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the International Labour Organization

**EU-ILO PROJECT
ENHANCING THE LABOUR ADMINISTRATION CAPACITY
TO IMPROVE WORKING CONDITIONS AND TACKLE UNDECLARED WORK**

**Analysis of the degree of concordance between
the national legislation and some selected EU directives
on OSH and labour relations**

**Council Directive No. 89/391/EEC, of 12 June 1989,
on the introduction of measures to encourage improvements
in the safety and health of workers at work**

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FOREWORD

The present analysis was developed within the scope of the technical cooperation project “Enhancing the labour administration capacity to improve working conditions and tackle undeclared work”, funded by the European Union (EU) and implemented by the International Labour Organization (ILO). Its activities are described in the diagram below.

This is the joint support of the EU and ILO to the Ukraine in the implementation of the EU-Ukraine Association Agreement and application of the international standards on occupational safety and health (OSH) and labour inspection.

The project is aimed at contributing to the improvement of the working conditions and to the reduction of the scope of undeclared work in Ukraine, by means of improving the national legislation and enhancing the capacities of the national labour inspection system.

One of its components is the provision of expert support and recommendations regarding the implementation of the following 5 EU directives on OSH and 1 EU directive on labour relations:

- Council Directive **No. 89/391/EEC**, on the introduction of measures to encourage improvements in the safety and health of workers at work (Framework directive);
- EU Council Directive **No. 89/654/EEC**, concerning the minimum safety and health requirements for the workplace;
- Directive **No. 2009/104/EC** of the European Parliament and of the Council, concerning the minimum safety and health requirements for the use of work equipment by workers at work;
- Council Directive **No. 89/656/EEC**, on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace;
- Directive **No. 2003/88/EC** of the European Parliament and of the Council concerning certain aspects of the organization of working time;
- Council Directive **No. 91/533/EEC** on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship.

Within this component, the first step was to train the national experts on each of the aforesaid six EU directives to deepen their knowledge on their provisions. As a result 100 representatives of the Parliament, ministries, State services, and of the social partners took part in 6 training sessions.

Afterwards, the Ministry of Social Policy and the State Labour Service set up 6 workgroups, for the development of the 6 tables of concordance between the national legislation and each of the EU directives mentioned above.

Those tables were then analyzed and commented by the ILO, and some recommendations on further steps were provided.

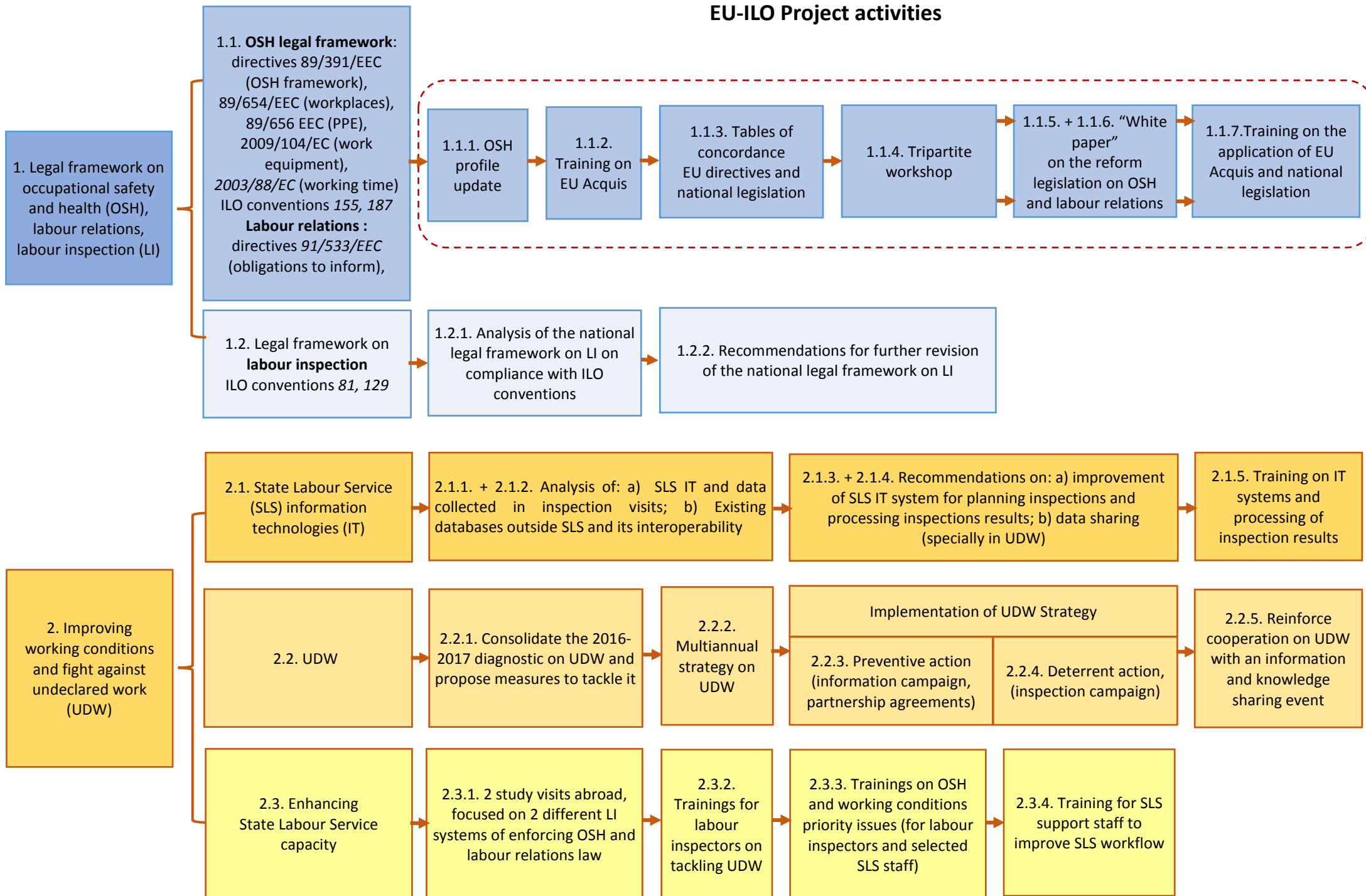
As a result of these joint efforts, 6 consolidated tables of concordance, containing the results of the legal analyses and of the ILO comments were produced: each of them is devoted to one of 6 EU directives and contains 4 main sections:

- I. Statistics on the level of legal approach
- II. Summary of the concordance analysis
- III. Table of concordance
- IV. List of revised legislation

The analysis results, conclusions and the tables themselves will be subject to discussion at a tripartite workshop. The suggestions and recommendations to be proposed by the participants will be taken into account, during the preparation of the “White Book” on the reform of the OSH and labour relations legal framework, which is to be produced within the EU-ILO Project in 2018.

This brochure, in turn, is focused on the analysis of the degree of concordance between the national legislation and EU Framework Directive **89/391/EEC**.

EU-ILO Project activities



CONTENT

- I. Statistics On The Level Of Legal Approach**
- II. Summary Of The Concordance Analysis**
- III. Table Of Concordance**
- IV. List Of Revised Legislation**

STATS ON THE LEVEL OF LEGAL APPROACH																		
Council Directive No. 89/391/EEC, of 12 June 1989, on the introduction of measures to encourage improvements in the safety and health of workers at work (As amended by: Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003; Directive 2007/30/EC of the European Parliament and of the Council of 20 June 2007; Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008)																		
DIRECTIVE ARTICLE		LEVEL OF COMPLIANCE								RECOMMENDATIONS FOR FURTHER ACTION								
N.º	TITLE	FULL		PARTIALLY		NON PROVIDED FOR		CONTRADICTIONARY		MAINTAIN		COMPLEMENT		REMOVE		PROVIDE FOR		
		N.º	%	N.º	%	N.º	%	N.º	%	N.º	%	N.º	%	N.º	%	N.º	%	
1	Object	0	0,0%	0	0,0%	3	100,0%	0	0,0%	0	0,0%	0	0,0%	0	0,0%	3	100,0%	
2	Scope	0	0,0%	0	0,0%	2	100,0%	0	0,0%	0	0,0%	0	0,0%	0	0,0%	2	100,0%	
3	Definitions	0	0,0%	2	50,0%	2	50,0%	0	0,0%	0	0,0%	2	50,0%	0	0,0%	2	50,0%	
4	State obligations	0	0,0%	1	50,0%	1	50,0%	2	100,0%	0	0,0%	1	50,0%	2	100,0%	1	50,0%	
5	General provisions on employers	0	0,0%	0	0,0%	4	100,0%	0	0,0%	0	0,0%	0	0,0%	0	0,0%	3	75,0%	
6	General obligations of the employers	0	0,0%	2	18,2%	9	81,8%	0	0,0%	0	0,0%	2	18,2%	0	0,0%	9	81,8%	
7	Protective and preventive services	0	0,0%	2	15,4%	11	84,6%	0	0,0%	0	0,0%	2	15,4%	0	0,0%	11	84,6%	
8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	0	0,0%	1	10,0%	9	90,0%	0	0,0%	0	0,0%	1	10,0%	0	0,0%	9	90,0%	
9	Various obligations on employers	0	0,0%	1	20,0%	4	80,0%	0	0,0%	0	0,0%	1	20,0%	0	0,0%	4	80,0%	
10	Worker information	0	0,0%	2	33,3%	4	66,7%	0	0,0%	0	0,0%	2	33,3%	0	0,0%	4	66,7%	
11	Consultation and participation of workers	0	0,0%	2	14,3%	12	85,7%	0	0,0%	0	0,0%	2	14,3%	0	0,0%	12	85,7%	
12	Training of workers	0	0,0%	7	63,6%	4	36,4%	0	0,0%	0	0,0%	7	63,6%	0	0,0%	4	36,4%	
13	Workers' obligations	0	0,0%	4	57,1%	3	42,9%	1	14,3%	0	0,0%	4	57,1%	1	14,3%	3	42,9%	
14	Health surveillance	0	0,0%	2	66,7%	1	33,3%	0	0,0%	0	0,0%	2	66,7%	0	0,0%	1	33,3%	
15	Risk groups	0	0,0%	0	0,0%	1	100,0%	1	100,0%	0	0,0%	0	0,0%	1	100,0%	1	100,0%	
16	General scope of this Directive	0	0,0%	0	0,0%	1	100,0%	0	0,0%	0	0,0%	0	0,0%	0	0,0%	1	100,0%	
TOTAL DIRECTIVE PROVISIONS		0	0,0%	26	26,8%	71	73,2%	4	4,1%	0	0,0%	26	26,8%	4	4,1%	70	72,2%	

SUMMARY OF THE CONCORDANCE ANALYSIS

Council Directive No. 89/391/EEC, of 12 June 1989, on the introduction of measures to encourage improvements in the safety and health of workers at work

(As amended by: Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003; Directive 2007/30/EC of the European Parliament and of the Council of 20 June 2007; Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008)

ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	LEVEL OF COMPLIANCE				ADEQUATE SCOPE AND/OR JURIDICAL POWER OF LEGAL ACT	RECOMMENDATIONS FOR FURTHER ACTION				
				FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT
1	Object	1	Improvement of the safety and health of workers at work.			x						x	
1	Object	2	Establishes general principles concerning: 1) prevention of occupational risks; 2) protection of OSH; 3) elimination of risk and accident factors; 4) information, consultation and balanced participation on OSH; 5) training of workers and their representatives; 6) guidelines for their implementation.			x						x	
1	Object	3	Principle of non-prejudice over more favourable OSH provisions.			x						x	
2	Scope	1	Application to all sectors of activity, both public and private (industrial, agricultural, commercial, administrative, service, educational, cultural, leisure, etc.).			x						x	
2	Scope	2	This Directive shall not be applicable where characteristics peculiar to certain specific public service activities, such as the armed forces or the police, or to certain specific activities in the civil protection services inevitably conflict with it. In that event, the safety and health of workers must be ensured as far as possible in the light of the objectives of this Directive. IMPORTANT: possibility of exclusion of certain activities in those sectors (whenever their are incompatible) does not mean the exclusion of its application to those sectors themselves, but just to the incompatible activities.			x						x	
3	Definitions	(a)	Employer - any natural or legal person who has an employment relationship with the worker and has responsibility for the undertaking and/ or establishment		x			Yes		x			
3	Definitions	(b)	Employer - any natural or legal person who has an employment relationship with the worker and has responsibility for the undertaking and/ or establishment		x			Yes		x			
3	Definitions	(c)	Workers' representative with specific responsibility for the safety and health of workers - any person elected, chosen or designated in accordance with national laws and/ or practices to represent workers where problems arise relating to the safety and health protection of workers at work			x						x	
3	Definitions	(d)	Prevention - all the steps or measures taken or planned at all stages of work in the undertaking to prevent or reduce occupational risks			x						x	
4	State obligations	1	State to ensure the legal subjection of employers, workers and workers' representatives to the legal provisions necessary to implement the directive.			x	x	Yes			x	x	
4	State obligations	2	State obligation to ensure adequate controls and supervision.		x		x	Yes		x	x		
5	General provisions on employers	1	Employer has the duty to ensure the safety and health of workers in every aspect related to the work			x						x	
5	General provisions on employers	2	The use of external services or persons do not discharges the employer of his responsibilities			x						x	
5	General provisions on employers	3	The workers' OSH obligations do not discharge the employers' responsibilities.			x						x	
5	General provisions on employers	4	Possibility (option that can be not exercised) of exclusion or limitation of employers' responsibility when: a) occurrences are due to unusual and unforeseeable circumstances, beyond employers' control; b) exceptional events, the consequences of which could not have been avoided despite the exercise of all due care.			x							
6	General obligations of the employers	1 (1)	Take the measures necessary for protecting the OSH of workers, including: 1) prevention of occupational risks; 2) provision of information and training; 3) provision of the necessary organization and means.		x			Yes		x			
6	General obligations of the employers	1 (2)	To adjust measures to take account of changing circumstances			x						x	
6	General obligations of the employers	2	Should apply the following General Principles of Prevention (GPP), when implementing the OSH measures: 1) to avoid risks; 2) to evaluate the risks which cannot be avoided; 3) to combat risks at source; 4) to adapt the work to the individual in order to, in particular, alleviate monotonous work and work at a predetermined work-rate and reduce their effect on health (especially as regards to design of work places, choice of work equipment and choice of working and production methods); 5) to adapt to technical progress; 6) to replace the dangerous by the non-dangerous or the less dangerous; 7) to develop 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; 8) to give collective protective measures priority over the individual ones; 9) to give appropriate instructions to the workers.			x						x	

ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	LEVEL OF COMPLIANCE				ADEQUATE SCOPE AND/OR JURIDICAL POWER OF LEGAL ACT	RECOMMENDATIONS FOR FURTHER ACTION				
				FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT
6	General obligations of the employers	3 (a) (1)	To 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 place).			x						x	
6	General obligations of the employers	3 (a) (2)(1)	Preventive measures and the working and production methods implemented by the employer must result from risk assessment and assure the improvement in the level of OSH protection of the workers.			x						x	
6	General obligations of the employers	3 (a) (2)(2)	Preventive measures and the working and production methods implemented by the employer must result from risk assessment and be integrated into all the activities of the undertaking and/or establishment and at all hierarchical levels.			x						x	
6	General obligations of the employers	3 (b)	Take into consideration the workers' OSH capabilities when entrusting the tasks.			x						x	
6	General obligations of the employers	3 (c)	Ensure that the planning and introduction of new technologies are the subject of consultation with the workers and/or their representatives, as regards the consequences of the choice of equipment, the working conditions and the working environment for the safety and health of workers.			x						x	
6	General obligations of the employers	3 (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.			x						x	
6	General obligations of the employers	4	Where several undertakings share a work place, the employers shall: 1) cooperate in implementing the safety, health and occupational hygiene provisions; 2) coordinate their actions in matters of the protection and prevention of occupational risks; and 3) inform one another and their respective workers and/or workers' representatives of these risks.			x						x	
6	General obligations of the employers	5	Measures related to safety, hygiene and health at work may in no circumstances involve the workers in financial cost.		x					x			
7	Protective and preventive services	1	Without prejudice to the other obligations, the employer has to designate one or more workers to carry out activities related to the protection and prevention of occupational risks for the undertaking and/or establishment.		x			yes		x			
7	Protective and preventive services	2 (1)	Designated workers may not be placed at any disadvantage because of their activities related to the protection and prevention of occupational risks.			x						x	
7	Protective and preventive services	2 (2)	Designated workers shall be allowed adequate time to enable them to fulfil their obligations.			x						x	
7	Protective and preventive services	3	If such protective and preventive measures cannot be organized for lack of competent personnel in the undertaking and/or establishment, the employer shall enlist competent external services or persons.			x						x	
7	Protective and preventive services	4	Where the employer enlists such services or persons, he shall inform them of the factors known to affect, or suspected of affecting, the safety and health of the workers and they must have access to the information referred to in Article 10 (2).			x						x	
7	Protective and preventive services	5 (1)	In all cases, the workers designated must have the necessary capabilities and the necessary means to deal with the organization of protective and preventive measures, taking into account: 1) the size of the undertaking and/or establishment; 2) the hazards to which the workers are exposed; and 3) their distribution throughout the entire undertaking and/or establishment.		x			yes		x			
7	Protective and preventive services	5 (2)	In all cases, the external services or persons consulted must have the necessary aptitudes and the necessary personal and professional means to deal with the organization of protective and preventive measures, taking into account: 1) the size of the undertaking and/or establishment; 2) the hazards to which the workers are exposed; and 3) their distribution throughout the entire undertaking and/or establishment.			x						x	
7	Protective and preventive services	5 (3)	In all cases, the workers designated and the external services or persons consulted must be sufficient in number to deal with the organization of protective and preventive measures, taking into account: 1) the size of the undertaking and/or establishment; 2) the hazards to which the workers are exposed; and 3) their distribution throughout the entire undertaking and/or establishment.			x						x	
7	Protective and preventive services	6 (1)	The protection from, and prevention of, the health and safety risks which form the subject of this Article shall be the responsibility of one or more workers, of one service or of separate services whether from inside or outside the undertaking and/or establishment.			x						x	
7	Protective and preventive services	6 (2)	The worker(s) and/or agency(ies) must work together whenever necessary.			x						x	
7	Protective and preventive services	7	Member States may define, in the light of the nature of the activities and size of the undertakings, the categories of undertakings in which the employer, provided he is competent, may himself take responsibility for the measures referred to in paragraph 1.			x						x	
7	Protective and preventive services	8 (1)	Member States shall define the necessary capabilities and aptitudes referred to in paragraph 5 (of the designated workers, as well as of the external services or persons).			x						x	

ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	LEVEL OF COMPLIANCE				ADEQUATE SCOPE AND/OR JURIDICAL POWER OF LEGAL ACT	RECOMMENDATIONS FOR FURTHER ACTION				
				FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT
7	Protective and preventive services	8 (2)	Member States may determine the sufficient number referred to in paragraph 5 (of the designated workers, as well as of the external services or persons)			x						x	
8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	1 (1)	The employer shall take the necessary measures for first aid, fire-fighting and evacuation of workers, adapted to the nature of the activities and the size of the undertaking and/or establishment and taking into account other persons present.		x			no		x			x
8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	1 (2)	The employer shall arrange any necessary contacts with external services, particularly as regards first aid, emergency medical care, rescue work and fire-fighting.			x						x	
8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	2 (1)	The employer shall, inter alia, for first aid, fire-fighting and the evacuation of workers, designate the workers required to implement such measures.			x						x	
8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	2 (2)	The number of such workers, their training and the equipment available to them shall be adequate, taking account of the size and/ or specific hazards of the undertaking and/or establishment.			x						x	
8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	3 (a)	The employer shall, as soon as possible, 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 as regards protection.			x						x	
8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	3 (b)	The employer shall take action and give instructions to enable workers in the event of serious, imminent and unavoidable danger to stop work and/or immediately to leave the work place and proceed to a place of safety.			x						x	
8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	3 (c)	The employer shall, except in exceptional cases for reasons duly substantiated, refrain from asking workers to resume work in a working situation where there is still a serious and imminent danger.			x						x	
8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	4	Workers who, in the event of serious, 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, in accordance with national laws and/ or practice.			x						x	
8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	5 (1)	The employer shall ensure that all workers are able, in the event of serious and imminent danger to their own safety and/or that of other persons, and where the immediate superior responsible cannot be contacted, to take the appropriate steps in the light of their knowledge and the technical means at their disposal, to avoid the consequences of such danger.			x						x	
8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	5 (2)	Their actions shall not place them at any disadvantage, unless they acted carelessly or there was negligence on their part.			x						x	
9	Various obligations on employers	1 (a)	The employer shall be in possession of an assessment of the risks to safety and health at work, including those facing groups of workers exposed to particular risks.			x						x	
9	Various obligations on employers	1 (b)	The employer shall decide on the protective measures to be taken and, if necessary, the protective equipment to be used.			x						x	
9	Various obligations on employers	1 (c)	The employer shall keep a list of occupational accidents resulting in a worker being unfit for work for more than three working days.			x						x	
9	Various obligations on employers	1 (d)	The employer shall draw up, for the responsible authorities and in accordance with national laws and/or practices, reports on occupational accidents suffered by his workers.		x					x			
9	Various obligations on employers	2	Member States shall define, in the light of the nature of the activities and size of the undertakings, the obligations to be met by the different categories of undertakings in respect of the drawing-up of the documents provided for in paragraph 1 (a) and (b) and when preparing the documents provided for in paragraph 1 (c) and (d)			x						x	

ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	LEVEL OF COMPLIANCE				ADEQUATE SCOPE AND/OR JURIDICAL POWER OF LEGAL ACT	RECOMMENDATIONS FOR FURTHER ACTION				
				FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT
10	Worker information	1 (a)	The employer shall take appropriate measures so that workers and/or their representatives in the undertaking and/or establishment receive all the necessary information concerning the safety and health risks and protective and preventive measures and activities in respect of both the undertaking and/or establishment in general and each type of workstation and/or job (which may take into account, inter alia, the size of the undertaking and/or establishment).			x						x	
10	Worker information	1 (b)	The employer shall take appropriate measures so that workers and/or their representatives in the undertaking and/or establishment receive all the necessary information concerning the measures taken pursuant to Article 8 (2) [the designated workers to implement the measures for first aid, fire-fighting and the evacuation of workers], which may take into account, inter alia, the size of the undertaking and/or establishment.			x						x	
10	Worker information	2	The employer shall take appropriate measures so that employers of workers from any outside undertakings and/or establishments engaged in work in his undertaking and/or establishment receive adequate information concerning the points referred to in paragraph 1 (a) [the safety and health risks and protective and preventive measures and activities in respect of both the undertaking and/or establishment in general and each type of workstation and/or job] and (b) [the designated workers to implement the measures for first aid, fire-fighting and the evacuation of workers], which is to be provided to the workers in question.			x						x	
10	Worker information	3 (a)	The employer shall take appropriate measures so that workers with specific functions in protecting the safety and health of workers, or workers' representatives with specific responsibility for the safety and health of workers shall have access to the risk assessment and protective measures and equipment referred to in Article 9 (1) (a) and (b), in order to carry out their functions.			x						x	
10	Worker information	3 (b)	The employer shall take appropriate measures so that workers with specific functions in protecting the safety and health of workers, or workers' representatives with specific responsibility for the safety and health of workers shall have access to the list and reports on occupational accidents, referred to in Article 9 (1) (c) and (d), in order to carry out their functions.		x			yes		x			
10	Worker information	3 (c)	The employer shall take appropriate measures so that workers with specific functions in protecting the safety and health of workers, or workers' representatives with specific responsibility for the safety and health of workers shall have access to the information yielded by protective and preventive measures, inspection agencies and bodies responsible for safety and health, in order to carry out their functions.		x			yes		x			
11	Consultation and participation of workers	1 (1)	Employers shall consult workers and/or their representatives and allow them to take part in discussions on all questions relating to safety and health at work.			x						x	
11	Consultation and participation of workers	1 (2)	It implies the employers' obligation to consult their workers on OSH matters.			x						x	
11	Consultation and participation of workers	1 (3)	It implies the right of workers and/or their representatives to make proposals on OSH.			x						x	
11	Consultation and participation of workers	1 (4)	It implies the balanced participation of workers and employers, in accordance with national laws and/or practices.			x						x	
11	Consultation and participation of workers	2 (a)	Workers or workers' representatives with specific responsibility for the safety and health of workers shall take part in a balanced way or shall be consulted in advance and in good time by the employer on any measure which may substantially affect safety and health.			x						x	
11	Consultation and participation of workers	2 (b)	Workers or workers' representatives with specific responsibility for the safety and health of workers shall take part in a balanced way or shall be consulted in advance and in good time by the employer on the designation of workers to carry out activities related to protection and prevention of occupational risks and to first aid, fire-fighting and the evacuation of workers [referred to in Articles 7 (1) and 8 (2)].			x						x	
11	Consultation and participation of workers	2 (c)	Workers or workers' representatives with specific responsibility for the safety and health of workers shall take part in a balanced way or shall be consulted in advance and in good time by the employer on the information regarding: risks assessment; protective measures and respective equipment; occupational accidents; safety and health risks and protective and preventive measures and activities in respect of both the undertaking/establishment in general and each type of workstation/job; and first aid, fire-fighting and the evacuation of workers [as referred to in Articles 9 (1) and 10].			x						x	
11	Consultation and participation of workers	2 (d)	Workers or workers' representatives with specific responsibility for the safety and health of workers shall take part in a balanced way or shall be consulted in advance and in good time by the employer, on the enlistment, where appropriate, of the competent services or persons outside the undertaking and/or establishment, as referred to in Article 7 (3).			x						x	
11	Consultation and participation of workers	2 (e)	Workers or workers' representatives with specific responsibility for the safety and health of workers shall take part in a balanced way or shall be consulted in advance and in good time by the employer, on the planning and organization of the training referred to in Article 12.			x						x	

ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	LEVEL OF COMPLIANCE				ADEQUATE SCOPE AND/OR JURIDICAL POWER OF LEGAL ACT	RECOMMENDATIONS FOR FURTHER ACTION				
				FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT
11	Consultation and participation of workers	3	Workers' representatives with specific responsibility for the safety and health of workers shall have the right to ask the employer to take appropriate measures and to submit proposals to him to that end to mitigate hazards for workers and/or to remove sources of danger.			x						x	
11	Consultation and participation of workers	4	The workers referred to in paragraph 2 and the workers' representatives referred to in paragraphs 2 and 3 may not be placed at a disadvantage because of their respective activities referred to in paragraphs 2 and 3.			x						x	
11	Consultation and participation of workers	5	Employers must allow workers' representatives with specific responsibility for the safety and health of workers adequate time off work, without loss of pay, and provide them with the necessary means to enable such representatives to exercise their rights and functions deriving from this Directive.			x						x	
11	Consultation and participation of workers	6 (1)	Workers and/or their representatives are entitled to appeal, in accordance with national law and/or practice, to the authority responsible for safety and health protection at work 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.		x			Yes		x			
11	Consultation and participation of workers	6 (2)	Workers' representatives must be given the opportunity to submit their observations during inspection visits by the competent authority.		x			Yes		x			
12	Training of workers	1 (1)	The employer shall ensure that each worker receives adequate safety and health training (in particular in the form of information and instructions specific to his workstation or job) on recruitment.		x			Yes		x			
12	Training of workers	1 (2)	The employer shall ensure that each worker receives adequate safety and health training (in particular in the form of information and instructions specific to his workstation or job) in the event of a transfer or a change of job.		x			Yes		x			
12	Training of workers	1 (3)	The employer shall ensure that each worker receives adequate safety and health training (in particular in the form of information and instructions specific to his workstation or job) in the event of the introduction of new work equipment or a change in equipment.		x			Yes		x			
12	Training of workers	1 (4)	The employer shall ensure that each worker receives adequate safety and health training (in particular in the form of information and instructions specific to his workstation or job) in the event of the introduction of any new technology.		x			Yes		x			
12	Training of workers	1 (5)	The training shall be adapted to take account of new or changed risks.			x						x	
12	Training of workers	1 (6)	The training shall be repeated periodically if necessary.			x						x	
12	Training of workers	2	The employer shall ensure that workers from outside undertakings and/or establishments engaged in work in his undertaking and/or establishment have in fact received appropriate instructions regarding health and safety risks during their activities in his undertaking and/or establishment.		x			Yes		x			
12	Training of workers	3	Workers' representatives with a specific role in protecting the safety and health of workers shall be entitled to appropriate training.		x			Yes		x			
12	Training of workers	4 (1)	The training referred to in paragraphs 1 and 3 may not be at the workers' expense or at that of the workers' representatives.		x			Yes		x			
12	Training of workers	4 (2)	The training referred to in paragraph 1 must take place during working hours.			x						x	
12	Training of workers	4 (3)	The training referred to in paragraph 3 must take place during working hours or in accordance with national practice either within or outside the undertaking and/or the establishment.			x						x	
13	Workers' obligations	1	It shall be the responsibility of each worker to take care, as far as possible, of his own safety and health and that of other persons affected by his acts or omissions at work in accordance with his training and the instructions given by his employer.		x		x	Yes		x	x		
13	Workers' obligations	2 (a)	The workers must in particular, in accordance with their training and the instructions given by their employer, make correct use of machinery, apparatus, tools, dangerous substances, transport equipment and other means of production.		x			Yes		x			
13	Workers' obligations	2 (b)	The workers must in particular, in accordance with their training and the instructions given by their employer, make correct use of the personal protective equipment supplied to them and, after use, return it to its proper place.		x			Yes		x			
13	Workers' obligations	2 (c)	The workers must in particular, in accordance with their training and the instructions given by their employer, refrain from disconnecting, changing or removing arbitrarily safety devices fitted (e.g. to machinery, apparatus, tools, plant and buildings) and use such safety devices correctly.			x						x	
13	Workers' obligations	2 (d)	The workers must in particular, in accordance with their training and the instructions given by their employer, immediately inform the employer and/or the workers with specific responsibility for the safety and health of workers of any work situation they have reasonable grounds for considering represents a serious and immediate danger to safety and health and of any shortcomings in the protection arrangements.			x						x	

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				FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT
13	Workers' obligations	2 (e)	The workers must in particular, in accordance with their training and the instructions given by their employer, cooperate, in accordance with national practice, with the employer and/or workers with specific responsibility for the safety and health of workers, for as long as may be necessary to enable any tasks or requirements imposed by the competent authority to protect the safety and health of workers at work to be carried out.			x						x	
13	Workers' obligations	2 (f)	The workers must in particular, in accordance with their training and the instructions given by their employer, cooperate, in accordance with national practice, with the employer and/or workers with specific responsibility for the safety and health of workers, for as long as may be necessary to enable the employer to ensure that the working environment and working conditions are safe and pose no risk to safety and health within their field of activity.		x			Yes		x			
14	Health surveillance	1	Measures shall be introduced in accordance with national law and/or practices, to ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work.		x			Yes		x			
14	Health surveillance	2	The measures referred to in paragraph 1 shall be such that each worker, if he so wishes, may receive health surveillance at regular intervals		x			Yes		x			
14	Health surveillance	3	Health surveillance may be provided as part of a national health system.			x						x	
15	Risk groups	1	Particularly sensitive risk groups must be protected against the dangers which specifically affect them.			x	x	Yes			x	x	
16	General scope of this Directive	3	The provisions of this Directive shall apply in full to all the areas covered by the individual Directives (e.g., workplaces, work equipment, personal protective equipment, work with visual display units, handling of heavy loads involving risk of back injury, temporary or mobile work sites, fisheries and agriculture), without prejudice to more stringent and/or specific provisions contained in these individual Directives.			x						x	

