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“Towards safe, healthy and declared work in Ukraine”

OSH

Draft Legal Act

**“On approval of the Minimum Safety and Health Protection
Requirements for Workers in Workplaces”**

developed by the State Labour Service of Ukraine

**EU-ILO Project technical recommendations
on its better alignment with International and European
Labour Standards and best practices**

September, 2021

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EXECUTIVE SUMMARY

The draft legal act “On approval of the Minimum Safety and Health Protection Requirements for Workers in Workplaces”, prepared by the State Labour Service of Ukraine (SLS), is aimed at aligning national legislation on Occupational Safety and Health (OSH) with the Council Directive 89/654/EEC, of 30 November, concerning the minimum safety and health requirements for the workplace¹, as foreseen in Articles 419 to 424 and Annex XL to Chapter 21, of the [Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part](#) (AA)².

The present technical advice and recommendations, to the aforesaid draft legal act are provided within the scope of the EU-ILO Project “[Towards safe, healthy and declared work in Ukraine](#)”, under the activities 1.1.1 and 1.1.2.

They were prepared, on behalf of the ILO, by Pedro Nuno Pimenta Braz, Senior Labour Inspector and former Inspector-general of the Portuguese Authority for Working Conditions, and former head of the WG MACHEx of the EU Commission’s Senior Labour Inspectors Committee (SLIC).

These technical recommendations are intended to promote a better alignment of the abovementioned draft legal act with the main applicable International³ and European⁴ labour standards and best practices.

They build on the previous EU-ILO Project “[Enhancing the Labour Administration Capacity to Improve Working Conditions and Tackle Undeclared Work](#)” contributions. Specially in what concerns the analysis and recommendations contained in the supported “[National Occupational Safety and Health Profile Ukraine - 2018](#)”, the proposed “[Guidelines and Recommendations to the Concept on the Reform of the National System for Occupational Risk Prevention and Promotion of OSH](#)”, the “[Brief notes on the main aspects of the alignment between Ukrainian national legislation and selected EU directives](#)”, the “[White Paper on EU Directives and Reform of OSH and Labour Relations’ Legislation](#)”, and the “[Roadmap for alignment of the Ukrainian legislation on working conditions with the EU legal framework](#)”.

¹ First individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC.

² See pp. L 161/157 and L 161/1983, of the Official Journal of the European Union, of 29.5.2014.

³ In particular, with the ILO [Promotional Framework for Occupational Safety and Health Convention, 2006 \(No. 187\)](#); [Occupational Safety and Health Convention, 1981 \(No. 155\)](#), the [Occupational Health Services Convention, 1985 \(No. 161\)](#), the [Hygiene \(Commerce and Offices\) Convention, 1964 \(No.120\)](#), the [Labour Inspection Convention, 1947 \(No. 81\)](#) and the [Labour Inspection \(Agriculture\) Convention, 1969 \(No. 129\)](#).

⁴ Most especially with EU Council [Directive 89/391/EEC](#), of 12 June 1989, on the introduction of measures to encourage improvements in the safety and health of workers at work, and the [Council Directive 89/654/EEC](#) of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC).

They also follow five sets of technical recommendations, provided by the EU-ILO Project (in [October](#) and [November](#) of 2020 and in [February](#), [June](#) and [July](#) 2021), regarding the alignment of the ME draft Law “On Occupational Safety and Health of Workers” (aimed at transposing the EU OSH Framework Directive 89/391/EEC to the national legal framework) with the relevant International and European Labour Standards and best practices.

The present technical recommendations should not be seen as official comments of the ILO or as a replacement of the positions of its supervisory bodies.

Moreover, the expert technical opinions expressed therein neither reflect the official opinion of the European Union nor its responsibility can be attributed to the European Union.

The first section highlights the main positive aspects of this draft legal act. The key aspects that need further improvement are summarized in section II. Section III identifies and details the needed amendments and proposes a more adequate wording for the concerned provisions along with the applicable rationale.

It is our expectation that these technical recommendations may contribute to an improved OSH legislation regarding, in particular, the minimum OSH requirements for the workplaces, better aligned with the main applicable International and European labour standards and best practices, which can effectively ensure safer and healthier working conditions in Ukraine.

Kyiv, 10 September 2021

EU-ILO Project

“Towards safe, healthy and declared work in Ukraine”

ILO Office for Central and Eastern Europe

I. MAIN POSITIVE ASPECTS

Looking at the provisions of the SLS draft legal act “On approval of the Minimum Safety and Health Protection Requirements for Workers in Workplaces” in light of the main applicable International and European Labour Standards and best practices, it is possible to identify some positive aspects, namely:

1. The development of a modern legal regulation, aligning national legislation with the applicable International and European labour standards and best practices in the area of safety and health requirements for the workplaces.
2. It reflects a more goal-oriented and organizational preventive approach, as requested by the EU Council Directive 89/391/EEC, of 12 June 1989, the ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and the Occupational Safety and Health Convention, 1981 (No. 155).
3. Shift from an approach based on protection, correction and compensation to an approach focused on prevention and applying the general principles of prevention (GPP) applied to workplaces, including the employers’ obligation to assess and control occupational risks.
4. The specification of the employers’ obligations on the arrangement and design of the place of work, in order to guarantee a better standard of safety and health at work and to ensure workers good working conditions.
5. The establishment of the minimum requirements and rules to be applied in the maintenance processes, to permanently ensure good working conditions and high levels of safety at the workplace and on the use of work equipment and devices.
6. The provision of information, instructions and training to workers, and the assurance of their consultation and participation.
7. The alignment of national legislation with the EU OSH legal framework, namely with Council Directive 89/654/EEC, ensures a better coordination, articulation and inter-relation between OSH legislation and its simplification, which facilitates its understanding and practical implementation, as already recognized by several EU member States⁵.
8. It integrates the principle of application to all sectors of economic activity, including public administration, as requested by the EU Council Directive 89/391/EEC, of 12 June 1989, and by the ILO Occupational Safety and Health Convention, 1981 (No. 155). Only workplaces whose characteristics are completely out of the standard of the typical building - which are therefore subjected to separate and specific legislation -, are excluded.
9. It reinforces regulations on the obligations of employers regarding workplaces used for the first time; and a larger transitional period for workplaces already in use.

⁵ European Commission. (2017). Evaluation of the Practical Implementation of the EU Occupational Safety and Health (OSH) Directives in EU Member States - Directive concerning minimum safety and health requirements for the workplace.

II. KEY ASPECTS TO IMPROVE

As for the key aspects that need to be further addressed and improved, in order to be better align this draft legal act with the aforesaid international and European labour standards and best practices, they include, *inter alia*, the following:

1. This legal instrument should assume the typology of, at least, a Cabinet of Ministers of Ukraine (CMU) Decree or Resolution, instead of an Order of the Ministry of Social Policy (or of the Ministry of Economy). Not only to ensure the necessary legal power from a higher hierarchical law - thus ruling out other legal diplomas on the same matters that already exist -, but also to ensure the stability of the legal framework enabling, as a result, greater legal certainty. Besides, a Directive is a text with general application in all EU countries, by so its implementation should adopt a legally equivalent instrument. The choice of a higher hierarchical legislative act is adopted by all EU member states as evidenced by the assessment carried out in 2004 by the European Commission.⁶ The legal instrument must have the necessary legal power to ensure its effective implementation, overcoming contrary provisions of existing legal acts, as well as to safeguard its sustainability and perennially, which are needed to ensure the certainty and security of legal system, as previously recommended⁷. It is, in short, about the consistency of the reform of OSH legislation in its internal relations, as well as with pre-existing legal acts, using the hierarchy of laws in an appropriate way.
2. The title of the draft legal act “On approval of the Minimum Safety and Health Protection Requirements for Workers in Workplaces”, as well as the titles of both its Annexes, should also be replaced by “(...) Minimum Safety and Health Requirements for the Workplaces”, because:
 - a. The expression “protection” should be deleted, because:
 - i. The requirements are not just for the “protection” of the health of the workers, but also to secure their safety and to prevent their exposure to occupational risks which were not eliminated (or sufficiently reduced) by other upstream preventive measures. In fact, while protection is focused on minimizing the consequences of a damaging event that already happened, prevention is about avoiding the occurrence of the damaging event from the outset and, therefore, much more effective; and

⁶ See, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions on the practical implementation of the provisions of the Health and Safety at Work Directives 89/391 (Framework), 89/654 (Workplaces), 89/655 (Work Equipment), 89/656 (Personal Protective Equipment), 90/269 (Manual Handling of Loads) and 90/270 (Display Screen Equipment), Brussels, 05.02.2004, [COM\(2004\) 62 final](#);

⁷ See, for example, the recommendation “To provide that the legal acts transposing the EU OSH legal framework have a reinforced nature in relation to other legislation”, as laid down on point 4) of section “2 - Legislative measures” of “Part IV – Recommendations”, in the in p. 48 of the “[White Paper on EU Directives and Reform of OSH and Labour Relations’ Legislation](#)”, to avoid the risk of “Option for hierarchically lower legal sources” associated with the “Strategic measures” of “Assume a legislative intervention program”, as identified in the “Part V - Roadmap” table in the 53 of the same document.

- ii. To better align with the Council Directive 89/654/EEC, of 30 November, concerning the minimum safety and health requirements for the workplace.
 - b. The “Safety and Health Requirements” are not “of the workers”, but, instead, of the “workplaces”. The scope of Directive 89/391/EEC, and of all subsequent individual Directives (namely the Directive 89/654/EEC), as well as of the ILO Occupational Safety and Health Convention, 1981 (No. 155), are about safety and health at workplaces. Although Directive 89/654/EEC aims at implementing an intrinsic occupational risk prevention system at workplaces that, in fact, has “workers” as final recipients, the foreseen rules are addressed and applicable to different stakeholders at workplaces (workers, employers, self-employed persons, etc.), compelling them all to an effective management of safety and health in those same workplaces. Although having workers as recipients of such professional risk prevention system (because the entire system is intended to ensure the safety and health of those who work in workplaces - i.e., of the workers), it would be reductive to state that the minimum safety and health requirements are only applicable to workers. They do not apply only to workers: they apply, besides workers, to all persons (e.g., customers, suppliers, subcontractors, visitors) that have an impact on the safety and health at the workplaces, as well as to the workplaces themselves.
3. The legal act systematics, structure and clarity should be improved, in order to simplify it, to facilitate the understanding of the legal provisions and their cross-reference within the text and, most especially, to facilitate its overall understanding and effective application, and to better align with the EU Directive 89/654/EEC, of 30 November 1989, namely through:
- a. Adoption of sections, to group the different types of issues addressed;
 - b. Ensuring that each legal norm, command or provision corresponds to a single and clearly identifiable and hierarchically numbered paragraph;
 - c. Group provisions related to the same issue into the same Article and ensure that all articles are fully and hierarchically numbered;
 - d. Avoiding the repetition of legal commands that are in other laws (e.g., PPE; emergency provisions; coordination and cooperation when workers from several companies work, simultaneously or sequentially, in the same workplace; etc.), because it can give rise to dysfunctional interpretive effects that undermine the legal certainty and security of the legal order.
4. The terminology used should also be revised and better aligned with the ILS and EU Acquis. Terms such as “labour protection” and “labour hygiene” should be replaced, respectively, by “occupational safety” and “occupational health” (that also includes “hygiene”), which are more suitable and aligned terms. In addition, the frequently used term “protection” should also be replaced by the more adequate term “prevention”, as protection is more focused on minimizing the consequences of a damaging event that already happened, while prevention is about avoiding the occurrence of the damaging event from the outset and, therefore, much more effective when it comes to secure the safety and health of workers.

5. Omission of the definition of the state authority that has the legal competence to promote, control and enforce compliance with its legal provisions. In EU member states, the most common, is that the enforcement of the area of occupational safety and health is the responsibility of the general authority for labour inspection supported by the definition of criminal or administrative sanctions.⁸ It is therefore recommended to provide that the central executive authority that implements the State policy on state control of compliance with the labour legislation have legal competencies to ensure the promotion, control and enforcement of the legal provisions of this legal act, ensuring a better alignment of this legal act with:
 - a. Article 9(1) of ILO C155, according to which "the enforcement of laws and regulations concerning occupational safety and health and the working environment shall be secured by an adequate and appropriate system of inspection";
 - b. Article 3(1) of the ILO C81 and Article 6(1) of the ILO C129, which define the main functions of the system of labour inspection; and
 - c. Article 4(2) of EU Directive 89/391/EEC, according to which the States "shall ensure adequate controls and supervision".
6. It should also be ensured that the violation of the provisions of this legal act is properly covered by legal provisions aimed at sanctioning such infringements. It is recommended to provide for adequate and dissuasive penalties for the violation of the provisions of this legal act, in order to ensure their compliance and to better align it with the applicable international and European labour standards. In particular, with the following:
 - a. Article 9(2) of ILO C155, according to which "The enforcement system shall provide for adequate penalties for violations of the laws and regulations"; and
 - b. Article 18 of ILO C81 and Article 24 of ILO C129, according to which "adequate penalties for violations of the legal provisions enforceable by labour inspectors and for obstructing labour inspectors in the performance of their duties shall be provided for by national laws or regulations and effectively enforced".
7. It is also recommended to provide for:
 - a. Date of entry into force of this legal act and its annexes;
 - b. Implementation of the measures necessary to conform the national legal framework with its provisions in order to ensure its effective application; and
 - c. Indication of the legislation repealed with its entry into force, where applicable.
8. Sometimes the translation does not express exactly the content of Directive 89/654/EEC and, as a consequence, the proposed legal provisions do not translate exactly what the Community Legislator intended. For example:
 - a. The title of provision 3 of Annex I, is "Electrical equipment". However, the electrical installation describes the physical work involved in installing electrical systems into a

⁸ European Commission. (2017). Evaluation of the Practical Implementation of the EU Occupational Safety and Health (OSH) Directives in EU Member States.

building. An electrical system, within the context of a building, is a network of conductors and equipment designed to carry, distribute and convert electrical power safely from the point of delivery or generation to the various loads around the building that consume the electrical energy. So, the concept of electrical installation is broader than that of electrical equipment. The former encompasses the latter. And in the the Annex I (3) of the Directive 89/654/EEC, the title is "electrical installations".

