

DECISION

No. 564, date 3.7.2013

ON ADOPTION OF REGULATION “ON MINIMUM SAFETY AND HEALTH REQUIREMENTS AT THE WORKPLACE”¹

Pursuant to Article 100 of the Constitution and Law No. 10 237, date 18.2.2010, “On Safety and Health at Work” Article 42, paragraph 3 thereof, by proposal of the Minister of Labour, Social Affairs and Equal Opportunities, the Council of Ministers

DECIDED:

1. Adoption of Regulation “On Minimum Safety and Health Requirements at the Workplace”, as per the text attached to this Decision.
2. The Ministry of Labour, Social Affairs and Equal Opportunities, the Ministry of Economy, Trade and Energy, the Ministry of Public Works and Transport, the Ministry of Agriculture, Food and Consumer Protection and the Ministry of Health shall be responsible for the enforcement of this Decision.
3. Part A and B of Annex IV of the Regulation attached to Council of Ministers Decision No.312, date 5.5.2010 “On Adoption of Regulation on “Safety on Site”” dealing with the scope of this Regulation, as well as all sub-legal acts that come against it, shall be hereby repealed.

This Decision shall enter into force 6 months upon its publication on the Official Journal.

PRIMEMINISTER

Sali Berisha

REGULATION

ON MINIMUM SAFETY AND HEALTH REQUIREMENTS AT THE WORKPLACE

Article 1

Subject and scope of application

1. This Regulation lays down the minimum safety and health requirements at the workplace.
2. This Regulation shall be applicable to all companies and workplaces within the scope of application of Law No. 10 237, date 18.2.2010 “On safety and Health at Work”, where work or work-related training activities are carried, regardless of the way of organization, type of company and the reasons why the work or training is carried out.

This Regulation shall not apply to the following workplaces:

- a) means of transport used outside the undertaking and workplaces inside means of transport;

¹ This Decision of the Council of Ministers transposes the EU Directive 89/654/ EEC, of 30 November 1989, on the minimum health and safety requirements at the workplace (first individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC).

- b) temporary or mobile work sites;
- c) extractive industries;
- ç) fishing boats;
- d) fields, woods and other places forming part of an agricultural or forestry undertaking, but situated away from the undertaking's buildings and territory.

Article 2
Workplace

For the purposes of this Regulation 'workplace' means all places where an employee or contracted person has to be or go due to his/her work or work-related activities, which are under the direct or indirect control of the employer.

Article 3
General employer's obligations

1. Workplaces used for the first time after the entrance into force of this decision shall satisfy the minimum safety and health requirements, listed in Annex I to this Regulation.
2. Workplaces already in use, shall satisfy the minimum safety and health requirements listed in Annex I, as attached, within 2 years from entrance into force of this Decision.
3. When workplaces undergo modifications, extensions or reconstructions, the employer shall take the necessary measures so that such modifications, extensions and/or conversions correspond to the relevant minimum requirements laid down in Annex I, attached to this Regulation.

Article 4
General requirements for the workplaces

In order to guarantee the safety and health of the employees and other persons at the workplace the employer shall ensure:

- a) that traffic routes to emergency exits and the exits themselves are kept clear at all times;
- b) the technical maintenance of the workplace and of the equipment and devices, as well as that any faults found which are liable to affect the safety and health at the workplace is rectified as quickly as possible;
- c) the continuous inspection and maintenance of the safety devices and protective equipment for the prevention of risk and elimination of hazards;
- ç) the continuous cleaning of the workplace and of the work devices and equipment as well as other premises related to the workplace in order to ensure an adequate level of hygiene.

Article 5
Information, consultation and participation of employees

1. The employer shall inform the employees and/or their representative as well as any other person present at the workplace on the possible risks and measures taken concerning safety and health at the workplace.
2. The employer shall consult with the employees and/or of their representatives regarding all matters related to safety and health at the workplace as well as enable their participation in accordance with Article 14 of Law No. 10 237, dated 18.2.2010 "On Safety and Health at Work".

ANNEX I
**MINIMUM SAFETY AND HEALTH REQUIREMENTS FOR EXISTING AND NEW
WORKPLACES**

1. Preliminary specifications

The requirements laid down in this Annex apply whenever required by the specificities, activity, circumstances or any hazard at the workplace.

2. Stability and solidity

Buildings which house workplaces must have a solid and stable structure appropriate to the nature of their use.

3. Electrical installations

3.1 Electrical installations and equipment shall be designed and constructed so as not to present a fire or explosion risk.