TABLE OF CONCORDANCE

Council Directive No. 89/391/EEC, of 12 June 1989, on the introduction of measures to encourage improvements in the safety and health of workers at work

(As amended by: Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003; Directive 2007/30/EC of the European Parliament and of the Council of 20 June 2007; Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008)

Line	EU DIRECTIVE LEGAL PROVISIONS				CORRESPONDING OR EQUIVALENT UKRAINIAN LEGAL PROVISIONS					LEVEL OF COMPLIANCE				ADEQUATE SCOPE AND/OR JURIDICAL POWER OF LEGAL ACT	RECOMMENDATIONS FOR FURTHER ACTION					COMMENTS	SUGGESTIONS	ILO COMMENTS
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1	1	Object	1	Improvement of the safety and health of workers at work.	1.2	1	Definitions of concepts and terms	1	Labour protection shall mean a system of legal, socio-economic, organizational and technical, sanitary and hygienic, treatment and preventive activities and means intended to preserve human life, health and working capacity in the process of working activity.			x		Yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The object is to improve the health and safety of workers, not just to protect it, and goes beyond employer's general requirements.
2	1	Object	1	Improvement of the safety and health of workers at work.	4.8	1.1	Scope of application		General requirements to employers to ensure labour protection (Requirements) define requirements to providing safe and non-hazardous working conditions by means of properly equipped workplaces and productive, sanitary and amenity facilities and other premises at the enterprises, institutions, organizations (enterprises),by means of safe use of work equipment by workers and involvement of workers in resolving labour protection issues, regulation of relations between enterprises in the context of labour protection in case the workers of other enterprises are involved in fulfilment of works.			x		Yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The object is to improve the health and safety of workers, not just to protect it, and goes beyond employer's general requirements.
3	1	Object	2	Establishes general principles concerning: 1) prevention of occupational risks; 2) protection of OSH; 3) elimination of risk and accident factors; 4) information, consultation and balanced participation on OSH; 5) training of workers and their representatives; 6) guidelines for their implementation.	1.2	4	4) information, consultations, and balanced participation in OSH; 5) staff and their representatives' training;	p. 2 para. 8	Public awareness raising, staff training, vocational training, and advanced training on labour protection matters; ensuring coordination of the work of public authorities, institutions, organizations, citizens' associations addressing the issues of health care, occupational safety and health, and coordination and consultations between employers and workers (representatives thereof) as well as between all social groups when making labour protection decisions on local and state levels;			x		Yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. It misses the principles: prevention of occupational risks; protection of OSH; elimination of risk and accident factors; information on OSH; and guidelines for their implementation.
4	1	Object	2	Establishes general principles concerning: 1) prevention of occupational risks; 2) protection of OSH; 3) elimination of risk and accident factors; 4) information, consultation and balanced participation on OSH; 5) training of workers and their representatives; 6) guidelines for their implementation.	1.7	3	Basic principles of social dialogue	1	"Social dialogue shall be conducted on the following principles: : legality and the rule of law; representativity and authority of the parties and representatives thereof; independence and equality of the parties; constructive approach and interaction; voluntariness and assumption of realistic obligations; mutual respect and search for compromise solutions; mandatory consideration of the parties' proposals; priority of conciliation procedures; openness and publicity; mandatory compliance with agreements reached; responsibility for meeting obligations assumed."			x		Yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. It misses the principles: prevention of occupational risks; protection of OSH; elimination of risk and accident factors; information on OSH; and guidelines for their implementation.
5	1	Object	2	Establishes general principles concerning: 1) prevention of occupational risks; 2) protection of OSH; 3) elimination of risk and accident factors; 4) information, consultation and balanced participation on OSH; 5) training of workers and their representatives; 6) guidelines for their implementation.	1.7	4	Levels of and parties to social dialogue	1	Social dialogue shall be conducted on the national, sectoral, territorial and local (enterprise, institution, organisation) levels on the trilateral or bilateral basis.			x		Yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. It misses the principles: prevention of occupational risks; protection of OSH; elimination of risk and accident factors; information on OSH; and guidelines for their implementation.
6	1	Object	2	Establishes general principles concerning: 1) prevention of occupational risks; 2) protection of OSH; 3) elimination of risk and accident factors; 4) information, consultation and balanced participation on OSH; 5) training of workers and their representatives; 6) guidelines for their implementation.	1.7	4	Levels of and parties to social dialogue	2(4)	On the local level – the employees party, subjects of which shall include primary trade union organisations or, in case of their absence, the representatives (representative) of employees freely elected for collective bargaining; the employer party, subjects of which shall include the employer and/or authorised representatives of the employer.			x		Yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. It misses the principles: prevention of occupational risks; protection of OSH; elimination of risk and accident factors; information on OSH; and guidelines for their implementation.

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7	1	Object	2	Establishes general principles concerning: 1) prevention of occupational risks; 2) protection of OSH; 3) elimination of risk and accident factors; 4) information, consultation and balanced participation on OSH; 5) training of workers and their representatives; 6) guidelines for their implementation.	1.15	4	Principles of state policy on construction norm setting	part 1 , item 1	The state policy of construction norm setting shall be based on the following principles: 1) providing safe conditions for human life and health			x		Yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. It misses the principles: prevention of occupational risks; protection of OSH; elimination of risk and accident factors; information on OSH; and guidelines for their implementation.
8	1	Object	2	Establishes general principles concerning: 1) prevention of occupational risks; 2) protection of OSH; 3) elimination of risk and accident factors; 4) information, consultation and balanced participation on OSH; 5) training of workers and their representatives; 6) guidelines for their implementation.	4.2	1	General provisions	1.1	"1.1. The Model Regulations on the procedure for training and knowledge testing on labour protection (""Model Regulations"") shall establish the procedure for training and knowledge testing on labour protection for officials and other employees in the course of work as well as pupils, cadets, trainees and students of educational institutions during labour training and vocational training. "			x		Yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. It misses the principles: prevention of occupational risks; protection of OSH; elimination of risk and accident factors; information on OSH; and guidelines for their implementation.
9	1	Object	2	Establishes general principles concerning: 1) prevention of occupational risks; 2) protection of OSH; 3) elimination of risk and accident factors; 4) information, consultation and balanced participation on OSH; 5) training of workers and their representatives; 6) guidelines for their implementation.	4.2	1	General provisions	1.2	1.2. The Model Regulations are intended to implement in Ukraine a system of lifelong training of officials and other employees in labour protection, pre-medical care to accident victims, and rules of conduct in case of emergencies.			x		Yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. It misses the principles: prevention of occupational risks; protection of OSH; elimination of risk and accident factors; information on OSH; and guidelines for their implementation.
10	1	Object	2	Establishes general principles concerning: 1) prevention of occupational risks; 2) protection of OSH; 3) elimination of risk and accident factors; 4) information, consultation and balanced participation on OSH; 5) training of workers and their representatives; 6) guidelines for their implementation.	4.7		Coal Mine Safety Rules	section 1(2)	" Requirements set forth in the Rules shall be binding on all the workers involved in designing, construction and operation of mines, mine workings, buildings, structures, machines, equipment, devices and materials as well as on the persons whose work or training are related to mine visits. These Rules establish the procedure for safe performance of mining works and use of mining, transport and electric equipment, venting and emergency protection of mine workings, maintenance of proper dust and gas conditions, workplace sanitation, and occupational safety."			x		No				x	x			NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. It misses the principles: prevention of occupational risks; protection of OSH; elimination of risk and accident factors; information on OSH; and guidelines for their implementation. Moreover, it only applies to coal mine sector.
11	1	Object	2	Establishes general principles concerning: 1) prevention of occupational risks; 2) protection of OSH; 3) elimination of risk and accident factors; 4) information, consultation and balanced participation on OSH; 5) training of workers and their representatives; 6) guidelines for their implementation.	4.7		Coal Mine Safety Rules	section 1(1) and (2)	" The Coal Mine Safety Rules ("the Rules") shall apply to active mines, mines under construction reconstruction or closedown, and closed waterproof mines, and enterprises and organizations performing works in coal mines ("the mines") regardless of their form of ownership. Requirements set forth in the Rules shall be binding on all the workers involved in designing, construction and operation of mines, mine workings, buildings, structures, machines, equipment, devices and materials as well as on the persons whose work or training are related to mine visits. These Rules establish the procedure for safe performance of mining works and use of mining, transport and electric equipment, venting and emergency protection of mine workings, maintenance of proper dust and gas conditions, workplace sanitation, and occupational safety."			x		No				x	x			NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. It misses the principles: prevention of occupational risks; protection of OSH; elimination of risk and accident factors; information on OSH; and guidelines for their implementation. Moreover, it only applies to coal mine sector.

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12	1	Object	3	Principle of non-prejudice over more favourable OSH provisions.	1.2.	3	Legislation on labour protection	2	If an international treaty that the Verkhovna Rada of Ukraine agreed to be bound to establishes provisions other than envisaged in Ukraine's legislation on labour protection, the provisions of the international treaty shall apply.			x		Yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The national provision indicated refers to other situation. This directive provision intention is to ensure that, if the Ukrainian regulation are already more favourable (than the EU ones), than they should be applied instead of the EU ones. Nevertheless, in the light of this article 3/2 of the labour protection law, the limitation of the SLS LI powers (which are foreseen in international treaties - the ILO Conventions N.º 81 and 129), were illegally limited through the Law N.º 877, of 1 January 2017, On Basic Principles of State Supervision (Control) in the Area of Economic Activities. The limitation of the SLS LI powers, by the way, is also against article 9/1 of the Ukrainian Constitution, concerning the legal power of the provisions of international treaties ratified by the Ukraine.
13	2	Scope	1	Application to all sectors of activity, both public and private (industrial, agricultural, commercial, administrative, service, educational, cultural, leisure, etc.).	1.2	2	Scope of the Law		This Law shall apply to all the legal and natural persons that use hired labour according to legislation as well as all the working individuals.			x		Yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. Applicable to all sectors of activity, both public and private. Moreover, it should also apply to legal or natural people that use hired labour not according to legislation (e.g., to the employment relationships with bogus self-employed, bogus volunteers, bogus trainees, bogus internships, etc.) via, for example, the incorporation, into the labour code and/or OSH regulations, of the provisions of the ILO Recommendation no. 198, on the employment relationship.
14	2	Scope	1	Application to all sectors of activity, both public and private (industrial, agricultural, commercial, administrative, service, educational, cultural, leisure, etc.).	1.2	4	State policy on labour protection	7	establishing uniform requirements on labour protection to all enterprises and entrepreneurial entities regardless of their forms of ownership and activity areas;			x		Yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The national provision has to do with the State policy and not with the scope, which should be applicable to all employment relationships of all sectors of activity, both public and private.
15	2	Scope	2	"This Directive shall not be applicable where characteristics peculiar to certain specific public service activities, such as the armed forces or the police, or to certain specific activities in the civil protection services inevitably conflict with it. In that event, the safety and health of workers must be ensured as far as possible in the light of the objectives of this Directive. IMPORTANT: possibility of exclusion of certain activities in those sectors (whenever their are incompatible) does not mean the exclusion of its application to those sectors themselves, but just to the incompatible activities."	1.2	4	State policy on labour protection	7	establishing uniform requirements on labour protection to all enterprises and entrepreneurial entities regardless of their forms of ownership and activity areas;			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The national provision indicated misses the point: this directive provision concerns the possibility for the States to exclude from its application certain public service activities .

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16	2	Scope	2	"This Directive shall not be applicable where characteristics peculiar to certain specific public service activities, such as the armed forces or the police, or to certain specific activities in the civil protection services inevitably conflict with it. In that event, the safety and health of workers must be ensured as far as possible in the light of the objectives of this Directive. IMPORTANT: possibility of exclusion of certain activities in those sectors (whenever their are incompatible) does not mean the exclusion of its application to those sectors themselves, but just to the incompatible activities."	3.4	1	General provisions	1	This Procedure defines the procedure for investigation and recording of accidents, occupational diseases and emergencies that occurred to workers at enterprises, in institutions and organizations of whatever form of ownership, or in their branches, representative offices, or other standalone units ("the enterprises").			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The national provision indicated misses the point: this directive provision concerns the possibility for the States to exclude from its application certain public service activities .
17	2	Scope	2	"This Directive shall not be applicable where characteristics peculiar to certain specific public service activities, such as the armed forces or the police, or to certain specific activities in the civil protection services inevitably conflict with it. In that event, the safety and health of workers must be ensured as far as possible in the light of the objectives of this Directive. IMPORTANT: possibility of exclusion of certain activities in those sectors (whenever their are incompatible) does not mean the exclusion of its application to those sectors themselves, but just to the incompatible activities."	3.1				Pursuant to the Decree of the Verkhovna Rada of Ukraine No. 244 of 23.06.1995 "On state supervision over safe performance of works at enterprises, in institutions, organizations, and in military units of military formations and bodies of internal affairs and State Service of Ukraine			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The national provision indicated misses the point: this directive provision concerns the possibility for the States to exclude from its application certain public service activities .
18	2	Scope	2	This Directive shall not be applicable where characteristics peculiar to certain specific public service activities, such as the armed forces or the police, or to certain specific activities in the civil protection services inevitably conflict with it. In that event, the safety and health of workers must be ensured as far as possible in the light of the objectives of this Directive. IMPORTANT: possibility of exclusion of certain activities in those sectors (whenever their are incompatible) does not mean the exclusion of its application to those sectors themselves, but just to the incompatible activities.	1.10 4.7	Art. 29	Mining Law of Ukraine Coal Mine Safety Rules	section 1(2), para. 1	"To implement emergency and urgent measures at coal and mining industry enterprises for rescue of people, extinction of fires, elimination of the consequences of bursts, sudden coal and gas releases, rockslides, and for other works that require the use of respiratory protection equipment as well as control and supervision over the implementation of accident prevention measures by the owner (manager) of a mining enterprise, state paramilitary emergency rescue services (units) shall be established at mining enterprises. All mining enterprises of whatever form of ownership shall be served, during their construction, reconstruction, operation, liquidation or mothballing, by state paramilitary emergency rescue services (units) funded from the State Budget of Ukraine, funds of mining enterprises, and from other sources not prohibited by law. The regulations on the emergency rescue services (units) and their statutes shall be approved by respective ministries, or other central executive authorities as per their powers. Requirements set forth in the Rules shall be binding on all the workers involved in designing, construction and operation of mines, mine workings, buildings, structures, machines, equipment, devices and materials as well as on the persons whose work or training are related to mine visits. "			x		No				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The national provision indicated misses the point: this directive provision concerns the possibility for the States to exclude from its application certain public service activities .
19	3	Definitions	(a)	Worker - any person employed by an employer, including trainees and apprentices but excluding domestic servants.	1.2	1	Definitions of concepts and terms	3	A worker shall mean a person working at an enterprise, organization, or institution, and performing duties or functions according to an employment agreement (contract).		x			yes		x						Worker should be defined as any person which has an employment relationship with an employer (regardless of the existence or type of contract), according also with the ILO Recommendation No. 198

