and the employee should be provided with a written notice that he has been designated to provide first aid.

(3) The employer shall provide means and equipment for the provision of first aid, which shall always be available, indicated by signs and protected from unauthorized use.

(4) The Minister competent for health matters, with the consent of the minister, shall by virtue of an ordinance stipulate first aid procedures, means,

type and quantity of medical supplies which must be provided at the workplace as well as the manner and time limits in which the employees must undergo training for first aid.

15. The protection of non-smokers, the prohibition of drinking alcohol and taking other addictive substances

*The protection of non-smokers in the workplace*

Article 57

- (1) The employer shall implement measures protecting non-smokers from tobacco smoke.
- (2) Smoking during work-related meetings shall be prohibited.
- (3) Smoking in the workplace shall be prohibited.
- (4) By way of derogation from the provisions of paragraph 3 of this Article, the employer may, in writing, allow smoking only in a designated room or area with a smoking permitted sign.

*Prohibition of the use of addictive substances*

Article 58

- (1) Employees shall not be under the influence of alcohol or other addictive substances during work time and they shall not bring them to the workplace.
- (2) The employer shall implement appropriate measures prohibiting the abuse of alcohol and addictive substances in the workplace, and it shall, in particular:
  - 1) inform employees of the harmful effects of addictive substances and their impact on work ability
  - 2) cooperate with its authorized officer, occupational health and safety specialist, specialist in occupational medicine and employees' commissioner for occupational health and safety, when implementing the measures which prevent the abuse of addictive substances.
  - 3) prevent the consumption of alcohol and other addictive substances during work time and implement measures prohibiting that such substances be brought to the workplace and work areas

4) implement programs of addiction prevention in the workplace, in line with identified needs

5) establish, in writing, a procedure for testing employees for alcohol and addictive substances (carrying out the procedure with the consent of the employee, the method of testing, the type of test or devices, recording methods and methods for verification of results, the procedure in the event that an employee refuses to be subjected to testing) and shall effectively implement the established procedure.

(3) An employee shall be deemed under the influence of alcohol if the blood alcohol content is higher than 0.0 g / kg, or higher than 0.0 milligrams per litre of breath sample, or if the blood alcohol concentration is higher than that allowed based on the risk assessment for the tasks performed by that employee.

*Testing employees for addictive substances and instructing them to temporarily leave the workplace*

#### Article 59

(1) Testing the employees for alcohol or other addictive substances shall be conducted by using a breathalyser or other suitable device, procedure or means.

(2) Where the employee refuses to undergo the test, he shall be deemed under the influence of alcohol or other addictive substances.

(3) The employer shall instruct the employee under the influence of alcohol or other addictive substances to leave the workplace for as long as he remains under such influence.

(4) Where the employee refuses to leave the workplace, the employer shall call the competent security personnel to escort the employee from the premises.

*Prohibition of testing*

#### Article 60

(1) The employer shall not subject an employee to testing for addictive substances other than alcohol in any case where the employee has provided the employer with a certificate confirming that he is undergoing a treatment

program, i.e drug rehabilitation or out-patient treatment, for addiction and is receiving replacement therapy.

(2) In the case referred to in paragraph 1 of this Article, the employer may request that the employee undergo an assessment of his general state of health, and of his mental and physical ability necessary to perform the task he has been assigned.

(3) The assessment of medical, mental and physical abilities referred to in paragraph 2 of this Article shall be provided by a specialist in occupational medicine.

(4) A certificate stating that the employee is undergoing a treatment program, addiction recovery or rehabilitation program, or is in outpatient treatment of addiction and that he is receiving replacement therapy, shall be issued by the institution providing such a program.

#### 16. Records, documents and notifications

*Management of records and documents and provision of information and notifications*

#### Article 61

(1) The employer shall keep records and documents and provide information and notifications in accordance with this Act and other occupational health and safety regulations .

(2) In addition to the records referred to in paragraph 1 of this Article, the employer shall keep records of injuries at work, occupational diseases and occupational accidents.

(3) The employer shall provide notifications and information in such a manner so as to protect the employees' privacy in accordance with special provisions on personal data protection.

(4) Confidentiality of information, or acts or documents containing them, shall not exempt the employer from the obligation to provide information to persons who are entitled to them under this Act.

*Visibility and accessibility in the workplace*

#### Article 62

(1) In the workplace, the employer shall render visible:

- 1) safety signs
- 2) signs for evacuation and rescue operations
- 3) instructions and signs for handling work equipment
- 4) instructions and labels for handling hazardous chemicals, biological hazards, radiation sources and other sources of danger and harmful effects.

(2) The employer shall ensure that the employee is provided with:

- 1) risk assessments for the workplace and tasks to be performed in that workplace
- 2) instructions for safe working practices for the workplace and tasks to be performed at that workplace.
- 3) a written document as evidence that the employee has been trained in safe working practices
- 4) a written document showing that the employee fulfills the requirements to perform tasks with special working conditions
- 5) a record of the checks carried out on the work equipment, installations and work environment.

(3) By way of derogation from paragraph 2 of this Article, risk assessment, documents and records need not be kept on a work site at which work is scheduled to last for longer than 30 days, but must be made available within a period specified by a competent inspector.

## 17. Workplace health protection

### *Implementation of health protection measures*

#### Article 63

(1) The employer shall provide an employee with appropriate health protection depending on the health and safety risks to which the employee is exposed in the workplace, in accordance with special regulations governing health protection measures related to work.

(2) With a view to ensuring health surveillance appropriate to the health and safety risks in the workplace to which an employee is exposed, the employer

shall, at the request of the employee, enable the employee to undergo medical examination once in five years.

(3) The provision of paragraph 2 of this Article shall not apply to employees who are required to undergo regular medical examination as set out in occupational health and safety regulations.

(4) Health protection referred to in paragraph 1 of this Article shall be ensured through cooperation between the employer, authorized officer, occupational health and safety specialist and employee with a chosen specialist in occupational medicine.

(5) The employer shall ensure that any chosen specialist in occupational medicine has access to the workplace.

(6) Specialists in occupational medicine shall cooperate with the employer, its authorized officers, occupational health and safety specialist, employees and employees' commissioners for occupational health and safety as well as with competent inspectors.

(7) Specialists in occupational medicine and experts from the institute competent for occupational health and safety shall enjoy full professional independence from the employer and its authorized officers, employees, occupational health and safety specialists, and employees' commissioner for occupational health and safety.

(8) The employer and its authorized officer, occupational health and safety specialist, employee and employees' commissioner for occupational health and safety shall inform the specialist in occupational medicine of any issues relating to work, activities, workplace and working environment, which they know or assume might have adverse effects on the health of employees.

(9) The specialist in occupational medicine shall notify a competent inspector and the institute competent for occupational health and safety of all cases suspected, on reasonable grounds, of being an occupational disease.

*Medical examinations of employees and of persons to be hired by the employer*

#### Article 64

(1) With a view to determining or assessing medical fitness required to perform certain tasks, the employer may, prior to and during employment,

instruct the employee to undergo medical examination, the costs of which will be borne by the employer.