- b. The provision 11 "Doors and gates", paragraph 4, of Annex I, states "If transparent or translucent parts in doors and gates are not made of sufficiently strong material and if there is a danger that workers may be injured by fragments of those parts, the parts must be protected from contact with people". Anyway, it is not a question of whether or not the doors are made of strong enough material, but of safe material. Strong is not synonymous with being secure. Strong material may not be safe. It would have to be known what is meant by "strong" in the context of occupational safety and health. The word "safety" sums up what is intended - Annex I 11(4) of the Directive 89/654/EEC. On the other hand, what is also intended is that the surfaces do not break so as not to shatter and produce fragments where workers can be injured. Well, it's not just contact with people that can break the surface of a door. For example, a door can break because it is poorly installed. What the drafting of the Directive intends is that they protect these door surfaces, not only from the contact of workers, but that they are protected in general. Consequently, the adjective "strong" was replaced by the adjective "safety", the expression "from contact with people" was deleted, having added up "against breakage".
- c. In the same provision 11, paragraph 6 of Annex I, the wording refers that "Doors and gates opening upwards must be protected against falling back". With regard to safety and health at work, it is not enough to write that doors and gates must be installed in such a way as to prevent them from falling back. If so, it would be possible to admit, absurdly, that bricks and wooden stakes could be used to support those doors and gates. This is not what is intended. It is intended that the doors and gates have an intrinsic mechanism - a redundant system - that prevents their collapse. The expressions "mechanism" is in Annex I 11(6) of the Directive 89/654/EEC and has also been added to the text.
- d. In Annex II, in its provision 13 - "Sanitary facilities" -, in paragraph 5, it is stated that "Workstations should be equipped in such a way that workers, if required by the nature of their work, could use adjacent shower rooms. Workstations should be equipped in such a way that workers have special rooms with sufficient number of lavatories and washbasins located nearby". Please note that, given the definition of "workstation", it is impossible for workstations to be equipped in such a way that workers use showers in their vicinity. Workstations, decidedly, are not equipped with showers. The word "workstation" was replaced by "workplaces". Remember that "workplaces" include "workstations" - Annex II, 13(2.1.), of Directive 89/654/EEC. This misperception, between "workstations" and "workplaces", sometimes arises in other provisions as well.

- e. In provision 14 of Annex II, in its paragraph 1, the draft legal act mentions that “Workplaces must be equipped with first aid facilities. They must be signposted in accordance with the Technical Regulation and be easily accessible”. In place of “facilities”, the word “equipment” was placed, because in that provision, the Directive intends to have first aid material/equipment in different places of the same workplace. It does not the existence of “first aid facilities” – which may not even have first-aid equipment – in workplaces, but, instead, tangible first-aid equipment - Annex II, 14, of the Directive 89/654/EEC.

In the section that follows, more detailed recommendations on the main aspects referred to above, as well as regarding many others, along with their respective rationale, are presented.

III. EU-ILO PROJECT DETAILED RECOMMENDATIONS

Draft legal act provision's wording	Recommended wording	Rationale
<p>APPROVED Order of the Ministry of Social Policy of Ukraine No. ___ of ___ 2018</p>	<p>APPROVED Decree of the Cabinet of Ministers of Ukraine No. ___ of _____ 2021</p>	<p>This normative act should, at least, assume the typology of a Cabinet of Ministers of Ukraine (CMU) Decree/Resolution, not only to ensure the necessary legal power from a higher hierarchical law - thus ruling out other laws on the same matters that already exist -, but also to ensure the stability of the legal framework, thus enabling greater legal certainty.</p>
<p>Title: "Minimum Safety and Health Protection Requirements for Workers in Workplaces"</p>	<p>Minimum Safety and Health Requirements for the Workplaces.</p>	<p>The words "Protection" and "Workers" should be removed from the title. The title of the legal act proposed ("Minimum Safety and Health Protection Requirements for Workers in Workplaces") should be replaced by "Minimum Safety and Health Requirements for the Workplaces".</p> <p>Firstly, because:</p> <ol style="list-style-type: none"> 1. The requirements are not just for the "protection" of the health of the workers, but also to secure their safety and to prevent their exposure to occupational risks which were not eliminated (or sufficiently reduced) by other upstream preventive measures. In fact, while protection is focused on minimizing the consequences of a damaging event that already happened, prevention is about avoiding the occurrence of the damaging event from the outset and, therefore, much more effective; and 2. To better align with the Council Directive 89/654/EEC, of 30 November, concerning

Draft legal act provision's wording	Recommended wording	Rationale
		<p>the minimum safety and health requirements for the workplace.</p> <p>In addition, because the "Safety and Health Requirements" are not "of the workers", but, instead, of the "workplaces".</p> <p>The scope of Directives 89/391/EEC, and all the subsequent individual Directives - namely the Directive 89/654/EEC -, as well as ILO Occupational Safety and Health Convention, 1981 (No. 155), and ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) are about safety and health at workplaces.</p> <p>Although Directive 89/654/EEC aims at implementing an intrinsic occupational risk prevention system at workplaces that, in fact, has "workers" as final recipients, the foreseen rules are addressed and applicable to different stakeholders in workplaces (workers, employers, self-employed persons), compelling them all to an effective management of safety and health in those same workplaces. Although having workers as recipients of such professional risk prevention system (because the entire system is intended to ensure the safety and health of those who work in workplaces - i.e., of the workers), it would be reductive to state that the minimum safety and health requirements are only applicable to workers. They do not apply only to workers: they apply, besides workers, to all persons (e.g., customers, suppliers,</p>

Draft legal act provision's wording	Recommended wording	Rationale
		subcontractors, visitors) that have an impact on the safety and health at the workplaces, as well as to the workplaces themselves.
I. General provisions	Section I - General provisions	Should be inserted to better align with EU Directive 89/654/EEC and also to improve legal act systematics, structure and clarity.
	Article 1. Object and scope of application	The referencing of the text to sections, articles and, when necessary, their subdivision into numbers and paragraphs is consistent with the hierarchical level of a decree and the correspondent organization of legal expression. It is important to the identification of legal types whose infringement is subject to the application of public sanction.
1. These Minimum Safety and Health Protection Requirements for Workers in Workplaces (hereinafter referred to as the Minimum Requirements) establish requirements for the creation of safe and harmless working conditions by appropriately equipping the workstations, workplaces, the production, sanitary, amenity and other premises of enterprises, institutions and organizations irrespective of their forms of ownership and activity areas (hereinafter referred to as the enterprise), safe use by workers of work equipment, ensuring the training of workers and their involvement in addressing labour protection issues, and regulation of labour protection relations between enterprises in case workers of other enterprises are involved in work.	1. This Decree lays down the minimum safety and health requirements for workers for the workplace and implements the provisions of the Council Directive 89/654/EEC, of 30 November 1989, concerning the minimum safety and health requirements for the workplace (first individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC).	Should be changed, as recommended to better align with EU Directive 89/654/EEC, and this legal act (which should be a CMU Decree). In addition, to delete the expressions "Protection" and "Workers" from its title and to replace the term "labour protection" by the more suitable and aligned term "occupational safety". Moreover, the simplification of the text of this article aims not to include here prescriptions (creation of safe and harmless working conditions by appropriately equipping the workstations, workplaces, the production, sanitary, amenity and other premises of enterprises, institutions and organizations irrespective of their forms of ownership and activity areas (hereinafter referred to as the enterprise), safe use by workers of work equipment, ensuring the training of workers and
2. These Minimum Requirements were developed on the basis of the Council Directive		

Draft legal act provision's wording	Recommended wording	Rationale
<p>89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC).</p>		<p>their involvement in addressing occupational safety issues, and regulation of occupational safety relations between enterprises in case workers of other enterprises are involved in work) that should be addressed in other articles. That way there will be no repetitions.</p> <p>The number 1 and 2 of "I. General Provisions" have the similar content that can be placed in the same article. The number 2 refers to standards whose set meets the above mentioned purposes.</p>
	<p>2. The provisions and scope of the Law of Ukraine "On Occupational Safety and Health of Workers" shall apply in full to the whole area referred to in paragraph 1, without prejudice to more stringent and/or specific provisions in this Decree.</p>	<p>This paragraph should be inserted, in order to better align with Article 1(3) of Directive 89/654/EEC, ensuring that the provisions of the Law of Ukraine "On Occupational Safety and Health of Workers" (which transposes the EU OSH Framework Directive 89/391/EEC) also applies to the minimum safety and health requirements for the workplace, without prejudice to more stringent and/or specific provisions laid down in this present Decree.</p> <p>It assures consistency with the legal acts in the same branch of the system of norms.</p>
<p>3. These Minimum Requirements shall not apply to: means of transport used outside the enterprise and /or the production area, or workplaces inside means of transport; construction sites including mobile ones; extractive industries; fishing means of transport; fields, woods and other areas owned by enterprises carrying out activities in agriculture</p>	<p>3. This Decree Minimum Requirements shall not apply to: 1) Means of transport used outside the employers' workplaces and/or premises, or workplaces inside means of transport; 2) temporary or mobile construction sites including mobile ones; 3) Extractive industries; 4) Fishing boats means of transport;</p>	<p>The following aspects were considered:</p> <ul style="list-style-type: none"> - The terms temporary or mobile construction sites are those that unambiguously characterize construction activity in OSH legislation across Europe; - It is important to consider fishing boats not only as a means of transport but also as workplaces and workstation's; - In the agriculture and forestry activity, what is outside the scope of the decree are the

Draft legal act provision's wording	Recommended wording	Rationale
and/or forestry but located outside the cultivated areas.	5) fields , woods and other land forming part of an agricultural or forestry undertaking but situated away from the undertaking's buildings.	workplaces outside the buildings that support the activity (warehouses, repair and maintenance workshops, chemical storage facilities...). In the latter premises, the decree is applicable.
4. These Minimum Requirements shall not concern any issues related to the requirements of state sanitary norms and regulations.	This item should be deleted	The reference to sanitary norms and regulations is unnecessary because, by definition, it is outside of the scope of this decree.
(I. General provisions)	Article 2. Definitions	
<p>(I. General provisions)</p> <p>5. The terms used herein shall have the following meanings:</p> <p>workstation – place of a worker’s permanent or temporary presence in the course of work activity;</p> <p>permanent workstation – a place where the worker is present for more than 50% of their working time or for more than 2 hours continuously. If the work is performed at different sections of the workplace, the whole workplace shall be considered a permanent workstation;</p> <p>workplaces – places in buildings or premises where workers’ workstations are located, including any place within the area of the enterprise to which the worker has access during the performance of work assigned thereto.</p> <p>Other terms used in these Minimum Requirements are set out in the Law of Ukraine “On Labour Protection” and the Procedure for Assessment of Workstations in terms of Working Conditions, approved by the Resolution of the</p>	<p>1. For the purposes of this decree, the terms herein shall have the following meanings:</p> <p>1) Workplace, place intended to house workstations on the premises of the undertaking and/or establishment, any other place within the area of the undertaking and/or establishment to which the workers have access in the course of their employment and the place where the workers are or from where or to where they must go in the course of their employment which is directly or indirectly under the control of the employer;</p> <p>2) Workstation, place of a worker’s permanent or temporary presence in the course of work activity;</p> <p>3) Permanent workstation, a place where the worker is present for more than 50% of their working time or for more than 2 hours continuously. if the work is performed at different sections of the workplace, the whole workplace shall be considered a permanent workstation.</p> <p>4) Temporary workstation, a place where the worker is present not more than 50% of their</p>	<p>In the article on definitions, the order of presentation should go from the rule (the definitions in paragraph 1) to the exception (the situations that are excluded from the definition in paragraph 2.).</p> <p>Introduced renumbering and paragraphs and lines for better exposure of the legal text according to the rule of one legal provision or command per paragraph or line.</p> <p>The definitions that consign the scope of application of the decree are better ordered, going from the general (workplace) to the most particular (workstation).</p> <p>The recommended definition of “workplace”, moreover, is aimed at ensuring the alignment with both the Article 3(c) of ILO C155 and the Article 2 of Directive 89/654/EEC.</p> <p>The proposed provision “If the work is performed at different sections of the workplace, the whole workplace shall be</p>

Draft legal act provision's wording	Recommended wording	Rationale
Cabinet of Ministers of Ukraine No. 442 of 1 August 1992 (as amended).	working time or not more than 2 hours continuously.	considered a permanent workstation" should be deleted because, if the work is performed at different sections of the workplace, it only means that the concerned worker is assigned to several workstations - not that the workplace becomes a workstation! The express reference to other definitions is excessive because they are a prerequisite for the interpretation of this decree under the principle of unity of the legal order (see the proposed article 1(2)).
	Section II - Employers' obligations	To better align with dire Directive 89/654/EEC.
II. Employer's general obligations	Article 3 - Safety inspections	To improve legal act systematics, structure and clarity.
1. The employer shall: inspect the working conditions in workplaces and at workstations with the aim to assess and improve the occupational safety and hygiene of workers;	1. The employer shall: 1) Inspect the working conditions in workplaces and at workstations with the aim to assess and control occupational risks and improve the occupational safety and health of workers;	The safety inspections theme has an identity to appear as an autonomous article. In addition, it is important to clarify that the safety inspections are also aimed at assessing and controlling occupational risks, in order to better align this decree with Articles 6(3)(a) and 9(1)(a) of Directive 89/391/EEC. Moreover, the term "hygiene" should be replaced by the term "health" (which is broader and also includes hygiene). Renumbering according to the rule of one prescription for each subparagraph.
take the necessary measures for the prevention and elimination of risks identified during the working conditions inspection, taking into account their additional and/or combined effect.	2) Take the necessary measures for the prevention and elimination of occupational risks identified during the working conditions inspection, taking into account their additional and/or combined effect.	
In the event of emergencies and accidents within the area of the enterprise, the employer must take urgent measures in order to evacuate the workers, provide first aid to victims, localize and eliminate the accident or fire, eliminate their consequences, and, if necessary, involve	3) Make the necessary arrangements and take the necessary measures for first aid, fire-fighting, evacuation and rescue of workers, in order to ensure their safety and health in the event of serious and imminent danger, as provided for in the law "On Occupational Safety and Health of	To better align with the ME draft law "On Occupational Safety and Health of Workers" that will transpose the OSH Framework Directive 89/391/EEC (currently under consultation), where the management and organization of response to emergency situations (fire, first aid