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20	3	Definitions	(a)	Worker - any person employed by an employer, including trainees and apprentices but excluding domestic servants.	1.3	1	Terms and definitions		"The following terms shall be used in this Law: a worker shall mean a natural person working under an employment agreement at an enterprise, in an institution, an organization, or for a natural person using hired labour." "		x			yes		x						Worker should be defined as any person which has an employment relationship with an employer (regardless of the existence or type of contract), according also with the ILO Recommendation No. 198
21	3	Definitions	(b)	Employer - any natural or legal person who has an employment relationship with the worker and has responsibility for the undertaking and/ or establishment	1.2	1	Definitions of concepts and terms	2	An employer shall mean the owner of an enterprise, institution or organization, or a body authorized thereby, of whatever form of ownership, activity area, and type of economic management, or a natural person using hired labour.		x			yes		x						Employer should be defined as any person (legal or natural) which has an employment relationship with a worker (regardless of the existence or type of contract, according also with the ILO Recommendation No. 198) and that has the responsibility for the undertaking/ establishment
22	3	Definitions	(b)	Employer - any natural or legal person who has an employment relationship with the worker and has responsibility for the undertaking and/ or establishment	1.8	Section 1, Art. 1	Terms and definitions	1	"Terms used herein shall have the following meanings: an employer shall mean a legal person (enterprise, institution, organization) or an individual entrepreneur using labour of natural persons within the scope of employment relations;"		x			yes		x						Employer should be defined as any person (legal or natural) which has an employment relationship with a worker (regardless of the existence or type of contract, according also with the ILO Recommendation No. 198) and that has the responsibility for the undertaking/ establishment
23	3	Definitions	(c)	Workers' representative with specific responsibility for the safety and health of workers - any person elected, chosen or designated in accordance with national laws and/ or practices to represent workers where problems arise relating to the safety and health protection of workers at work								x						x		According to national legislation on labour protection, the person authorized by employees to address labour protection matters shall be such a representative (Art. 42 of the Law).		NON-PROVIDED FOR.
24	3	Definitions	(d)	Prevention - all the steps or measures taken or planned at all stages of work in the undertaking to prevent or reduce occupational risks								x						x				NON-PROVIDED FOR.
25	4	State obligation	1	State to ensure the legal subjection of employers, workers and workers' representatives to the legal provisions necessary to implement the directive.	1.2	2	Scope of the Law		This Law shall apply to all the legal and natural persons that use hired labour according to legislation as well as all the working individuals.			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. Does not foresee the obligation of the State to ensure the legal subjection of employers, workers and workers' representatives to the legal provisions necessary to implement the directive. Moreover, it applies only to mine workers. Moreover, in only applies to legal and natural persons that use hired labour according to legislation.
26	4	State obligation	1	State to ensure the legal subjection of employers, workers and workers' representatives to the legal provisions necessary to implement this directive.	1.10	7	Mining Law of Ukraine		"The state policy in mining industry shall be based on the following principles: state regulation of activities of the mining relationship entities in mining industry; safe operation of mining enterprises; sustainable use of mineral resources; development and enhancement of the technical level of mining sectors; provision of conditions for the construction of new mining enterprises, reconstruction and enhancement of the technical level of existing ones; improvement of environmental safety of mining enterprises; development of competitive relations in the mineral resource market; compliance with state standards and rules by all mining relationship entities; ensuring the highly-skilled staff training for mining sectors; provision of conditions for advanced research in the field of mining relationships; state support for mining enterprises; ensuring the protection of rights and interests of mining enterprise workers."			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. Does not foresee the obligation of the State to ensure the legal subjection of employers, workers and workers' representatives to the legal provisions necessary to implement the directive. Moreover, it applies only to mine workers

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27	4	State obligation	1	State to ensure the legal subjection of employers, workers and workers' representatives to the legal provisions necessary to implement this directive.	1.2	4	State policy on labour protection	1	The state policy on labour protection shall be determined according to the Constitution of Ukraine by the Verkhovna Rada of Ukraine and shall be intended to provide proper, safe and healthy working conditions as well as to prevent accidents and occupational diseases.			x		yes				x					NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. Does not foresee the obligation of the State to ensure the legal subjection of employers, workers and workers' representatives to the legal provisions necessary to implement the directive.
28	4	State obligation	1	State to ensure the legal subjection of employers, workers and workers' representatives to the legal provisions necessary to implement this directive.	1.11	2	Application of this Law	parts 1 and 2	This Law shall apply to relations associated with carrying out state supervision (control) of economic activities. This Law shall not apply to relations arising during the implementation of exchange controls, customs border control, national export controls, monitoring compliance with budget legislation, banking supervision, state control over observance of legislation on economic competition protection, state supervision (control) in the area of TV and radio.			x	x	yes			x	x			Amend the Law to provide for non-application of the Law to the relations arising during the exercise of state supervision (control) of labour protection legislation observance	NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. CONTRADICTORY WITH DIRECTIVE PROVISIONS - REVIEW NATIONAL PROVISION. Besides being appearing not to be in conformity with article 9(1) of the Ukrainian Constitution (regarding the legal power of the provisions of International Treaties ratified by Ukraine), this law seems also contrary to the provision of article 3(2) of the Law No. 2694-XII, on labour protection, of 14 October 1992. In order to comply with this directive provision and ensure the legal subjection of employers, workers and worker's representatives to the legal provisions of this directive, Ukraine has to exclude SLS from the scope of this law and entrust the SLS LI with the powers foreseen in the ILO Conventions 81 and 129, which should be dully specified and in line with the mentioned ILO Conventions.	
29	4	State obligation	1	State to ensure the legal subjection of employers, workers and workers' representatives to the legal provisions necessary to implement this directive.	2.1				Regulations on the State Sanitary and Epidemiological Service of Ukraine			x		yes				x				DELETE THIS LINE. The scope is insufficient to ensure the implementation of this directive.	
30	4	State obligation	2	State obligation to ensure adequate controls and supervision.	1.2	38	The bodies of state supervision over labour protection		"State supervision over compliance with laws and other regulatory legal acts on labour protection shall be exercised by: the central executive authority that implements the state policy on labour protection; the central executive authority that implements the state policy on nuclear and radiation safety; the central executive authority that implements the state policy on supervision and control over compliance with legislation on fire and technological safety; the central executive authority that implements the state policy on sanitary and epidemic well-being of the population. The bodies of state supervision over labour protection shall not depend on any economic authorities, business entities, citizens' associations, political groups, local state administrations or local governments, shall not be accountable thereto or controlled thereby. Activities of the bodies of state supervision over labour protection shall be regulated by this law, the Law of Ukraine "On the Use of Nuclear Energy and Radiation Safety", the Law of Ukraine "On Fire Safety", the Law of Ukraine "On Ensuring Sanitary and Epidemic Well-being of the Population", other regulatory legal acts, and regulations on these bodies approved by the President of Ukraine. "		x			yes		x				Law of Ukraine on Fire Safety became invalid since 1.07.2013		This directive provision is not just about the existence of an inspection body that ensures the compliance with the provisions, but also that this body has the necessary conditions to perform its duties effectively (laws, powers, HR, financial resources, technological resources, equipment, appropriate system of fines and sanctions, etc.). As such, the existence of SLS is not enough, if the SLS LI do not have, for example, the necessary powers to enforce the law - as foreseen in the ILO Conventions nos. 81 and 129..	

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31	4	State obligation	2	State obligation to ensure adequate controls and supervision.	1.11	4 to 7	Various	4/1 to4/3; 4/11; 5/1; 5/2; 5/4; 5/5; 6/1; 6/2; 6/4; 7/1 to 7/5; 7/11; 10 and 22/3	"4/1 -The State supervision (SS) shall be carried out at the place of business of a business entity or its separate units or at the premises of the body of SS; 4/2 - If the business entity (BE) is included in the plans of measures of SS of several bodies of SS at the same time, the subject planned measures shall be carried out by the bodies of SS at the same time by all bodies; 4/3 -Planned and unplanned measures shall be carried out during working hours of a business entity established by its internal regulations; 4/11 - Any planned or unplanned measure on a BE/individual shall be carried out in the presence of a senior manager (or a person authorized)/his person (or authorized person); 5/1 - During the planned period, carrying out of more than 1 planned measure of SS on 1 BE by the same body of SS shall not be allowed; 5/2 - The central executive body that implements the state regulatory policy (SRS) shall develop the Methodology for development of criteria to assess the risk of implementing an economic activities and to determine the regularity of SS and Methodology for development of standardized report forms to be prepared based on the results of the planned (unplanned) measures of SS. Depending on the level of risk, the body of SS shall compile the list of issues for the implementation of planned activities to be approved by the order of the subject body. The planned measures of SS shall be carried by the body of SS over BE' activities, which fall under: the high level of risk - no more than once every 2 years; the medium level of risk - no more than once every 3 years; the minor level of risk - no more than once every 5 years; 5/4 - The bodies of SS shall carry out the planned measures of SS subject to a written notification to the BE of the planned measure by no later than 10 days prior to the measure; 5/5 - The duration of the planned measure may not exceed 10 working days, and in case of the subjects of micro/small businesses - 5 working days. No extension of the planned measure duration shall be allowed. The total duration of all the planned measures carried out by the bodies of SS in a calendar year on the specific BE (planned comprehensive measure) shall not exceed 30 days, and on the subjects of micro/small business - 15 working days; 6/1 and 6/2- Reasons for the implementation of unplanned measures shall be.....Carrying out unplanned measures on other grounds than those provided for in this article shall be prohibited; 6/4 - The duration of the unplanned measure shall not exceed 10 working days and 2 working days for small businesses; 7/1, 7/2, 7/3, 7/4 and 7/5 - To implement the planned or unplanned measure, the body of SS shall issue an order. On the basis of that order, a certificate (request) for the measure of SS shall be issued, to be signed by the head of the body of SS or his deputy. The certificate (request) shall be valid only for the measure duration specified therein. Before starting the measure, the officials of the body of SS shall present to the head of a BE or authorized person the certificate (request) and the legal identification of the officials of the body of SS and provide the BE a copy of certificate. The official of the body of SS who has no certificate shall not be entitled to carry out the SS of the BE. The BE shall be entitled to prevent officials of the body of SS from implementing the measures, if they fail to present the certificate; 7/11 - If the BE implements in full and in due time the instruction, order, resolution, other administrative documents to eliminate violations revealed during the measure of SS, no financial and administrative penalties or measures of response shall be applied to the BE or its officials. 10 - Rights of BE to prevent the officials of SS from carrying out the state supervision (control) in several cases; 22/3 - If the criteria for classification of BE for economic risk levels of their activities or the regularity of the planned measures or the list of issues to be checked, have not been approved, those BE shall be considered business entities with minor risk level and shall be subject to SS not more than once every 5 years."						x	yes				x					Amend the Law to provide for non-application of the Law to the relations arising during the exercise of state supervision (control) of labour protection legislation observance	"NATIONAL PROVISION INDICATED IS CONTRADICTORY WITH THE DIRECTIVE PROVISIONS - REVIEW NATIONAL PROVISION. The State is not ensuring adequate controls and supervision. The SLS is not effective. The SLS labour inspectors lacks some main important powers which, moreover, seems to be not in compliance with the following provisions of the ILO Conventions Nos. 81 and 129: 1. They cannot perform inspections visits to any workplace, at any time of day or night, without prior notice [article 12(1)(a) and (b) of C81 and article 16(1)(a) and (b) of C129]]; 2. They cannot make inspection visits with the frequency and deepness which they understand as necessary [articles 16 of C81 and article 21 of C129]; 3. They cannot impose fines, regarding observed infractions, when the employers meet the demands of a notification to take measures [articles 17(2) of C81 and article 22(2) of C126]; 4. They cannot monitor and enforce compliance in employers which are not registered [articles 1 and 2(1) of C81 and articles 1 to 5 of C129]; 5. They cannot suspend works, even in situations where there is serious risk or serious probability of injury to the life, physical integrity or health of workers [articles 13(2)(b) of C81 and article 18(2)(b) of C129]. Besides appearing not to be in compliance with the article 9(1) of the Constitution of Ukraine (regarding the legal power of the provisions of the International Treaties ratified by the Ukraine), this lack of powers of the labour inspectors also seems in contradiction with the provisions of the art. 3(2) of the Law No. 2694-XII, on labour protection, of 14 October 1992. In order to comply with this directive provision, Ukraine has to entrust LI with the powers foreseen in the ILO Conventions 81 and 129, so that they can be effective on the supervision, control and enforcement of the provision of this directive. As such, SLS should be out of the scope of this law and the powers of SLS LI should be dully specified and in line with the ILO Conventions nos. 81 and 129."
32	5	General provisions regarding the employers	1	Employer has the duty to ensure the safety and health of workers in every aspect related to the work	1.2	13	Management of labour protection and duties of an employer	1	An employer shall be required to provide working conditions according to regulatory legal acts at a workplace in every structural unit as well as to ensure compliance with legislative requirements concerning workers’ rights in labour protection.			x		yes				x					NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This directive provision is a general one: the employers should have the non-transferable responsibility to ensure the safety and health of workers in every aspect related to the work.			
33	5	General provisions regarding the employers	1	Employer has the duty to ensure the safety and health of workers in every aspect related to the work	1.13	69	Social activities of an enterprise	4	The enterprise owner and management bodies shall be required to provide proper and safe working conditions to all workers of the enterprise. The enterprise shall be responsible, according to the procedure established by law, for any damage caused to its workers' health and working capacity.			x		yes				x					NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This directive provision is a general one: the employers should have the non-transferable responsibility to ensure the safety and health of workers in every aspect related to the work.			

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34	5	General provisions regarding the employers	1	Employer has the duty to ensure the safety and health of workers in every aspect related to the work	1.1	29	Duty of the owner or the body authorized thereby to instruct the worker and assign a workplace thereto	para. 1, item 4	" Before commencing work under an employment agreement signed, the owner or the body authorized thereby shall be required to: instruct the worker on occupational safety, workplace sanitation, occupational health, and fire protection."			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This directive provision is a general one: the employers should have the non-transferable responsibility to ensure the safety and health of workers in every aspect related to the work.
35	5	General provisions regarding the employers	1	Employer has the duty to ensure the safety and health of workers in every aspect related to the work	1.1	153	Creation of safe and non-harmful working conditions	paras 2, 4	" Ensuring safe and non-harmful working conditions shall be a responsibility of an owner or a body authorized thereby. An owner or a body authorized thereby must introduce modern means of occupational safety preventing occupational injuries, and provide sanitary and hygienic conditions that prevent emergence of occupational diseases among workers."			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This directive provision is a general one: the employers should have the non-transferable responsibility to ensure the safety and health of workers in every aspect related to the work.
36	5	General provisions regarding the employers	1	Employer has the duty to ensure the safety and health of workers in every aspect related to the work	1.1	158	The responsibility of an owner or a body authorized thereby for making workers' working conditions easier and healthier	paras 2, 4	An owner or a body authorized thereby shall be required to take measures to make workers' working conditions easier and healthier by means of introducing advanced technologies, achievements of science and engineering, means of production mechanization and automatization, ergonomics requirements, and positive labour protection experience, as well as by reducing and eliminating dust and gas pollution of air in production areas, decreasing intensity of noise, vibration, irradiations, etc.			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This directive provision is a general one: the employers should have the non-transferable responsibility to ensure the safety and health of workers in every aspect related to the work.
37	5	General provisions regarding the employers	1	Employer has the duty to ensure the safety and health of workers in every aspect related to the work	1.1	163	Issuance of special clothes and other personal protective equipment	paras 1, 2	"On works with harmful and hazardous working conditions as well as works connected with contamination or adverse weather conditions, workers shall be issued, free of charge and at established rates, special clothes, special footwear, and other personal protective equipment. An owner or a body authorized thereby shall be required to organize stocking and maintenance of personal protective equipment according to regulatory acts on labour protection."			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This directive provision is a general one: the employers should have the non-transferable responsibility to ensure the safety and health of workers in every aspect related to the work.
38	5	General provisions regarding the employers	1	Employer has the duty to ensure the safety and health of workers in every aspect related to the work	4.2	3	Organization of labour protection training and knowledge testing at an enterprise	3.1	" Workers at hiring and during work as well as pupils, cadets, trainees and students during labour training and vocational training shall undergo, at an enterprise at the employer's expense, briefings, training and knowledge testing in labour protection, pre-medical care to accident victims, and rules of conduct in case of emergencies. "			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This directive provision is a general one: the employers should have the non-transferable responsibility to ensure the safety and health of workers in every aspect related to the work.
39	5	General provisions regarding the employers	2	The use of external services or persons do not discharges the employer of his responsibilities								x						x				NON-PROVIDED FOR. The principle of the non-transferable responsibility of the employer, in case of the use of external services or persons, has to be clearly stated.
40	5	General provisions regarding the employers	3	The workers' OSH obligations do not discharge the employers' responsibilities.	1.16	41	Violation of requirements of the legislation on labour and on labour protection	5	A violation of requirements of legislative and other regulatory acts on labour protection, except a violation envisaged by the sixth part of this Article, shall entail a fine imposed on workers in amount of between 4 and 10 non-taxable minimum incomes, and on officials of enterprises, institutions or organizations of whatever form of ownership and individual entrepreneurs in the amount of between 20 and 40 non-taxable minimum incomes.			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This national provision is missing the point: they are not about worker's obligations, but regarding the fact that the worker's obligations do not discharge the non-transferable responsibility of the employers.
41	5	General provisions regarding the employers	3	The workers' OSH obligations do not discharge the employers' responsibilities.	4.7		Coal Mine Safety Rules	section 4(5)(6)	Works performed by workers of any section (service) in mining of another section (service) as well as works performed by outside organizations must be agreed upon with the manager of the section (service) where they are being performed, and approved by the person responsible for the mine's work in the given shift. Organization of safe performance of works must be specified in the former case by a mine order, and in the latter case by a joint order of the enterprise managers.			x		No				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This national provision is missing the point: they are not about worker's obligations, but regarding the fact that the worker's obligations do not discharge the non-transferable responsibility of the employers.