(2) The employee shall not bear the costs of previous and periodic examinations or of obtaining a certificate stating whether or not the person whom the employer intends to recruit meets special requirements for work, or for employment, in accordance with the occupational health and safety rules and the implementing regulations laying down specific conditions required to carry out certain tasks.

(3) Where occupational health and safety rules state that certain tasks can be performed only by those employees who meet specific requirements relating to medical fitness, or to mental and physical ability, a specialist in occupational medicine shall issue a document stating that the conditions in question have been fulfilled.

(4) A work ability assessment as referred to in paragraphs 1 and 2 as well as the fulfillment of requirements referred to in paragraph 3 of this Article shall be determined by an occupational medicine specialist, at the request of the employer, taking into account information about activities and other circumstances which are relevant to the assessment of an employees' ability to perform tasks set out in the risk assessment, which refers to tasks performed by the employee whose ability is to be assessed.

#### 18. Obligations towards supervisory bodies

##### *Employer's obligations towards supervisory bodies*

#### Article 65

(1) The employer shall notify the body competent for inspection of a fatal and serious injury which has taken place in any premises or area where the employer carries out its activities.

(2) The notification referred to in paragraph 1 of this Article shall be submitted by the employer immediately after the injury has occurred.

##### *Access to video and audio records*

#### Article 66

The employer shall provide the body competent for inspection with access to video or audio records referred to in Article 43 of this Act.

## V. EMPLOYEES' OBLIGATIONS AND RIGHTS

### *The obligation to undergo training for safe working practices*

#### Article 67

An employee shall undergo training in safe working practices when he is sent to such training by the employer.

### *The obligation to work with due care*

#### Article 68

(1) It shall be the responsibility of an employee to perform his duties with due care while at the same time taking care of his own health and safety, as well as the health and safety of other employees, which may be endangered by his actions or oversights at work.

(2) The employee shall be deemed to work with due care when he performs tasks in line with the knowledge and skills acquired during training in safe working practices, and when he performs his duties following the instructions provided by the employer or its authorized officer, so that he:

1) inspects the workplace before starting work and informs the employer or its authorized officer of any identified deficiencies.

2) properly uses means of work

3) uses the prescribed personal protective equipment correctly and returns it after use to the designated area

4) properly uses and does not make changes to, remove or arbitrarily turn off safety components on the means of work

5) immediately notifies the employer, its authorized officer, occupational health and safety specialist or employees' commissioner for occupational health and safety of any situation which he considers to pose a significant and immediate risk to health and safety, of the absence or lack of instructions for such a situation, as well as of any identified deficiencies relating to the organization and implementation of occupational health and safety measures.

6) performs his tasks in line with occupational health and safety rules, professional standards of care and written instructions provided by the employer



7) before leaving the workplace, ensures that the equipment which he has used is left in such a condition that it poses no danger to other employees or means of work

8) cooperates with the employer, its authorized officer, occupational health and safety specialist, specialist in occupational medicine and employees' commissioner for occupational health and safety.

*The obligation to cooperate*

Article 69

(1) The employee shall cooperate with the employer, its authorized officer, occupational health and safety specialist, employees' commissioner for occupational health and safety and specialist in occupational medicine in order to resolve all matters concerning occupational health and safety, in particular for as long as necessary to ensure that the working environment and working conditions pose no risk to safety and health and until occupational health and safety measures entirely comply with the requirements set out by the bodies competent for supervision of occupational health and safety.

(2) The employee shall not bear the costs of implementing occupational health and safety rules and health protection measures.

(3) The employee shall immediately notify the employer, its authorized officer, occupational health and safety specialist or employees' commissioner for occupational health and safety of any issue believed to be posing an immediate risk to health and safety, as well as of any other shortcomings identified in the occupational health and safety system.

(4) The employee shall have the right to refuse work and leave the workplace if faced with an immediate risk to his life and health, until such time as the employer takes remedial measures, and shall not be placed at a disadvantage because of his actions.

(5) The employer shall not require employees to remain at their workplaces as long as there exists an immediate and serious risk to the life and health of employees.

(6) The employee shall notify the employer, its authorized officer, occupational health and safety specialist or employees' commissioner for occupational health and safety of the procedure referred to in paragraph 4 of this Article.

(7) In the case referred to in paragraph 4 of this Article, the employer, its authorized officer or employee or commissioner for occupational health and safety shall without delay notify the competent inspector who shall, within 48 hours, establish the facts and merits of the claims put forward by the employees.

(8) For the period during which the employee does not perform his duties so as to avoid exposure to immediate and serious risk to his life and health, the employee shall be entitled to salary and other rights arising from employment in accordance with the labour law.

## VI. EMPLOYEES' COMMISSIONER FOR OCCUPATIONAL HEALTH AND SAFETY

### *Election of a commissioner*

#### Article 70

(1) Employees of an employer, may elect an employees' commissioner for occupational health and safety from among themselves.

(2) Where 20 or less employees work for an employer, a commissioner for occupational health and safety shall be elected in a direct and public vote by employees attending a meeting convened by the employer in accordance with labour law.

(3) Where more than 20 employees work for an employer, a commissioner for occupational health and safety shall be elected in accordance with labour law regulating the election of a works council.

(4) Where the employer has several elected commissioners, based on the prescribed criteria, the elected commissioners shall choose a coordinator from among themselves.

### *Rights and obligations*

#### Article 71

(1) The employees' commissioner for occupational health and safety shall protect the interests of employees in terms of occupational health and safety and monitor the implementation of rules, measures, procedures and activities relating to occupational health and safety.

(2) The employees' commissioner for occupational health and safety shall be entitled to:

1) submit proposals to the employer related to decision-making on occupational health and safety matters

2) request that the employer take appropriate measures with a view to reducing or eliminating risks

3) submit complaints to bodies competent for occupational health and safety

4) participate together with the employer in plans to improve working conditions, introduce new technologies, introduce new chemicals and biological hazards into work and production processes and encourage the employer and its authorized officers to implement occupational health and safety measures

5) be informed of any changes that affect or might affect occupational health and safety

6) have access to and use the employer's documentation about occupational health and safety

7) receive employees' complaints about the implementation of occupational health and safety rules and communicate those complaints to the employer or its authorized officer

8) inform the competent inspectors and a specialist in occupational medicine of their observations or those of employees

9) be present at inspection visits and respond with respect to the facts established by a competent inspector

10) involve a competent inspector, should a commissioner find that the health and safety of employees have been endangered and if the employer fails or refuses to implement occupational health and safety measures

11) undergo training enabling him to perform the duties of employees' commissioner for occupational health and safety

12) continually broaden and improve his knowledge and monitor and collect information relevant to his activities

13) raise objections to inspection findings if appropriate

14) encourage employees, by his own conduct and activities, to implement occupational health and safety measures

15) inform employees of occupational health and safety measures which have been introduced.

(3) The collective agreement may regulate other issues related to the activities carried out by the employees' commissioner for occupational health and safety, and these issues may also be regulated by an agreement entered into between the employer and the works council, should the parties to the collective agreement authorize the parties to the agreement to do so.

