



**REPUBLIC OF ALBANIA  
ASSEMBLY**

**DRFAT-LAW**

**No. 10 237 dated 18.2.2010**

**ON SAFETY AND HEALTH AT WORK<sup>1</sup>**

Based on the articles 78 and 83, paragraph 1, of the Constitution upon the proposal of the Council of Ministers, the Assembly of the Republic of Albania:

**DECIDED:**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Object of the law**

The object of this law is to introduce measures aiming to guarantee the safety and health of workers at work.

**Article 2  
Purpose**

The law aims:

- a) to guarantee safety and health at work, through the prevention of occupational risks, elimination of risk and accident factors, information, consultation, balanced participation in accordance with laws and training of workers and their representatives, and

---

<sup>1</sup> The present law transposes:

- a. The Directive of the European Council 89/391/EEC, of 12 July 1989 “on the introduction of measures to encourage improvements in the safety and health of workers at work” published in the Official Journal of the European Communities no. L 183/1989.16 par.1.
- b. The Directive of the European Council 94/33 EEC, of 22 July 1994 “On the protection of young people at work”, article 6.
- c. The Directive of the European Council 92/85 EEC “on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding”, preamble, articles 4, 5 and 6.

b) to define the general guidelines for the implementations of this purpose.

### **Article 3**

#### **Scope**

1. The provisions of this law shall apply to all sectors of activity, both public and private.
2. Specific provisions of this law shall not apply where other legal provisions for the respective areas provide more favourable treatment for the protection of safety and health of workers at work.

### **Article 4**

#### **General principles for employers**

1. The employer must ensure the safety and health of workers in every aspect related to work.
2. Where, pursuant to Article 7 paragraph 3 of the present law, an employer enlists competent specialized services or persons, this shall not discharge him from his responsibilities in this area.
3. The employer during the implementation of measures for the protection of safety and health at work shall be guided by the principle of equal gender treatment.
4. The workers' obligations in the field of safety and health at work shall not affect the principle of the responsibility of the employer.
5. The obligations of employers to implement special measures for the protection of safety and health at work of pregnant women, workers who have recently given birth and workers who are breastfeeding shall not be considered as discriminative because of gender.

### **Article 5**

#### **Definitions**

For the purposes of this Law:

1. “**accident at work or work related accident**”, shall mean the direct physical injury that occurs during the execution of work or whilst engaged in services related to it, as well as any other health injury, that does not derive from a general illness, but which causes temporary or permanent inability to work, or death.
2. “**risk assessment document**” shall mean a document that describes the characteristics of the working process including the identification of risk assessment for occupational safety and health, and describes the appropriate protection.
3. “**minorchild**”, shall mean any person of less than 18 years of age except of the cases where the maturity is reached earlier according to the legislation.
4. “**risk groups**”, shall mean pregnant women, women who are breastfeeding, **children/minor** as well as disabled persons, who due to their special condition are endangered by the exposure to dangerous agents, processes and working.

5. **“dangerous incident”**, shall mean identifiable event, such as, explosion, fire, technical accidents, harmful air emissions, resulted from a malfunctioning of an activity or of work equipment and from inadequate human conduct that had no effect upon workers, but might have had consequences or caused or might have produced material damages.
6. **“coordinator for safety and health at work”**, shall mean the person designated by the employer to coordinate the work with the contractors.
7. **“relevant minister for safety and health at work”**, shall mean the minister who has within his field of activity the policies on safety and health at work issues.
8. **“occupational medicine”**, shall mean a medicine specialization for providing medical service at work, based in the engagement of the employer, whose purpose is the promotion and support in a higher level of the physical, mental and social welfare of workers.
9. **“event”**, shall mean accident having produced death or physical injuries of the person, occurred in the work or whilst in an occupational activity, as well as a case susceptible of an occupational disease.
10. **“enterprise”**, shall mean any natural or legal person, private or public, that exercises economic activities.
11. **“work equipment”**, shall mean any machine, apparatus or installation used at work.
12. **“personal protective equipment (PPE)”**, shall mean any equipment used by the worker to protect himself against one or more hazards.
13. **“prevention”**, shall mean all the measures taken or foreseen at all stages of work, with a view to avoiding or reducing occupational risks.
14. **“workers' representative”**, shall mean any person and has a specific function in the field of protection of workers safety and health, elected or designated according to legal provisions to represent workers where problems arise relating to safety and health protection of workers at work
15. **“person in charge responsible for safety and health at work”**, shall mean a professional employed by the employer and in charge of tasks related to safety and health at work.
16. **“specialized persons or services”**, shall mean natural or legal persons from outside of the undertaking/establishment, qualified to carry out protective and preventive services in the field of safety and health at work according to legal provisions.
17. **“persons with limited abilities”** shall mean the person ruled as such by a verdict of the Special Medical Commission, whom the abilities have been limited due to physical damages, damages of a sensory nature, mental damages, born and/or occurred during their lifetime, from accidents or temporary diseases as well as permanent occupational diseases , deriving from causes in connection or not with their nature of work.
18. **“worker”** shall mean any person employed by an employer, including apprentices, for vocational training or for entering the labour market but excluding domestic servants;
19. **“employer”**, shall mean any natural or legal person who has an employment relationship with the worker and has responsibility for the undertaking / establishment
20. **“occupational disease”**, shall mean any illness caused by the exposure to risks of the work activity.
21. **“safety and health at work”**, shall mean all the measures taken to ensure the best conditions for carrying out the work process, life protection, health integrity, physical and mental protection of other workers participating in the work process.