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42	5	General provisions regarding the employers	3	The workers' OSH obligations do not discharge the employers' responsibilities.	4.7		Coal Mine Safety Rules	section 4(5)(1)	"A mine worker shall be required to: perform only the works covered by the received task and their responsibilities, except in case of occurrence of a threat of accident or a threat to workers' health or life; perform in the first instance, prior to all other works, the works for elimination of detected or existing violations of the requirements of regulatory legal acts on labour protection; know and comply with the requirements of technical documents (TDD, passports, instructions) and of the regulatory acts on labour protection related to the worker's occupation; comply with the requirements of these Rules and of the employment (collective) contract (agreement); know and comply with the requirements of manuals (instructions) on operation of the machines, equipment and products within the scope of their occupation (position) at the workplace which the worker attends; know ERP for their workplace, emergency warning signals, rules of conduct in emergencies, emergency exits, places where emergency protection and self-rescue means are situated, and be able to use them; undergo medical examinations, training, briefings and knowledge testing concerning the rules, standards and instructions on labour protection; take measures to eliminate hazardous workplace situations; report any detected or identified hazards to their direct work manager or mining dispatcher; know first aid techniques according to the training program, and be able to provide first aid to victims during accidents; cooperate with the mine management in ensuring and organizing safe and healthy working conditions. "			x		yes										NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This national provision is missing the point: they are not about worker's obligations, but regarding the fact that the worker's obligations do not discharge the non-transferable responsibility of the employers.
43	5	General provisions regarding the employers	3	The workers' OSH obligations do not discharge the employers' responsibilities.								x						x					NON-PROVIDED FOR. The principle of the non-transferable responsibility of the employer, even regarding the worker's obligations, has to be clearly stated.	
44	5	General provisions regarding the employers	4	Possibility (option that can be not exercised) of exclusion or limitation of employers' responsibility when: a) occurrences are due to unusual and unforeseeable circumstances, beyond employers' control; b) exceptional events, the consequences of which could not have been avoided despite the exercise of all due care.								x											NON-PROVIDED FOR. The possibility of excluding or limiting the employer's responsibility in these situations can be not exercised.	
45	5	General provisions regarding the employers	4	Possibility (option that can be not exercised) of exclusion or limitation of employers' responsibility when: a) occurrences are due to unusual and unforeseeable circumstances, beyond employers' control; b) exceptional events, the consequences of which could not have been avoided despite the exercise of all due care.	4.7		Coal Mine Safety Rules	section 4(3)(8)	" In case an emergency occurs at a mine of any form of ownership, the ERP (emergency response plan) shall be put into effect immediately. The mine chief engineer (authorized person) and, until their arrival, the mining dispatcher shall be a responsible manager of emergency response works. Their instructions shall be binding on all the persons and organizations involved in the emergency response. If it is impossible for the mine chief engineer (authorized person) to perform their emergency response duties, their performance shall be delegated only through a written order in an operations log of the higher technical manager who must take charge of the emergency response or appoint another responsible person."			x		no									DELETE THIS LINE. This national provision is missing the point. It is not regarding what to do in emergency situations, but regarding the possibility of excluding or limiting the employer's responsibility in unforeseeable situations (which can be not exercised).	

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46	6	General obligations of the employers	1 (1)	Take the measures necessary for protecting the OSH of workers, including: 1) prevention of occupational risks; 2) provision of information and training; 3) provision of the necessary organization and means.	1.2	13	Management of labour protection and duties of an employer	2	To that end, an employer shall ensure functioning of a labour protection management system		x			yes		x							This Directive provision is not only about labour protection management system (whose national definition - "system of legal, socio-economic, organizational and technical, sanitary and hygienic, treatment and preventive activities and means intended to preserve human life, health and working capacity in the process of working activity" - is very narrowed), but it also includes, among other aspects: prevention of occupational risks (e.g., mainly through the effective application of the "general principles of prevention"; provision of information; and provision of the necessary organization and means).	
47	6	General obligations of the employers	1 (1)	Take the measures necessary for protecting the OSH of workers, including: 1) prevention of occupational risks; 2) provision of information and training; 3) provision of the necessary organization and means.	4.7		Coal Mine Safety Rules	Section 4(1)(3) and (4)	"Based on the List of high-risk works (z0232-05) approved by the Order of the State Committee of Ukraine for Labour Protection Supervision ("SCLPS") No. 15 of 26.01.2005 (z0231-05), registered with the Ministry of Justice of Ukraine on 15.02.2005 under No. 232/10512 (hereinafter referred to as NPAOP 00.0-8.24-05), the mine director shall draft and approve a relevant list of high-risk work performance of which requires special training and annual knowledge testing on labour protection. Workers engaged in works specified in the approved list of high-risk works must undertake special training and annual knowledge testing on labour protection according to the Model Regulations on the procedure for training and knowledge testing on labour protection approved by the SCLPS Order No. 15 of 26.01.2005 (z0231-05), registered with the Ministry of Justice of Ukraine on 15.02.2005 under No. 232/10511 (hereinafter referred to as NPAOP 00.0-4.12-05). The mine director (authorized person) shall be required to provide workers with certified personal protective equipment according to the Regulations on the procedure for provision of workers with special clothes, special footwear and other personal protective equipment, approved by the Order of the State Committee for Industrial Safety, Labour Protection, and Mining Supervision No. 53 of 24.03.2008 (z0446-08), registered with the Ministry of Justice of Ukraine on 21.05.2008 under No. 446/15137 (NPAOP 0.00-4.01-08) (hereinafter referred to as NPAOP 00.0-4.01-08). "		x			yes		x							This Directive provision is not only about training and provision of PPE. It includes, among other aspects: prevention of occupational risks (e.g., mainly through the effective application of the "general principles of prevention"; provision of information; and provision of the necessary organization and means). Moreover, this national provision is only applicable to coal mine workers.	
48	6	General obligations of the employers	1 (2)	To adjust measures to take account of changing circumstances	1.2	13	Management of labour protection and duties of an employer	para. 2, subpara. 3	ensure implementation of necessary preventive measures according to changing circumstances;			x		yes				x					NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The directive provision refers, in general, to measures, and not just preventive measures.	
49	6	General obligations of the employers	1 (2)	To adjust measures to take account of changing circumstances	4.7		Coal Mine Safety Rules	Section 4(1)(16)	It shall be allowed to adjust the miners’ job order during a work shift by the work or section manager, which shall be confirmed by a respective entry in the mine foreman’s order sheet.			x		yes				x					DELETE THIS LINE. This directive provision is about the adjustment of the preventive and protective measures to changing circumstances and not about the adjustment of the miner’s job order to changing circumstances. Moreover, this national provision applies only to coal mine workers	
50	6	General obligations of the employers	2	Should apply the following General Principles of Prevention, when implementing the OSH measures: a) to avoid risks;								x						x					NON-PROVIDED FOR. The GPP should be all provided jointly in the same legal act, as a hierarchical and sequential set of fundamental OSH rules, that should be continuously applied in all activities of the undertaking/establishment.	
51	6	General obligations of the employers	2	Should apply the following General Principles of Prevention, when implementing the OSH measures: a) to avoid risks;	4.8	2.1.	Requirements to organization and ensuring the safety at workplaces		"At an enterprise the healthy and safe working conditions shall be ensured to every worker. the following basic principles of danger prevention shall be observed: eliminate dangers is that is possible and realistic ; limit the danger that cannot be avoided; eliminate dangers in its source, exclude or reduce the impact of dangerous and hazardous factors as much as possible; give priority to collective means of protection over individual ones ; take into account human factor, in particular in case of choosing the means of production, organizing the works, technologies, equipment of workplaces etc."			x		yes				x						NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The GPP should be all provided jointly in the same legal act, as a hierarchical and sequential set of fundamental OSH rules, that should be continuously applied in all activities of the undertaking/establishment.

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52	6	General obligations of the employers	2	Should apply the following General Principles of Prevention, when implementing the OSH measures: a) to avoid risks;	1.10 4.7	Art. 19	Mining Law of Ukraine Coal Mine Safety Rules	Section 4(1), para. 19	"Mining works shall be performed subject to a special permit (license) for the use of subsoil that shall be issued according to law. Mining works shall be performed according to designs and passports developed and approved according to safety rules, technical operation rules, and uniform safety rules for demolition works. The designs and passports shall have a section entitled ""Emergency protection"". In case of actual or expected changes in mining and geological (production) conditions, mining works shall be terminated until the designs and passports and adjusted and re-approved in due course. The designs and passports shall be brought to mining enterprise workers' notice according to the procedure envisaged by safety rules. The mining work development plan of a enterprise shall be annually considered and agreed upon with mining supervision bodies. All types of works and operations must have PDD (process design documentation) approved by a mine director or chief engineer. The PDD shall include a package of technical and sanitary measures that ensures normal working conditions and health care of workers by means of preventing or restricting any adverse impact of hazardous and harmful production factors (HHPF), and reducing the risk of occupational and work-related disease incidence."			x		no				x				"DELETE THIS LINE. The general principles of prevention (GPP) should be applied in the implementation of all OSH measures (e.g. prevention of occupational risks and provision of information and training, as well as provision of the necessary organization and means). Moreover, the GPP should be all provided jointly in the same legal act, as a hierarchical and sequential set of fundamental OSH rules, that should be continuously applied in all activities of the undertaking/establishment. In addition, the national provision indicated only applies to coal mine workers."
53	6	General obligations of the employers	2	Should apply the following General Principles of Prevention, when implementing the OSH measures: a) to avoid risks;								x						x				NON-PROVIDED FOR. The GPP should be all provided jointly in the same legal act, as a hierarchical and sequential set of fundamental OSH rules, that should be continuously applied in all activities of the undertaking/establishment.
54	6	General obligations of the employers	2	"(b) to evaluate the risks which cannot be avoided: "								x						x				NON-PROVIDED FOR. The GPP should be all provided jointly in the same legal act, as a hierarchical and sequential set of fundamental OSH rules, that should be continuously applied in all activities of the undertaking/establishment.
55	6	General obligations of the employers	2	c) to combat risks at source;								x						x				NON-PROVIDED FOR. The GPP should be all provided jointly in the same legal act, as a hierarchical and sequential set of fundamental OSH rules, that should be continuously applied in all activities of the undertaking/establishment.
56	6	General obligations of the employers	2	d) to adapt the work to the individual in order to, in particular, alleviate monotonous work and work at a predetermined work-rate and reduce their effect on health (especially as regards to design of work places, choice of work equipment and choice of working and production methods);	1.2	4	State policy on labour protection	6	" The state policy on labour protection shall be grounded on the following principles: adapting work flows to a worker's abilities subject to their health and psychological condition; "			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The GPP should be all provided jointly in the same legal act, as a hierarchical and sequential set of fundamental OSH rules, that should be continuously applied in all activities of the undertaking/establishment.
57	6	General obligations of the employers	2	d) to adapt the work to the individual in order to, in particular, alleviate monotonous work and work at a predetermined work-rate and reduce their effect on health (especially as regards to design of work places, choice of work equipment and choice of working and production methods);	1.2	13	Management of labour protection and duties of an employer	5	"To that end, an employer shall ensure functioning of a labour protection management system, namely: secure proper maintenance of buildings and structures, production equipment and machinery, and ensure monitoring of their technical conditions; "			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The GPP should be all provided jointly in the same legal act, as a hierarchical and sequential set of fundamental OSH rules, that should be continuously applied in all activities of the undertaking/establishment.
58	6	General obligations of the employers	2	d) to adapt the work to the individual in order to, in particular, alleviate monotonous work and work at a predetermined work-rate and reduce their effect on health (especially as regards to design of work places, choice of work equipment and choice of working and production methods);	1.2	13	Management of labour protection and duties of an employer	4	"To that end, an employer shall ensure functioning of a labour protection management system, namely: introduce advanced technologies, achievements of science and engineering, means of mechanization and automatization, ergonomics requirements, positive labour protection experience, etc.; "			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The GPP should be all provided jointly in the same legal act, as a hierarchical and sequential set of fundamental OSH rules, that should be continuously applied in all activities of the undertaking/establishment.

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59	6	General obligations of the employers	2	" (e) to adapt to technical progress; "	1.2	13	Management of labour protection and duties of an employer	4	"To that end, an employer shall ensure functioning of a labour protection management system, namely: introduce advanced technologies, achievements of science and engineering, means of mechanization and automatization, ergonomics requirements, positive labour protection experience, etc.; "			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The GPP should be all provided jointly in the same legal act, as a hierarchical and sequential set of fundamental OSH rules, that should be continuously applied in all activities of the undertaking/establishment.
60	6	General obligations of the employers	2	" (f) to replace the dangerous by the non-dangerous or the less dangerous "								x						x				NON-PROVIDED FOR. The GPP should be all provided jointly in the same legal act, as a hierarchical and sequential set of fundamental OSH rules, that should be continuously applied in all activities of the undertaking/establishment.
61	6	General obligations of the employers	2	"(g) to develop 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; "	1.2	13	Management of labour protection and duties of an employer	2	"To that end, an employer shall ensure functioning of a labour protection management system, namely: design, with involvement of the parties to a collective agreement, and implement comprehensive measures to achieve the established norms and improve the existing labour protection level; "			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The GPP should be all provided jointly in the same legal act, as a hierarchical and sequential set of fundamental OSH rules, that should be continuously applied in all activities of the undertaking/establishment.
62	6	General obligations of the employers	2	"(g) to develop 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; "	1.2	13	Management of labour protection and duties of an employer	5	"To that end, an employer shall ensure functioning of a labour protection management system, namely: secure proper maintenance of buildings and structures, production equipment and machinery, and ensure monitoring of their technical conditions; "			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The GPP should be all provided jointly in the same legal act, as a hierarchical and sequential set of fundamental OSH rules, that should be continuously applied in all activities of the undertaking/establishment.
63	6	General obligations of the employers	2	(h) to give collective protective measures priority over the individual ones;								x						x				NON-PROVIDED FOR. The GPP should be all provided jointly in the same legal act, as a hierarchical and sequential set of fundamental OSH rules, that should be continuously applied in all activities of the undertaking/establishment.
64	6	General obligations of the employers	2	(i) to give appropriate instructions to the workers.	1.2	18	Training on labour protection	6	Workers, including officials, who did not undergo training, instruction, and knowledge testing on labour protection shall not be allowed to work.			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The GPP should be all provided jointly in the same legal act, as a hierarchical and sequential set of fundamental OSH rules, that should be continuously applied in all activities of the undertaking/establishment.
65	6	General obligations of the employers	2	(i) to give appropriate instructions to the workers.	4.2	6	Organization of labour protection briefings	6.1	At hiring and then regularly, workers shall undergo briefings at an enterprise on labour protection, pre-medical care to accident victims, and rules of conduct and actions in case of emergencies, fires and disasters.			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The GPP should be all provided jointly in the same legal act, as a hierarchical and sequential set of fundamental OSH rules, that should be continuously applied in all activities of the undertaking/establishment.
66	6	General obligations of the employers	2	(i) to give appropriate instructions to the workers.	4.2	6	Organization of labour protection briefings	6.2	In terms of character and time, the labour protection briefings ("briefings") shall be divided into introductory, initial, repeated, extraordinary, and targeted.			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The GAP should be all provided jointly in the same legal act, as a hierarchical and sequential set of fundamental OSH rules, that should be continuously applied in all activities of the undertaking/establishment.
67	6	General obligations of the employers	3 (a) (1)	To 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 place).								x						x				NON-PROVIDED FOR