*Protection during performance of duties*

Article 72

(1) The employer shall ensure that the employees' commissioner for occupational health and safety has the necessary time and conditions for uninterrupted performance of his duties, provide all necessary information and access to all regulations and documents on occupational health and safety and shall not, because of his activities, and without the consent of the works council or that of trade union commissioner having the rights and obligations of the works' council, terminate his employment, or in any other way place him at a disadvantage in comparison with his previous working conditions and other employees.

(2) The employer shall ensure that the employees' commissioner for occupational health and safety has the conditions for uninterrupted performance of his duties, in accordance with labour law laying down the conditions for the work of works council.

(3) The employees' commissioner for occupational health and safety shall be entitled to salary compensation for the performance of his duties, for no less than three hours per week, unless otherwise regulated in the collective agreement, and without the option to assign that right to another commissioner.

VII. ACTIVITIES RELATED TO OCCUPATIONAL HEALTH AND SAFETY

1. Design and construction

*Obligations and responsibilities during the design stage*

## Article 73

(1) The investor shall apply general prevention principles and occupational health and safety rules during all stages of the project design and preparation when deciding on architectural, technical, technological, and organizational aspects in order to plan the various activities or stages of work which are to take place simultaneously or in succession, and shall also estimate the period required for completing such work or work stages in accordance with the schedule of works.

(2) When designing facilities for work, the designer shall apply appropriate occupational health and safety measures to the project.

(3) The investor shall ensure that the design of work facilities, in accordance with special regulations, also includes an occupational health and safety study, which shall include and elaborate on how to apply occupational health and safety rules while using work facilities.

(4) The investor, building owner, concessionaire or other person for whom a main project is being designed must appoint one or more coordinators for occupational health and safety matters during the project design and project execution stages in cases when the works are carried out or are scheduled to be carried out by two or more contractors.

(5) The investor, building owner, concessionaire or other person who has contracted the execution of the works in accordance with special regulations, shall ensure that a schedule of works is drawn up in accordance with implementing regulations, before setting up the construction site.

(6) The appointment of coordinators for health and safety matters shall not relieve the persons referred to in paragraph 4 of this Article, or the parties concerned in the construction, of the responsibility for the implementation of safety measures on the work site.

### *Temporary work site*

## Article 74

(1) The employer carrying out construction works or the activities of forest exploitation shall, before the work begins on a temporary work site, prepare the work site and ensure that the works are carried out in accordance with special regulations and occupational health and safety rules.

(2) The employer referred to in paragraph 1 of this Article engaged in the activities of forest exploitation shall, no later than one day before work starts on the temporary work site on which work is scheduled to last longer than five days, give notice to the body competent for labour inspection.

(3) The employer referred to in paragraph 1 of this Article personally engaged in construction works shall, no later than one day before work starts on the temporary work site, submit a notice about the construction site to the body competent for labor inspection in accordance with the implementing regulation.

(4) The notice referred to in paragraph 2 of this Article shall contain information about the exact location of the work site, the type of works, the number of employees, employer's authorized officers for the implementation of occupational health and safety measures and the estimated period required for the work.

#### *Shared work site*

#### Article 75

(1) The investor, the building owner, concessionaire or other person for whom the activities of forest exploitation are being carried out shall, no later than one day before work starts on the temporary work site, on which work is scheduled to last longer than five days and where two or more contractors are carrying out the work, submit the notice referred to in paragraph 2 of Article 74 of this Act, to the body competent for labor inspection.

(2) In the notice referred to in Article 74 (2) of this Act, the investor, the building owner, concessionaire or other person for whom the activities of forest exploitation are being carried out shall specify which contractors will carry out the work on the work site.

(3) The investor, the building owner, concessionaire or other person for whom the construction works are being carried out shall, no later than one day before work starts, submit a notice about the construction site, on which the work is to be carried out by two or more contractors, to the body competent for labor inspection in accordance with the implementing regulation.

(4) The investor shall be deemed to have fulfilled the obligation referred to in paragraph 3 of this Article, if the notice about the construction site has been submitted to the body competent for construction in accordance with special

regulations, and if it contains information in accordance with the implementing regulations.

(5) The schedule of work, drawn up in accordance with the implementing regulations, must be kept on the work site, or the construction site.

(6) The investor, the building owner, concessionaire or other person for whom the works are being carried out shall update the notification, or the notice, in case of any changes affecting the period required for completing such work and in cases when a new contractor joins or the works are temporarily suspended.

(7) The obligation of submitting a notice about the work site, or the construction site shall not apply to the works for which these obligations cannot be fulfilled owing to the urgency of the matter.

(8) The investor, the building owner, concessionaire or other person for whom the works are being carried out cannot transfer their obligations under this Article to the contractor.

#### *Coordination of the work activities*

### Article 76

Employers that work on the same site, or several employers who share the workplace or where two or more employers or other persons (contractors) are carrying out work or are scheduled to carry out work at a workplace, shall implement occupational health and safety measures, taking into account the nature of the work, coordinate their activities, provide information and cooperate in the implementation of the health and safety provisions under this Act with a view to protecting and preventing risks at work and they shall organize the work and ensure that it is carried out in such a way that the health and safety of employees working for other employers and other persons are not endangered.

#### *The Coordinator for safety and health matters*

### Article 77

(1) During the preparation of a detailed design, the coordinator for safety and health matters referred to in Article 73 (4) of this Act shall:

1) coordinate the implementation of general occupational health and safety principles and occupational health and safety rules during the design stage

2) make, or cause to be made, a schedule of work, in accordance with implementing regulations, taking into account the rules applicable to particular work sites, taking account of all activities taking place on the site, and this schedule shall include special measures in the event that the work on the work site is considered dangerous under the implementing regulations.

(2) During the construction stage, the coordinator for safety and health matters referred to in Article 73 (4) of this Act shall:

1) coordinate the implementation of general principles of prevention and safety when deciding upon time frames and other important aspects during the planning and execution of each stage of work, whether to be carried out simultaneously or in succession

2) coordinate the implementation of appropriate procedures in order to ensure that employers and other persons consistently apply general occupational health and safety principles and carry out the work in accordance with the schedule of work

3) make, or cause to be made, any adjustments to the schedule of works and documents, taking account of any changes which have occurred on the work site

4) ensure cooperation and the sharing of information between all contractors and their employees' representatives

5) check that working procedures are being implemented correctly and coordinate mandatory activities

6) ensure that only persons working on a construction site, and persons who are authorized to do so are allowed onto the construction site.

(3) Designers and employers carrying out work on a construction site, or parties concerned in the construction process, shall follow the instructions given by the coordinator for health and safety matters.

(4) The appointment of a coordinator shall not relieve designers, contractors and other persons on the construction site, or parties concerned in the construction, of their responsibilities for the implementation of occupational health and safety measures.