Draft legal act provision's wording	Recommended wording	Rationale
external emergency medical services, professional emergency rescue services, and fire protection units.	Workers that transposes the OSH Framework Directive 89/391/EEC.	and evacuation of workers) is addressed in more detail.
	Article 4 – General requirements	
4. When creating the workplaces to be used for the first time, the employer must ensure that they satisfy the requirements laid down in Annex 1 to the Minimum Requirements.	1. Employers have the obligation to ensure that workplaces used for the first time after the entry into force of this decree comply with the minimum safety and health requirements laid down in Annex I of this decree.	To better align with Article 3 of Directive 89/654/EE. Also to renumber the paragraph.
5. Any changes, extensions and/or re-equipment of workplaces must be carried out by the employer in accordance with the requirements laid down in Annex 1 to the Minimum Requirements.	2. Employers have the obligation to ensure that when workplaces undergo modifications, extensions and/or conversions after the entry into force of this decree, those modifications, extensions and/or conversions are in compliance with the corresponding minimum requirements laid down in Annex I of this decree.	To better align with Article 5 of Directive 89/654/EE. Also to renumber the paragraph.
6. In order to ensure safety and health of workers, the employer must, within three years after the date of entry into force of these Minimum Requirements, take necessary measures to bring the workplaces already in use on the date of entry into force of these Minimum Requirements into conformity with the requirements laid down in Annex 2 to Minimum Requirements.	3. Employers have the obligation to ensure that workplaces already in use before the date of entry into force of this decree must comply with the minimum safety and health requirements laid down in Annex II of this decree at the latest three years after that date.	To better align with Article 4 of Directive 89/654/EE. Also to renumber the paragraph.
3. In order to ensure the occupational safety and hygiene of workers, the employer shall ensure:	4. In order to ensure the occupational safety and health of workers, the employer shall ensure:	To renumber the paragraph and also to replace the term “hygiene” by the term “health” (which is broader and also includes hygiene).
operation and maintenance of workplaces in a way that would enable workers to perform the work assigned thereto without a threat to their safety and health;	1) The operation and maintenance of workplaces in a way that enables workers to perform the work assigned thereto without a threat to their safety and health;	To slightly reword the paragraph, improving clarity; and to number the subparagraph.

Draft legal act provision's wording	Recommended wording	Rationale
performance of work in workplaces under the supervision of a person responsible for safe performance of such work;	2) That the performance of work in workplaces is carried out under the supervision of a person responsible for the safety and health in the performance of such work;	Slightly reworded to improve clarity. Also to number the subparagraph.
training and knowledge checking of workers who perform work associated with risks specific thereto;	These paragraphs should be moved to an autonomous article.	To improve legal act systematics, structure and clarity, these provisions (training for workers) should be moved to an autonomous Article (Article 6) below.
development and approval of regulations, instructions, other labour protection acts of the enterprise, which establish the rules for the performance of work and workers' behaviour in workplaces and/or at workstations;	These paragraphs should be moved to an autonomous article.	To improve legal act systematics, structure and clarity, these provisions (Information and/or instructions for workers) should be moved to an autonomous Article (Article 5) below. Also, the term "labour protection" should be replaced by the more suitable and aligned term "occupational safety".
provision of workers with special clothes, special footwear and other personal protective equipment in accordance with the Regulation on the procedure for providing workers with special clothes, special footwear and other personal protective equipment, approved by the Order of the State Committee of Ukraine for Industrial Safety, Labour Protection and Mining Supervision No. 53 of 24 March 2008 registered with the Ministry of Justice of Ukraine on 21 May 2008 under No. 446/15137;	3) The selection and provision of the most appropriate personal protective equipment, in accordance with the CMU Decree "Minimum Safety and Health Requirements for the Use by Workers of Personal Protective Equipment at the Workplace", which transposes the EU Council Directive 89/656/EEC.	To better align with the EU Council Directive 89/656/EEC that specifically addresses the selection and provision of PPE. The EU-ILO project already provided technical recommendations on how to better align the Ministry of Social Policy (MSP) Order No. 1804, of 29.11.2018, "On approval of the Minimum Safety and Health Protection Requirements for the Use by Workers of Personal Protective Equipment at the workstation" with the aforesaid Directive 89/656/EEC.
availability of appropriate means for provision of first aid to victims in the event of accidents;	4) Availability of the appropriate means for provision of first aid to victims in the event of accidents;	Renumbering according to the rule of one prescription for each (sub)paragraph.
regular instructions on labour protection;	Recommended to be deleted, for the reasons indicated in the adjacent cell.	It is a general principle of prevention that is already included in the Draft Law "On Occupational Safety and Health of Workers",

Draft legal act provision's wording	Recommended wording	Rationale
		transposing the EU OSH Framework Directive 89/391/EEC. In addition, it is already included below (in Article 5).
free access to emergency exits and evacuation routes, as well as a possibility to use them at any time;	5) That traffic routes to emergency exits, emergency exists themselves and the access to evacuation routes are kept free and clear at all times ;	Wording slightly revised, to better align with Article 6 of Directive 89/654/EEC and to improve clarity. The time of entry and permanence in force of the two annexes is set out in article 10. Renumbering according to the rule of one prescription for each (sub)paragraph.
maintenance of workplaces and devices specified in Chapter 6 of Annex 1 and Chapter 6 of Annex 2 to the Minimum Requirements in working order, and, in case any fault is found, taking of urgent measures to eliminate them;	6) The technical maintenance of workplaces and of the equipment and devices and, in particular, of those referred to in Annexes I and II ;	
maintenance of workplaces and devices specified in Chapter 6 of Annex 1 and Chapter 6 of Annex 2 to the Minimum Requirements in working order, and, in case any fault is found, taking of urgent measures to eliminate them;	7) That, in case any faults are found in the workplaces and or in the equipment and devices, urgent measures to eliminate them are taken ;	
regular cleaning of workplaces and devices specified in Chapter 6 of Annex 1 and Chapter 6 of Annex 2 to the Minimum Requirements;	8) The regular cleaning of workplaces, equipment and devices, including those foreseen in paragraphs 6 of Annex I and of Annex II, concerning ventilation of enclosed workplaces specified in Chapter 6 of Annex 1 and Chapter 6 of Annex 2 to the Minimum Requirements ;	
regular supervision and checking of functionality of safety equipment and devices intended to prevent or eliminate hazards, including those specified in Annexes 1 and 2 to the Minimum Requirements.	9) Regular supervision, maintenance and checking of functionality of safety equipment and devices intended to prevent or eliminate hazards, including those specified in Annexes I and II of this decree. 1 and 2 to the Minimum Requirements.	

Draft legal act provision's wording	Recommended wording	Rationale	
<p>7. If work is simultaneously performed by workers of different employers (enterprises) in the same workplace, each of them must cooperate with each other in order to take workers' safety and health measures in accordance with legislative requirements, inform each other about any situation likely to pose danger, and ensure separation of service areas (boundaries of responsibility).</p>	<p>Recommended to be deleted, for the reasons indicated in the adjacent cell.</p>	<p>The issue of OSH management if work is simultaneously performed by workers of different employers (coordination and cooperation duties) is a matter that should be included in the law that transposes the OSH Framework Directive (89/391/EEC), as expressly stated in the Draft Law "On Occupational Safety and Health of Workers". This law has a broader scope of application, so its reduction by inserting it here is counterproductive.</p>	
<p>8. The employer shall take all necessary measures to provide to workers, an authorized trade union representative, and/or and a workers' authorized representative for labour protection all necessary information regarding safety and health protection of workers in workplaces in accordance with legislation.</p>	<p>These paragraphs should be moved to an autonomous article and the terms "labour protection" and "health protection" should be amended for the reasons already mentioned above.</p>	<p>To improve legal act systematics, structure and clarity, these provisions (instruction's and/or information for workers) should be moved to an autonomous Article (Article 5) below. In addition, the terms "labour protection" and "health protection" should be amended as already recommended above.</p>	
<p>9. The employer must timely inform workers, an authorized trade union representative, and/or and a workers' authorized representative for labour protection of all measures to be taken to ensure safety and health protection of workers in workplaces.</p>			<p>To improve legal act systematics, structure and clarity, these provisions (consultation and participation of workers) should be moved to an autonomous Article (Article 7) below. In addition, the terms "labour protection" and "health protection" should be amended as already recommended above.</p>
<p>10. The employers must consult workers, an authorized trade union representative, and/or and a workers' authorized representative for labour protection, and to enable them to take part in discussion of all issues related to ensuring their safety and health protection in workplaces.</p>			
<p>11. The employer must take account, where appropriate, of proposals provided by workers,</p>			

Draft legal act provision's wording	Recommended wording	Rationale
<p>an authorized trade union representative, and/or and a workers' authorized representative for labour protection, and promote participation of workers in addressing the matters related to safety and health protection of workers in workplaces.</p>		
<p>12. Authorized trade union representatives and/or workers' authorized representatives for labour protection shall have the right to require the employer to take appropriate measures and to this end submit proposals to the employer on the minimization of hazards for workers and/or elimination of sources of danger to their safety and health in workplaces.</p>	<p>These paragraphs should be moved to an autonomous article and the terms "labour protection" and "health protection" should be amended for the reasons already mentioned above.</p>	<p>To improve legal act systematics, structure and clarity, these provisions (consultation and participation of workers) should be moved to an autonomous Article (Article 7) below. In addition, the terms "labour protection" and "health protection" should be amended as already recommended above.</p>
<p>13. Workers, authorized trade union representatives and/or workers' authorized representatives for labour protection shall have the right, in accordance with legislation, to apply to the labour protection service of the enterprise if they believe that the measures taken and means used by the employer are insufficient for ensuring safety and health protection of workers in workplaces.</p>		
	<p>Article 5 - Information and instructions for workers</p>	
<p><i>development and approval of regulations, instructions, other labour protection acts of the enterprise, which establish the rules for the performance of work and workers' behaviour in workplaces and/or at workstations;</i></p>	<p>1. The employer have the obligation to: 1) Develop and approve of regulations, instructions, other occupational safety and health acts of the undertaking or establishment, which establish the rules for the performance of work and workers' behaviour in workplaces and/or at workstations;</p>	<p>In order to improve the Decree clarity and systematics, it is proposed to insert here, in an autonomous article the prescriptions about Information and/or instructions for workers. In addition, to replace the terms "labour protection" and "health protection" for the</p>

Draft legal act provision's wording	Recommended wording	Rationale
8. <i>The employer shall take all necessary measures to provide to workers, an authorized trade union representative, and/or and a workers' authorized representative for labour protection all necessary information regarding safety and health protection of workers in workplaces in accordance with legislation.</i>	2) The employer shall Take all necessary measures to provide to workers, authorized trade union representatives, and/or workers' authorized representatives for occupational safety and health all necessary information regarding safety and health of workers at workplaces in accordance with legislation;	more adequate terms occupational safety and health, as already recommended above. Assignment of subparagraph numbering, for better identification, according to the rule of one subparagraph for each legal prescription. The terms "in accordance with legislation" poses problems of interpretation and may postpone the application of the standard.
9. <i>The employer must timely inform workers, an authorized trade union representative, and/or and a workers' authorized representative for labour protection of all measures to be taken to ensure safety and health protection of workers in workplaces</i>	3) The employer must Timely inform workers, and authorized trade union representatives, and/or workers' authorized representatives for occupational safety and health of all measures to be taken to ensure safety and health of workers at workplaces.	The rationale of the proposed elimination of the expression "of the workers", is explained in "Title" above.
	Article 6 - Worker's training and information	
	Without prejudice to the provisions on training and information on OSH contained in the Law of Ukraine "On Occupational Safety and Health of Workers" which transposes the EU OSH Directive 89/391/EEC, the employer must provide training and knowledge checking of workers who: 1) Perform work associated with specific risks thereto; 2) Are responsible for carrying out regular supervision, safety checks and inspections at workplaces; 3) Are responsible for maintenance of workplaces, equipment and devices.	In order to improve the Decree clarity and systematics, it is proposed to insert here, in an autonomous article about training. Also to better articulate with the Law of Ukraine "On Occupational Safety and Health of Workers" which transposes the EU OSH Directive 89/391/EEC, currently under consultation. Assignment of paragraph and subparagraph numbering, for better identification, according to the rule of one (sub)paragraph for each legal prescription. The identification of training target groups that are important for the quality of preventive action is relevant.
	Article 7 – Consultation and participation of workers	
10. <i>The employers must consult workers, an authorized trade union representative, and/or</i>	1. Without prejudice to the provisions on workers' consultation and participation on OSH matters	In order to improve the Decree clarity and systematics, it is proposed to insert here, in an