3.2 Employees and other persons shall be adequately protected against the risk of injuries caused by direct or indirect contact with electricity.

3.3. The design, construction and choice of materials and protection devices of electrical installations shall be appropriate to the electrical voltage, external conditions, work process, and the competence of persons with access to parts of the installation.

3.4 Electrical installations and equipment shall be serviced by persons who have the necessary qualifications and capacities.

4. Emergency routes and exits

4.1. Emergency routes and exits shall remain clear and lead as directly as possible to the open air or to a safe area.

4.2. In case of a dangerous event, it must be possible for the employees and other persons to quickly and safely evacuate all workstations.

4.3. The number, location and dimensions of the emergency routes and exits shall be defined depending on the use, location, equipment and dimensions of the workplace and the maximum number of persons that may be present.

4.4. Emergency doors must open outwards.

Sliding or revolving doors are not permitted if they are specifically intended as emergency exits.

4.5 The designated emergency doors and exits must be provided with signs in accordance with the applicable legislation on signals.

Such signs must be placed at appropriate points and be made to last.

4.6. Emergency doors must not be locked.

The emergency routes and exits, and the traffic routes and doors giving access to them, must be free from obstruction so that they can be used at any time without hindrance.

4.7. Emergency routes and exits must be provided with safe lighting of adequate intensity in case of electrical power failure.

5. Fire detection and fire fighting

5.1 Work design and organization in undertakings and workplaces shall correspond to the requirements of normative acts on fire safety.

5.2 Workplaces must be equipped with appropriate fire-fighting equipment and, as necessary, with fire detectors and alarm systems depending on the dimensions and use of the buildings, the equipment they contain, the physical and chemical properties of the substances contained in them, and maximum potential number of people present.

5.3. Non-automatic fire-fighting equipment must be easily accessible, simple to use and be indicated by permanent signs placed at suitable places in accordance with the applicable legislation on signals.

6. Ventilation of enclosed workplaces

6.1. Enclosed workplaces must have sufficient ventilation, which allows for the necessary air exchange, having regard to the working methods and nature of work, the physical demands placed on the employees, as well as standards of air circulation, relative temperature and humidity.

6.2. If air-conditioning or mechanical ventilation installations are used, they must operate in such a way that employees are not exposed to draughts which cause discomfort and shall comply with the hygienic requirements.

6.3. In case a mechanical ventilation is used it shall be maintained in operational state.

Any deposit of dirt which by polluting the atmosphere might create an immediate danger to the health of employees must be immediately removed.

In cases where there is a possibility for an accidental release of toxic substances or the creation of explosive and flammable concentrations or the creation of other risks at the workplace or workstation, the ventilation systems must operate automatically and any failure must be notified by a control system.

7. Temperature of the working environment

7.1. During working hours, the temperature in the premises where workplaces are situated must be adequate for human beings, having regard to the working methods being used and the physical demands placed on the employees.

7.2. The temperature in rest areas, canteens, first aid rooms, sanitary facilities, and rooms for duty staff must be appropriate to the particular purpose of such areas.

7.3. Windows, skylights and glass partitions should be constructed or adjusted to avoid the effects of sunlight, having regard to the type of the work and of the workplace.

8. Natural and artificial lighting of the working environment

8.1. Workplaces, preferably, shall have sufficient natural light and must be equipped with artificial lighting adequate for the protection of the safety and health of employees and other persons, in accordance with the special regulations and standards.

The colors of the used artificial lighting must not have any effect or hinder the perception of safety and health signs and signals at work.

8.2. Installations for lighting the working environment and the passageways must be placed in such a way that the type of lighting fitted does not present a risk of accident to employees and other persons.

8.3. Workplaces and other areas in which employees and other persons are especially exposed to risks in the event of failure of artificial lighting, must be provided with emergency lighting with adequate intensity.

9. Floors, walls, ceilings and roofs of working environments

9.1. The floors of workplaces and workstations and their elements must have been built and maintained in such a way that they are immobile and stable, not slippery, free from any dangerous dislevel, bumps, slopes and holes.

9.2. The surfaces of floors, walls and ceilings of workplaces shall be built in an appropriate way so that they do not make it difficult for them to be cleaned or repaired according to the production and hygiene requirements.

Floors, walls, ceilings or roofs of the working environment must be thermally insulated in accordance with the type of undertaking and the activity of the employees in order to avoid risks to their health.

Floors and walls of the working environment shall be made of materials that do not contain, do not permit the penetration and do not release harmful substances to humans and which are in compliance with fire safety requirements.