22. **“occupational health”**, indicates not merely the absence of disease or infirmity; it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work.

23. **“serious and imminent danger of accident”**, shall mean an identifiable activity that represents danger, which in a short time period causes damages to people and materials.

24. **“risk”**, shall mean the characteristics of an equipment, machinery, product, material, working method, environment or work organization that because of the exposure to them during the working activity, might, directly or indirectly, cause to the worker, injury, diseases or health problems.

25. **“work place”**, covers all places where workers need to be or to go by reason of their work and which are under the direct or indirect control of the employer.

26. **“State Labour Inspectorate”** shall mean the administrative structure under the Minister for safety and health at work which is entrusted with monitoring compliance of labour law, including the present law, at central level and at regional and local level, in the sense of the law No. 9634 dated 30.10.2006, on labour inspection and State Labour Inspectorate.

27. **“Minister for health”** shall mean the Minister who manages and administers public health related portfolio, including occupational health.

28. **“State Sanitary Inspectorate”** shall mean the administrative structure under the Minister for health which is entrusted with monitoring compliance with public health legislation, including occupational health, at central regional and local level.

## **CHAPTER II EMPLOYERS’ OBLIGATIONS**

### **Article 6 General employers’ obligations**

1. The employer in order to ensure the protection of workers in every aspect related to safety and health at work shall take the necessary measures through:

- a) the prevention of risks for accidents at work and occupational diseases,
- b) providing information and training to workers and their representatives,
- c) the organization of individual and collective protection,
- ç) ensuring the organization of the workplace and necessary means.

2. The employer shall be alert to the need to adjust the measures provided for in the first paragraph of the present article, to take account of changing circumstances and aim to improve existing situations.

3. The employer shall implement the measures referred to in paragraph 1 “a” of the present article, on the basis of the following general principles of prevention:

- a) avoiding risks;
- b) evaluating the risks which cannot be avoided;

- c) combating the risks at source;
- ç) adapting the work process to the job description of the worker, the choice of work equipment and the choice of working and production methods, with a view, to alleviating monotonous work and work at a predetermined work-rate and to reducing their effect on health;
- d) adapting the workers' ability to technical progress;
- dh) replacing the dangerous by the non-dangerous or the less dangerous;
- e) developing a coherent overall prevention policy which covers technology, organization of work, working conditions, social relationships and the influence of factors related to the working environment;
- ë) giving collective protective measures priority over individual protective measures;
- f) giving appropriate instructions to the workers.

4. Without prejudice to the other provisions of this Law, the employer shall, taking into account the nature of the activities of the enterprise / establishment, evaluate the risks to the safety and health of workers, inter alia in the choice of work equipment, the chemical substances or preparations used, and the fitting-out of work places in accordance with the necessary protection measures.

5. Subsequent to the evaluation of point 4 the present article, and as necessary, the employer must:

- a) ensure an improvement in the level of protection afforded to workers with regard to safety and health;
- b) be integrated into all the activities of the enterprise and establishment and at all hierarchical levels;
- c) where he entrusts tasks to a worker, take into consideration the worker's capabilities as regards health and safety;
- ç) have consultation with workers and their representatives on the planning and introduction of new technologies, as regards the consequences of the choice of equipment, the working conditions and the working environment for the safety and health of workers;
- d) take appropriate steps to ensure that only workers who have received adequate instructions may have access to areas where there is serious and specific danger.

6. Where workers of several enterprises share a work place, the employers shall

- a) cooperate in implementing the safety, health and occupational hygiene provisions and, taking into account the nature of the activities,
- b) shall coordinate their actions aiming the protection and prevention of occupational risks, by designating a coordinator for safety and health,
- c) exchange information with one another of these risks and inform their respective workers or workers' representatives.

7. Measures related to safety, hygiene and health at work may in no circumstances involve the workers in financial cost.

## **Article 7**

### **Protective and preventive services**

1. The employer shall designate one or more workers to carry out activities related to the protection of safety and health and prevention of occupational risks for the undertaking/establishment.
2. Designated worker/workers according to the first point of this article,
  - a) may not be placed at any disadvantage because of their activities related to the protection and prevention of occupational risks,
  - b) shall be allowed adequate time to enable them to fulfil their obligations arising from this law.
  - c) worker/s are guaranteed with the necessary means and training to fulfil the obligations that derive from this law.
3. If such protective and preventive measures cannot be organized for lack of personnel in the undertaking/establishment, the employer shall enlist specialized external services or persons by entering in contractual relations with them.
4. Where the employer enlists services or persons according to the third paragraph of this article, he shall
  - a) inform them of the factors known to affect, or suspected of affecting, the safety and health of the workers, and
  - b) ensure them access to the information referred to in Article 7 of this law.
5. To deal with the organization of protective and preventive measures, taking into account the size of the undertaking/establishment and of the abovementioned activity, the workers and persons of specialized services, referred to in Article 7, paragraph 1 and 3, must
  - a) have the necessary capabilities and the necessary means,
  - b) to dispose the necessary occupational means and equipment and measuring devices.
  - c) be sufficient in number to deal with the hazards to which the workers are exposed and their distribution throughout the entire enterprise/establishment.
6. The workers and the contracted specialized persons must work together whenever necessary on occupational safety and health issues.
7. The Council of Minister defines by decision:
  - a) the necessary capabilities and aptitudes that the workers and the specialized services described in Article 7, paragraph 1 and 3 of this law, should have, as well as
  - b) the sufficient number of workers for one employer that deal with activities related to protection, safety and health at work and prevention of occupational risks.