Draft legal act provision's wording	Recommended wording	Rationale
<p><i>and a workers' authorized representative for labour protection, and to enable them to take part in discussion of all issues related to ensuring their safety and health protection in workplaces.</i></p>	<p>contained in the Law of Ukraine "On Occupational Safety and Health of Workers" which transposes the EU OSH Directive 89/391/EEC, the employer shall:</p> <p>1) 10. The employers must Consult workers, an authorized trade union representatives, and/or workers' authorized representatives for occupational safety and health, and to enable them to take part in discussions of all issues related to ensuring their safety and health at workplaces;</p>	<p>autonomous article the prescriptions about consultation and participation.</p> <p>Also to better articulate with the Law of Ukraine "On Occupational Safety and Health of Workers" which transposes the EU OSH Directive 89/391/EEC, currently under consultation.</p> <p>Assignment of paragraph and subparagraph numbering, for better identification, according to the rule of one (sub)paragraph for each legal prescription.</p>
<p><i>11. The employer must take account, where appropriate, of proposals provided by workers, an authorized trade union representative, and/or and a workers' authorized representative for labour protection, regarding safety and health protection in workplaces, and promote participation of workers in addressing the matters related to safety and health protection of workers in workplaces.</i></p>	<p>2) 11. The employer must Take account, where appropriate, of proposals provided by workers, authorized trade union representatives, and/or workers' authorized representatives for occupational safety and health, and promote participation of workers in addressing the matters related to safety and health of workers at workplaces.</p>	<p>The rationale of the proposed elimination of the expression "of the workers", is explained in "Title" above.</p> <p>Also to amend the use of the terms "labour protection" and "health protection", as already recommended above.</p>
<p><i>12. Authorized trade union representatives and/or workers' authorized representatives for labour protection shall have the right to require the employer to take appropriate measures and to this end submit proposals to the employer on the minimization of hazards for workers and/or elimination of sources of danger to their safety and health in workplaces.</i></p>	<p>2. 12. Authorized trade union representatives and/or workers' authorized representatives for occupational safety and health shall have the right to require the employer to take appropriate measures and to this end submit proposals to the employer on the minimization of occupational risks for workers and/or elimination of sources of danger to their safety and health at workplaces.</p>	
<p><i>13. Workers, authorized trade union representatives and/or workers' authorized representatives for labour protection issues shall have the right, in accordance with legislation, to apply to the labour protection service of the</i></p>	<p>3. 13. Workers, authorized trade union representatives and/or workers' authorized representatives for occupational safety and health issues shall have the right, in accordance with legislation, to apply to the occupational</p>	

Draft legal act provision's wording	Recommended wording	Rationale
<i>enterprise if they believe that the measures taken and means used by the employer are insufficient for ensuring safety and health protection of workers in workplaces.</i>	safety service of the enterprise if they believe that the measures taken and means used by the employer are insufficient for ensuring safety and health of workers in workplaces.	
	Section III. Promotion, control and enforcement	Should be inserted to improve legal act systematics, structure and clarity.
	Article 8 - State control of compliance with the labour legislation	
	1. The state measures for promoting, controlling, improving and ensuring compliance with the provisions of this Decree and its Annexes shall be taken by the central executive authority that implements the state policy on state control of compliance with the labour legislation.	It should be inserted, in order to ensure the alignment of this Decree with: a) Article 9(1) of ILO C155, according to which "the enforcement of laws and regulations concerning occupational safety and health and the working environment shall be secured by an adequate and appropriate system of inspection"; b) Article 3(1) of the ILO C81 and Article 6(1) of the ILO C129, which define the main functions of the system of labour inspection; and c) Article 4(2) of EU Directive 89/391/EEC, according to which the States "shall ensure adequate controls and supervision".
	Article 9 - Employers' liability	
	1. Employers shall be held liable to a fine for the violation of the provisions of this Decree, including its Annexes.	It should be inserted, in order to ensure the alignment of this Decree with: a) Article 9(2) of ILO C155, according to which "The enforcement system shall provide for adequate penalties for violations of the laws and regulations"; and
	2. The fine for the violation of any provision of this Decree or of its Annexes is in the amount of "X" minimum wages for each violation.	
	3. The minimum wage rate established according to the legislation as of the violation moment shall	b) Article 18 of ILO C81 and Article 24 of ILO C129, according to which "adequate

Draft legal act provision's wording	Recommended wording	Rationale	
	be used to determine the amount of the fines mentioned in the previous paragraph.	penalties for violations of the legal provisions enforceable by labour inspectors and for obstructing labour inspectors in the performance of their duties shall be provided for by national laws or regulations and effectively enforced".	
	4. If a repeated similar violation is found within a year from the date when the previous violation was found, the amount of the fine shall be doubled.		
	5. The fines imposition of which is provided for by this Article shall be financial sanctions and shall not belong to the administrative economic sanctions laid down in Chapter 27 of the Economic Code of Ukraine.		
	6. Payment of a fine shall not release the employer from the obligation to comply with the provisions of this Decree and its Annexes I and II.		
	Section IV. Miscellaneous provisions		Should be inserted to improve legal act systematics, structure, understanding and clarity.
	Article 10 - Final and transitional provisions		
	1. This Decree and its annexes enter into force on the first day of the twelfth month following their publication in the official journal.	To give some time to employers, workers, their representatives to adapt to the provisions of this decree and respective Annexes.	
	2. When appropriate, Cabinet of Ministers of Ukraine will set forth adaptations of technical nature to Annexes, in order to ensure the adaptation to technical progress, changes in international rules or specifications and or advances in knowledge in the field of workplaces safety and health.	This paragraph and subparagraphs should be inserted, in order to align with Article 9 of Directive 89/654/EEC.	
	3. The Cabinet of Ministers shall, within one year from the date of publication of this Decree:	This paragraph and corresponding subparagraphs should be inserted, in order to align with Article 10(1) of Directive 89/654/EEC and ensure the effective application of the Decree.	
	1) Prepare its proposals on bringing laws of Ukraine into conformity with this Decree, and submit them to the Verkhovna Rada of Ukraine for consideration;		

Draft legal act provision's wording	Recommended wording	Rationale
	2) Bring its regulatory legal acts into conformity with this Decree;	
	3) Ensure adoption of regulatory legal acts necessary to implement this Decree;	
	4) Ensure that ministries and other central executive authorities bring their regulatory legal acts into conformity with this Decree.	
Annex 1 - to the Minimum Safety and Health Protection Requirements for Workers in Workplaces (Section II)	Annex I - to the Minimum Safety and Health Protection Requirements for Workers in Workplaces (Section II) [Articles 4(1) and 4(2)]	Roman numerals were introduced in accordance with the adopted systematic. In addition, the title of the Annex I (as well as the title of Annex II and of the legal act itself) should be replaced as recommended, for the same reasons already explained in the rationale for the amendments suggested to the title of the draft legal act under analysis.
MINIMUM SAFETY AND HEALTH PROTECTION REQUIREMENTS FOR WORKERS IN WORKPLACES USED FOR THE FIRST TIME	MINIMUM SAFETY AND HEALTH PROTECTION REQUIREMENTS FOR WORKERS IN WORKPLACES USED FOR THE FIRST TIME	This title (as well as the title of Annex II and of the legal act itself) should be replaced as recommended, for the same reasons already explained in the rationale for the amendments suggested to the title of the draft legal act under analysis.
1. General Provisions	1. General Provisions	It's just only one provision.
1. The employer must create healthy and safe working environment for each worker, taking into account cases where this is required by the features of workplaces, or the nature of activity, circumstances or presence of a hazard to safety or health of workers.	1.1. The obligations laid down in this Annex apply whenever required by the features of the workplace, the activity, the circumstances or a hazard.	To better align with the paragraph 1 of Annex I of Directive 89/654/EEC. Also to renumber the subparagraph.
2. Stability and solidity	.....

Draft legal act provision's wording	Recommended wording	Rationale
<p>1.The structure and solidity of buildings and structures intended for arrangement of workplaces should comply with their purpose, in particular, ensure the proper working condition of equipment and protective devices in the workplaces, favourable conditions for the elimination of identified faults likely to adversely affect safety and health of workers.</p>	<p>2.1. Buildings which house workplaces must have a structure, solidity and resistance appropriate to the nature of their use.</p>	<p>To better align with the paragraph 2 of Annex I of Directive 89/654/EEC. In addition, the proposed considerations about equipment and devices were already addressed in Article 4(4) and are object of a specific draft legal act, aimed at transposing into the national OSH legal framework the provisions of the Directive 2009/104/EC, of the European Parliament and of the Council, of 16 September 2009, concerning the minimum safety and health requirements for the use of work equipment by workers at work. Also to renumber the subparagraph.</p>
<p>3. Electrical equipment</p>	<p>3. Electrical installations.</p>	<p>The electrical installation describes the physical work involved in installing electrical systems into a building. An electrical system, within the context of a building, is a network of conductors and equipment designed to carry, distribute and convert electrical power safely from the point of delivery or generation to the various loads around the building that consume the electrical energy. So, the concept of electrical installation is broader than that of electrical equipment. The former encompasses the latter. And in the the Annex I (3) of the Directive 89/654/EEC, the title is "electrical installations".</p>
<p>1. The design and installation of electrical equipment should meet the requirements of fire safety, explosion safety and protection of people against accidents caused by contacting it.</p>	<p>3.1. The design and construction of electrical installations have to be in such a way that does not present a fire or explosion hazard.</p>	<p>Should be changed, as recommended, because: 1. The provision is aimed at a result (“not to present a fire or explosion hazard”) and not to define a process or a mean to achieve the result (“to meet the</p>

Draft legal act provision's wording	Recommended wording	Rationale
		<p>requirements of fire safety and explosion safety”).</p> <p>2. An “electrical installation” is not the installation, construction or manufacture of “electrical equipment”, but an electrical system, which includes, among other components, electrical equipment.</p> <p>Should also be changed, in order to better align with paragraph 3 of Annex I of Directive 89/654/EEC.</p> <p>Finally, it should also be changed in order to improve clarity: by subdividing the provision in two different subparagraphs and by numbering them.</p>
<p>2. The design and manufacture, choice of material and protection devices must take into account the voltage, influence of external conditions and professional qualifications of personnel that has access to parts and units of the installation.</p>	<p>3.2. Persons must be adequately protected against the risk of accidents caused by direct or indirect contact with electricity.</p> <p>3.3. The design and construction of electrical installations as well as the choice of their materials and protection devices must be appropriate to the voltage, influence of external conditions and professional qualifications of the personnel that has access to parts and units of the installation.</p>	<p>To better align with paragraph 3 of Annex I of Directive 89/654/EEC.</p> <p>Also to number the subparagraph.</p> <p>To improve clarity and better align with paragraph 3 of Annex I of Directive 89/654/EEC. Also to clarify that the provision imposes an obligation of result (“must be appropriate...”) rather than an obligation of process (“take into account...”).</p> <p>Also to number the subparagraph.</p>
<p>4. Evacuation routes and emergency exits</p>	<p>4. Emergency routes and exits</p>	<p>What is intended in Annex I (4) of the Directive 89/654/EEC is not just any escape route, or normal route - “Evacuation routes”. What the Directive intends to express are, actually, emergency routes.</p>
<p>1. Evacuation routes, emergency exits and approaches to them must be free from any objects, lead as quickly as possible to the open air or to a safe area and have proper</p>	<p>4.1. Emergency routes and exits must remain clear and lead as directly as possible to the open air or to a safe area.</p>	<p>See the above rationale about “routes and emergency exits”.</p> <p>To better align with subparagraph 4.1. of Annex I of Directive 89/654/EEC. The issue regarding</p>

Draft legal act provision's wording	Recommended wording	Rationale
designations (with warning colours, guide posts, inscriptions, safety signs etc.) in accordance with the Technical Regulation on Workers' Safety and Health Signs approved by the Resolution of the Cabinet of Ministers of Ukraine No. 1262 of 25 November 2009 (hereinafter referred to as the Technical Regulation).		safety and health signs will be specifically addressed in subparagraphs 4.9. and 4.10. (below).
2. The possibility for workers to quickly and safely leave all workplaces should be ensured.	4.2. It shall be ensured that workers can evacuate all workstations quickly and as safely as possible, in the event of danger.	To better align with subparagraph 4.2. of Annex I of Directive 89/654/EEC. Also to renumber the subparagraph.
3. The number, location and dimensions of the evacuation routes and emergency exits shall be determined in accordance with the use, arrangement and dimensions of the workplaces, as well as the maximum number of persons that may be present there.	4.3. The number, location and dimensions of the emergency routes and exits shall be determined in accordance with the use, equipment, layout and dimensions of the workplaces, as well as the maximum number of persons that may be present there.	About routes and emergency and exits, see justification above. The "arrangement" of a workplace is not a sufficiently specific term that it also reflects the circumstance of the existence of work equipment, as it is in the Annex I (4.3) of the Directive 89/654/EEC. Also to renumber the subparagraph.
4. Emergency doors must open outwards and close so that they can be easily and quickly opened by any person without any additional means. Sliding or revolving doors should not be used as emergency exit doors.	4.4. Emergency doors must open outwards.	Should be amended, as recommended, in order to: <ol style="list-style-type: none">1. Improve clarity, by disaggregating, per several subparagraphs, the provisions that foresee more than one prescription, in a way that each paragraph corresponds to just one prescription and by numbering each one of them;2. Better align with subparagraph 4.4 of Annex I of Directive 89/654/EEC.
	4.5. Emergency doors should not be so locked or fastened that they cannot be easily and immediately opened by any person who may require to use them in an emergency.	
	4.6. Sliding or revolving doors cannot be used as emergency exit doors.	