*Terms of appointment and duties of coordinators*

Article 78

The Minister shall by virtue of an ordinance stipulate the manner and conditions for the professional examination for the coordinator for health and safety matters, conditions for granting the status of the coordinator for health and safety matters, including rules, procedures and occupational health and safety measures to be taken on the construction site and the requirements to be fulfilled by the coordinator for health and safety matters during the project preparation stage, or execution of the work.

2 Education and training in occupational health and safety

*Occupational health and safety in educational programs*

Article 79

Education, retraining, training and professional development programs which are necessary for performance of certain tasks, shall include special sections on occupational health and safety, as required in the profession for which education, retraining, training or professional development are provided pursuant to special regulations.

3. Occupational Medicine

*Obligation to provide occupational medical services*

Article 80

(1) The employer shall provide employees with occupational medical services so as to ensure health surveillance appropriate to risks, hazards and exertions during work with a view to protecting the health of employees.

(2) The employer shall contract occupational medical services with an institution providing occupational medical services, or with an occupational medicine specialist in a private practice, in accordance with regulations on health care and health insurance.

(3) Special expert supervision of the work carried out by an occupational medicine specialist shall be undertaken upon a written complaint made by the employer, in accordance with special regulation on expert supervision in the field of occupational medicine.

*Occupational medicine activities*

Article 81

(1) Occupational medicine activities, as well as the plan and program of health protection measures, shall be prescribed by special regulations on health protection and health insurance.

(2) The Minister competent for health, with the consent of the minister, shall by virtue of an ordinance stipulate the minimum hours, to be contracted between the employer and a specialist in occupational medicine, that the specialist in occupational medicine is required to be present at the workplace, depending on the type of work activities the employer is engaged in, risk assessment, the number of employees and the number of employees performing tasks with special working conditions.

4. Persons authorized for occupational health and safety matters

*Authorization, duties and responsibilities*

Article 82

(1) Employer's occupational health and safety matters shall be carried out by authorized persons.

(2) A person authorized to manage occupational health and safety matters shall deal with those matters in accordance with the provisions of this Act and other regulations on occupational health and safety.

(3) A person may be authorized to draw up a risk assessment, provide training in safe working practices, check equipment, check the working environment and carry out tasks relating to occupational health and safety in accordance with paragraph 7 of this Article.

(4) The authorization referred to in paragraph 3 of this Article shall be granted for the performance of one or more tasks related to occupational health and safety.

(5) The authorized person shall issue certificates on the checks carried out on the work equipment or working environment.

(6) Where the authorized person carries out occupational health and safety tasks contrary to the provisions of this Act and other occupational health and safety rules, the authorization given to the authorized natural person, the

authorized legal person and the responsible person of the authorized legal person shall be revoked in accordance with the regulation referred to in paragraph 7 of this Article.

(7) The Minister shall by virtue of an ordinance stipulate conditions under which the employer, for its own needs, and the persons referred to in paragraph 1 of this Article may be authorized to perform tasks referred to in paragraphs 3 and 5 of this Article, procedures for granting, revoking or suspending authorization, expert supervision of the work for which they are authorized, procedure for issuing certificates on checks and training carried out, obligations and methods of recording the granted and revoked authorizations.

#### 5. The Institute for the advancement of safety at work

*The establishment and the competence of the Institute for the advancement of safety at work*

### Article 83

(1) In order to monitor the situation in the field of occupational health and safety, the Institute for the Advancement of Safety at Work shall be established (hereinafter referred to as: the Act).

(2) The Institute is a public institution owned by the Republic of Croatia and the founding rights are exercised by the Government of the Republic of Croatia. The funds for the work of the Institute shall be allocated from the state budget.

(3) The Institute shall be entered in the Court Register and its registered seat shall be in Zagreb.

(4) Within its scope of work the Institute shall:

1) monitor the situation in the area of occupational health and safety

2) develop programs, guidelines, methods and models for occupational health and safety

3) establish criteria and procedures for the organization of work activities appropriate for employees

4) conduct statistical surveys in the area of occupational safety and health

5) cooperate, within its area of competence, with international and national organizations and professional and scientific institutions

6) provide expert opinions on occupational health and safety for different interested parties

7) provide professional assistance to employers' associations, trade unions, persons authorized for occupational health and safety matters and administrative bodies, based on the information within its scope of work

8) perform activities in particular areas of occupational health and safety and prepare promotional materials

9) resolve and act in administrative matters in the first instance proceedings related to authorizations which are granted to persons for occupational health and safety and approvals granted to occupational health and safety experts

10) carry out professional supervision and audit of authorized persons with respect to authorization obtained under this Act

11) submit activity reports to the Government by the end of May of the current year for the previous year.

(5) Decisions referred to in paragraph 4 subparagraph 9 of this Article shall be administrative acts, which can be appealed to the ministry competent for labour.

(6) The ministry competent for labour shall supervise the legality of the work of the Institute.

(7) The Minister shall by virtue of an ordinance stipulate responsible persons, methods, procedures, time limits, types of data and reports which are to be submitted to the Institute by employers, authorized persons, the institute competent for occupational health and safety, the body competent for labor inspection and rules on access to information.

(8) The state administration bodies, public authorities and public institutions shall, at the request of any other state and public administrative bodies and of public institutions, ensure availability of information on occupational health and safety, and in doing so they shall comply with the regulations on personal data protection.

## Article 84

(1) The Institute shall have a Statute which regulates, pursuant to this Act, the organization, powers, responsibilities and decision-making methods of the bodies managing the Institute, the conditions and procedures for appointment of the Governing Council and of the Director of the Institute and other matters relevant for the activities and the work of the Institute.

(2) The Statute of the Institute shall be adopted by the Governing Council, with the consent of the Government.

### *The Governing Council of the Institute*

## Article 85

(1) The Institute shall be managed by the Governing Council.

(2) The Governing Council shall consist of five members appointed by the Government, namely:

1) two members proposed by the Minister

2) two members proposed by the National Council for Work Safety

3) one member, being a representative of the employees of the Institute, appointed or elected in accordance with labour law.

(3) The President of the Governing Council shall be elected by the members of the Governing Council, at the first constitutive session and from among the members referred to in paragraph 2 subparagraph 1 of this Article.

(4) The Governing Council shall make decisions by majority vote of all its members.

(5) The President of the Governing Council may suspend any decision of the Governing Council which may negatively affect financial operations of the Institute.

(6) The members of the Governing Council shall be appointed for a period of four years.

(7) The scope, powers and responsibilities of the Governing Council shall be established by the Statute of the Institute.

*Relieving a member of the Governing Council of duty*

Article 86

The Government may relieve of duty a member of the Institute's Governing Council before the expiry of the term of office he has been appointed for, where:

- 1) a member himself requests that he be relieved of duty
- 2) a member, in the course of carrying out his activities, violates the law or other regulations related to the work and activities of the Institute
- 3) a member, in the course of carrying out his activities, causes damage to the Institute
- 4) a member is involved in a conflict of interest with the activities of the Institute while carrying out his duties
- 5) there are other cases as laid down by law or Statute.