## **Article 8**

### **First aid, fire-fighting and evacuation of workers, serious and imminent danger**

1. The employer shall:
  - a) take the necessary measures for fire-fighting.

- b) take measures for reducing as much as possible the threats against the safety and health of workers and other persons present.
- c) organize and ensure the evacuation and rescue of workers depending on the nature of the working process and unexpected accidents that might threaten the safety and health of workers.
- ç) provide training to the persons that will effectuate the evacuation and rescue and guarantee, through the trained persons of the above paragraph of this article, the evacuation and rescue, the fire-fighting and first aid with the necessary equipment.
- d) develop a plan for the evacuation and rescue in emergency situations and introduce it to all workers, as well as carries out practical exercises according to this plan, at least once every 2 year.
- dh)organize and provide first aid for workers injured at work or in the event of unexpected disease until they are taken to an institution for health care.
- e) designate at least one trained worker for providing first aid, fire-fighting or carrying out activities of rescue or evacuation, and in case that more than 20 persons work in the same work place, at least two workers must be trained to provide those services.

2.The employer shall make available the necessary equipment for the workers responsible for providing first aid, rescue and evacuation in case of a fire.

3. The employer shall;

- a) inform all workers who are, or may be, exposed to serious and imminent danger of the risk involved and of the steps taken or to be taken in regard to protection;
- b) take action and give instructions to enable workers in the event of serious and imminent and unavoidable danger to stop work and /or immediately to leave the workplace and proceed to a place of safety;
- c) not, except in exceptional cases for reasons duly substantiated, ask workers to resume work in a situation where there is still a serious and imminent danger;

4. Workers who, in the event of serious and imminent and unavoidable danger, leave their workstation and/or a dangerous area may not be placed at any disadvantage because of their action and must be protected against any harmful and unjustified consequences.

5. The employer shall ensure that all workers are able, in the event of serious and imminent and unavoidable danger to their own safety and/or that of others, and where the immediate superior responsible cannot be contacted, to take appropriate steps in the light of their knowledge and the technical means at their disposal, to avoid the consequences of such danger. Their actions shall not place them at any disadvantage, unless they acted carelessly or there was negligence on their part.

## **Article 9**

### **Special obligations on employers**

1. The employer shall:

- a) carry out an assessment of the risks to safety and health at work, including those facing groups of workers exposed to particular risks.

b) decide on the protective measures to be taken and, if necessary, the protective equipment to be used.

c) keep a list of accidents at work resulting in a worker being unfit for work for more than three working days because of the work accidents and occupational disease.

ç) draw up, for the relevant authorities, reports on work accidents and occupational diseases.

2. The relevant Minister for issues of safety and health at work issues directives on the obligations of public and private entities in regard to the drawing-up of documents provided for paragraph 1, “c” and “ç” of this article.

### **Article 10**

#### **Obligations on employers for drawing up measures for prevention of accidents at work and occupational diseases**

The employer has the following obligations for drawing up measures for prevention of accidents at work and occupational diseases:

a) adopts a work equipment and technology to be used in the early stages of research, planning and execution of constructions, solutions according to the legal provisions, by application of which risks of accidents at work and occupational diseases are reduced or eliminated.

b) to work out a prevention and protection plan, made up of technical, medical, organizational and hygeno-sanitary measures, on account of risk assessment, that they shall apply according to the working conditions specific to their undertaking;

c) to obtain from the safety and health at work standpoint, the respective operating authorizations, before starting any activity, according to the legislation in force;

ç) to define in the job descriptions, the qualifications and responsibilities of worker in the field of safety and health at work, according to the respective work position;

d) to draw up their own rules for the implementation of the law, in order to implement and apply the rules on safety and health at work for specific activities and workplaces under their responsibility .

### **Article 11**

#### **Obligations of employers to guarantee the implementation of measures for the prevention of accidents at work and occupational diseases**

1. With a view to ensuring the implementation of measures for the prevention of accidents at work and occupational diseases, the employer has the following obligations:

a) to ensure and control the quality of external services so that all workers know and apply the measures stipulated in the risk assessment and prevention document referred to in article 10“b”, of this law, through the designated workers;

b) to take measures and provide the materials necessary for the workers information and training, such as posters, brochures, movies, films strips concerning the safety and health at work;

c) to provide to any individual, prior to his recruitment, information on the risks he might be exposed to in the workplace, as well as on the necessary prevention and protection measures;

ç) to take measures for the authorization of professions according to the specific normative acts;

- d) to ensure a permanent and proper operating of protective systems and measures, measurement and control devices, as well as of equipment for spotting, confining and neutralization of harmful substances released during the technological processes;
- dh) every worker is hired following a medical examination, according to the job position;
- e) to submit to the labour inspectors during the inspection or investigation of events, the necessary documents and the required information;
- ë) to make the adequate adjustments for fulfilling the measures ordered by the labour inspectors during the inspection visits or investigations of events;
- f) to designate, upon the request of labour inspector, the workers that shall participate during the inspection visits and investigation of events;
- g) to designate, with the request of the labour inspector, employers to participate in the inspection of the event.
- gj) to safe-keep the evidences in the fatal accident spot, even in case of a collective one, expect for the situations where it would generate another accident or endanger the life of wounded or other individuals as well;
- h) to provide compulsorily the workers with personal protective equipment, in case the previous personal protective equipment have lost their quality or have been damaged.