9.3. Walls built with transparent or translucent walls and which allow the penetration of light, in working environment or in the vicinity of workplaces shall be equipped with distinctive signs and made of safe materials, which shattering or damage does not cause the injury of the employees or other persons.

9.4. Access to roofs and other surfaces made of materials of insufficient strength shall be allowed only when equipment is provided to ensure that the work can be carried out in a safe manner, by adopting measures to prevent undeliberate stepping on such surfaces or falling together with them.

10. Windows and skylights

10.1. Windows, skylights and ventilators of workplaces must be possible to maneuver in a safe manner in so that they do not cause dangers for the employees around the building. When open, they must not be positioned in a way which presents a risk.

10.2. Windows and skylights do shall be designed in such a way that the equipment for their cleaning do not present a risk to the employees present in the building and around it.

11. Doors and gates

11.1. The position, number, dimensions and type of doors and gates, and the materials used in their construction, are determined by the nature of activity, type of work premises, means of transport and their load, as well as evacuation requirements in case of accidents and fire.

11.2. Transparent doors must be marked or guarded in order to avoid collusions, and the marking shall be made at the eye level height.

11.3. Swing and sliding doors and gates must be transparent or have open parts that ensure visibility.

11.4. If transparent or translucent surfaces in doors and gates are not made of safety material and if there is a danger that persons may be injured if a door should shatter, the surfaces must be protected against breakage.

11.5. Sliding doors and entrances must be fitted with a safety device to prevent them from being derailed and falling over.

11.6. Doors and gates opening upwards shall be fitted with a mechanism to secure them against falling back or uncontrolled falls.

11.7. Doors along escape emergency routes must be marked with safety signs in accordance with applicable legislation on signals, and it must be possible to open them from the inside at any time without special assistance, regardless of the work process.

11.8. Doors and gates designated only for passage of transport vehicles shall indicate this with signs that prohibit passage of pedestrians.

11.9 When doors foreseen for traffic of transport vehicles do not also enable safe passage of pedestrians, doors for passage of pedestrians must be provided in their vicinity, which shall be mrked with visible signs and can be easily opened.

11.10 Doors and gates fitted with a mechanism must function in such a way that they do not create any hazard to employees and other persons. They must be fitted with easily accessible and identifiable emergency devices, if necessary. In case of electrical power failure, if mechanical doors do not open automatically, it must be possible to open them manually.

12. Traffic routes — danger areas

12.1. Traffic routes must be designated, organized and dimensioned depending on their purpose.

Traffic routs, including stairs, fixed ladders and fixed and mobile loading ramps shall be located and dimensioned to ensure easy, safe and appropriate use for pedestrians or vehicles in such a way as not to endanger pedestrians amd persons in the vicinity of these traffic routes.

12.2. The calculatin of the dimensions of routes for traffic of pedestrians or goods shall depend on the number of potential users and the type of undertaking activities, always by providing a sufficient safe clearance for the pedestrians.

When transport vehicles pass in such routes, a safety clearance shall be provided for the pedestrians.

12.3. Sufficient clearance shall be provided between vehicle traffic routes and doors, gates, passages for pedestrians, corridors and staircases.

12.4. Traffic routs shall be signed, maintained and inspected in accordance with the relevant regulations.

12.5 If the working premises, due to the nature of work, contain danger areas, which present risk of the employees or objects falling from height, they must be equipped with distinctive signs and equipment which prevent unauthorized access of employees.

Appropriate measures shall be taken to protect employees who are authorized to enter danger areas.

13. Escalators and travelators

Escalators and travelators shall function safely, by being fitted with the necessary safety devices and emergency buttons, which must be easily visible and accessible.

14. Loading bays and ramps

14.1. Loading bays and ramps shall be adjusted to the dimensions of the loads and technologies applied in loading and unloading. They must have at least one exit point.

14.2 Where technically feasible, bays with a considerable length must have an exit point at each end.

14.3. Loading ramps must be safe enough to prevent employees and other persons and used machines from falling off.

15. Dimensions of the internal working environment— spaces in the workplace

15.1. The internal working premises shall have sufficient surface area, height and volume of air, in a way that employees have the possibility to perform their work without hazards to their safety or well-being.

15.2. The dimensions of the free areas, not furnished at the workplace shall be calculated in such a way to allow employees sufficient freedom of movement to perform their work.

If this is not possible to be achieved for reasons specific to the workplace, the employees must be provided with sufficient space of movement near their workstations.