Draft legal act provision's wording	Recommended wording	Rationale
5. Evacuation routes, emergency exits and approaches to them must be free from any objects, lead as quickly as possible to the open air or to a safe area and have proper designations (with warning colours, guide posts, inscriptions, safety signs etc.) in accordance with the Technical Regulation.	<p>4.7. Emergency doors must not be locked.</p> <p>4.8. 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.</p>	<p>To better align with subparagraph 4.6. of Annex I of Directive 89/654/EEC and to avoid repeating what is already written in subparagraph 4.1. (above).</p> <p>As for the part regarding safety and health signs, it will be addressed in subparagraphs 4.9. and 4.10. (below).</p> <p>Also to renumber the subparagraphs.</p>
Safety signs must be resistant to weather conditions, clearly visible and, if necessary, made with the use of luminescent dyes, light-reflecting materials, artificial lighting in order to ensure their visualization.	<p>4.9. Emergency routes and exits must be indicated by signs in accordance with the CMU Decree “On Minimum Requirements for the Provision of Safety and Health Signs at Work”, which transposes to the internal juridical order the EU Council Directive 92/58/EEC.</p>	<p>To better align with subparagraph 4.5. of Annex I of Directive 89/654/EEC and to articulate with the national legal act transposing the EU Council Directive 92/58/EEC, of 24 June 1992, on the minimum requirements for the provision of safety and/or health signs at work.</p>
6. The doors located on the evacuation routes must be marked in accordance with the Technical Regulation and must structurally allow for a possibility to open them from the inside at any time without any special auxiliary aids. Emergency doors must not be permanently open, regardless of the presence or absence of workers in the workplaces.	<p>4.10. The signs mentioned in the preceding subparagraph must be placed at appropriate points and be made to last.</p>	
7. Evacuation routes and emergency exits must be equipped with evacuation lighting in accordance with the requirements of construction norms and regulations for electrical installations. Evacuation lighting must switch on with the onset of twilight in case of workers' presence in the premises.	<p>4.11. Emergency routes and exits must be equipped with emergency lighting in accordance with the requirements of construction norms and regulations for electrical installations. Evacuation lighting must switch on with the onset of twilight in case of workers' presence in the premises</p>	<p>See the above rationale about “routes and emergency exits”.</p> <p>The phrase “<i>Evacuation lighting must switch on with the onset of twilight in case of workers' presence in the premises</i>” has been deleted, because this lighting will be necessary whenever there is a workplace without or with little natural light and not just in the early twilight of the day.</p>
	<p>4.12. Emergency routes and exits requiring illumination must be provided with emergency</p>	<p>To align with subparagraph 4.7. of Annex I of Directive 89/654/EEC.</p>

Draft legal act provision's wording	Recommended wording	Rationale
	lighting of adequate intensity in case the lighting fails.	
5. Fire detection and fire fighting	.....
<p>1. The workplaces, depending on the dimensions and nature of use of the buildings, available equipment, physical and chemical properties of the substances present and the maximum permissible number of persons present, must be equipped with appropriate fire-extinguishing appliances and, as necessary, with fire detectors and alarm systems in accordance with the Fire Safety Rules of Ukraine approved by the Order of the Ministry of Internal Affairs of Ukraine No. 1417 of 30 December 2014 registered with the Ministry of Justice of Ukraine on 5 March 2015 under No. 252/26697, and other fire safety regulations.</p>	<p>5.1. The workplaces, depending on the dimensions and nature of use of the buildings, the equipment they contain, physical and chemical properties of the substances present and the maximum permissible number of persons present, must be equipped with appropriate fire-extinguishing appliances and, as necessary, with fire detectors and alarm systems in accordance with the Fire Safety Rules of Ukraine approved by the Order of the Ministry of Internal Affairs of Ukraine No. 1417 of 30 December 2014 registered with the Ministry of Justice of Ukraine on 5 March 2015 under No. 252/26697, and other fire safety regulations.</p>	<p>To improve clarity and better align with the sense of subparagraph 5.1. of Annex I of Directive 89/654/EEC. Also to renumber the subparagraph.</p>
<p>2. Depending on the dimensions and use of the building, available equipment, physical and chemical properties of the substances present and the maximum permissible number of persons present, fire-extinguishing means and, as necessary, fire detectors and alarm systems must be available in the workplaces.</p>	<p>2. Depending on the dimensions and use of the building, available equipment, physical and chemical properties of the substances present and the maximum permissible number of persons present, fire-extinguishing means and, as necessary, fire detectors and alarm systems must be available in the workplaces.</p>	<p>It is a provision exactly identical to the above paragraph. Thus, it was deleted.</p>
<p>3. Non-automatic fire-extinguishing equipment must be easily accessible and simple to use. Such equipment must be indicated by signs in accordance with the Technical Regulation. Such signs must be made to last and placed at appropriate points.</p>	<p>5.2. Non-automatic fire-fighting equipment must be easily accessible and simple to use.</p> <p>5.3. Such equipment must be indicated by signs in accordance with the CMU Decree “On Minimum Requirements for the Provision of Safety and Health Signs at Work”, which transposes to the internal juridical order the EU Council Directive 92/58/EEC.</p>	<p>For clarity and to better articulate with the national legal act transposing the EU Council Directive 92/58/EEC, of 24 June 1992, on the minimum requirements for the provision of safety and/or health signs at work. Also to (re)number the subparagraphs.</p>

Draft legal act provision's wording	Recommended wording	Rationale
	<p>5.4. Such signs must be made to last and placed at appropriate points.</p>	
<p>6. Ventilation of enclosed working premises</p>	<p>6. Ventilation of enclosed workplaces</p>	<p>The terminology of the Directive is “workplaces” and not “working premises” - see the definition in Article 2 of Directive 89/654/EEC, as well as its Annex I, 6.</p>
<p>1. Enclosed working premises must have optimal and permissible microclimatic conditions taking into account the maximum allowable concentrations of harmful substances, the nature of the work process and the physiological requirements of workers in terms of their maximum quantity during the performance of work in accordance with the specified production process.</p> <p>In case of use of ventilation devices, they must be maintained in the proper technical condition.</p> <p>Any breakdown in the ventilation system must be indicated by warning signs.</p>	<p>6.1. Enclosed workplaces must have sufficient fresh air and optimal and permissible microclimatic conditions, taking into account the Occupational Exposure Limit Values, the nature of the work process and the physical demands imposed to workers.</p> <p>6.2. In case of use of forced ventilation systems, they must be maintained in the proper technical conditions.</p> <p>6.3. Any breakdown in the forced ventilation system must be indicated by a control system which will emit warning signs.</p>	<p>Should be amended, as recommended, for clarity, for a better alignment with subparagraph 6.1. of Annex I of Directive 89/654/EEC and for (re)numbering the subparagraphs.</p> <p>In addition, the “<i>maximum allowable concentrations of harmful substances</i>”, in occupational health and safety language, is the “Occupational Exposure Limit Values⁹”- OELV.</p> <p>The expression “<i>...and the physiological requirements of workers in terms of their maximum quantity during the performance of work in accordance with the specified production process</i>” is not very well comprehended.</p>

⁹ Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) - in <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01998L0024-20190726&from=EN> - with last amendment given by Commission Directive (EU) 2019/1831 of 24 October 2019 establishing a fifth list of indicative occupational exposure limit values pursuant to Council Directive 98/24/EC and amending Commission Directive 2000/39/EC (Text with EEA relevance) - in <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019L1831> ; it is important to see also the Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (Text with EEA relevance)Text with EEA relevance - in <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02008R1272-20201114>.

Draft legal act provision's wording	Recommended wording	Rationale
		<p>Probably the translation might not be the happiest. Anyway, what the Annex I 6(1) of the Directive 89/654/EEC means is that account must be taken of the physical demands placed on workers.</p> <p>Who checks the existence of a fault must be a control system, as referred to in Annex I 6(1) of the Directive 89/654/EEC. Warning signs, by themselves, do not constitute any fault control system.</p>
2. Air-conditioning or mechanical ventilation installations during their operation should not create draughts for workers.	6.4.	To (re)number the subparagraphs.
Any contaminants likely to create an immediate danger to the health of workers by polluting indoor air must be removed without delay.	6.5.	
7. Room temperature	To renumber the subparagraphs.
1.	7.1.	
2.	7.2.	
3.	7.3.	
8. Natural and artificial room lighting	.....
1.	8.1.	
2.	8.2.	
3.	8.3.	
4.	8.4.	
9. Floors, walls, ceilings and roofs of rooms	For clarity, by: <ul style="list-style-type: none"> 1. Rewording the terminology used; 2. Subdividing the provision into two: each one with its own prescription; and by
1. The workplaces containing workstations must have adequate thermal insulation, taking into account the type of enterprises involved and the nature of the physical activity of the workers.	9.1. The workplaces containing workstations must have adequate thermal insulation, taking into account the type of undertaking and the nature of the physical activity of the workers.	

Draft legal act provision's wording	Recommended wording	Rationale
The floors of workplaces must have no dangerous bumps, holes or slopes and must be fixed, stable and not slippery.	9.2. The floors of workplaces must have no dangerous bumps, holes or slopes and must be fixed, stable and not slippery.	3. Renumbering the subparagraphs.
2.	9.3.	To renumber the subparagraph.
3. Transparent or translucent walls, in particular all-glass partitions, in rooms or in the places where workstations and passages are located must be clearly indicated, made of safety material or be shielded from the workplaces and passages to prevent workers from coming into contact with walls or being injured should the walls shatter.	9.4. Transparent or translucent walls, in particular all-glass partitions, in rooms or in the vicinity of workplaces and traffic routes must be clearly indicated and made of safety material or be shielded from such places or traffic routes to prevent workers from coming into contact with walls or being injured should the walls shatter.	To improve clarity and better align with point 9.3 of Annex I of Directive 89/654/EEC and to renumber the subparagraph.
4. Access to roofs made of materials of insufficient strength shall only be allowed if equipment is provided making safe performance of work possible.	9.5. Access to roofs made of materials of insufficient strength must not be permitted unless equipment is provided to ensure that the work can be carried out in a safe manner	To better align with point 9.4 of Annex I of Directive 89/654/EEC and to renumber the subparagraph.
10. Room windows and skylights	10. Room Windows and skylights	The windows and skylights may not be of rooms, but of other areas of the workplace (e.g., stairs, traffic routes, etc.). Also to better align with Directive 89/654/EEC.
1. It must be possible for workers to open, close, adjust or secure windows, skylights and ventilators in a safe manner.	10.1. It must be possible for workers to open, close, adjust or secure windows, skylights and ventilators in a safe manner.	Should be amended, as recommended, to improve clarity, by: 1. Rewording the terminology used; 2. Subdividing the provision into two: each one with its own prescription; and by 3. Renumbering the subparagraphs.
When open, they must not be positioned so as to constitute a hazard to workers.	10.2. When open, windows, skylights and ventilators must not be positioned so as to constitute a hazard to workers.	
2. Windows and glazed roof hatches should be designed in conjunction with the equipment or otherwise fitted with devices enabling them to be cleaned without creating a hazard to the workers carrying out this work or to workers present in and around the building.	10.3. Windows and skylights should be designed in conjunction with the equipment or otherwise fitted with devices enabling them to be cleaned without risk to the workers carrying out this work or to workers present in and around the building.	To improve terminology consistency and to renumber the subparagraph.
11. Doors and gates	.....

Draft legal act provision's wording	Recommended wording	Rationale
1. The position, number and dimensions of doors and gates, and the materials used in their construction shall be determined by the nature and use of the rooms or workplaces.	11.1. The position, number and dimensions of doors and gates, and the materials used in their construction shall be determined by the nature and use of the rooms or areas .	To improve clarity and terminology use: both the areas and rooms belong to the workplaces. Also to renumber the subparagraph.
2.....	11.2.	To renumber the subparagraphs.
3.....	11.3.	
4. If transparent or translucent parts in doors and gates are not made of sufficiently strong material and if there is a danger that workers may be injured by fragments of those parts, the parts must be protected from contact with people.	11.4. If transparent or translucent parts in doors and gates are not made of strong safety material and if there is a danger that workers may be injured by fragments of those parts, the parts must be protected from contact with people . against breakage .	It is not a question of whether or not the doors are made of strong enough material, but of safe material. Strong is not synonymous with being secure. Strong material may not be safe. It would have to be known what is meant by "strong" in the context of occupational safety and health. The word "safety" sums up what is intended - Annex I 11(4) of the Directive 89/654/EEC. On the other hand, what is also intended is that the surfaces do not break so as not to shatter and produce fragments where workers can be injured. Well, it's not just contact with people that can break the surface of a door. For example, a door can break because it is poorly installed. What the drafting of the Directive intends is that they protect these door surfaces, not only from the contact of workers, but that they are protected in general. Also to renumber the paragraph.
5. Sliding doors must be protected against derailing or unintentional opening.	11.5. Sliding doors must be protected against derailing or unintentional opening falling over .	What is contained in the Directive is that it is necessary to prevent the sliding doors from falling and not from being opened unintentionally. With regard to safety and health at work, it is not enough to write that doors and gates must be installed in such a way as to prevent them from being derailed. If so, it

Draft legal act provision's wording	Recommended wording	Rationale
		<p>would be possible to admit, absurdly, that wooden stakes could be used to support those doors. This is not what is intended. It is intended that the doors have an intrinsic safety device - a redundant system - that prevents their collapse. The expressions "safety device" and "failing over" are in Annex I 11(5) of the Directive 89/654/EEC and has also been added to the text. Also to renumber the paragraph.</p>
<p>6. Doors and gates opening upwards must be protected against falling back.</p>	<p>11.6. Doors and gates opening upwards must be protected fitted with a mechanism to secure them against falling back.</p>	<p>With regard to safety and health at work, it is not enough to write that doors and gates must be installed in such a way as to prevent them from falling back. If so, it would be possible to admit, absurdly, that bricks and wooden stakes could be used to support those doors and gates. This is not what is intended. It is intended that the doors and gates have an intrinsic mechanism - a redundant system - that prevents their collapse. The expressions "mechanism" is in Annex I 11(6) of the Directive 89/654/EEC and has also been added to the text. Also to renumber the paragraph.</p>
<p>7. Doors along the evacuation route must be appropriately marked.</p>	<p>11.7. Doors along evacuation routes must be appropriately marked.</p>	<p>Should be amended, as recommended, to improve clarity, by:</p>
<p>It must be possible to open them from the inside at any time without special assistance.</p>	<p>11.8. It must be possible to open doors along evacuation routes from the inside at any time without special assistance.</p>	<ol style="list-style-type: none"> 1. Rewording the sentences; 2. Subdividing the provision into three: each one with its own prescription; and by 3. Renumbering the subparagraphs.
<p>It must be possible to open the doors when workers are present in the workplaces.</p>	<p>11.9. It must be possible to open the doors along evacuation routes when the workplaces are occupied.</p>	<p>Also because it must be possible to open the doors along evacuation routes when "the workplaces are occupied" and not just when "workers are present in the workplaces", because workplaces might be occupied with</p>