2. The regulations, procedures and medical examination testing that will be carried out according to the worker job shall be defined by decision of the Council of Ministers.

## **Article 12**

### **Worker information**

1. The employer:

- a) Informs the workers and their representatives on every risk in the workplace, and on the protective measures that should be taken to control those risks and eliminate their harmful consequences.
- b) informs the workers and their representatives of the measures taken in respect to first aid, fire fighting and evacuation, and the information on workers with specific responsibilities for providing such measures;
- c) make available to the worker the results of the risk assessment, as well as the measures taken to ensure health and protection at work for the workers, children, young persons, pregnant and breastfeeding women and persons with limited abilities.

2. If the employer endangers other workers of a subject engaged in contractual basis, he:

- a) provides to those workers the same instructions,
- b) informs them in advance on the health risks and safety at work;
- c) provides them information on the workers with specific responsibilities for providing the first aid, fire protection and evacuation.

3. In accordance with the legal provisions, the employer shall put in place in the workplace and on the work equipment/machinery, specific warning and safety signs, as well as instructions for the safety and health at work.

4. The employer shall provide the workers with detailed instructions in implementation of the risk assessment and prevention document, for every work position, documented by an official note signed by the parties.

### **Article 13**

#### **Consultation of workers**

1. The employer shall allow workers and their representatives to take part in discussions on all questions relating to safety and health at work according to Article 10 and 11 of this law and by-laws for its implementation.
2. The employer shall consult workers and their representatives, or the Council of Safety and Health at work, with regard to:
  - a) Any measure which may affect considerably safety and health at work,
  - b) The designation of a responsible person or a legal or natural person in charge for the security at work, first aid, protection against fire and evacuation of workers.
  - c) Information for evaluation of risks, protective measures register and report of work related accidents and reports from inspectorates and responsible institutions for occupational safety and health.
  - ç) the enlistment of external services or persons outside the enterprise as referred to in Article 7 (3),
  - d) the planning and organisation of training referred to in Article 19.

### **Article 14**

#### **Council of Safety and Health at Work**

1. The Council of Safety and Health at Work shall be set up in the enterprise which has as a mission to contribute in the protection of the physical and mental health of the safety of the workers, as well as in the improvement of the working conditions.
2. The Council is a partnership consultative body, with equal number of representatives of employers and workers, which aims regular and periodic consultations of the enterprise activity for the prevention of occupational risks.
3. The representatives of the Council are entitled to participate and analyse the problems for the prevention of occupational risks in the enterprise.
4. The composition and the regulations for the organization and functioning of the Council of Safety and Health at Work are defined by the Council of Ministers.

### **Article 15**

#### **Competencies of the Council of Safety and Health at Work**

1. The Council of Safety and Health has the following competencies:
  - a) to participate in the assessment, draw up and implementation of programmes for risk prevention in the enterprise;
  - b) to promote initiatives on the methods and procedures for the effective prevention of risks, proposing to the enterprise the improvement of conditions and avoidance of existing defects.

2. The Council of Safety and Health collaborates with the State inspectorate covering the labour area and the Sanitary State Inspectorate.

### **Article 16**

#### **Number of workers' representatives in the Council of Safety and Health at work**

1. The number of worker representatives in the Council of Safety and Health at work, referred to in article 14 of this law, is defined with regard to the number of workers.
2. In enterprises with up to 50 workers a representative shall be elected in the Council of Safety and Health at work, established in professional and inter-professional level;
3. In enterprises with above 50 workers, the Council of Safety and Health at work shall be established.
4. In workplaces where there is high risk for safety and health at work, the representative is elected despite the number of workers as defined in paragraph 2 of this article.

### **Article 17**

#### **Worker representative**

Workers and their representatives:

- a) must be given the opportunity to submit their observations, estimations and verifications to the State Labour Inspectorate;
- b) are entitled to appeal to the State inspectorate covering the labour area if they consider that the measures taken and the means employed by the employer are inadequate for the purposes of ensuring safety and health at work.

### **Article 18**

#### **Duties of workers' representatives**

1. The worker's representative for safety and health at work shall:
  - a) visit the workplaces for assessing their safety;
  - b) ask the employer to take appropriate measures to avoid danger.
  - c) inform the labour inspectorate on the assessment of conditions of safety at work, participate and express his point of view in the inspection-acts of the labour inspector.
  - ç) ask for information by the employer and participate during the drawing-up of the risk assessment and prevention, as well as in other documents related to safety and health at work.
- 2) The workers' representatives for safety and health at work shall not be placed at a disadvantage because of their activities referred to in this Article.
- 3) The employer shall allow the representatives for safety and health at work adequate time off work, without loss of pay, and provide them with the necessary means to enable them to exercise their rights and functions under this Article.
- 4) The Council of Ministers shall define the functioning of worker's representatives for safety and health at work.

## **Article 19**

### **Training of workers**

1. The employer before and after the recruitment must ensure that any worker receives the adequate training:
  - a) in the event of the introduction of any new technology or work equipment;
  - b) in the event of a change of the work process in a way that it affects the level of health and protections at work.
  - c) in the event of transfer or change of job.
2. The training on safety and health at work shall be adapted to the specific work position and must be developed according to an updating and changing programme according to the new risks.
3. The practical and theoretical training on executing work in safe conditions must take place during working hours at the employers' expense, regardless the venue where the training is organized.
4. The employer conducts compulsory tests, both theoretical and practical, on the fulfilment of tasks by all the workers in the workplace:
  - a) when during the risk assessment, a constant increase of occupational risks, is identified,
  - b) for the workers in the workplace, when the number of injuries or risks related to work is increased.
5. The labour inspector, after the inspection, might require the adaption of the existing training on safety and health at work with the specificities of the work position taking into account the forms and types of risks.
6. The rules for test conduction according to paragraph 4 of this article are defined by by-laws issued by the relevant ministries or authorities of the respective field.