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68	6	General obligations of the employers	3 (a) (1)	To 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 place).	4.7		Coal Mine Safety Rules	Section 4(1)(19), (20)	"All types of works and operations must have PDD (process design documentation) approved by a mine director or chief engineer. The PDD shall include a package of technical and sanitary measures that ensures normal working conditions and health care of workers by means of preventing or restricting any adverse impact of hazardous and harmful production factors (HHPF), and reducing the risk of occupational and work-related disease incidence. Equipment and operation of active mines, mines being closed, and waterproof mines, their territories and production facilities, buildings and structures, mine workings and workplaces, organization of production processes and repair works, microclimate and ventilation, personal protective equipment, drinking water supply, nutrition and medical services to staff as well as protection of underground workings and environmental protection must comply with requirements of the State Sanitary Regulations and Standards “Coal industry enterprises” (DSP 3.1.095-2002) approved by the Order of the Ministry of Health of Ukraine No. 468 of 13.12.2002 (z0498-03) registered with the Ministry of Justice of Ukraine on 20.06.2003 under No. 498/7819 (hereinafter referred to as DSP 3.3.1.095-2002). Means for provision of pre-medical first aid must include first-aid kits (cases), fracture immobilization splints, and hard stretchers."			x		no				x						DELETE THIS LINE. This directive provision refers to the obligation of assessing all the risks to the health and safety of the workers in all activities of the undertaking/establishment. Moreover, the national provision only applies to coal mine workers.
69	6	General obligations of the employers	3 (a) (2) (1)	Preventive measures and the working and production methods implemented by the employer must result from risk assessment and assure the improvement in the level of OSH protection of the workers.								x						x					NON-PROVIDED FOR	
70	6	General obligations of the employers	3 (a) (2) (2)	Preventive measures and the working and production methods implemented by the employer must result from risk assessment and be integrated into all the activities of the undertaking and/or establishment and at all hierarchical levels.								x						x					NON-PROVIDED FOR	
71	6	General obligations of the employers	3 (a) (2) (2)	Preventive measures and the working and production methods implemented by the employer must result from risk assessment and be integrated into all the activities of the undertaking and/or establishment and at all hierarchical levels.	4.7		Coal Mine Safety Rules	Section 4(1)(19)	All types of works and operations must have PDD (process design documentation) approved by a mine director or chief engineer. The PDD shall include a package of technical and sanitary measures that ensures normal working conditions and health care of workers by means of preventing or restricting any adverse impact of hazardous and harmful production factors (HHPF), and reducing the risk of occupational and work-related disease incidence.			x		no				x					DELETE THIS LINE. The compliance can only occur when national provisions foresees that preventive measures and the working and production methods implemented by the employer: 1) result from risk assessment; and 2) are integrated into all the activities of the undertaking and/or establishment and at all hierarchical levels - which does not seem to be the case. Moreover, the national provision only refers to coal mine workers.	
72	6	General obligations of the employers	3(b)	Take into consideration the workers' OSH capabilities when entrusting the tasks.	1.2	17	Compulsory medical examinations of certain worker categories	1	An employer shall be required to ensure, at its own expense, financing of, and organize, preliminary (at hiring) and periodic (during work activities) medical examinations of the workers employed on heavy works, works with harmful or hazardous working conditions, or works requiring occupational selection, as well as annual compulsory medical examinations of persons under 21.			x		yes				x					NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The provision indicated only refers to the obligation of medical examinations and not, as the directive states, to the obligation of considering such examinations results when entrusting tasks to workers.	
73	6	General obligations of the employers	3(b)	Take into consideration the workers' OSH capabilities when entrusting the tasks.	4.5		List of works requiring occupational selection					x		yes				x					NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The provision indicated only applies to works and not to tasks (which is a much more narrowed concept)!	
74	6	General obligations of the employers	3(b)	Take into consideration the workers' OSH capabilities when entrusting the tasks.	4.7		Coal Mine Safety Rules	Section 4(5)(1), para.1	"A mine worker shall be required to: perform only the works covered by the received task and their responsibilities, except in case of occurrence of a threat of accident or a threat to workers' health or life;"			x		no				x					NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The national provision indicated: 1) does not ensure that the fact that the workers should only perform the works covered by the received task and their responsibilities are adequate to its capabilities; 2) only applies to coal mine workers!	

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75	6	General obligations of the employers	3(c)	Ensure that the planning and introduction of new technologies are the subject of consultation with the workers and/or their representatives, as regards the consequences of the choice of equipment, the working conditions and the working environment for the safety and health of workers.								x						x				NON-PROVIDED FOR
76	6	General obligations of the employers	3(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.	4.7		Coal Mine Safety Rules	Section 4(1)(14) para. 2, and (15)	Mine workers must be familiarized with technical documentation against signature. Written job orders shall be issued to work managers and performers who have proper skills and whose professional duties include the given work category. When issuing to miners a job order for works that they did not perform before, or after a break in work longer than 30 calendar days, extraordinary briefing shall be provided to them against signature. The briefing shall be provided according to the Instruction of training of mine workers approved by the SCLPS Order No. 79 of 30.05.95 (z0272-95) registered with the Ministry of Justice of Ukraine on 1.08.95 under No. 272/808 (hereinafter referred to as NPAOP 10.0-5.35-95).			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This directive provision regards the need to provide workers with adequate instructions, in order to allow them access (and not necessary to work there) to areas where there is serious and specific danger. Moreover, the proposed provision only applies to coal mine workers.
77	6	General obligations of the employers	3(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.	1.2	18	Training on labour protection	2	Workers employed on high-risk works and those requiring occupational selection must undergo, at an employer's expense, special training and knowledge testing on relevant regulatory legal acts on labour protection on an annual basis.			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This directive provision regards the need to provide workers with adequate instructions, in order to allow them access (and not necessary to work there) to areas where there is serious and specific danger.
78	6	General obligations of the employers	3(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.	1.2	18	Training on labour protection	3	"The list of high-risk works shall be approved by the central executive authority that ensures state policy-making in the field of labour protection. "			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This directive provision regards the need to provide workers with adequate instructions, in order to allow them access (and not necessary to work there) to areas where there is serious and specific danger.
79	6	General obligations of the employers	3(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.	4.2	4	Special training and knowledge testing on labour protection	4.1	Officials and other workers directly engaged in the works mentioned in the List of high-risk works approved by the Order of the State Committee for Industrial Safety, Labour Protection, and Mining Supervision No. 15 of 26.01.2005 and registered with the Ministry of Justice of Ukraine on 15.02.2005 under No. 232/10512, and in the List of works requiring occupational selection approved by the Order of the MoH of Ukraine and the State Committee for Industrial Safety, Labour Protection, and Mining Supervision and registered with the Ministry of Justice of Ukraine on 25.01.1995 under No. 18/554 ("high-risk works") shall undergo special training and knowledge testing on relevant regulatory legal acts on labour protection.			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This directive provision regards the need to provide workers with adequate instructions, in order to allow them access (and not necessary to work there) to areas where there is serious and specific danger.
80	6	General obligations of the employers	4	Where several undertakings share a work place, the employers shall: 1) cooperate in implementing the safety, health and occupational hygiene provisions; 2) coordinate their actions in matters of the protection and prevention of occupational risks; and 3) inform one another and their respective workers and/or workers' representatives of these risks.								x						x				NON-PROVIDED FOR

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81	6	General obligations of the employers	4	Where several undertakings share a work place, the employers shall: 1) cooperate in implementing the safety, health and occupational hygiene provisions; 2) coordinate their actions in matters of the protection and prevention of occupational risks; and 3) inform one another and their respective workers and/or workers' representatives of these risks.	4.7		Coal Mine Safety Rules	Section 4(5)(6)	Works performed by workers of any section (service) in mining of another section (service) as well as works performed by outside organizations must be agreed upon with the manager of the section (service) where they are being performed, and approved by the person responsible for the mine's work in the given shift. Organization of safe performance of works must be specified in the former case by a mine order, and in the latter case by a joint order of the enterprise managers.			x		no				x				DELETE THIS LINE. This national provision is insufficient. Besides concerning only the coal mine workers, it only refers to the coordination of the work to be performed, and not to the responsibilities of the employers, regarding: 1) the implementation of safety, health and occupational hygiene provisions; 2) coordination of their actions in matters of the protection and prevention of occupational risks; and 3) information one another and to their respective workers and/or workers' representatives of these risks.
82	6	General obligations of the employers	5	Measures related to safety, hygiene and health at work may in no circumstances involve the workers in financial cost.	1.2	19 and 8	Financing of labour protection	1	Financing of labour protection shall be provided by an employer.		x			yes		x						The national provision should specify that OSH measures may, in no circumstances, involve the workers in financial cost.
83	6	General obligations of the employers	5	Measures related to safety, hygiene and health at work may in no circumstances involve the workers in financial cost.	1.2	7	The right of workers to benefits and compensations for arduous and harmful working conditions	1	The workers employed on works with arduous and harmful working conditions shall be provided free of charge with medical and prophylactic food, milk or food products of equal value, and carbonated salt water, and shall have the right to paid breaks for sanitary and health improvement purposes, reduced working hours, additional paid leave, preferential pension, higher pay, and other benefits and compensations provided according to the procedure established by law.		x			yes		x						Just applicable to "arduous and harmful working conditions workers", and only relating to compensation for such hardships.
84	6	General obligations of the employers	5	Measures related to safety, hygiene and health at work may in no circumstances involve the workers in financial cost.	1.2	17	Compulsory medical examinations of certain worker categories	1	An employer shall be required to ensure, at its own expense, financing of, and organize, preliminary (at hiring) and periodic (during work activities) medical examinations of the workers employed on heavy works, works with harmful or hazardous working conditions, or works requiring occupational selection, as well as annual compulsory medical examinations of persons under 21.		x			yes		x						Just applicable to medical examinations of certain categories of workers ("workers employed on heavy works, works with harmful or hazardous working conditions, or works requiring occupational selection, as well as to persons under 21")
85	6	General obligations of the employers	5	Measures related to safety, hygiene and health at work may in no circumstances involve the workers in financial cost.	1.2	18	Training on labour protection	1	At hiring and in the course of work, workers must undergo, at an employer's expense, instruction and training on labour protection, on provision of first aid to accident victims, and on rules of conduct in case of a breakdown.		x			yes		x						Just applicable to training.
86	6	General obligations of the employers	5	Measures related to safety, hygiene and health at work may in no circumstances involve the workers in financial cost.	4.7		Coal Mine Safety Rules	section 4(1)(4) and (6)	The mine director (authorized person) shall be required to provide workers with certified personal protective equipment according to the Regulations on the procedure for provision of workers with special clothes, special footwear and other personal protective equipment, approved by the Order of the State Committee for Industrial Safety, Labour Protection, and Mining Supervision No. 53 of 24.03.2008 (z0446-08), registered with the Ministry of Justice of Ukraine on 21.05.2008 under No. 446/15137 (NPAOP 0.00-4.01-08) (hereinafter referred to as NPAOP 00.0-4.01-08). Technical supervision over quality and safety of the PPE received by the enterprise as well as its periodic testing shall be carried out according to the Resolution of the Cabinet of Ministers of Ukraine No. 761 of 27.08.2008 (761-2008-n) "On approval of the Technical Regulation of personal protective equipment". Development and review of occupation-wise labour protection instructions, familiarization of workers with them, and provision of them to workers shall be carried out according to the requirements of the Regulations on development of labour protection instructions approved by the SCLPS Order No. 9 of 29.01.98 No. 9 (z0226-98) registered with the Ministry of Justice of Ukraine on 7.04.1998 under No. 226/2666 (hereinafter referred to as NPAOP 00.0-4.15-98).		x			yes		x						Just applicable to PPE and training of coal mine workers.
87	7	Protective and preventive services	1	Without prejudice to the other obligations, the employer has to designate one or more workers to carry out activities related to the protection and prevention of occupational risks for the undertaking and/or establishment.	1.2	15	Labour protection service at an enterprise	paras 1-3	"At an enterprise employing 50 or more persons, an employer shall establish a labour protection service according to the model regulations approved by the central executive authority that ensures state policy-making in the field of labour protection. At an enterprise employing less than 50 persons, functions of a labour protection service may be performed, on a concurrent basis, by persons appropriately trained. At an enterprise employing less than 20 persons, third-party specialists appropriately trained may be engaged to perform functions off a labour protection service on a contractual basis."		x			yes		x						Even in employers with less than 20 workers, the employer shall designate one or more workers to carry out activities related to the protection and prevention of occupational risks for the undertaking and/or establishment. Moreover, it refers to and enterprise, rather then to an employer (which includes not only enterprises, but also other organizations, private and public and also on-account workers with employees).