*The Director of the Institute*

Article 87

- (1) The affairs of the Institute shall be managed by the Director.
- (2) The Director of the Institute shall be appointed by the Government, at the proposal of the minister competent for labour affairs, following a public announcement of the vacancy.
- (3) The Director of the Institute shall be appointed for a period of four years, and once this period ends may be reappointed.
- (4) The scope, powers and responsibilities of the Director shall be set out in the Statute of the Institute.

*Relieving the Director of duties*

Article 88

The Director of the Institute shall be relieved of duties by the Government before the expiry of the office term the Director has been appointed for, where the Director:

- 1) requests that he be relieved of duty
- 2) fails to act in compliance with regulations and general Acts of the Institute
- 3) refuses, without reasonable grounds, to implement decisions of the Institute's Governing Council which have been made within the Council's scope of competence
- 4) is negligent and unconscientious in the performance of his duties thus causing damage to the Institute
- 5) is frequently negligent and neglectful in the performance of his duties thus making it difficult for the Institute to carry out its activities.

## VIII. SUPERVISION

### 1. Administrative supervision

#### *Authorization for administrative supervision*

#### Article 89

The administrative supervision of the implementation of this Act, subordinate regulations adopted pursuant to this Act and other regulations on health and safety matters shall be conducted by the central government body competent for labour matters, with the exception of provisions on health protection and occupational medicine, for which administrative supervision over its implementation shall be carried out by the central government body competent for health matters unless otherwise stipulated in other Acts or regulations.

### 2 Inspection

#### *Subject matter jurisdiction*

#### Article 90

(1) The central government body, competent for labour inspection matters, shall inspect the implementation of the provisions of this Act and of regulations adopted pursuant thereto, not including the activities of health care institutions.

(2) Other central government bodies shall inspect the implementation of special regulations on health and safety at work with regard to specific

activities, tasks and risks and in accordance with special regulations, and the provisions of this Act and regulations adopted pursuant thereto shall apply to all matters which are not regulated by special regulations.

(3) While conducting the inspection of an alternative workplace, a competent inspector shall be authorized to inspect the protection of life and health of other persons in the immediate vicinity of such a workplace.

### *Inspection procedure*

#### Article 91

(1) In conducting the inspection of occupational health and safety matters, an inspector shall, by means of an oral decision, order the employer, until such time as the identified deficiency has been remedied, not to perform the following activities:

1) use means of work and personal protective equipment, or a building or its components, premises, plants, devices and other work equipment which are defective or for which the employer is unable to provide documentation stipulated by this Act and other regulations (Articles 41 and 42)

2) carry out working procedures contrary to this Act and other regulations, without the use of prescribed personal protective equipment, and otherwise behave and act in a manner that is not in compliance with the provisions of this Act and other regulations (Articles 41, 43, 44, 48 and 49)

3) use physical, chemical, biological and other hazards, unless the employee has been provided with information about the risks involved or for which no documentation, stipulated by this Act and other regulations, has been provided in the workplace (Articles 45, 46, 47, 48 , 49 and 50).

(2) In conducting an inspection of occupational health and safety, an inspector shall, by means of an oral decision and until such time as the identified deficiency has been remedied, order the legal person, or natural person not to carry out occupational health and safety measures in case that legal or natural person is not authorized, as is required, to carry out such activities.

(3) In conducting an inspection of occupational health and safety, an inspector shall, by means of an oral decision and until such time as the identified deficiency has been remedied, order the employer to do the following:



1) remove from the workplace any employee for whom it fails to provide evidence showing that this employee meets all the requirements prescribed by this Act and other regulations (Articles 28, 36, 38, 39, 40 and 54).

2) suspend from work any employee suspected on reasonable grounds of being under the influence of alcohol or other addictive substances (Articles 58 and 59).

(4) The inspector shall, in his occupational health and safety inspection report, record the oral decision referred to in paragraphs 2 and 3 of this Act.

(5) The decision referred to in paragraphs 1, 2 and 3 of this Article shall take effect upon sealing off the premises, facilities and equipment, or parts thereof referred to in Article 1 of this Act, or in any other appropriate manner.

(6) An appeal against the decision referred to in paragraphs 1, 2 and 3 of this Article shall not postpone the enforcement of the decision.

*Other measures in conducting supervision*

Article 92

(1) While conducting an inspection of occupational health and safety, an inspector shall, by means of an oral decision, order the employer to do the following:

1) draw up a risk assessment for the tasks to be carried out at the workplace, and make the risk assessment available to employees at the workplace (Article 18)

2) check whether employees have been trained to work in a safe manner (Article 28)

3) set up a committee for occupational health and safety and convene its meetings (Article 34)

4) check work equipment (Article 42)

5) check the working environment parameters (Article 45)

6) put in place safety signs (Article 53)

7) ensure first aid assistance for employees at the workplace, in a prescribed manner (Article 56)

8) put the safety signs referred to in Article 62 (1) of this Act in a visible location at the workplace

9) make the prescribed documentation referred to in Article 62 (2) of this Act available in the workplace

10) provide employees with health protection appropriate to the health and safety risks (Article 63).

(2) The inspector shall, in his occupational health and safety inspection report, enter the oral decision referred to in paragraph 1 of this Article.

*Obligation to carry out supervision*

Article 93

(1) The labour inspector shall carry out an inspection in the case of the event referred to in Article 65 (1) of this Act immediately after he has been informed of the occurrence of such an event by the employer, employees, police or doctor who has administered first aid to the employee.

(2) The labour inspector shall conduct an inspection of the employer in any case where an employee has been diagnosed with occupational disease.

(3) The labour inspector shall inform his superior of any event resulting in a fatal injury sustained by an employee, no later than within 24 hours of being informed of the event.

(4) The Minister shall issue a directive stating which information is to be contained in the report referred to in paragraph 3 of this Article.

IX. PENAL PROVISIONS

Article 94

(1) A fine in the amount of HRK 7 000 shall be imposed on the coordinator for occupational health and safety matters as a natural person should he fail to prepare, or cause to be prepared, a schedule of work or should he fail to make, or cause to be made, any necessary adjustments of the schedule of work and documentation which reflects any changes on a construction site (Article 77 (1)(2) and (2)(3)).

(2) Where a misdemeanor referred to in paragraph 1 of this Article is repeated, a fine shall be double the amount prescribed and shall be imposed on the person who has committed the misdemeanor .

(3) Where a person has committed the misdemeanor referred to in paragraphs 1 and 2 of this Article, he may be fined on the spot in the amount of HRK 1 900.

#### Article 95

(1) A fine in the amount of HRK 10 000 shall be imposed on the employer as a legal person:

1) where, in the event of a fatal injury, the employer fails to convene a meeting of the Committee for Occupational Health and Safety within two working days following the occurrence of such an injury (Article 34 (7))

2) where the employer fails to draw up an evacuation and rescue plan or fails to designate employees tasked with implementing these measures and with ensuring that public fire prevention and rescue operations service can be contacted and can intervene or where it fails to train employees and inform them of the evacuation and rescue plan in case of an emergency, or fails to conduct evacuation and rescue drills at least once in two years (Article 55 (1) and ( 5).)