## **CHAPTER III**

### **WORKERS OBLIGATIONS**

#### **Article 20**

#### **Conditions of worker's activity**

Each worker shall perform work so that he does not expose himself nor other persons that may be affected by his acts or negligence during the working process to the danger of an accident or occupational disease, in accordance with his education and training, as well as the instructions given by the employer.

#### **Article 21**

#### **Special workers' obligations**

The worker must:

- a) make correct use of machinery, apparatus, tools, dangerous substances, transport equipment and other means, as defined in the manuals or guidelines of technical rules;
- b) make correct use of the personal protective equipment supplied to them, and, after use, return it to its proper place or to the place intended for safe-keeping;
- c) refrain from disconnecting, modifying, changing or removing arbitrarily safety device fitted, in particular to machinery, apparatus, tools, plants and buildings, and use such devices correctly.
- ç) immediately inform the employer, the worker in charge of safety and health at work issues and the workers' representative, of any work situation they have reasonable grounds for considering that it represents a serious and immediate danger to safety and health, as well as of any shortcoming in the protections arrangements.
- d) cooperate with the employer, the worker in charge of safety and health at works issues and the workers' representative:
  - d.i) for as long as may be necessary, to enable any measures or requirements imposed by the labour inspectors and sanitary inspectors for the protection of safety and health of workers.
  - d.ii) for as long as may be necessary, to enable the employer to ensure safe and harmless environment and working conditions for the safety and health within the field of their activity.

## **CHAPTER IV HEALTH SURVEILLANCE**

### **Article 22 Definition of measures for health surveillance**

The measures to ensure the health surveillance of the worker appropriate to the safety and health risks are defined in accordance with the legislation in force.

### **Article 23**

#### **Health surveillance**

1. Any employer, public or private, domestic or foreign, must provide health surveillance appropriate to the health risks at work through the occupational physician.
2. The health control in relation to the number of workers, as well as type of work, and appropriate to the health risks, is organized in:
  - a) health surveillance at work, covering also the branches;
  - b) intersubject health surveillance at work.
3. The functioning of health surveillance at work and the procedures to be followed are defined by the Council of Ministers.

## **CHAPTER V**

## **NOTIFICATION, INVESTIGATION, REGISTRATION AND REPORTING OF EVENTS AND ACCIDENTS AT WORK**

### **Article 24 Events**

Any event shall be communicated immediately to the employer by the person in charge for occupational safety and health in the workplace or by any other person who has knowledge of it.

### **Article 25 Obligation for notification and reporting**

1. The employer shall immediately notify the events to the:
  - a) State Labour Inspectorate,
  - b) Social Insurance Institute;
  - c) Criminal investigation bodies, in case of accident at work or in all cases when the event in is considered to comprise a penal act;
  - ç) Other authorities, as defined by specific laws.
2. The physician of medical service at work, family physician or other public or private health institutions shall notify the occupational disease identified during medical examinations.
3. The notification referred to in paragraph 2 of this article shall immediately be reported to the State inspectorate covering the labour area and State Sanitary Inspectorate, when the case is identified as safe, by the physician.
4. The list of occupational diseases shall be defined by the Council of Ministers.

### **Article 26 Notification for road accidents**

In case of road accidents, where among the victims there are also persons that perform their work activities, the competent bodies of road police shall send to the institutions and natural/legal persons mentioned in article 25 paragraph 1, a and b, within 5 days from and upon their request, a copy of the official report of the investigation on the spot.

### **Article 27 Investigation of event**

1. The investigation of events is compulsory and shall be carried out by:
  - a) The employer, where the events has as a result temporary incapacity to work;
  - b) Regional directories/local authorities of labour inspection, where the events generated obvious incapacity to work, death, collective accidents at work, dangerous accidents, as well as in cases of missing persons;
  - c) Local authorities of public health, in case of suspicions of occupational disease and work related diseases.

2. The assessment of the level of losing the ability to work as a result of occupational disease is personal and is based in the morpho-functional study of the person at work. The level of the lack of ability to work is assessed by the Medical Commission for Assessment of the Ability to Work (MCAAW).

3. The conclusions of the investigation of the event shall be written down in an official report.

### **Article 28**

#### **Accidents at work**

1. It is considered an accident at work or a work related accident when the worker is injured during:

- a) the execution of work in accordance with its description;
- b) the execution of another task, without the employers' command, but because of a superior force, for the work's sake;
- c) the execution of another task upon employers' request;
- ç) the breaks in places organized by the employer or during handling in the machineries, work equipment, the changing of personal clothing, before or after ceasing work;
- d) on the normal way from and to the worker's residence to the workplace in case the travelling is organized by the employer or personally by the worker;
- dh) the attendance of vocational training courses;
- e) the providing of first aid, for reasons related to duty fulfilment in case of a natural disaster.

2. In the situations mentioned in paragraph 1 (d), of this article, the journey must be done without unjustified deviations from the normal way and the transport must take place under the conditions stipulated by the safety and health at work regulations or traffic regulations in force.