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88	7	Protective and preventive services	1	Without prejudice to the other obligations, the employer has to designate one or more workers to carry out activities related to the protection and prevention of occupational risks for the undertaking and/or establishment.	4.3	1	General provisions	1.1	"According to the Law of Ukraine on Labour Protection (2694-12), a labour protection service shall be established by the employer to organize implementation of legal, organizational and technical, sanitary and hygienic, socio-economic, treatment and preventive measures aimed at prevention of accidents, occupational diseases and breakdowns in the course of work activities. { Para. 1.1 of chapter 1 as amended by the Order of the Ministry of Social Policy No. 148 (z0236-17) of 31.01.2017 } "		x			yes		x						Even in employers with less than 20 workers, the employer shall designate one or more workers to carry out activities related to the protection and prevention of occupational risks for the undertaking and/or establishment.
89	7	Protective and preventive services	1	Without prejudice to the other obligations, the employer has to designate one or more workers to carry out activities related to the protection and prevention of occupational risks for the undertaking and/or establishment.	4.3	1	General provisions	1.2	Based on the Model Regulations on a labour protection service ("Model Regulations"), subject to specifics of production and activity areas, number of workers, working conditions and other factors, the employer shall develop and approve the Regulations on the labour protection service of the enterprise, and determine the labour protection service structure, its staff number, core tasks, functions and rights of its employees according to legislation.		x			yes		x					Even in employers with less than 20 workers, the employer shall designate one or more workers to carry out activities related to the protection and prevention of occupational risks for the undertaking and/or establishment.	
90	7	Protective and preventive services	1	Without prejudice to the other obligations, the employer has to designate one or more workers to carry out activities related to the protection and prevention of occupational risks for the undertaking and/or establishment.	4.7		Coal Mine Safety Rules	Section (4)(1)(7) and (9)	Ministry of Coal Industry and coal industry economic entities ("economic entities") shall establish a labour protection service according to the requirements in the Model regulations on a labour protection service, approved by the Order of the State Committee for Labour Protection Supervision No. 255 of 15.11.2004 (z1526-04) registered with the Ministry of Justice of Ukraine on 1.12.2004 under No. 1526/10125 (hereinafter referred to as NPAOP 0.00-4.35-04). At every technically standalone mine, a special unit shall be established to organize and ensure venting of underground workings and monitor dust and gas content conditions (ventilation and occupational safety - VOS). Two or more mines connected with mine workings must have the single VOS section and ERP.		x			yes		x					The referred "special unit" is just with the aim of ensuring adequate venting of underground workings and monitor dust and gas content conditions, in coal mines which is not enough. Moreover, Even in employers with less than 20 workers, the employer shall designate one or more workers to carry out activities related to the protection and prevention of occupational risks for the undertaking and/or establishment.	
91	7	Protective and preventive services	2 (1)	Designated workers may not be placed at any disadvantage because of their activities related to the protection and prevention of occupational risks.								x					x				NON-PROVIDED FOR	
92	7	Protective and preventive services	2 (2)	Designated workers shall be allowed adequate time to enable them to fulfil their obligations.								x					x				NON-PROVIDED FOR	
93	7	Protective and preventive services	3	If such protective and preventive measures cannot be organized for lack of competent personnel in the undertaking and/or establishment, the employer shall enlist competent external services or persons.								x					x				NON-PROVIDED FOR	
94	7	Protective and preventive services	4	Where the employer enlists such services or persons, he shall inform them of the factors known to affect, or suspected of affecting, the safety and health of the workers and they must have access to the information referred to in Article 10 (2).								x					x				NON-PROVIDED FOR	
95	7	Protective and preventive services	5 (1)	"In all cases the workers designated must have the necessary capabilities and the necessary means to deal with the organization of protective and preventive measures, taking into account :1) the size of the undertaking and/or establishment and/or; 2) the hazards to which the workers are exposed ; 3) and/ or the hazards to which the workers are exposed and their distribution throughout the entire undertaking and/or establishment"	4.3	5	Organization of the labour protection service's work	5.1-5.5	"5.1. The work of the labour protection service shall be carried out according to its work plan and inspection schedules approved by the employer. 5.2. Workplaces of the labour protection service staff shall be located (as a rule) in a separate room, provided with proper office equipment and technical means of communications, and be convenient for reception of visitors. 5.3. A labour protection office may be established to provide training, briefings, seminars, lectures, or exhibitions. { Para. 5.3 of chapter 5 as reworded by the Order of the Ministry of Social Policy No. 148 (z0236-17) of 31.01.2017 } 5.4. The employer shall provide incentives for efficient work of the labour protection service staff. 5.5. The labour protection service staff may not be involved in the performance of functions and tasks not provided for in the Law of Ukraine on Labour Protection (2694-12), these Model Regulations, and the enterprise labour protection management system. { Para. 5.5 of chapter 5 as reworded by the Order of the Ministry of Social Policy No. 148 (z0236-17) of 31.01.2017 } "		x			yes		x				DELETE THIS LINE. This national provision misses the point. The directive provision is regarding the capabilities of the designated workers and not about the functioning of the OSH services.		

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96	7	Protective and preventive services	5 (1)	"In all cases the workers designated must have the necessary capabilities and the necessary means to deal with the organization of protective and preventive measures, taking into account :1) the size of the undertaking and/or establishment and/or; 2) the hazards to which the workers are exposed ; 3) and/ or the hazards to which the workers are exposed and their distribution throughout the entire undertaking and/ or establishment"	1.2	18	Training on labour protection	4	Officials whose activities are related to the organization of safe performance of works shall undergo training and knowledge testing on labour protection with involvement of trade unions at hiring and periodically, once every three years.		x			yes		x						Besides training, the requirements of this directive provision also involve that the designated workers for OSH activities are provided with the necessary professional experience, knowledge, equipment, installations and means, taking into account the size of the undertaking/establishment, the existing risks and the number and distribution of the exposed workers.
97	7	Protective and preventive services	5 (2)	"In all cases the external services or persons consulted must have the necessary aptitudes and the necessary personal and professional means to deal with the organization of protective and preventive measures, taking into account : 1) the size of the undertaking and/or establishment and/or; 2) the hazards to which the workers are exposed ; 3) and/ or the hazards to which the workers are exposed and their distribution throughout the entire undertaking and/ or establishment"								x					x					NON-PROVIDED FOR
98	7	Protective and preventive services	5 (2)	"In all cases the external services or persons consulted must have the necessary aptitudes and the necessary personal and professional means to deal with the organization of protective and preventive measures, taking into account : 1) the size of the undertaking and/or establishment and/or; 2) the hazards to which the workers are exposed ; 3) and/ or the hazards to which the workers are exposed and their distribution throughout the entire undertaking and/ or establishment"	1.2	18	Training on labour protection	4	Officials whose activities are related to the organization of safe performance of works shall undergo training and knowledge testing on labour protection with involvement of trade unions at hiring and periodically, once every three years.		x			yes		x						DELETE THIS LINE. This provisions refers only to the aptitudes and the necessary personal and professional means of the he external services or persons consulted, to deal with the organization of protective and preventive measures, and not to the internally designated workers.
99	7	Protective and preventive services	5 (2)	"In all cases the external services or persons consulted must have the necessary aptitudes and the necessary personal and professional means to deal with the organization of protective and preventive measures, taking into account : 1) the size of the undertaking and/or establishment and/or; 2) the hazards to which the workers are exposed ; 3) and/ or the hazards to which the workers are exposed and their distribution throughout the entire undertaking and/ or establishment"	4.3	5	Organization of the labour protection service's work	5.1-5.5	"5.1. The work of the labour protection service shall be carried out according to its work plan and inspection schedules approved by the employer. 5.2. Workplaces of the labour protection service staff shall be located (as a rule) in a separate room, provided with proper office equipment and technical means of communications, and be convenient for reception of visitors. 5.3. A labour protection office may be established to provide training, briefings, seminars, lectures, or exhibitions. { Para. 5.3 of chapter 5 as reworded by the Order of the Ministry of Social Policy No. 148 (z0236-17) of 31.01.2017 } 5.4. The employer shall provide incentives for efficient work of the labour protection service staff. 5.5. The labour protection service staff may not be involved in the performance of functions and tasks not provided for in the Law of Ukraine on Labour Protection (2694-12), these Model Regulations, and the enterprise labour protection management system. { Para. 5.5 of chapter 5 as reworded by the Order of the Ministry of Social Policy No. 148 (z0236-17) of 31.01.2017 } "		x			yes		x						DELETE THIS LINE. This provisions refers only to the aptitudes and the necessary personal and professional means of the he external services or persons consulted, to deal with the organization of protective and preventive measures, and not to the functioning and organization of the OSH services

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100	7	Protective and preventive services	5 (3)	In all cases, the workers designated and the external services or persons consulted must be sufficient in number to deal with the organization of protective and preventive measures, taking into account: 1) the size of the undertaking and/or establishment; 2) the hazards to which the workers are exposed; and 3) their distribution throughout the entire undertaking and/or establishment.	1.2	15	Labour protection service at an enterprise	1-5.	"At an enterprise employing 50 or more persons, an employer shall establish a labour protection service according to the model regulations approved by the central executive authority that ensures state policy-making in the field of labour protection.. {Part one of Art. 15 as amended by Law No. 5459-VI of 16.10.2012} At an enterprise employing less than 50 persons, functions of a labour protection service may be performed, on a concurrent basis, by persons appropriately trained. At an enterprise employing less than 20 persons, third-party specialists appropriately trained may be engaged to perform functions off a labour protection service on a contractual basis. A labour protection service shall be subordinated directly to an employer. Labour protection service managers and specialists shall be considered equivalent to managers and specialists of core production and technical services in terms of their positions and wages."			x		yes			x					NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This directive dispositions is focused on providing that the number of professionals (external or internal, as might be the case) of the OSH services must be sufficient in number, considering the size of the undertaking/ establishment, the existing risks and the number and distribution of the exposed workers. It does not deal with the obligation of having OSH services (which was already dealt with before).
101	7	Protective and preventive services	5 (3)	In all cases, the workers designated and the external services or persons consulted must be sufficient in number to deal with the organization of protective and preventive measures, taking into account: 1) the size of the undertaking and/or establishment; 2) the hazards to which the workers are exposed; and 3) their distribution throughout the entire undertaking and/or establishment.	4.3	5	Organization of the labour protection service's work	5.1-5.5	"5.1. The work of the labour protection service shall be carried out according to its work plan and inspection schedules approved by the employer. 5.2. Workplaces of the labour protection service staff shall be located (as a rule) in a separate room, provided with proper office equipment and technical means of communications, and be convenient for reception of visitors. 5.3. A labour protection office may be established to provide training, briefings, seminars, lectures, or exhibitions. { Para. 5.3 of chapter 5 as reworded by the Order of the Ministry of Social Policy No. 148 (z0236-17) of 31.01.2017 } 5.4. The employer shall provide incentives for efficient work of the labour protection service staff. 5.5. The labour protection service staff may not be involved in the performance of functions and tasks not provided for in the Law of Ukraine on Labour Protection (2694-12), these Model Regulations, and the enterprise labour protection management system. { Para. 5.5 of chapter 5 as reworded by the Order of the Ministry of Social Policy No. 148 (z0236-17) of 31.01.2017 } "			x		yes			x				DELETE THIS LINE. This national provision is missing the point: the directive provision relates to ensuring that the number of professionals (external or internal, as might be the case) of the OSH services must be sufficient in number, considering the size of the undertaking/establishment, the existing risks and the number and distribution of the exposed workers. It does not deal with the organization and functioning of the OSH services.	
102	7	Protective and preventive services	5 (3)	In all cases, the workers designated and the external services or persons consulted must be sufficient in number to deal with the organization of protective and preventive measures, taking into account: 1) the size of the undertaking and/or establishment; 2) the hazards to which the workers are exposed; and 3) their distribution throughout the entire undertaking and/or establishment.	4.7 1.10	18	Coal Mine Safety Rules; Mining Law of Ukraine	section IV(1)(7); section IV(1)(9)	1. Ministry of Coal Industry and coal industry economic entities ("economic entities") shall establish a labour protection service according to the requirements in the Model regulations on a labour protection service, approved by the Order of the State Committee for Labour Protection Supervision No. 255 of 15.11.2004. 2. At every technically standalone mine, a special unit shall be established to organize and ensure venting of underground workings and monitor dust and gas content conditions (ventilation and occupational safety - VOS). 3. Using advanced, safe and non-harmful methods of preparation and development of mineral resource deposits; creating a system of measures for safe operation during performance of mining works.			x		no			x				DELETE THIS LINE. This national provision is missing the point: the directive provision relates to ensuring that the number of professionals (external or internal, as might be the case) of the OSH services must be sufficient in number, considering the size of the undertaking/establishment, the existing risks and the number and distribution of the exposed workers. It does not deal with the organization and functioning of the OSH services.	
103	7	Protective and preventive services	6 (1)	"The protection from, and prevention of, the health and safety risks which form the subject of this Article shall be the responsibility of one or more workers, of one service or of separate services whether from inside or outside the undertaking and/ or establishment."	1.2	15	Labour protection service at an enterprise	1-5.	"At an enterprise employing 50 or more persons, an employer shall establish a labour protection service according to the model regulations approved by the central executive authority that ensures state policy-making in the field of labour protection.. {Part one of Art. 15 as amended by Law No. 5459-VI of 16.10.2012} At an enterprise employing less than 50 persons, functions of a labour protection service may be performed, on a concurrent basis, by persons appropriately trained. At an enterprise employing less than 20 persons, third-party specialists appropriately trained may be engaged to perform functions off a labour protection service on a contractual basis. A labour protection service shall be subordinated directly to an employer. Labour protection service managers and specialists shall be considered equivalent to managers and specialists of core production and technical services in terms of their positions and wages."			x		yes				x			NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This directive disposition specifies the modalities of organization of the health and safety services (e.g., designated worker(s), single or separated services and internal or external), and does not deal with the obligation of having OSH services, depending on the number of workers.	
104	7	Protective and preventive services	6 (2)	"The worker(s) and/ or agency(ies) must work together whenever necessary."	4.3	5	Organization of the labour protection service's work	5.6.	The labour protection service shall interact with other structural units, services and specialists of the enterprise and with trade union representatives or, in their absence, with the persons authorized by workers to address labour protection matters.			x		yes				x			DELETE THIS LINE. This national provision misses the point: the need for close work between the OSH services providers (designated worker, internal services or external services).	

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105	7	Protective and preventive services	6 (2)	"The worker(s) and/ or agency(ies) must work together whenever necessary."	4.7		Coal Mine Safety Rules	Section IV(1)(2); section IV(1)(4); section IV(1)(12)	1. Designing, construction, reconstruction and operation of coal mines shall be performed subject to requirements of the Laws of Ukraine: "On Architectural Activities", "On Regulation of Urban Development Activities", "On Labour Protection", "On Ensuring Sanitary and Epidemic Well-being of the Population", "On Compulsory State Social Insurance against an Occupational Accident or Disease That Caused Loss of Working Capacity", "On Environmental Protection", "On High-risk Facilities", Mining Law of Ukraine; Coal Mine Safety Rules, and other regulatory legal acts. 2. The mine director (authorized person) shall be required to provide workers with certified personal protective equipment according to the Regulations on the procedure for provision of workers with special clothes, special footwear and other personal protective equipment, approved by the Order of the State Committee for Industrial Safety, Labour Protection, and Mining Supervision.			x		yes				x				DELETE THIS LINE. This national provision misses the point: the need for close work between the OSH services providers (designated worker, internal services or external services).
106	7	Protective and preventive services	6 (2)	"The worker(s) and/ or agency(ies) must work together whenever necessary."								x						x				NON-PROVIDED FOR. This directive provisions specifies the need for close work between the different OSH services providers (designated worker, internal services or external services).
107	7	Protective and preventive services	7	"Member States may define, in the light of the nature of the activities and size of the undertakings, the categories of undertakings in which the employer, provided he is competent, may himself take responsibility for the measures referred to in paragraph 1."								x						x				NON-PROVIDED FOR
108	7	Protective and preventive services	8 (1)	Member States shall define the necessary capabilities and aptitudes referred to in paragraph 5 (workers designated and the external services of persons)								x						x				NON-PROVIDED FOR
109	7	Protective and preventive services	8 (2)	Member States may determine the sufficient number referred to in paragraph 5 (workers designated and the external services of persons)								x						x				NON-PROVIDED FOR
110	8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	1 (1)	The employer shall take the necessary measures for first aid, fire-fighting and evacuation of workers, adapted to the nature of the activities and the size of the undertaking and/or establishment and taking into account other persons present.	1.2	13	Management of labour protection and duties of an employer	13	"To that end, an employer shall ensure functioning of a labour protection management system, namely: ...take urgent measures to help victims, and involve professional emergency rescue teams as appropriate in case of breakdowns or occupational accidents at an enterprise... "		x			yes		x						The national provision only refers to situations caused by breakdowns and accidents occurred in an enterprise (not including other organizations and workplaces of own-account workers with employees), not referring to the activities of first aid, fire fighting and evacuation of premises.