Draft legal act provision's wording	Recommended wording	Rationale
		persons which are not “workers” (e.g., visitors, service providers, etc.).
	11.10. Doors for pedestrians must be provided in the immediate vicinity of any gates intended essentially for vehicle traffic, unless it is safe for pedestrians to pass through.	To align with point 11.8. of Annex I of Directive 89/654/EEC.
	11.11. Doors for pedestrians must be clearly marked and left permanently unobstructed.	
<p>9. Power-operated doors and gates must: move so as not to create any hazard for workers; be equipped with clearly visible and easily accessible emergency switches; be opened manually unless they open automatically in event of a power failure; be equipped with devices for securely locking them open.</p>	<p>11.12. Power-operated doors and gates must: 11.12.1. function in such a way that there is no risk of accident to workers; 11.12.2. be equipped with clearly visible and easily accessible emergency shut-down devices; 11.12.3. allow them to be opened manually, unless they open automatically in event of a power failure; 11.12.4. be equipped with devices to safely lock and keep them open.</p>	<p>Should be reworded, as recommended, to:</p> <ol style="list-style-type: none"> 1. Improve clarity; 2. Number the sub-subparagraphs; 3. Better align with point 11.9 of Annex I of Directive 89/654/EEC.
12. Traffic routes, danger areas	.....
1.....	12.1.	To renumber the subparagraphs with the same logic as the one of the Annexes of the Directive 89/654/EEC.
<p>2. Routes used for pedestrian traffic and/or goods traffic must be dimensioned in accordance with the number of potential users and the type of enterprise. If means of transport are used, a sufficient safety clearance must be provided for pedestrians.</p>	<p>12.2. Routes used for pedestrian traffic and/or goods traffic must be dimensioned in accordance with the number of potential users and the type of enterprise.</p>	<p>It should be clarified that the intention is to emphasize the use of transport on traffic routes - Annex I 12(2) of the Directive 89/654/EEC.</p>

Draft legal act provision's wording	Recommended wording	Rationale
	12.3. If means of transport are used on traffic routes , a sufficient safety clearance must be provided for pedestrians.	To renumber the subparagraphs with the same logic as the one of the Annexes of the Directive 89/654/EEC.
3.....	12.4.	
4. Where the use and equipment of rooms requires protection of workers, traffic routes must be clearly identified.	12.5 When the use and equipment of the rooms requires the protection of workers, traffic routes must be clearly identified	Given that the draft legal act suggests another wording for this provision, it seems more appropriate to change the word "Where" to the word "When".
5.....	12.6.	To renumber the subparagraphs with the same logic as the one of the Annexes of the Directive 89/654/EEC.
13. Specific requirements to escalators and travelators (moving sidewalks)	.....
1. If there is a risk of an accident due to a worker's mechanical contact with moving parts of work equipment, such equipment should be provided with additional protective devices restricting the access to the danger area or stopping the moving parts in the event of a person approaching the danger area. Escalators and travelators must function safely.	13.1. If there is a risk of an accident due to a worker's mechanical contact with moving parts of work equipment, such equipment should be provided with additional protective devices restricting the access to the danger area or stopping the moving parts in the event of a person approaching the danger area.	To renumber the subparagraphs with the same logic as the one of the Annexes of the Directive 89/654/EEC. Also to disaggregate provisions in order to ensure no more than one prescription per subparagraph, facilitating the understanding and the referencing to legal provisions.
	13.2. Escalators and travelators must function safely.	
2. Escalators and travelators must be equipped with necessary safety devices,	13.3. Escalators and travelators must be equipped with necessary safety devices,	
14. Loading and unloading ramps	14. Loading and unloading ramps and bays	There are loading and unloading places that are not ramps. They are just loading bays - Annex I, 14 of the Directive 89/654/EEC.
1.....	14.1.	To renumber the subparagraphs with the same logic as the one of the Annexes of the Directive 89/654/EEC.
2.....	14.2.	

Draft legal act provision's wording	Recommended wording	Rationale
<p>3.Loading and unloading ramps must have at least one exit for workers and fencing structures preventing the falling of mobile work equipment.</p> <p>Long ramps should have exits at each end.</p> <p>Ramps, piers, berths where vehicles operate should be fitted with bumper devices, except where such devices would interfere with work activity.</p>	<p>14.3.Loading and unloading ramps bays must have at least one exit point for workers.</p>	<p>Exits or exit points are applicable to bays and not to loading ramps: a ramp is a ramp and is always an exit. Therefore, it is the long bays that should have two exit points and not the long ramps. Long ramps are big descents or big climbs.</p> <p>As for the risk of falling from a height, it exists both for work equipment and for workers on foot - Annex I, 14 of the Directive 89/654/EEC.</p> <p>The subparagraphs must also be renumbered with the same logic as the one of the Annexes of the Directive 89/654/EEC.</p>
	<p>14.4. Long bays should have exits at each end.</p>	
	<p>14.5. Loading and unloading ramps and bays must have fencing structures preventing the falling of mobile work equipment and workers.</p>	
	<p>14.6. Ramps, piers, berths where vehicles operate should be fitted with bumper devices, except where such devices would interfere with work activity.</p>	
<p>15. Room dimensions and air space in rooms — freedom of movement in the workplace</p>	<p>15. Room dimensions and air space in rooms — freedom of movement in the workplace at the workstation.</p>	<p>For the purposes of this Directive 89/654/EEC - its Article 2 -, 'workplace' means the place intended to house workstations on the premises of the undertaking and/or establishment and any other place within the area of the undertaking and/or establishment to which the worker has access in the course of his employment. In this case, freedom of movement in the specific workstation is intended, specifically. It is a reality linked to the worker himself.</p>
<p>1.....</p>	<p>15.1</p>	<p>The subparagraphs must be renumbered in accordance with the logic of the Directive.</p>

Draft legal act provision's wording	Recommended wording	Rationale
<p>2. Workrooms must have sufficient surface area and height, as well as sufficient free space for workers to move freely during the performance of work and be able to perform it without risk to their safety and health in accordance with SCN B.2.2-28:2010.</p> <p><i>The dimensions of the free unoccupied area at the workstation must be calculated to allow workers sufficient freedom of movement to perform their work.</i></p> <p><i>If the fulfillment of this condition is not possible for reasons specific to the workplace, the workers must be provided with sufficient freedom of movement near their automated workstation.</i></p>	<p>15.2.....</p>	<p>The text in italics has been made autonomous in another paragraph.</p> <p>The subparagraphs must be renumbered in accordance with the logic of the Directive.</p>
	<p>15.3. The dimensions of the free unoccupied area at the workstation must be calculated to allow workers sufficient freedom of movement to perform their work.</p>	<p>It is not clear why the workstation has to be automated. Fortunately, or unfortunately, there are many jobs that are not automated. The draft legal act, by having the word "automated", would exclude all other jobs that were not automated. So, the word "automated" has been erased - Annex I, 15(2) of the Directive 89/654/EEC.</p>
	<p>15.4. If the fulfillment of this condition is not possible for reasons specific to the workplace, the workers must be provided with sufficient freedom of movement near their automated workstation.</p>	<p>The subparagraphs must be (re)numbered in accordance with the logic of the Directive, in order to improve clarity, understanding and to facilitate the references to legal provisions.</p>
<p>16. Rest rooms</p>	<p>.....</p>	
<p>1.....</p>	<p>16.1</p>	<p>The subparagraphs must be renumbered in accordance with the logic of the Directive.</p>
<p>2.....</p>	<p>16.2</p>	
<p>3.....</p>	<p>16.3</p>	

Draft legal act provision's wording	Recommended wording	Rationale
<p>4. If the work process envisages regular and frequent interruptions during which the workers must remain ready for work and there is no rest rooms, other rooms must be provided in which workers can stay during such interruptions in order to remain ready for work.</p> <p>Appropriate measures should be taken in such rooms for the protection of non-smokers against exposure to tobacco smoke.</p>	<p>16.4. If the work process envisages regular and frequent interruptions during which the workers must remain ready for work and there is no rest rooms, other rooms must be provided in which workers can stay during such interruptions in order to remain ready for work wherever this is required for the safety or health of workers.</p> <p>16.5. Appropriate measures should be taken in such rooms for the protection of non-smokers against exposure to tobacco smoke.</p>	<p>The workers will, of course, always be ready for work, as they will always be under the disciplinary power of the employer. Therefore, it is redundant to emphasize this productive aspect in a law whose object is the safety and health at work. What Annex I, 16(4) of the Directive 89/654/EEC enshrines in this provision is that these additional facilities must be made available to workers <i>“wherever this is required for the safety or health of workers”</i>. And it is this safeguard for the safety and health of workers that is not covered by the draft legal act.</p> <p>The subparagraphs must be (re)numbered in accordance with the logic of the Directive, in order to improve clarity, understanding and to facilitate the references to legal provisions.</p>
<p>17. Pregnant women and nursing mothers</p>	<p>.....</p>	
<p>1.</p>	<p>17.1.</p>	<p>The subparagraph must be renumbered in accordance with the logic of the Directive.</p>
<p>18. Sanitary facilities</p>	<p>.....</p>	
	<p>18.1. Changing rooms and lockers</p>	<p>To improve the structure and systematics of the legal act improving clarity and facilitating understanding.</p>
<p>1 Workers must be provided with changing rooms if for reasons of hygiene they need to use special clothes to perform work.</p>	<p>18.1.1. Workers must be provided with changing rooms if for reasons of health they need to use special clothes to perform work.</p>	<p>The subparagraphs and sub-subparagraphs must be renumbered in accordance with the logic of the Directive.</p>
<p>2. Changing rooms must meet the following requirements:</p> <p>1) be sufficiently large;</p> <p>2) be heated, easily accessible, and provided with seating and floor mats;</p> <p>3) have lockable facilities to enable each worker to lock away his clothes during working hours.</p>	<p>18.1.2. Changing rooms must meet the following requirements:</p> <p>18.1.2.1. be of sufficient capacity;</p> <p>18.1.2.2. be heated, easily accessible, and provided with seating and floor mats;</p>	

Draft legal act provision's wording	Recommended wording	Rationale
	18.1.2.3. have lockable facilities to enable each worker to lock away his clothes during working hours.	
3. Lockers for special clothes must be separate from those for ordinary clothes if circumstances so require (e.g. dangerous substances, humidity, dirt).	18.1.3. Lockers for special work clothes must be separate from those for ordinary clothes if circumstances so require (e.g. dangerous substances, humidity, dirt).	Annex I, 18(1.2), of Directive 89/654/EEC refers to work clothing and not special clothing.
4. Provision must be made for separate changing rooms or separate use of changing rooms for men and women.	18.1.4.	The sub-subparagraphs must be renumbered in accordance with the logic of the Directive.
5. If special changing rooms are not required, each worker must be provided with a separate lockable facility to store their clothes.	18.1.5 If special changing rooms are not required according to sub-subparagraph 18.1.1. , each worker must be provided with a separate lockable facility to store their clothes.	
	18.2. Showers and washbasins	To improve the structure and systematics of the legal act improving clarity and facilitating understanding.
6. In accordance with sanitary and hygienic standards, workers should be provided with a sufficient number of shower rooms, as necessary, based on the nature of work or hygienic requirements, as well as with an adequate number of lavatories.	18.2.1.	The sub-subparagraphs must be renumbered in accordance with the logic of the Directive.
Provision must be made for separate shower rooms or separate use of shower rooms for men and women.	18.2.2.	
7. The shower rooms must be sufficiently large, heated, and have hot and cold running water to permit each worker to wash without hindrance according to an appropriate standard of hygiene.	18.2.3.	
8. Where showers are not required (under para. 6 of Chapter 18 of this Section), an adequate	18.2.4. Where showers are not required under sub-subparagraph 18.2.1 , an adequate number	Like the Annex I, 18(2)(3) of the Directive 89/654/EEC, the washbasins should also be

Draft legal act provision's wording	Recommended wording	Rationale
<p>number of washbasins with running water (hot water if necessary) must be provided in the vicinity of the workstations and the changing rooms. Such washbasins</p>	<p>of suitable washbasins with running water (hot water if necessary) must be provided in the vicinity of the workstations and the changing rooms.</p> <p>18.2.5. Such washbasins must be separate for, or used separately by, men and women when so required for reasons of propriety.</p>	<p>technically suitable. The sub-subparagraphs must be renumbered in accordance with the logic of the Directive.</p> <p>To improve the structure and systematics of the legal act improving clarity and facilitating understanding.</p>
<p>9.....</p>	<p>18.2.6.</p>	<p>The sub-subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC.</p>
	<p>18.3. Lavatories and washbasins</p>	<p>To improve the structure and systematics of the legal act improving clarity and facilitating understanding.</p>
<p>10. Workers must be provided with special facilities in the vicinity of workstations, rest rooms, changing rooms and rooms housing showers or washbasins, with an adequate number of lavatories and washbasins.</p>	<p>18.3.1 Workers must be provided with special facilities in the vicinity of workstations, rest rooms, changing rooms and rooms housing showers or washbasins, with an adequate number of lavatories and washbasins.</p>	<p>The sub-subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC.</p>
	<p>18.3.2. Provision must be made for separate lavatories or separate use of lavatories for men and women.</p>	
<p>19. First aid rooms</p>	<p>.....</p>	
<p>1.....</p>	<p>19.1.</p>	<p>The subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC.</p>
<p>2.....</p>	<p>19.2.</p>	<p>The subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC.</p>
<p>3. In addition, first aid facilities must be available in all places where working conditions require it. The facilities and the places where they are situated must be easily accessible and suitably marked.</p>	<p>19.3. In addition, first aid facilities equipment must be available in all places where working conditions require it.</p>	<p>In this provision, the Directive intends to have first aid material/equipment in different places of the same workplace, in addition to the first aid rooms. Therefore, these are not “facilities” – which may not even have first-aid equipment –</p>