### **Article 29**

#### **Classification of accidents at work**

1. Accidents at work are classified, on account of their consequences and of the number of persons injured in, as follows:

- a) Accidents leading to temporary incapacity to work of at least three calendar days;
- b) Accidents leading to temporary or permanent invalidity;
- c) Fatal accidents;
- ç) Collective accidents, where at least two or more persons are injured at the same time and due to the same cause.

### **Article 30**

#### **Registration of accidents at work**

1. The registration of an accident at work is based on the official report, the content of which is approved by the Social Insurance Institute.

2. The accident at work that was registered by the employer according to law, shall be reported to the regional directories/local offices of labour inspections, as well as to the regional directories of social security, under the jurisdiction of which the employer exercises his activity.

## **CHAPTER VI SENSITIVE RISK GROUPS**

### **Article 31 Risk Groups**

1. Pregnant women, breastfeeding women, young people as well as persons with disabilities must be protected by dangers which specifically affect them.
2. Employers shall organize workplaces taking into account the presence of sensitive to risk groups.
3. The protection of safety and health of sensitive risk groups must not create cause for unfavourable situations for women in the labour market.

### **Article 32 Assessment and information**

1. For the activities that might constitute special risk for risk groups, the employer shall assess the nature, degree and duration of risks and exposure to hazardous agents of the working process and working conditions.
2. The results of the assessment referred to in the first paragraph of this article, as well as the measures that will be taken by the employer, must be communicated to the risk groups and their representatives.

### **Article 33 Measures taken by employer for pregnant women or breastfeeding woman**

1. When exposure to the agents, processes or working conditions, may constitute risk for safety and health and have effect on the pregnancy or breastfeeding of a worker, the employer shall temporarily adjust the working conditions and/or the working place of the worker concerned, until the exposure to those risks is eliminated.
2. If the measures referred to in paragraph 1 of this article cannot be implemented for technical and/or objective reasons, the employer shall temporarily adjust the working conditions and/or the working hours of the worker concerned, until the exposure to those risks is eliminated.

3 If the measures referred to in paragraph 2 of this article cannot be implemented for technical and/or objective reasons, or cannot reasonably be required on duly substantiated grounds the employer shall take the measure to move the worker concerned to another job of the same value.

4. If the measures referred to in paragraph 3 of this article cannot be implemented for technical and/or objective reasons, or cannot reasonably be required on duly substantiated grounds the employer shall grant paid leave to the female worker until the danger is avoided.

### **Article 34 Children**

1.Children should be protected against any specific risks that might harm their welfare and development arising from their lack of experience, absence of awareness of existing or potential risks, or from their immaturity.

2. The employment of children is prohibited for:

- a) work which is objectively beyond their physical or psychological capacity;
- b) the work involving harmful exposure to agents which are toxic, carcinogenic, cause heritable genetic damage, or harm to that chronically affect human health;
- c) work involving harmful exposure to radiation;
- ç) work involving the risk of accidents which it may be assumed cannot be recognized or avoided by children owing to their insufficient attention to safety or lack of experience or training;
- d) work in which there is a risk to health from extreme cold or heat, or from noise or vibration.

### **Article 35 Measures taken by the employer for the children**

1. The employer shall adopt the measures necessary to protect the safety and health of children, taking particular account of the specific risks referred to in Article 34 paragraph 2.

2. The employer shall implement measures for the risk assessment for children at work which must be made before children begin work.

3.Where the assessment referred to in paragraph 2 of this article shows that there is a risk to the safety, the physical or mental health or development of children, an assessment and monitoring of their health shall be provided at regular intervals according to the legislation in force.

4. When there is any major change in working conditions during the working relation of the children, the employer must pay particular attention to the following points:

- (a) the fitting-out and layout of the workplace;
- (b) the nature, type, degree and duration of exposure to physical, biological and chemical agents;
- (c) the form, range and use of work equipment, in particular agents, machines, apparatus and devices, and the way in which they are handled;
- (d) the arrangement of work processes and operations and the way in which these are combined (organization of work);

(e) the level of training and instruction given to children

5. The employer shall involve protective and preventive services in the planning, implementation and monitoring of the safety and health at work for children.

## **CHAPTER VII RELEVANT STATE AUTHORITIES**

### **Article 36**

#### **Inter-ministerial council for safety and health at work issues**

1. The Inter-ministerial Council for safety and health at work issues is a consultative body that is established by Order of the Prime Minister, upon the proposal of the relevant Minister for safety and health at work.

2. The procedural rules for the functioning of the Inter-ministerial Council for safety and health at work issues shall be approved by the Prime Minister.

### **Article 37**

#### **Duties of the Inter-ministerial Council for safety and health at work issues**

The Inter-ministerial Council for safety and health at work issues has the following tasks:

a) to advise the Council of Ministers for defining the directions of state policies on issues of safety and health at work. On matters of special importance, the National inter-ministerial Council for safety and health issues may organize joint meeting with the National Labour Council;

b) propose to the Council of Ministers the main programmes for safety and health at work issues;

c) assess the concrete situation of safety and health at work, introduce proposals and recommendations for the improvement of the situation for the ministry that covers the safety and health at work issues as well as other responsible state authorities according to the definitions of this law;

ç) approve the annual report on safety and health at work introduced by the relevant minister for safety and health at work.

### **Article 38**

#### **Relevant state authority for safety and health at work issues**

1. The relevant Minister for safety and health at work issues is the relevant authority in the field of safety and health at work.