3) where it fails to protect non-smokers from tobacco smoke exposure, where it fails to prevent smoking in business meetings or at the workplace (Article 57 ( 1) and (2) and (3)

(4) where it fails to implement appropriate measures and enforce the ban on alcohol abuse or other addictive substances at the workplace (Article 5 (2))

5) where it fails to ensure that employees' commissioner for occupational health and safety has the necessary time and conditions to perform his duties without interruptions (Article 72).

(2) The employer as a natural person and the responsible person of the legal person shall receive a fine in the amount of HRK 3 000 for the misdemeanor referred to in paragraph 1 of this Article.

(3) Where the misdemeanor referred to in paragraph 1 of this Article is repeated, a fine shall be double the amount prescribed and shall be imposed on the person who has committed the misdemeanor .

(4) For the misdemeanor referred to in paragraph 1 of this Article, the employer as a legal person may be fined on the spot in the amount of HRK 1 900, while the employer as a natural person and responsible person of the legal person may be fined on the spot in the amount of HRK 1 500.

#### Article 96

(1) A fine in the amount of HRK 30 000 shall be imposed on the legal person as the investor, the building owner, concessionaire or other person for whom the project , or the work is being carried out in accordance with special regulations :

1) where, in its capacity as the investor, it fails to ensure that the design stage also includes an occupational health and safety report which covers and elaborates methods of implementing occupational health and safety measures when the work facilities are being used or where, as the investor, building owner, concessionaire or other person for whom the project is being carried out fails to designate a coordinator for health and safety matters during the project design or construction stage (Article 73 (3) and (4))

(2) where it fails to submit, to the body competent for inspection, the notice referred to in Article 74 paragraph 2 of this Act, no later than one day before forest exploitation work begins on a temporary site on which the work is scheduled to last longer than five days and where two or more contractors are to carry out the work.

(3) where no later than one day before the works on a construction site begin, on which two or more contractors are to carry out the work, it fails to submit a notice about the construction site to the body competent for labour inspection in accordance with the implementing regulations (Article 75 (3) and (4))

4) where it fails to provide a schedule of work on the construction site or where such a schedule fails to contain the prescribed information and content (Article 75 (2))

(2) The employer as a natural person and the responsible person of the legal person shall receive a fine in the amount of HRK 4 900 for the misdemeanor referred to in paragraph 1 of this Article.

(3) Where the misdemeanor referred to in paragraph 1 of this Article is repeated, a fine shall be double the amount prescribed and shall be imposed on the person who has committed the misdemeanor .

(4) For the misdemeanor referred to in paragraph 1 of this Article, the employer as a legal person may be fined on the spot in the amount of HRK 10 000, while the employer as a natural person and responsible person of the legal person may be fined on the spot in the amount of HRK 1 900.

#### Article 97

(1) A fine in the amount of HRK 30 000 shall be imposed on the employer as a legal person:

(1) where the employer is engaged in forest exploitation and where, no later than one day before the works begin on the temporary work site on which the work is scheduled to last longer than five days, it fails to submit a notice to the body competent for labour inspection (Article 74 (2))

(2) where the employer is personally engaged in carrying out the construction works and where, no later than one day before the work begins on the temporary construction site, it fails to submit a notice about the construction site to the body responsible for labour inspection in accordance with implementing regulations (Article 74 (3))

(2) The employer as a natural person and the responsible person of the legal person shall receive a fine in the amount of HRK 4 900 for the misdemeanor referred to in paragraph 1 of this Article.

(3) Where the misdemeanor referred to in paragraph 1 of this Article is repeated, a fine shall be double the amount prescribed and shall be imposed on the person who has committed the misdemeanor .

(4) For the misdemeanor referred to in paragraph 1 of this Article, the employer as a legal person may be fined on the spot in the amount of HRK 10 000, while the employer as a natural person and responsible person of the legal person may be fined on the spot in the amount of HRK 1 900.

#### Article 98

(1) A fine in the amount of HRK 30 000 shall be imposed on the employer as a legal person:

1) where no risk assessment is made in written or electronic form or where the risk assessment fails to reflect the risks in the workplace and those at work, or where it fails to reflect the existing risks in the workplace or in

relation to work, or where it is not made available to the employee in the workplace (Article 18 (2))

2) where occupational health and safety tasks are not carried out in accordance with the provisions of Article 20 of this Act.

(3) where it fails to ensure that only employees provided with written instructions on safe working practices and personal protective equipment have access to workplaces where tasks with special working conditions are carried out (Article 32 (4))

4) where immediately after the occurrence of an injury it fails to notify the body competent for inspection of fatal or grave injury (Article 65 (1) and (2))

5) where the employee bears the costs of carrying out occupational health and safety tasks (Article 17 (6))

(2) A fine in the amount of HRK 6 000 shall be imposed on the employer as a natural person and the responsible person of the legal person for the misdemeanor referred to in paragraph 1 of this Article.

(3) Where the misdemeanor referred to in paragraph 1 of this Article is repeated, a fine shall be double the amount prescribed and shall be imposed on the person who has committed the misdemeanor .

(4) For the misdemeanor referred to in paragraph 1 of this Article, the employer as a legal person may be fined on the spot in the amount of HRK 10 000, while the employer as a natural person and responsible person of the legal person may be fined on the spot in the amount of HRK 1 900.

#### Article 99

(1) A fine in the amount of HRK 100,000 shall be imposed on the legal person authorized to carry out occupational health and safety tasks if the occupational health and safety tasks are not carried out in accordance with the authorization granted (Article 82 (2)).

(2) A fine in the amount of HRK 25,000 shall be imposed on the authorized natural person and the responsible person of the authorized legal person for the misdemeanor referred to in paragraph 1 of this Article.

(3) For the misdemeanor referred to in paragraph 1 of this Article which has been committed for the second time, the authorized legal and natural person,

as well as the responsible person of the authorized legal person, may be given, in addition to a fine, a precautionary measure prohibiting its business activities for the period of one year.

(4) For the misdemeanor referred to in paragraph 1 of this Article, an on-the-spot fine in the amount of HRK 14 900 shall be imposed on the authorized legal person and an on-the-spot fine in the amount of HRK 1 900 shall be imposed on the authorized and responsible person of the authorized legal person.

#### Article 100

(1) A fine in the amount of HRK 120 000 shall be imposed on the legal person or the employer as the legal person:

1) where it carries out occupational health and safety tasks without the necessary authorization (Article 82 (1))

2) where it fails to comply with an enforceable decision issued by a competent inspector (Articles 91 and 92).

(2) A fine in the amount of HRK 25 000 shall be imposed on the authorized natural person or the employer as the natural person and responsible person of the legal person for the misdemeanor referred to in paragraph 1 of this Article.

(3) Where the misdemeanor referred to in paragraph 1 of this Article is repeated, a fine shall be double the amount prescribed and shall be imposed on the person who has committed the misdemeanor .

