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Decree No. 694 of the Council of Ministers of the Republic of Belarus of 29 May 2002 to approve the Regulations on State expert authorities on working conditions of the Republic of Belarus

The Council of Ministers of the Republic of Belarus decrees to:

1. Approve the attached Regulations on State expert authorities on working conditions of the Republic of Belarus.
2. Recognize Decree No. 189 of the Cabinet of Ministers of the Republic of Belarus of 18 March 1996 on State expert authority on working conditions of the Republic of Belarus” as inoperative (Collection of Presidential decrees and decrees of the Cabinet of Ministers of the Republic of Belarus, 1996, No. 8, Article 211).

Prime Minister of the Republic of Belarus G. Novitskii

Decree No. 694 of 29.05.2002 of the Council of Ministers of the Republic of Belarus has been approved.

The regulations on State expert authorities on working conditions of the Republic of Belarus have been approved.

1. The following are related to State expert authorities on working conditions of the Republic of Belarus (and State expert authorities on working conditions): the Ministry of Labour and Social Protection’s management of State expert authorities on working conditions (and the management of the Ministry of Labour and Social Protection’s state expert authority), oblast and Minsk City state expert authorities on working conditions of committees on labour and social protection of oblast executive committees and Minsk City Executive Committee (and oblast and Minsk state expert authorities).

2. State expert authorities on working conditions are formed to implement state control for the correct application of lists of factories, work, professions, posts and indicators that give the right to a pension for the work carried out in specific working conditions, to regulate payment for work in harmful and/or dangerous working conditions and also to control the capacity to class work places according to working conditions.

3. State expert authorities on working conditions carry out their work in accordance with the legislation of the Republic of Belarus and the current Regulations.

4. Decisions of the state expert authorities on working conditions, taken within the limits of their authority, must be used by all employers.

5. State expert authorities on working conditions carry out their work in cooperation with state authorities, including authorities that supervise high-risk subjects, control and oversee labour legislation, medical surveillance and also with trade unions and other organizations.

6. The main duties of state expert authorities on working conditions are to:

Develop proposals and implement the main actions and priorities of state policies on working conditions, to improve legislation on pensions for work carried out in specific working conditions;

Monitor the correct application of the list of factories, work, professions, duties and indicators that give the right to a pension for work carried out in specific working conditions;

Monitor the quality of classing work places according to working conditions and put them into categories of particularly harmful, particularly heavy, harmful and heavy working conditions;

Monitor the correct additional payment for work in harmful and/or dangerous working conditions;

Monitor the work of laboratories carrying out research and instrumental measurements of industrial environment factors to class work places according to working conditions that are on the list approved by the Ministry of Labour and Social Protection;

Monitor the work of organizations providing consultative and methodical help to employers, evaluating psychophysical industrial environment factors by classing work places according to working conditions that are on the list approved by the Ministry of Labour and Social Protection.

7. State expert authorities on working conditions in accordance with their duties:

7.1. Exert expert authority over:

The correct application of the lists of factories, work, professions, duties and indicators that give the right to a pension for work carried out in specific working conditions;

The quality of classing work places according to working conditions and the correct placing of them in categories of particularly harmful and particularly heavy, harmful and heavy working conditions;

Working conditions in draft documentation for new structures, for the reconstruction of production sites;

Working conditions at work places;

7.2. Analyse working conditions in the Republic's organizations, the correctness of a confirmation of specific working conditions by the results of classing work places and ensuring additional payment for work in harmful and/or dangerous working conditions, make proposals to reform pension legislation for work carried out in specific working conditions;

7.3. Provide consultative and methodical help to employers on classing work places, evaluating working conditions, placing them in corresponding categories of harm and/or danger and giving compensation for work in harmful and/or dangerous working conditions;

7.4. Participate in teaching and training specialists from organizations on classing work places according to working conditions;

7.5. Examine requests of organizations and citizens' on matters within their competence concerning citizens.

8. State expert authorities on working conditions have the right to:

8.1. Verify employers' observance of pension legislation for work carried out in specific working conditions, labour legislation with regard to safeguarding and compensating workers for work in harmful and/or dangerous working conditions, classing work places;

8.2. Give proposals relating to the competence of State expert authorities on working conditions, including drafts of normative legal acts for the reviewal of the Ministry of Labour and Social Protection;

8.3. Review within the established legislative order the appeals of Republican authorities of state government, local executive and capable authorities, public associations, media, deputies and citizens on matters concerning the competences of State expert authorities on working conditions;

8.4. Exert independent expert authority on working conditions in cases of disputes and disagreements arising between employers and workers (organizations representing them), and also social protection authorities on matters of classing work places according to working conditions, giving compensation for work in harmful and/or dangerous working conditions and other matters within their competence;

8.5. Attract as is necessary academics and highly qualified specialists to exert different types of expert authority;

8.6. Inquire and get the necessary information from employers on matters regarding their competence;

8.7. Implement other powers in accordance with the duties and functions of State expert authorities on working conditions.