2. With a view to implement the policies referred to in paragraph 1 of this article, the Minister through the respective structure established for this purpose, is responsible:

a) to elaborate the policy document in the field of safety and health at work, in cooperation with the relevant Ministry of health issues and by consultations with other institutions with attributions in the field;

- b) to elaborate drafts of legal documents with a view to a unitary implementation of the national policies and the harmonization with the *acquis communautaire* in the field;
- c) to approve regulations as defined by this law and for its implementation relevant to their field of activity;
- ç) to monitor, while carrying on its activity, the enforcement of the legislation on the grounds of data, information and proposals submitted by the subordinated or coordinated bodies, as well as by those collaborating with;

### **Article 39** **Relevant state authority for health**

1. The relevant Ministry for health manages, organizes and has the following main tasks in the field of workers' health:

- a) to coordinate the activity of occupational medicine and occupational diseases medicine at national level;
- b) to elaborate the regulations on health protection in relation with the working environment and for the promotion of health in the workplace, as well as for occupational medicine and occupational diseases medicine, which are approved with Decision of the Council of Ministers;
- c) to monitor by its structures the effect of working conditions in the health of workers;  
“ç) ensures the vocational and continuous training in the area of occupational illness and occupational medicine;”.

d) to coordinate the research, notification, registration and recording of work related diseases and occupational diseases;

e) to collaborate with other institutions involved in activities which have an impact upon the workers' health;

State inspectorate covering the health area

“g) approves the organization and tasks of the health service, as well as the standards of occupational medicine.”.

gj) to accredit, and the medical service of occupational medicine according to the legislation in force.

h) elaborate the allowed norms of harmful substances in the work environments;

i) define the periodicity of the medical visits of the workers, according to the type of activity.

j) define the types of the specific examinations for every type of activity, that should be conducted for the evaluation of health at work.

2. The regulation, the attributions, the equipment and the medications that might have a structure of medical services in the enterprise are defined by by-laws of the Minister of Health.

### Article 40

#### **The state authorities responsible for controlling the enforcement of the law on safety and health at work**

1. The state authorities responsible for controlling the enforcement of the law on safety and health at work shall be the state inspectorate covering the labour area and the state inspectorate covering the health area.

2. The state inspectorate covering the labour area shall have the following responsibilities:

a) controls the development and implementation of the Document for the Assessment and Prevention of Risks at work;

b) asks the responsible state institutions and specialized licensed services to perform measurements and take for analysis purposes samples of hazardous materials and substances, which are used during the work process. In any case, it is necessary that the employer or his representative are informed on the reasons why the samples are taken;

c) orders for the termination of the activity, the repair of defects, which are observed in the functioning of the equipment or during the use of working methods, or the modification of the installations within a time period, in cases where the existence of a serious and imminent danger or an occupational illness is found, and notifies, if necessary, the respective bodies of the prosecution office;

ç) investigates the event, and in line with its powers, authorizes the investigation and confirms the character of the accidents;

d) coordinates the work, together with the Social Security Institute and, if necessary also with other institutions involved in the process, on the system of reporting and of keeping the minutes on occupational accidents;

dh) performs joint inspections with other institutions included in the process, on the cases of events;

e) coordinates the work with the ministry responsible for health regarding the system of reporting occupational illnesses and illnesses related to the profession;

ë) analyses the activity of the special persons and services, according to the specifications of paragraph 3, of Article 7, of this law;

f) reports to the minister responsible for safety and health at work on the realization of the obligations stemming from this law and the legislation in force;

g) proposes to the minister responsible for the safety and health at work changes in the legislation in the area of safety and health at work.

3. The state inspectorate covering the area of health shall have the following responsibilities:

a) by means of its specialised structures exercises control regarding the quality of medical services which are provided to the employees in the workplace;

b) exercises control on the health situation of the employees and implementation of the norms, procedural rules concerning the control of the risk factors which have an impact on the health of the employees;

c) performs other tasks, in line with the powers in this area, which are regulated by specific laws;

ç) performs joint inspections with the other institutions involved in the process, for cases of the events.”.

State inspectorate covering the labour area

#### **Article 41**

#### **Relevant authority in the field of insurance for accidents at work and occupational diseases**

1. The Social Insurance Institute represents the relevant authority in the field of insurance for accidents at work and occupational diseases.

2. The Social Insurance Institute has functions in:

- a) taking measures for payment of income in the event of an accident at work/occupational disease, invalidity pension or family pension of the persons injured by accidents at work or occupational diseases, according to the legislation in force for social security;
- b) cooperating with the Ministry responsible for safety and health at work issues in situations out of common that require the improvement of the regulations on safety and health at work.

#### **Article 42**

#### **Other relevant state authorities**

1. The Ministry of Defense, Ministry of Interior, Ministry of Justice, Ministry of Economy, Trade and Energy, Ministry of Public Works, Transport and Telecommunications, State Informative Service, for the implementation of the provisions of this law, shall coordinate and control the activities of safety and health at work within the activities and enterprises that are under their jurisdiction, through the structures and services for protection and prevention on safety and health at work.

2. The investigation, registration of accidents at work and occupational diseases that occur within the activity of enterprises that are under the jurisdiction of the relevant state authorities defined in paragraph 1 of this article, are carried out by their structures and services.

3. For the implementation of the provisions of this law, the relevant state authorities defined in paragraph 1 of this article shall enact regulations according to the field of their activity for setting out the procedures and structures for monitoring the implementation of the provisions of this law, which are approved with Decision of Council of the Ministers.