(4) For the misdemeanor referred to in paragraph 1 of this Article, the authorized legal person or the employer as the legal person may be fined on the spot in the amount of HRK 14 900 whereas the authorized natural person or the employer as a natural person and the responsible person of the legal person may be fined in the amount of HRK 1 900.

### X. TRANSITIONAL AND FINAL PROVISIONS

#### Article 101

(1) Following the entry into force of this Act, the following documents, issued to a natural person and granted by the competent body under the Occupational Health and Safety Act ('Official Gazette, no. 59/96, 94/96,

114/03, 100/04, 86 / 08, 116/08, 75/09, and 143/12) and its subordinate legislation, shall remain valid: a certificate stating that the general part of the professional examination for an occupational health and safety expert has been passed, a certificate of a completed professional examination for occupational health and safety, a decision granting the status of an occupational health and safety expert and a certificate of a completed professional examination for an occupational health and safety coordinator and a decision granting the status of an occupational health and safety expert.

(2) The decision authorizing the legal person to perform specific occupational health and safety tasks pursuant to the Occupational Health and Safety Act("Official Gazette", no. 59/96, 94/96, 114/03, 100/04, 86/08, 116/08, 75/09, and 143/12) and its subordinate legislation, shall remain in force for the period of one year after the entry into force of this Act.

(3) The decision releasing from the obligation to set up an occupational health and safety department and the decision releasing from the obligation to employ an occupational health and safety expert, or decision on application of more lenient criteria to occupational health and safety tasks, issued pursuant to the Occupational Health and Safety Act ('Official Gazette', no. 59/96, 94/96, 114/03, 100/04, 86/08, 116/08, 75/09, and 143/12) and its subordinate legislation, shall cease to apply after the expiry of time limits for compliance with the ordinance referred to in Article 20 paragraph 9 of this Act.

(4) Certificates issued by the authorized legal person on checks conducted on the working environment and machines and equipment posing heightened risks, pursuant to Occupational Health and Safety Act ('Official Gazette, no. 59/96, 94/96, 114/03, 100/04, 86/08, 116/08, 75/09, and 143/12) shall cease to apply once the prescribed circumstances from that Act, and regulations adopted pursuant to that Act, arise.

(4) Risk assessments and training in safe working practices which have been developed pursuant to Occupational Health and Safety Act ('Official Gazette, no. 59/96, 94/96, 114/03, 100/04, 86 / 08, 116/08, 75/09, and 143/12) shall cease to apply once the prescribed circumstances from that Act and regulations adopted pursuant to that Act arise.

(6) Training for employers and their authorized officers provided pursuant to the Occupational Health and Safety Act ('Official Gazette', no. 59/96, 94/96, 114/03, 100/04, 86/08, 116 / 08, 75/09, and 143/12.) shall also apply after the entry into force of this Act.



(7) The employer shall organize elections for an employees' commissioner for occupational health and safety, within 60 days from the day on which this Act has entered into force and until such time as the employees' commissioner for occupational health and safety is elected, the function of employees' commissioner for occupational health and safety shall be carried out by a commissioner who has been elected or appointed pursuant to the Occupational Health and Safety Act ('Official Gazette', no. 59/96, 94/96, 114/03, 100/04, 86/08, 116/08, 75/09, and 143/12)

(8) Administrative procedures initiated before the entry into force of this Act, shall be completed pursuant to the provisions of the Occupational Health and Safety Act ('Official Gazette', no. 59/96, 94/96, 114/03, 100/04, 86/08, 116/08, 75/09, and 143/12).

## Article 102

(1) The Government shall, within three months after the date of entry into force of this Act, appoint members of the Governing Council of the Institute referred to in Article 83 of this Act and appoint an interim Director, who shall exercise powers of the Director pursuant to the Institutions Act, until such time as a Director has been appointed.

(2) The Governing Council shall adopt a Statute within 60 days from the date on which the Institute has been entered in the court register.

(3) As of the date on which the Institute has been entered in the Court Register, the Institute, and no longer the Croatian Institute for Health Protection and Safety at Work, shall be responsible for all activities relating to occupational health and safety, stipulated by the Occupational Health and Safety Act ('Official Gazette', no. 59/96, 94/96, 114/03, 100/04, 86/08, 116/08, 75/09, and 143/12) and its implementing regulations, and for resources allocated for the activities and tasks of occupational health and safety, as well as rights and obligations arising from the activities of occupational health and safety.

(4) Within 30 days from the date of entry in the court register, the Institute, and no longer the Croatian Institute for Health Protection and Safety at Work, shall be responsible for the archives and other documentation related to occupational health and safety tasks, which have, until that day, been carried out by the Croatian Institute for Health Protection and Safety at Work.

(5) As of the date of the entry in the Court Register, the Institute shall handle and act in line with all rights and obligations stipulated by this Act in administrative matters in first-instance proceedings.

(6) The ministry competent for labour affairs shall resolve and act in line with rights and obligations referred to paragraph 5 of this Article until the date on which the Institute is entered in the Court Register.

(7) Initiated and unsettled cases referred to in paragraph 6 of this Article shall be taken over by the Institute within 15 days from the date on which the Institute has been entered in the Court Register.

### Article 103

(1) The Croatian government shall appoint members of the National Council for Work Safety within 30 days from the date of entry into force of this Act.

(2) Members of the National Council appointed pursuant to the Occupational Health and Safety Act ('Official Gazette', no. 59/96, 94/96, 114/03, 100/04, 86/08, 116/08, 75/09, and 143/12), shall continue to perform their duties until the National Council for Work Safety referred to in paragraph 1 of this Article has been appointed.

(3) The Minister shall adopt the regulations referred to in Article 8 (2), Article 18 (6), Article 20 (9), Article 42 (2), Article 55 (8), Article 78, Article 82 (7), Article 83 (7), and Article 93 (4) of this Act, within 90 days from the date of entry into force of this Act.

(4) The Minister shall, with the consent of the minister competent for health matters, adopt regulations referred to in Article 45 (5) of this Act, within 90 days from the date of entry into force of this Act.

(5) The Minister competent for health matters shall adopt the regulations referred to in Article 17 (7), Article 36 (6), Article 56 (4), Article 81 (2) of this Act, within 90 days from the date of the entry into force of this Act.