16. Rest areas

16.1. Rest areas shall be provided to employees when technological process or presence of a certain number of employees requires frequent or long interruption of the work, in order to guarantee safe and healthy work regimes.

This provision does not apply to employees who work in offices or similar premises which create the same possibility of relaxation during breaks.

16.2. Rest areas must be easily accessible by the employees, with sufficient space, ventilation, temperature and lightening, in accordance with the number of persons using them simultaneously. Such premises shall be provided with equipment in accordance with the nature of necessary relaxation and with tables and seats with backs.

16.3 Smoking shall not be permitted in relaxation areas.

16.4. If working hours are regularly and frequently interrupted and there is no rest premise, other rooms or areas must be provided in which employees can stay during such interruptions, wherever this is needed for their safety or health.

17. Pregnant women and nursing mothers

Pregnant women and nursing mothers must be provided with appropriate conditions in order to be able to rest and relax.

18. Sanitary and hygiene equipment

18.1. Changing rooms and personal lockers

18.1.1. Appropriate changing rooms must be provided for employees if they have to wear special work clothes and where, for reasons of health or propriety, they cannot be required to change in another room.

Changing rooms must be easily accessible, be of sufficient capacity and be provided with seating.

18.1.2. Changing rooms must be sufficiently large and have facilities to enable each employee to lock away his clothes during working hours.

If circumstances so require (e.g. dangerous substances, humidity, dirt), lockers for work clothes must be separate from those for ordinary clothes.

18.1.3. Provisions must be made for separate changing rooms or separate use of changing rooms for men and women.

18.1.4. If changing rooms are not required under 18.1.1, the employee is provided with a place to put his clothes.

18.2 Showers and washbasins

18.2.1 Adequate showers must be provided for employees if so required by the nature of the work or for health reasons. Shower must be in separate premises for separate use for men and women.

18.2.2 The shower rooms must have appropriate dimensions to permit each employee to wash without hindrance in conditions of an appropriate standard of hygiene.

18.2.3 The showers must be equipped with hot and cold running water.

18.2.4 Where showers are not needed under the first subparagraph of 18.2.1, adequate washbasins with running water (hot water, if necessary) must be provided in the vicinity of the workstations and the changing rooms.

Such washbasins must be separate for, or used separately by, men and women.

18.2.5 Where the rooms housing the showers or washbasins are separate from the changing rooms, there must be easy communication between the two.

18.3. Lavatories and washbasins

18.3.1 Separate facilities must be provided in the vicinity of workstations, rest rooms, changing rooms and rooms housing showers or washbasins, with an adequate number of lavatories and washbasins, separate for women and men.

19. First aid rooms

19.1. Depending on the size of the undertaking, type of work activity and frequency and seriousness of accidents at work one or more first aid rooms must be provided.

19.2. First aid rooms must be fitted with basic installations and equipment for provision of first aid. They must be provided with visible signs and must allow access and use of stretchers.

19.3. In addition to the specifications in paragraph 19.1 and 19.2, first aid equipment must be ensured in all workplaces where working conditions so require. They must be marked with special signs which are easily identifiable and accessible.

20. Handicapped workers

20.1 Working premises shall be arranged in such a way to take into account of the needs of handicapped employees, if necessary.

20.2 This provision applies in particular to the doors, passageways, staircases, showers, washbasins, lavatories and workstations used or occupied directly by handicapped persons.

21. Outdoor workplaces (special provisions)

21.1. Workstations, traffic routes and other areas or installations outdoors, which are used or occupied by employees in the course of their activities, must be organized in such a way that pedestrians and vehicles can circulate safely.

Specifications in paragraph 12, 13 and 14 shall also apply to main traffic routes on outdoor premises of the undertaking (traffic routes leading to fixed workstations), to traffic routes used for the regular maintenance and supervision of the undertaking's installations and to loading bays.

Specifications in paragraph 12 shall also be applicable to outdoor workplaces.

21.2. Workplaces outdoors must be lit by appropriate artificial lighting, if natural lightening is not adequate.

21.3. If employees work outdoors, the workstations shall as far as possible be arranged so that employees:

- a) are protected against inclement weather conditions and if necessary against falling objects;
- b) are not exposed to harmful noise levels and either to harmful impacts of substances released in outdoor premises such as: gases, vapors or dusts;

- c) are able to leave their workstation quickly in case of a danger or can be quickly provided help;
- ç) avoid the possibility of slipping or falling off.

22. Water supply

The employees shall be provided with running water for use in the personal hygiene facilities as well as hygienically pure water in the working premises.