Draft legal act provision's wording	Recommended wording	Rationale
	<p>19.4. The facilities first aid equipment and the places where they are situated must be easily accessible and suitably marked.</p>	<p>but tangible first-aid equipment - Annex I, 19 (3) of the Directive 89/654/EEC. The subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC.</p>
<p>20. Handicapped workers</p>	<p>.....</p>	
<p>1. All workstations must be arranged, as required, with due account of the possibility for handicapped workers to work thereat. This provision applies in particular to the doors, passageways, staircases, showers, washbasins, lavatories used by handicapped persons, and the workstations they work at.</p>	<p>20.1. All workplaces and workstations must be arranged, as required, with due account of the possibility for handicapped workers to work thereat.</p> <p>20.2. The previous provision applies in particular to the doors, passageways, staircases, showers, washbasins, lavatories used by handicapped persons, and the workstations they work at.</p>	<p>For the purposes of this Directive 89/654/EEC - its Article 2 -, 'workplace' means the place intended to house workstations on the premises of the undertaking and/or establishment and any other place within the area of the undertaking and/or establishment to which the worker has access in the course of his employment. In this case, of course, the workstations also have to be adapted for handicapped workers. However, what is mainly intended to be aimed at is the need for workplaces to be adapted for these workers. So much so, that the second paragraph of this provision mentions all the constituent aspects of a workplace - workstations included - that must be adapted. If it were just "workstations", the second paragraph of this provision would make no sense - Annex I, 20 of the Directive 89/654/EEC.</p> <p>The subparagraphs must be renumbered in accordance with the logic of the Directive.</p>
<p>21. Outdoor workplaces (special provisions)</p>	<p>.....</p>	
<p>1. Workplaces, crossings and other outdoor places or equipment used by workers during the performance of work or aimed to be accessible by workers should be arranged in a way to provide safe entry and exit.</p>	<p>21.1. Workplaces Workstations, traffic routes, crossings and other outdoor places or equipment used by workers during the performance of work or aimed to be accessible by workers should be arranged in a way to provide safe entry and exit must be organized in</p>	<p>- About the definition of the word "Workstation" see the above rationale; - It was also necessary to mention the traffic routes; - The focus of the first paragraph of this provision is the safe circulation, in outdoor</p>

Draft legal act provision's wording	Recommended wording	Rationale
<p>Chapters 12, 13 and 14 of this Annex are mandatory for main traffic routes in the enterprise's open area (communication routes between the workplaces), for traffic routes used during regular maintenance and supervision of equipment, and for loading bays.</p> <p>Chapter 12 of this Annex is mandatory for outdoor workplaces.</p>	<p>such a way that pedestrians and vehicles can circulate safely.</p> <p>21.2. Paragraphs 12, 13 and 14 of this Annex are mandatory for main traffic routes in the employer's open area (communication routes between the workplaces and traffic routes leading to fixed workstations), for traffic routes used during regular maintenance and supervision of equipment, undertaking's installations and for loading bays.</p> <p>21.3. Paragraph 12 of this Annex is mandatory for outdoor workplaces.</p>	<p>areas, of vehicles and pedestrians. Unless better understood, the wording of the draft legal act did not safeguard this aspect;</p> <ul style="list-style-type: none"> - Traffic routes between two workplaces are not the same as traffic routes leading to fixed workstations, either because workplaces and workstations are different concepts, or because a communication route that leads to a fixed workstation does not have to originate from a workplace, or even a workstation; - Those paragraphs 12, 13 and 14 are mandatory, among others, also for the maintenance and supervision of the company's facilities. - Everything in Annex I, 20(1) of the Directive 89/654/EEC. <p>The subparagraphs must be renumbered in accordance with the logic of the Directive and to improve the explicitness of the wording.</p>
<p>2.....</p>	<p>21.4.</p>	<p>The subparagraphs must be renumbered in accordance with the logic of the Directive.</p>
<p>3.....:</p> <p>1)</p> <p>2)</p> <p>3)</p> <p>4)</p>	<p>21.5.:</p> <p>21.5.1.</p> <p>21.5.2.</p> <p>21.5.3.</p> <p>21.5.4.</p>	<p>The subparagraphs and sub-subparagraphs must be renumbered in accordance with the logic of the Directive.</p>
<p>Annex 2 - to the Minimum Safety and Health Protection Requirements for Workers in Workplaces (Section II)</p>	<p>Annex II - to the Minimum Safety and Health Protection Requirements for Workers in Workplaces (Section II) [Article 4(3)]</p>	<p>Roman numerals were introduced in accordance with the adopted systematic.</p> <p>In addition, the title of the Annex II (as well as the title of Annex I and of the legal act itself) should be replaced as recommended, for the same reasons already explained in the rationale</p>

Draft legal act provision's wording	Recommended wording	Rationale
		for the amendments suggested to the title of the draft legal act under analysis.
MINIMUM SAFETY AND HEALTH PROTECTION REQUIREMENTS FOR WORKERS IN WORKPLACES ALREADY IN USE.	MINIMUM SAFETY AND HEALTH PROTECTION REQUIREMENTS FOR WORKERS IN WORKPLACES ALREADY IN USE.	This title (as well as the title of Annex I and of the legal act itself) should be replaced as recommended, for the same reasons already explained in the rationale for the amendments suggested to the title of the draft legal act under analysis.
1. General provisions	1. General provisions	It's only one provision.
1. The employer must create healthy and safe working environment for each worker, taking into account cases where this is required by the features of workplaces, or the nature of activity, circumstances or presence of a hazard.	1.1. The employers' obligations laid down in this Annex apply wherever required by the features of the workplace, the activity, the circumstances or a hazard.	To better align with paragraph 1 of Annex II of the Directive 89/654/EEC.
2. Stability and solidity	.....
1. The structure and solidity of buildings and structures intended for arrangement of workplaces should comply with their purpose, in particular, ensure: the proper working condition of equipment and protective devices in the workplaces, favourable conditions for the elimination of identified faults likely to adversely affect safety and health of workers.	2.1. Buildings which house workplaces must have a structure, solidity and resistance appropriate to the nature of their use.	To better align with paragraph 2 of Annex II of the Directive 89/654/EEC. In addition, to ensure that subparagraphs are renumbered in accordance with the logic of the Directive.
3. Electrical equipment	3. Electrical equipment and installations.	The electrical installation describes the physical work involved in installing electrical systems into a building. An electrical system, within the context of a building, is a network of conductors and equipment designed to carry, distribute and convert electrical power safely from the point of delivery or generation to the various loads around the building that consume the electrical

Draft legal act provision's wording	Recommended wording	Rationale
		energy. So, the concept of electrical installation is broader than that of electrical equipment. The former encompasses the latter. And in the the Annex II (3) of the Directive 89/654/EEC, the title is "electrical installations".
1. Electrical equipment must not be a source of fire or explosion hazard.	3.1. Electrical equipment and installations must not be a source of fire or explosion hazard.	About electrical installation see the above justification. The subparagraphs must be renumbered in accordance with the logic of the Directive.
2.....	3.2.	The subparagraphs must be renumbered in accordance with the logic of the Directive.
3. The use of electrical equipment and protection devices must take into account the voltage, influence of external factors and professional qualifications of persons having access to parts of the equipment.	3.3. The use of electrical equipment and installations as well as protection devices must take into account the voltage, influence of external factors and professional qualifications of persons having access to parts of the equipment and installations.	About electrical installation see the above justification. The subparagraphs must be renumbered in accordance with the logic of the Directive.
4.....	3.4.	The subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC.
5.....	3.5.	The subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC.
4. Evacuation routes and emergency exits	4. Emergency routes and exits	What is intended in Annex II (4) of the Directive 89/654/EEC is not just any escape route, or normal route - "Evacuation routes". What the Directive intends to express are, actually, emergency routes and emergency exits.
1. Evacuation routes, emergency exits and approaches to them must be free from any objects, lead as quickly as possible to the open air or to a safe area and have proper designations (with warning colours, guide posts,	4.1. Emergency routes and exits must remain clear and lead as directly as possible to the open air or to a safe area.	To better align with subparagraph 4.1. of Annex II of Directive 89/654/EEC. Also to renumber the subparagraph.

Draft legal act provision's wording	Recommended wording	Rationale
<p>inscriptions, safety signs etc.) in accordance with the Technical Regulation on Workers' Safety and Health Signs approved by the Resolution of the Cabinet of Ministers of Ukraine No. 1262 of 25 November 2009 (hereinafter referred to as the Technical Regulation).</p>		<p>The issue regarding safety and health signs will be specifically addressed in subparagraphs 4.9. and 4.10. (below).</p>
<p>2. All workers should be able to quickly and at the highest level of safety leave their workstations in case of danger.</p>	<p>4.2. Employer should ensure that workers can evacuate all workstations quickly and as safely as possible, in the event of danger.</p>	<p>To better align with subparagraph 4.2. of Annex II of Directive 89/654/EEC. Also to renumber the subparagraph.</p>
<p>3. The number, location and dimensions of the evacuation routes and emergency exits shall be determined in accordance with the use, arrangement and dimensions of the workplaces, as well as the maximum number of persons that may be present there in accordance with SCN B.2.2-28:2010 'Buildings and Structures. Administrative and Amenities Buildings' approved by the Order of the Ministry of Regional Development, Construction, Housing and Utility Services of Ukraine No. 570 of 30 December 2010 (hereinafter referred to as SCN B.2.2-28:2010).</p>	<p>4.3. The number, location and dimensions of the emergency routes and exits shall be determined in accordance with the use, equipment, layout and dimensions of the workplaces, as well as the maximum number of persons that may be present there, according to the applicable Occupational Safety and Health regulations.</p>	<p>About routes and emergency and exits, see justification above. The "arrangement" of a workplace is not a sufficiently specific term that it also reflects the circumstance of the existence of work equipment. Also to refer to the applicable OSH regulations, without specifying them (as they may change over time). Also to renumber the subparagraph.</p>
<p>4. Emergency doors must open outwards and close so that they can be easily and quickly opened by any person without any additional means. Sliding or revolving doors should not be used as emergency exit doors.</p>	<p>4.4. Emergency doors must open outwards.</p>	<p>The subparagraphs must be renumbered in accordance with the logic of Directive 89/654/EEC. The subparagraphs were subdivided in order to improve clarity and to facilitate referencing.</p>
	<p>4.5. Emergency doors should not be so locked or fastened that they cannot be easily and immediately opened by any person who may require to use them in an emergency.</p>	
	<p>4.6. Sliding or revolving doors should not be used as emergency exit doors.</p>	
<p>6. Emergency exits cannot be locked.</p>	<p>4.7. Emergency doors must not be locked.</p>	<p>To improve clarity and systematics.</p>

Draft legal act provision's wording	Recommended wording	Rationale
<p>5. Evacuation routes, emergency exits and approaches to them must be free from any objects, lead as quickly as possible to the open air or to a safe area and have proper designations (with warning colours, guide posts, inscriptions, safety signs etc.) in accordance with the Technical Regulation.</p>	<p>4.8. 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.</p>	<p>To improve clarity, by subdividing this provision into as much subparagraphs as necessary to ensure that each prescription is foreseen in a different subparagraph, thus facilitating understanding and referencing. Also to better align with subparagraph 4.5. of Annex III of Directive 89/9654/EEC.</p>
<p>Safety signs must be resistant to weather conditions, clearly visible and, if necessary, made with the use of luminescent dyes, light-reflecting materials, artificial lighting in order to ensure their visualization.</p>	<p>4.9. Emergency routes and exits must be indicated by signs in accordance with the CMU Decree “On Minimum Requirements for the Provision of Safety and Health Signs at Work”, which transposes to the internal juridical order the EU Council Directive 92/58/EEC.</p> <p>4.10. The signs mentioned in the preceding subparagraph must be placed at appropriate points and be made to last.</p>	<p>Finally, to (re)number the subparagraphs.</p>
<p>Evacuation routes and emergency exits, as well as passages and doors leading to them, should not be occupied by inappropriate items, so that there is an opportunity to freely use them at any time.</p>	<p>Should be deleted.</p>	<p>Should be deleted, as it is already foreseen in paragraph 5 above (proposed subparagraph 4.8. above).</p>
<p>7. Evacuation routes and emergency exits must be equipped with evacuation lighting in accordance with the requirements of construction norms and regulations for electrical installations. Evacuation lighting must switch on with the onset of twilight in case of workers' presence in the premises.</p>	<p>4.11. Emergency routes and exits must be equipped with emergency lighting in accordance with the requirements of construction norms and regulations for electrical installations. Evacuation lighting must switch on with the onset of twilight in case of workers' presence in the premises</p>	<p>See the above rationale about “emergency routes and emergency exits”. The phrase “<i>Evacuation lighting must switch on with the onset of twilight in case of workers' presence in the premises</i>” has been deleted, because this lighting will be necessary whenever there is a workplace without or with little natural light and not just in the early twilight of the day.</p>
	<p>4.12. Emergency routes and exits requiring illumination must be provided with emergency</p>	<p>As in Annex II 4(7) of the Directive 89/654/EEC, it is essential to ensure autonomous lighting of</p>

Draft legal act provision's wording	Recommended wording	Rationale
	lighting of adequate intensity in case the lighting fails.	emergency routes and exits, in the event of a breakdown in the lighting.
5. Fire detection and fire fighting	.....
<p>1.The workplaces, depending on the dimensions and nature of use of the buildings, available equipment, physical and chemical properties of the substances present and the maximum permissible number of persons present, must be equipped with appropriate fire-extinguishing appliances and, as necessary, with fire detectors and alarm systems.</p> <p>The level of fire safety of workplaces, premises and engineering equipment must comply with the requirements of the Fire Safety Rules of Ukraine approved by the Order of the Ministry of Internal Affairs of Ukraine No. 1417 of 30 December 2014 registered with the Ministry of Justice of Ukraine on 5 March 2015 under No. 252/26697, and other fire safety regulations.</p>	<p>5.1. The workplaces</p> <p>5.2. The level of fire safety of workplaces, premises and engineering equipment must comply with the requirements of the Fire Safety Rules of Ukraine approved by the Order of the Ministry of Internal Affairs of Ukraine No. 1417 of 30 December 2014 registered with the Ministry of Justice of Ukraine on 5 March 2015 under No. 252/26697, and other fire safety regulations.</p>	<p>The subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC. The subparagraphs were also subdivided to improve clarity and facilitate referencing.</p>
<p>2. Non-automatic fire-extinguishing equipment must be easily accessible and easy to use. Such equipment must have markings or signs in accordance with the Technical Regulation. Such signs must be made to last and placed at appropriate points.</p>	<p>5.3. Non-automatic fire-fighting equipment must be easily accessible and easy to use.</p> <p>5.4. Non-automatic fire-fighting equipment must be indicated by signs in accordance with the CMU Decree “On Minimum Requirements for the Provision of Safety and Health Signs at Work”, which transposes to the internal juridical order the EU Council Directive 92/58/EEC.</p>	<p>To better align this Annex II with Directive 89/654/EEC and to better articulate it with the national legal act transposing the EU Council Directive 92/58/EEC, of 24 June 1992, on the minimum requirements for the provision of safety and/or health signs at work.</p> <p>In addition, the subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC and were also subdivided to improve the explicitness of the wording and to facilitate referencing.</p>
	5.5. The signs mentioned in the precedent subparagraph must be made to last and placed at appropriate points.	
3. Non-automatic fire-extinguishing equipment must be situated in an easily accessible place and be simple to use.	To delete.	This subparagraph has been completely deleted, as it is exactly the same as the previous paragraph.