(6) Until the date of entry into force of regulations referred to in paragraphs 3, 4 and 5 of this Article, in the part thereof that is not contrary to the provisions of this Act, the following shall apply:

1) Ordinance on the provision of first aid to employees at work ('Official Gazette', no. 56/83)

- 2) Ordinance on jobs with special working conditions ('Official Gazette', no. 5/84)
- 3) Ordinance on Occupational Health and Safety in the workplace ('Official Gazette', no. 29/13)
- 4) Ordinance on records, documents, reports and supervision logs relating to occupational health and safety ('Official Gazette', no. 52/84)
- 5) Ordinance on the preparation of a risk assessment ('Official Gazette', no. 48/97, 114/02, 126/03, and 144/09)
- 6) Ordinance on the list of machinery and equipment posing heightened risks ('Official Gazette', no. 47/02)
- 7) Ordinance on taking professional examinations for occupational safety and health experts ('Official Gazette', no. 114/02, and 126/03)
- 8) Ordinance on the program and method of verifying whether the employer or the officer authorized by the employer are trained to carry out occupational health and safety tasks ("Official Gazette", no. 114/02 and 29/05)
- 9) Ordinance on the requirements necessary to carry out training of employees in safe working practices ('Official Gazette', no. 114/02 and 126/03)
- 10) Ordinance on the conditions under which legal persons may carry out occupational and safety tasks ('Official Gazette', no. 114/02, And 126/03)
- 11) Ordinance on testing a work environment, machinery and equipment posing heightened risks ('Official Gazette', no. 114/02)
- 12) Ordinance on the program, content and manner of assessing the knowledge of employers or their authorized officers in the field of occupational health and safety ('Official Gazette', no. 69/05)
- 13) Ordinance on occupational health and safety at temporary or mobile construction sites ('Official Gazette', no. 51/08)
- 14) Ordinance on the conditions and the professional knowledge required for the appointment of occupational health and safety coordinators and on the professional examination ('Official Gazette', no. 101/09 and 40/10)

15) Ordinance on reward and recognition for the promotion of occupational health and safety ('Official Gazette', no. 1/11).

(7) As of the date of entry into force of this Act, and until the entry into force of new regulations, in the part thereof that is not contrary to this Act, the following shall apply:

1) Ordinance on occupational health and safety in agriculture ('Official Gazette', no. 34/68)

2) Ordinance on determining employees' general and specific state of health and their abilities to perform tasks with special working conditions ('Official Gazette', no. 3/84, and 55/85)

3) Ordinance on the content of the preparation plan for temporary and shared temporary work sites ('Official Gazette', no. 45/84) - with the exception of Articles 7, 8 and 9 relating to forest exploitation

4) Ordinance on occupational health and safety in forestry ('Official Gazette', no. 10/86)

4) Ordinance on occupational health and safety during loading and unloading of cargo ('Official Gazette', no. 49/86)

6) Ordinance on occupational health and safety when handling substances containing polychlorinated biphenyls, polychlorinated naphthalenes and polychlorinated terphenyls ('Official Gazette', no. 7/89)

7) Ordinance on safety signs ('Official Gazette', no. 29/05)

8) Ordinance on occupational health and safety for the manual handling of loads ('Official Gazette', no. 42/05)

9) Ordinance on safety and health protection when working with personal computers ('Official Gazette', no. 69/05)

10) Ordinance on the use of personal protective equipment ('Official Gazette', no. 39/06)

11) Ordinance on the minimum requirements for health and safety protection of workers and on technical inspection of facilities, equipment, installations and equipment in areas endangered by explosive atmospheres ('Official Gazette', no. 39/06 and 106/07)

12) Ordinance on the minimum requirements for improving the health and safety of workers employed in the mining industry with regards to surface and underground mining operations ('Official Gazette', no. 40/07)

13) Ordinance on the protection of workers from risks related to exposure to asbestos ('Official Gazette', no. 40/07)

14) Ordinance on minimum requirements for improving the health and safety protection of workers in surface and underground mineral-extracting industries ('Official Gazette', no. 40/07)

15) Ordinance on the protection of workers from risks related to exposure to carcinogens and/or mutagens ('Official Gazette', no. 40/07)

16) Ordinance on health and safety while using work equipment ('Official Gazette', no. 08.21)

17) Ordinance on the protection of workers from exposure to noise at work ('Official Gazette', no. 46/08)

17) Ordinance on the protection of workers from risks related to exposure to chemical substances at work ('Official Gazette', no. 46/08)

17) Ordinance on the protection of workers from risks related to exposure to biological agents at work ('Official Gazette', no. 46/08)

17) Ordinance on the protection of workers from risks related to exposure to vibration at work ('Official Gazette', no. 46/08)

21) Ordinance on limits for exposure to hazardous substances at work and on biological limit values ('Official Gazette', no. 13/09, and 75/13)

22) Ordinance on health and safety when working with electricity ('Official Gazette', no. 88/12)

(8) Three months after the date of entry into force of this Act, the following shall cease to apply:

1) General ordinance on hygienic and technical protection measures at work ('Official Gazette', no. 16/47, 18/47 and 36/50)

2) Ordinance on hygienic and technical protection measures when working in the hemp mills ('Official Gazette', no. 46/47)

- 3) Ordinance on hygienic and technical protection measures when working in printing companies ('Official Gazette', no. 46/47)
- 4) Ordinance on technical and health-related protection measures when working on chemical and technological processes ('Official Gazette', no. 55/5, with the exception of provision of Article 86)
- 5) Ordinance on technical and health-related protection measures when working in ferrous metallurgy ('Official Gazette', no. 7/55)
- 6) Ordinance on hygienic and technical protection measures for underwater construction ('Official Gazette', no. 36/58)
- 7) Ordinance on occupational health and safety during heat treatment of light metals alloys in nitrite salt baths ('Official Gazette', no. 48/65)
- 8) Ordinance on occupational health and safety during maintenance of motor vehicles and transportation by motor vehicles ('Official Gazette', no. 55/65)
- 9) Ordinance on occupational health and safety when using loading and unloading devices on seagoing ships and inland navigation vessels ('Official Gazette', no. 32/66)
- 10) Directive prohibiting the use of gasoline for degreasing, washing or cleaning of metal parts and items made of other materials ('Official Gazette', no. 23/67)
- 11) Ordinance on occupational health and safety in the construction industry ('Official Gazette', no. 42/68)
- 12) Ordinance on special measures and standards of occupational health and safety when processing and treating leather and fur and leather waste ('Official Gazette", no. 47/70.)
- 13) Ordinance on occupational health and safety for railways ('Official Gazette', no. 11/84)
- 14) Ordinance on occupational health and safety for processing of non-metallic resources ('Official Gazette', no. 10/86)
- 15) Ordinance on occupational health and safety in the production and processing of heavy and light non-ferrous metals and their alloys ('Official Gazette', no. 10/86)

16) Ordinance on occupational health and safety for mechanical treatment and processing of wood and other materials ("Official Gazette", no. 49/86.)

#### Article 104

(1) Until the adoption of the directive referred to in Article 93 paragraph 4 of this Act, the Directive on information contained in the report about an event that caused the death or group injury of workers shall apply ("Official Gazette", no. 86/12.).

(2) Until the adoption of implementing regulations pursuant to the labour law, the Ordinance on occupational health and safety for the workplace shall apply ('Official Gazette', no. 29/13).

#### Article 105

On the date of entry into force of this Act, the Occupational Health and Safety Act ('Official Gazette', no. 59/96, 94/96, 114/03 and 100/04 ) shall cease to have effect .

#### Article 106

This Act shall enter into force on the eighth day following its publication in the 'Official Gazette'.

Class:

022-03/14-01/14

Zagreb, 30 May 2014

### CROATIAN PARLIAMENT

President

of the Croatian Parliament

Josip Leko, m. p.