9. The management of state expert authority of the Ministry of Labour and Social Protection in accordance with its duties:

9.1. Prepares, with the assistance of oblast and the Minsk State expert authorities, drafts of normative legal acts on matters of its competence;

9.2. Prepares with the assistance of oblast and the Minsk expert authorities proposals to:

9.2.1. Improve the lists of factories, work, professions, duties and indicators that give the right to a pension for work carried out in specific working conditions, it prepares clarifications on their application;

9.2.2. Improve normative legal acts to class work places according to working conditions, it prepares clarifications on the application of these acts;

9.3. It coordinates the work of oblast and Minsk expert authorities ensures a single methodical approach to solving issues within its competence;

9.4. It analyses the work of oblast and Minsk expert authorities, makes proposals to the management of the committees for labour and social protection of the oblast executive committees and Minsk City Executive Committee on its improvement;

9.5. It organizes scientific research that is aimed at improving pension legislation for work carried out in specific working conditions and normative legal acts on working conditions to be implemented;

9.6. It cooperates and exchanges work experience with international organizations in its field of competence;

9.7. It participates in organizing further training qualifications for state experts of oblast and Minsk expert authorities.

10. Those representatives of State expert authorities on working conditions that have the right to State expert authority on working conditions are:

The Head State Expert of the Republic of Belarus on Working Conditions, his Deputy, the Head of the Management of State expert authority of the Ministry of Labour and Social Protection, his Deputy, state experts of the state expert authority management of the Ministry of Labour and Social Protection, oblast and Minsk head state experts on working conditions, directors (of departments) of oblast and Minsk expert authorities, their deputies and state experts of oblast and Minsk expert authorities.

11. A state expert on working conditions has the right to:

11.1. On production of a certificate of a prescribed form, freely pass through the grounds, objects and the employer's premises to verify the legislation regulating the issues of providing safeguards and compensation to workers for work in harmful and/or dangerous working conditions, measures to guarantee healthy and safe working conditions in factories, pension legislation for work carried out in specific working conditions, the quality of classing work places according to working conditions;

11.2. Familiarize him/herself with documents, which the employer is instructed to keep by pension legislation for work carried out in specific working conditions and on labour legislation, obtaining copies of these documents if necessary;

11.3. Send inquiries to state management authorities and obtain information from them on their competence;

11.4. Give an employer instructions to be used on the elimination of infringements of pension legislation for work carried out in specific working conditions, and legislation on work within their competence;

11.5. In the case of an employer committing repeated (gross) infringements of pension legislation for work carried out in specific working conditions, and legislation on work within the competence of State expert authorities on working conditions, send to higher management authorities proposals to take disciplinary action against infringers before relieving them of their duties;

11.6. Revoke in a prescribed manner the results of classing work places according to working conditions if infringements emerge in its organization and implementation;

11.7. According to the results of expert authority exerted in accordance with Subparagraph 7.1. of Item 7, prepare resolutions on social protection authorities, the requests (requirements) of employers and workers, in different situations that are provided for by the legislation;

11.8. Prepare resolutions with the participation of authorized representatives of branches of trade unions on the work which workers actually do in the conditions provided for by lists 1 and 2, that give the right to a pension for work carried out in specific working conditions, to include it in a special record of periods of work, during which at the employer's fault work places were not classed according to working conditions;

11.9. Prepare resolutions with the state medical inspectorate authorities of the Republic of Belarus for employers to take decisions on women working in posts that are included on the list of heavy work and work with harmful working conditions where it is forbidden for women to work;

11.10. Obtain from employers and the authorized officials the necessary documents (information) on matters relating to the competence of State expert authorities on working conditions.

12. A state expert on working conditions is forbidden to:

12.1. Participate directly or indirectly in matters of the organization under his control, apart from in instances that are provided for by the legislation, and also to use information on matters that are a state secret or other secret protected by law after the end of service in the state system in the interests of juridical persons and citizens for a period of time that is specified by the legislation of the Republic of Belarus;

12.2. Divulge information on the source of information on infringements of pension legislation for work carried out in specific working conditions, legislation on labour.

13. A state expert on working conditions is independent in his/her work.

14. The Head State Expert on working conditions of the Republic of Belarus is one of the deputies of the Ministry of Labour and Social Protection and oversees the general management of State expert authorities on working conditions.

15. The Deputy of the Head State Expert on working conditions of the Republic of Belarus is the head of management of State expert authority on working conditions of the Ministry of Labour and Social Protection and is appointed to the position and is relieved of his duties by the Ministry of Labour and Social Protection and is personally responsible for carrying out the duties and functions of management.

16. Oblast and Minsk state expert authorities are represented by the directors (of departments), who are appointed to the position and are relieved of their duties by the heads of committees on labour and social protection of oblast executive committees and Minsk City Executive Committee in coordination with the Ministry of Labour and Social Protection. Directors (of departments) of state expert authority have a personal responsibility to carry out duties and functions in accordance with the current Regulations.

17. The duties of the oblast and Minsk City head state experts on working conditions are given by the directors of committees on labour and social protection of the oblast executive committees and Minsk City Executive Committee in coordination with the Ministry of Labour and Social Protection for officials overseeing the general management of the work of oblast and Minsk City State expert authorities or the directors (of departments) of state expert authority. It is in this way that they are relieved of their duties.

18. Appeals can be made against the injunctions and decisions of state experts on working conditions to higher-ranking officials of State expert authorities on working conditions, up to the Head State Expert of the Republic of Belarus. Officials in higher positions have the right to suspend, change or abolish the injunctions and decisions of state experts if they contravene normative legal acts.

The Head State Expert of the Republic of Belarus on working conditions and his Deputy have the right to suspend, change or abolish the injunctions or decisions of officials of State expert authorities on working conditions.

19. The forms of certificates, injunctions and decisions of state experts on working conditions are approved by the Ministry of Labour and Social Protection. State expert authorities on working conditions have forms and stamps with their names.