### **CHAPTER VIII SANCTIONS**

#### **Article 43**

1. For any violation of the provisions of this law, except the cases when they do not constitute penal act, the sanctions defined in articles 31 paragraph 1, 32, 33 and 35 , of the Law No.9634, dated 30.10.2006, “On Labour Inspection and the State Labour Inspectorate” shall be imposed.

2. The procedures of appeal against sanctions imposed by the Labour Inspector, as well as the procedure for the execution of the suspension order of the labour inspector is based on the provisions of articles 34 and 36, of the Law No.9634, dated 30.10.2006, “On Labour Inspection and the State Labour Inspectorate”.

## **CHAPTER IX FINAL PROVISIONS**

### **Article 44**

1. The Council of Ministers, in compliance with the principle of legitimating, within six months from the effective date of this law, shall issue by-laws for the implementation of article 7, point 7, article 11, point 2, article 14, point 4, article 18, point 4, article 23, point 3, article 25, point 4 and article 38, point 3, article 39 point 1 letter “b” and article 42 point 3 in this law.
2. The Minister responsible for safety and health at work is charged with issuing the directive in the implementation of article 9, point 2 of this law.
3. The Institute of Social Securities is charged with the implementation of article 30, point 1 of this law.
4. The Ministry responsible for Health is charged with the issuing of by-law in the implementation of Article 39, point 2.

### **Article 45**

This law enters in force 15 days after publication in the Official Gazette.

**DEPUTY-CHAIR**

**Ardian TURKU**

## TABLES OF COMPLIANCE

**Table 1 of Compliance**

<p><b>Council Directive 89/391/EEC of 12 June 1989</b> sets out general rules related to the measures and their implementation by the member states that will promote and improve the safety and health of workers at work.</p>				
<p><b>Draft-law: “On safety and health at work”</b> aims to set out the measures that aim to guarantee the safety and health at work of workers. The law aims to:</p> <ol style="list-style-type: none"><li>1. Define the general principles related to preventions of occupational risk, elimination of risk and accident factors, the informing, consultation, balanced participation in accordance with laws and training of workers and their representatives.</li><li>2. Define the general guidelines for the implementations of those principles.</li></ol>				
3. Level of approximation				
a)	b)	c)	d)	e)

Parts of the Directive that are approximated	Provisions of draft-law “On safety and health at work”	Compliance of draft-law “On safety and health at work” with the EU legislation	Reasons for partial approximation	Foreseen period for achieving full approximation
Section I Article 1	Articles 1 and 2	Fully		
Article 2	Article 3	Partial	Complemented by other legal act or by-laws	
Article 3	Article 5	Fully		
Section II Article 5	Article 4	Fully		
Article 6	Article 6	Fully		
Article 7	Article 7	Fully		
Article 8	Article 8	Fully		
Article 9	Article 9, Article 10, Article 11	Fully		
Article 10	Article 12	Fully		
Article 11	Article 13	Fully		
Article 12	Article 19	Fully		

Section III Article 13	Article 20 and Article 21	Fully		
Article 14	Article 13, 14, 15, 16, 17, 18, 22 and Article 23	Fully		
Article 15	Article 30, 31, 32, 33	Fully		

**Table 2 of Compliance**

<p><b>Council Directive 94/33/EC of 22 June 1994</b> “On the protection of young people at work”, defines the minimum measures and standards that must be implemented by state members for the protection of young people at work.</p>				
<p><b>Draft-law: “On safety and health at work”</b> aims to define the measures for guaranteeing the safety and health at work of the workers. The law aims to:</p> <ol style="list-style-type: none"> <li>1. Define the general principles related to preventions of occupational risk, elimination of risk and accident factors, the informing, consultation, balanced participation in accordance with laws and training of workers and their representatives.</li> <li>2. Define the general guidelines for the implementations of those principles.</li> </ol>				
3. Level of approximation				
a)	a)	a)	a)	a)

Parts of the Directive that are approximated	Provisions of draft-law “On safety and health at work”	Compliance of draft-law “On safety and health at work” with the EU legislation	Reasons for partial approximation	Foreseen period for achieving full approximation
Section I Article 6	Article 33 and Article 34		Fully	

**Table 3 of Compliance**

<p><b>Council Directive 92/85/EEC</b> “On the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding” defines the minimum measures and standards that countries should take for the protection of pregnant women and breastfeeding woman.</p>				
<p><b>DRAFT-LAW: “ON GENDER EQUALITY IN THE SOCIETY”</b>  This law regulates basic issues of gender equality in the public life, protection and equal treatment of men and women, with regard to equal opportunities and chances in exercising the rights, as well as their participation and contribution for the development in all fields of social life.  The law defines the general and specific measures to guarantee equal rights between men and women, by assigning the competences of the relevant authorities for the implementation of duties that derive from the law.</p>				
<b>3. Level of approximation</b>				
The parts of the	Provisions of	Compliance of	Reasons for	Foreseen

Directive that are approximated	draft-law “On safety and health at work”	draft-law “On safety and health at work” with the EU legislation	partial approximation	period for achieving full approximation
Preamble		Fully		
Paragraph 14	Article 31, paragraph 1	Fully		
Paragraph 15	Article 33	Fully		
Paragraph 16	Article 32 paragraph 2	Fully		
Article 4	Article 32	Fully		
Article 5 and Article 6	Article 33	Fully		