Draft legal act provision's wording	Recommended wording	Rationale
Such equipment must be indicated by signs in accordance with the Technical Regulation. Such signs must be made to last and placed at appropriate points.		
6. Ventilation of enclosed working premises	6. Ventilation of enclosed workplaces	The terminology of the Directive is “workplaces” and not “working premises” - see the definition in Article 2 of Directive 89/654/EEC, as well as its Annex II, 6.
Enclosed working premises must have optimal and permissible microclimatic conditions taking into account the maximum allowable concentrations of harmful substances, the nature of the work process and the physiological requirements of workers in terms of their maximum quantity during the performance of work in accordance with the specified production process. In case of use of ventilation devices, they must be maintained in the proper technical condition.	<p>6.1. Enclosed working premises must have optimal and permissible microclimatic conditions taking into account the Occupational Exposure Limit Values, the nature of the work process and the physical conditions imposed on workers in accordance with the specified production process.</p> <p>6.2. In case of use of ventilation devices, they must be maintained in the proper technical condition.</p>	<p>The “<i>maximum allowable concentrations of harmful substances</i>”, in occupational health and safety language, is the “Occupational Exposure Limit Values¹⁰” - OELV.</p> <p>The expression “<i>...and the physiological requirements of workers in terms of their maximum quantity during the performance of work in accordance with the specified production process</i>” is not very well comprehended. Probably the translation might not be the happiest. Anyway, what the Annex II, 6, of the</p>

¹⁰ Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) - in <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01998L0024-20190726&from=EN> - with last amendment given by Commission Directive (EU) 2019/1831 of 24 October 2019 establishing a fifth list of indicative occupational exposure limit values pursuant to Council Directive 98/24/EC and amending Commission Directive 2000/39/EC (Text with EEA relevance) - in <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019L1831> ; it is important to see also the Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (Text with EEA relevance)Text with EEA relevance - in <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02008R1272-20201114>.

Draft legal act provision's wording	Recommended wording	Rationale
<p>Any breakdown in the ventilation system must be indicated by warning signs.</p>	<p>6.3. Any breakdown in the ventilation system must be indicated by a control system which will emit warning signs.</p>	<p>Directive 89/654/EEC means is that account must be taken of the physical conditions imposed on workers.</p> <p>Who checks the existence of a fault must be a control system, as referred to in Annex II, 6, of the Directive 89/654/EEC. Warning signs, by themselves, do not constitute any fault control system. For example, what warning signs would they be, workers' screams?</p> <p>The subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC. The sub-paragraphs were also renumbered to improve the explicitness of the wording.</p>
<p>7. Room temperature</p>	<p>.....</p>	
<p>1.</p>	<p>7.1.</p>	<p>The subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC .</p>
<p>2. In rooms for rest, rooms for staff on duty, canteens, sanitary and amenity facilities as well as premises for the provision of first aid, the temperature should correspond to the purpose of these premises.</p>	<p>7.2. In rooms for rest, rooms for staff on duty, canteens, sanitary and amenity facilities as well as premises for the provision of first aid, the temperature should correspond to the must be appropriate to the particular purpose of these premises.</p>	<p>The wording of Annex II 7(2) of Directive 89/654/EEC prescribes the expression “<i>must be appropriate to the particular purpose of such areas</i>”, as it also mentions the wording of this same provision in Annex I of the draft legal act. Precisely, a temperature that is only intended to correspond to the purpose of these places, has a meaning that is too diffuse and unworkable, lacking clarity and objectivity. The subparagraphs must also be renumbered in accordance with the logic of the Directive 89/654/EEC.</p>

Draft legal act provision's wording	Recommended wording	Rationale
8. Natural and artificial room lighting	.....
1.....	8.1.	The subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC.
2.....	8.2.	
11. Doors and gates	9. Doors and gates	In the draft legal act, it goes from numbering 8 - "Natural and artificial room lighting" - to numbering 11 - "Doors and gates" -, forgetting the normal sequence of numbers 9 and 10. It was then necessary to renumber this paragraph. In addition, the subparagraphs must also be renumbered in accordance with the logic of the Directive 89/654/EEC.
1.....	9.1.	
2.....	9.2.	
10. Danger areas	.....
<p>1. If the nature of work envisages the presence of danger areas in the workplaces where there is a risk of workers or objects falling, such places should, as far as possible, be equipped with devices preventing unauthorized workers from entering those areas.</p> <p>Necessary protective measures must be taken in order to protect the workers who need to enter danger areas due to the nature of their work.</p> <p>Danger areas must be clearly indicated according to the Technical Regulation.</p>	<p>10.1. If the workplaces contain danger areas in which, owing to the nature of the work, there is a risk of the worker or objects falling, the places must be equipped, as far as possible, with devices preventing unauthorized workers from entering those areas.</p> <p>10.2. Necessary protective measures must be taken in order to protect workers authorized to enter danger areas.</p> <p>10.3. Danger areas must be clearly indicated according to the CMU Decree "On Minimum Requirements for the Provision of Safety and Health Signs at Work", which transposes to the internal juridical order the EU Council Directive 92/58/EEC.</p>	<p>To better align with paragraph 10 of Annex II of Directive 89/654/EEC.</p> <p>In addition, to better articulate this Annex II with the national legal act transposing the EU Council Directive 92/58/EEC, of 24 June 1992, on the minimum requirements for the provision of safety and/or health signs at work.</p> <p>Also, the subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC and to ensure that each provision is foreseen in a different subparagraph, to improve clarity and facilitate referencing.</p>
11. Rest rooms and areas	11. Rest rooms and rest areas	These are not just areas, but rest areas - Annex II, 11, of Directive 89/654/EEC.
1. Workers must be provided with an easily accessible rest room if this is necessary for their	11.1. Workers must be provided with an easily accessible rest room, or appropriate rest area , if	This paragraph 1 of this provision of the draft legal act does not contain the "rest areas"

Draft legal act provision's wording	Recommended wording	Rationale
<p>safety and health protection, especially if this is required by the nature of the work performed and the excessive number of workers present. This provision This provision does not apply to workers that work in the administration offices or premises with similar working conditions and have equivalent conditions for rest during breaks.</p>	<p>this is necessary for their safety and health, especially if this is required by the nature of the work performed and the excessive number of workers present.</p> <p>11.2. This provision does not apply to workers that work in the administration offices or premises with similar working conditions and have equivalent conditions for rest during breaks.</p>	<p>provided for in Annex II, 11(1), of the Directive 89/654/EEC, which is not bad at all. In fact, by requiring only “rest rooms”, the provision becomes more demanding in terms of safety and health at work. However, in paragraphs 2 and 3 of this provision, “areas” are then mentioned, which contradicts the omission of these same “areas” in paragraph 1. Therefore, either the possibility of also having “rest areas” in the text was added, or the mentions to these “areas” in paragraphs 2 and 3 were simply deleted, always requiring the existence of “rest rooms”. However, it was therefore decided to add the “rest areas”, because the Ukrainian legislator mentioned them in paragraphs 2 and 3.</p> <p>Also to replace the term “safety and health protection” for the more adequate and aligned term “safety and health”, for the reasons already mentioned above.</p> <p>In addition, the subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC and were also subdivided to ensure that each provision is foreseen in a different subparagraph, to improve clarity and facilitate referencing.</p>
<p>2. Rest rooms and areas must be equipped with tables and seats with backs.</p>	<p>11.3. Rest rooms and rest areas must be equipped with tables and seats with backs.</p>	<p>These are not just areas, but rest areas - Annex II, 11, of Directive 89/654/EEC.</p>
<p>3. In rest rooms and areas appropriate measures must be introduced for the protection of non-smokers against exposure to tobacco smoke.</p>	<p>11.4. In rest rooms and rest areas appropriate measures must be introduced for the protection of non-smokers against exposure to tobacco smoke.</p>	<p>These are not just areas, but rest areas - Annex II, 11, of Directive 89/654/EEC. The subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC.</p>

Draft legal act provision's wording	Recommended wording	Rationale
4.	11.5.	The subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC
12. Pregnant women and nursing mothers		
1.	12.1.	The subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC.
13. Sanitary facilities		
	13.1. Changing rooms and lockers	To improve the structure and systematics of the legal act improving clarity and facilitating understanding.
1.	13.1.1.	The subparagraphs and the sub-subparagraphs must be renumbered in accordance with the Directive 89/654/EEC.
2.: 1)..... 2) 3)	13.1.2.: 13.1.2.1. 13.1.2.2. 13.1.2.3.	The sub-subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC.
3. Lockers for special clothes must be separate from those for ordinary clothes if circumstances so require (e.g. dangerous substances, humidity, dirt).	13.1.3. Lockers for special work clothes must be separate from those for ordinary clothes if circumstances so require (e.g. dangerous substances, humidity, dirt).	Annex II, 13(1.2), of Directive 89/654/EEC refers to work clothing and not special clothing. The sub-subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC.
4.	13.1.4.	The sub-subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC.
	13.2. Showers, lavatories and washbasins	To improve the structure and systematics of the legal act improving clarity and facilitating understanding.
5. Workstations should be equipped in such a way that workers, if required by the nature of their work, could use adjacent shower rooms.	13.2.1 Workstations Workplaces should be equipped in such a way that workers, if required by the nature of their work, could use adjacent shower rooms.	It is impossible for workstations to be equipped in such a way that workers use showers in their vicinity. The showers should even be in the vicinity of the workstations, but those who can

Draft legal act provision's wording	Recommended wording	Rationale
Workstations should be equipped in such a way that workers have special rooms with sufficient number of lavatories and washbasins located nearby.	13.2.2. Workplaces should be equipped in such a way that workers have special rooms with sufficient number of lavatories and washbasins located nearby.	be equipped with showers are the workplaces. Workstations must never be equipped with showers. Remember that workplaces include workstations - Annex II, 13(2.1.), of Directive 89/654/EEC. The sub-subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC and were also renumbered to improve the explicitness of the wording.
6.	13.2.3.	The sub-subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC.
7.	13.2.4.	The sub-subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC.
8.	13.2.5.	The sub-subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC.
14. First aid facilities	14. First aid facilities equipment	On this matter, the Annex II, 14, of Directive 89/654/EEC provides as provision headline “First aid equipment” and not “First aid facilities”. Thus, in this provision the Directive intends to address tangible “first aid equipment” and not “facilities” - which may not even be provided with first aid equipment.
1. Workplaces must be equipped with first aid facilities. They must be signposted in accordance with the Technical Regulation and be easily accessible.	14.1. Workplaces must be equipped with first aid facilities equipment.	In this provision, the Directive intends to have first aid material/equipment in different places of the same workplace. So, these are not “facilities” – which may not even have first-aid equipment – but tangible first-aid equipment - Annex II, 14, of the Directive 89/654/EEC. The feasibility of the requirement in micro and small businesses should be taken into account.
	14.2. They The first aid equipment must be signposted in accordance with the CMU Decree “On Minimum Requirements for the Provision of Safety and Health Signs at Work”, which	

Draft legal act provision's wording	Recommended wording	Rationale
	transposes to the internal juridical order the EU Council Directive 92/58/EEC.	In addition, to better articulate this Annex II with the national legal act transposing the EU Council Directive 92/58/EEC, of 24 June 1992, on the minimum requirements for the provision of safety and/or health signs at work. The subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC and were also renumbered to improve the explicitness of the wording.
15. Handicapped workers	.....
<p>1. Workstations must be arranged so that in case of necessity they meet the needs of handicapped workers.</p> <p>This provision applies in particular to the doors, passageways, staircases, showers, washbasins, lavatories used by handicapped persons, or the work sites where they directly work.</p>	<p>15.1. Workplaces and workstations must be arranged so that in case of necessity they meet the needs of handicapped workers.</p> <p>15.2. The previous provision applies in particular to the doors, passageways, staircases, showers, washbasins, lavatories and workstations used by handicapped persons, or the work sites where they directly work.</p>	<p>For the purposes of this Directive 89/654/EEC - its Article 2 -, 'workplace' means the place intended to house workstations on the premises of the undertaking and/or establishment and any other place within the area of the undertaking and/or establishment to which the worker has access in the course of his employment. In this case, of course, the workstations also have to be adapted for handicapped workers. However, what is mainly intended to be aimed at is the need for workplaces to be adapted for these workers. So much so, that the second paragraph of this provision mentions all the constituent aspects of a workplace - workstations included - that must be adapted. If it were just "workstations", the second paragraph of this provision would make no sense - Annex II, 15 of the Directive 89/654/EEC.</p> <p>The subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC and were also renumbered to improve the explicitness of the wording.</p>

Draft legal act provision's wording	Recommended wording	Rationale
16. Pedestrian and vehicle traffic	.....
1. Outdoor and indoor workstations should be organized so that pedestrians and vehicles could move without exposure to hazard.	16.1. Outdoor and indoor workstations should be organized so that pedestrians and vehicles could move safely without exposure to hazard.	It is important to highlight the circulation positively - safely - and not just the absence of dangers - Annex II, 16 of the Directive 89/654/EEC. The subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC.
17. Outdoor workstations (special provisions)	.....
1.: 1) 2) 3) 4)	17.1.: 17.1.1. 17.1.2. 17.1.3. 17.1.4.	The subparagraphs and the sub-subparagraphs must be renumbered in accordance with the logic of the Directive 89/654/EEC.

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