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111	8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	1 (1)	The employer shall take the necessary measures for first aid, fire-fighting and evacuation of workers, adapted to the nature of the activities and the size of the undertaking and/or establishment and taking into account other persons present.	1.5.	20	Tasks and responsibilities of economic entities	10),12),14), 22),23,24)	"drafting plans of accident consequences containment and elimination at high-risk facilities; providing emergency rescue services to economic entities as per Art. 133 of this Code; providing the officials of state supervision authorities and staff of emergency rescue services with which agreements have been concluded for provision of emergency rescue services to economic entities with unhindered access to carry out examinations for emergency protection measures' compliance with plans of accident consequences containment and elimination at potentially high-risk facilities, and providing the officials of civil defence forces with access to perform emergency rescue and other urgent works in case of occurrence of emergencies; maintaining civil and fire protection equipment in good order, and preventing their unintended use; taking measures to implement automatic means of fire detection and extinction, and using production automatization devices for this purpose; informing relevant civil defence bodies and units in time about failures of fire-fighting equipment, fire protection systems, water supply systems, and about closure of roads and passages in an area in question;"		x			yes		x						This directive provision imposes to the employers the obligation to take the necessary measures for first aid, fire-fighting and evacuation of workers, which should take into consideration the nature of the activities and the size of the undertaking and/or establishment and the possible number of other persons present.
112	8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	1 (1)	The employer shall take the necessary measures for first aid, fire-fighting and evacuation of workers, adapted to the nature of the activities and the size of the undertaking and/or establishment and taking into account other persons present.	1.10 4.7	25; 31	Mining Law of Ukraine; Coal Mine Safety Rules	section IV(3)(5); section IV(3)(6); section IX(1)(1)	1. The system of emergency protection and safety of mining works shall include: regulatory legal acts and technical documentation on safety of mining works; technical and organizational measures to prevent accidents and catastrophes; emergency response plan; system of measures for emergency notification; procedure for provision of services to mining enterprises by state emergency rescue services; measures for organization and performance of emergency rescue works. 2. All mining enterprises of whatever form of ownership shall, during their construction, reconstruction, operation, liquidation or mothballing, be served by the State Paramilitary Emergency Rescue Service (SPERS) units disposition whereof shall be endorsed by the State Committee for Industrial Safety, Labour Protection, and Mining Supervision. 3. An emergency response plan (ERP) shall be drafted for every mine as per legislation in force. The ERP shall be developed every six months by the mine chief engineer and the mining rescue unit commander, agreed upon with the state emergency rescue service unit commander (SPERS), and approved by the mining enterprise (mine) technical manager. 4. A draft fire protection design shall be developed at every mine according to requirements of the legislation in force.		x			no		x		x				This directive provision imposes to the employers (of all the sectors of activity - mines, high-risk, low-risk, etc.) the obligation to take the necessary measures for first aid, fire-fighting and evacuation of workers, which should take into consideration the nature of the activities and the size of the undertaking and/or establishment and the possible number of other persons present. That is not the aim of this national provision.
113	8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	1 (2)	The employer shall arrange any necessary contacts with external services, particularly as regards first aid, emergency medical care, rescue work and fire-fighting.	1.2	13	Management of labour protection and duties of an employer	13	"To that end, an employer shall ensure functioning of a labour protection management system, namely: ...take urgent measures to help victims, and involve professional emergency rescue teams as appropriate in case of breakdowns or occupational accidents at an enterprise..."			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The national provision only refers to situations caused by breakdowns and accidents occurred in an enterprise (not including other organizations and workplaces of own-account workers with employees), not referring to the activities of first aid, fire-fighting and evacuation of premises. Moreover, this directive provision is focused specifically on the employer's obligation to arrange the necessary contacts with external services.

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114	8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	2 (1)	The employer shall, inter alia, for first aid, fire-fighting and the evacuation of workers, designate the workers required to implement such measures.	1.5.	20	Tasks and responsibilities of economic entities	5),6)	"establishing facility-based civil defence units according to this Code and other legislative acts, creating a material and technical basis necessary for their operation, and ensuring preparedness of such units for actions as intended; establishing control services according to this Code and other laws as required to ensure safety of high-risk facilities; "			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The national provision only refers to civil defence units with the necessary equipment, saying nothing regarding the object of such (first aid, fire-fighting and evacuation). On the contrary, the directive provision specifically imposes to the employer the designation of the workers that will ensure this tasks . Moreover, it is only regarding high-risk facilities.
115	8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	2 (1)	The employer shall, inter alia, for first aid, fire-fighting and the evacuation of workers, designate the workers required to implement such measures.	1.10 4.7	27	Mining Law of Ukraine; Coal Mine Safety Rules	section IV(1)(8)	1. At every mining enterprise situated in mining workings, an emergency response plan (ERP) shall be drafted, containing a system of emergency notification, rescue measures for enterprise staff, measures for people's evacuation and early elimination of possible emergencies, and division of responsibilities among individuals involved in emergency response. 2. In case an emergency occurs at a mine of any form of ownership, the ERP shall be put into effect immediately. The mine chief engineer (authorized person) and, until their arrival, the mining dispatcher shall be a responsible manager of emergency response works. Their instructions shall be binding on all the persons and organizations involved in the emergency response.			x		no				x				DELETE THIS LINE. The national provision applies only to coal mines. Moreover, it foresees the need to draft a ERP, when the directive only imposes (in this provision) the need for designate the workers required to implement the measures.
116	8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	2 (2)	The number of such workers, their training and the equipment available to them shall be adequate, taking account of the size and/ or specific hazards of the undertaking and/or establishment.	1.5.	20	Tasks and responsibilities of economic entities	5),6)	"establishing facility-based civil defence units according to this Code and other legislative acts, creating a material and technical basis necessary for their operation, and ensuring preparedness of such units for actions as intended; establishing control services according to this Code and other laws as required to ensure safety of high-risk facilities; "			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The national provision do not states that the number of designated workers, their training and the equipment have to be adequate to the size and risks of the undertaking/ establishment.
117	8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	2 (2)	The number of such workers, their training and the equipment available to them shall be adequate, taking account of the size and/ or specific hazards of the undertaking and/or establishment.	4.7		Coal Mine Safety Rules	section IV(3)(5); section IV(3)(14)	1. At a mine, a mine rescue station must be established and operating, and an auxiliary mine rescue team must be created the activities whereof shall be governed by legislation in force. 2. Chief engineers and mine dispatchers at mines of all forms of ownership as well as persons acting for them shall be required to undergo, prior to assignment to the position and every 3 years thereafter, training and knowledge testing at the SPERS training operations centre according to the training program "Training of responsible managers of mine emergency response works".			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The national provision do not states that the number of designated workers, their training and the equipment have to be adequate to the size and risks of the undertaking/ establishment. Moreover, the national provision refers only to mines.
118	8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	3 (a)	The employer shall, as soon as possible, 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 as regards protection.	1.2	5	Rights to labour protection during conclusion of an employment agreement	2	When concluding an employment agreement, the employer must inform the worker against signed receipt about working conditions and about there being hazardous and harmful production factors at their workplace not yet eliminated, possible consequences of their impact upon the worker's health, and the worker's right to benefits and compensations for work in such conditions according to legislation and pursuant to a collective agreement.			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The information concerned is not to be given only on admission, but as soon as possible when needed. Moreover, this information is not just to be given in the case of hazardous and harmful production factors, but whenever the worker is, or may be, exposed to serious and imminent danger. Moreover, it applies not only to workers who have employment contracts, but to all workers.
119	8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	3 (a)	The employer shall, as soon as possible, 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 as regards protection.	1.5	20	Tasks and responsibilities of economic entities	1	Tasks and responsibilities of economic entities in the field of civil defence shall include:...			x		yes				x				DELETE THIS LINE. It misses the aim of this directive provision.
120	8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	3 (a)	The employer shall, as soon as possible, 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 as regards protection.	4.7 1.10	28	Coal Mine Safety Rules; Mining Law of Ukraine	section IV(3)(13); section VIII(9)(1)	"1. Mines shall be equipped with staff emergency notification systems. 2. Every mine shall be equipped with the following types of communications and signalling: a) landline telephone communication system; b) general mine emergency notification system; c) local systems of communications, quick signalling and warning in process sections (lifting, transport, production headings). 3. The mining enterprise emergency notification system shall be approved by the enterprise owner (manager) according to the established procedure for immediate warning of enterprises, institutions, organizations and persons at risk of dangerous impact of emergencies, including persons involved in emergency response."			x		no				x				DELETE THIS LINE. It misses the aim of this directive provision.

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121	8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	3 (b)	The employer shall take action and give instructions to enable workers in the event of serious, imminent and unavoidable danger to stop work and/or immediately to leave the work place and proceed to a place of safety.	1.2	18 and 6	Training on labour protection	1	At hiring and in the course of work, workers must undergo, at an employer’s expense, instruction and training on labour protection, on provision of first aid to accident victims, and on rules of conduct in case of a breakdown.			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The national provision indicated misses the point: the national legislation has to contain a provision imposing to the employers the obligation to take action and give instructions to enable workers in the event of serious, imminent and unavoidable danger to stop work and/or immediately to leave the work place and proceed to a place of safety.
122	8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	3 (b)	The employer shall take action and give instructions to enable workers in the event of serious, imminent and unavoidable danger to stop work and/or immediately to leave the work place and proceed to a place of safety.	1.5	20	Tasks and responsibilities of economic entities	1	Tasks and responsibilities of economic entities in the field of civil defence shall include:...			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The national provision indicated misses the point: the national legislation has to contain a provision imposing to the employers the obligation to take action and give instructions to enable workers in the event of serious, imminent and unavoidable danger to stop work and/or immediately to leave the work place and proceed to a place of safety.
123	8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	3 (b)	The employer shall take action and give instructions to enable workers in the event of serious, imminent and unavoidable danger to stop work and/or immediately to leave the work place and proceed to a place of safety.	4.7		Coal Mine Safety Rules	section IV(3)(6); section IV(3)(8); section IV(3)(17)	"1. All persons descending into a mine should be familiarized with the ERP to the extent related to their work, movement routes, and emergency exits from the mine. 2. In case an emergency occurs at a mine of any form of ownership, the ERP (emergency response plan) shall be put into effect immediately. The mine chief engineer (authorized person) and, until their arrival, the mining dispatcher shall be a responsible manager of emergency response works. Their instructions shall be binding on all the persons and organizations involved in the emergency response. 3. If works are stopped, persons not involved in maintenance of the enterprise's operations or in emergency response must be evacuated from the mine."			x		no				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The national provision indicated misses the point: the national legislation has to contain a provision imposing to the employers the obligation to take action and give instructions to enable workers in the event of serious, imminent and unavoidable danger to stop work and/or immediately to leave the work place and proceed to a place of safety.
124	8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	3 (c)	The employer shall, except in exceptional cases for reasons duly substantiated, refrain from asking workers to resume work in a working situation where there is still a serious and imminent danger.								x						x				NON-PROVIDED FOR
125	8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	3 (c)	The employer shall, except in exceptional cases for reasons duly substantiated, refrain from asking workers to resume work in a working situation where there is still a serious and imminent danger.	4.7		Coal Mine Safety Rules	section IV(3)(15)	1. Elimination of a protracted emergency after ERP expiry shall be done according to an operations plan drafted by the responsible manager of emergency response works in cooperation with the mine rescue work manager, with possible involvement of experts and scientists. 2. Emergency response and recovery operations should involve at least two workers having no less than one year of working experience in the relevant profession. The operations should be performed under the guidance of an official appointed by the responsible manager of emergency response works.			x		no				x				DELETE THIS LINE. The national provision indicated misses the point: the national legislation has to contain a provision imposing to the employers, except in exceptional cases for reasons duly substantiated, refrain from asking workers to resume work in a working situation where there is still a serious and imminent danger.
126	8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	4	Workers who, in the event of serious, 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, in accordance with national laws and/ or practice.	1.2	6	Rights of workers to labour protection at work		A worker shall have the right to reject an assigned job if a workplace situation dangerous to their life or health, or to persons around him, or to the working or natural environment has emerged. The worker shall be required to notify their immediate supervisor or employer thereon. The fact of there being such a situation shall be confirmed as appropriate by the enterprise’s labour protection specialists with participation of a representative of the trade union of which the worker is a member, or of a person authorized by workers to address labour protection matters (if no trade union has been established at the enterprise), as well as a labour protection insurance expert.			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The national provision indicated misses the point: the directive provision refers to the need of the national legislation to have a provision stating that workers cannot be placed at any disadvantage and must be protected against any harmful and unjustified consequences if, in the event of serious, imminent and unavoidable danger, leave their workstation and/or a dangerous area.

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127	8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	4	Workers who, in the event of serious, 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, in accordance with national laws and/ or practice.	4.7		Coal Mine Safety Rules	section IV(3)(6); section IV(3)(7); section IV(3)(11)	1. All persons descending into a mine should be familiarized with the ERP to the extent related to their work, movement routes, and emergency exits from the mine. 2. Prior to putting the ERP into effect, the mine chief engineer must organize its examination by all underground workers of the mine and inform them about emergency exists and rules of conduct in emergency situations. 3. In each of the routes that workers use to exit from the accident site to fresh-air workings and where they spend more than 90% of the self-rescuer's time, a test exit of a group of workers designated as self-rescuers should be carried out once every six months, prior to endorsement of the ERP by SPERS, under the guidance of the SPERS command staff.			x		no				x				DELETE THIS LINE. The national provision indicated misses the point: this general directive provision states that the national legislation has to contain a provision stating that workers cannot be placed at any disadvantage and must be protected against any harmful and unjustified consequences if, in the event of serious, imminent and unavoidable danger, leave their workstation and/or a dangerous area.
128	8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	5 (1)	The employer shall ensure that all workers are able, in the event of serious and imminent danger to their own safety and/or that of other persons, and where the immediate superior responsible cannot be contacted, to take the appropriate steps in the light of their knowledge and the technical means at their disposal, to avoid the consequences of such danger.								x						x				NON-PROVIDED FOR
129	8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	5 (1)	The employer shall ensure that all workers are able, in the event of serious and imminent danger to their own safety and/or that of other persons, and where the immediate superior responsible cannot be contacted, to take the appropriate steps in the light of their knowledge and the technical means at their disposal, to avoid the consequences of such danger.	4.7		Coal Mine Safety Rules	section IV(5)(11); section IV(5)(15)	1. If any hazard signs are found, the worker must stop working immediately, warn workers around him, and exit to a safe place, notifying the shift work manager or the mine dispatcher. 2. If it is impossible to eliminate the failure without using special measures or if there is any danger for workers' life and health, the works must be stopped and the workers must be evacuated to a safe place. This shall be reported to the shift manager and the mine dispatcher who must take measures to eliminate the hazardous and harmful production factors and pre-emergency (emergency) situations, using special measures approved by the mine chief engineer that guarantee the workers' safety. Danger places (areas) shall be fenced off by prohibitory signs.			x		no				x				DELETE THIS LINE. The national provision is specific and not general as required by the directive provision. Moreover, it applies only to mine workers.
130	8	First aid, fire-fighting and evacuation of workers, serious and imminent danger	5 (2)	Their actions shall not place them at any disadvantage, unless they acted carelessly or there was negligence on their part.								x						x				NON-PROVIDED FOR
131					4.7		Coal Mine Safety Rules	section IV(3)(14) and (17)	1. Chief engineers and mine dispatchers at mines of all forms of ownership as well as persons acting for them shall be required to undergo, prior to assignment to the position and every 3 years thereafter, training and knowledge testing at the SPERS training operations centre according to the training program "Training of responsible managers of mine emergency response works". 2. If works are stopped, persons not involved in maintenance of the enterprise's operations or in emergency response must be evacuated from the mine.			x		yes				x				DELETE THIS LINE. It misses the aim of this directive general provision.
132	9	Various obligations on employers	1 (a)	The employer shall be in possession of an assessment of the risks to safety and health at work, including those facing groups of workers exposed to particular risks.								x						x				NON-PROVIDED FOR
133	9	Various obligations on employers	1 (b)	The employer shall decide on the protective measures to be taken and, if necessary, the protective equipment to be used.	1.2	13	Management of labour protection and duties of an employer	4,5	"To that end, an employer shall ensure functioning of a labour protection management system, namely: ...design, with involvement of the parties to a collective agreement, and implement comprehensive measures to achieve the established norms and improve the existing labour protection level; ensure implementation of necessary preventive measures according to changing circumstances;.."			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. Because the protective measures to be taken, as well as the protective equipment to use, must result from the risk assessment - vide article 6, paragraph 3(a)(2)

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134	9	Various obligations on employers	1 (b)	The employer shall decide on the protective measures to be taken and, if necessary, the protective equipment to be used.	3.3.		Workplace assessment provides for:	6	analysis of implementation of technical and organizational measures aimed at optimization of the hygiene level, character and safety of labour.			x		yes				x					NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. Because the protective measures to be taken, as well as the protective equipment to use, must result from the risk assessment - vide article 6, paragraph 3(a)(2)
135	9	Various obligations on employers	1 (b)	The employer shall decide on the protective measures to be taken and, if necessary, the protective equipment to be used.	4.7		Coal Mine Safety Rules	section IV(1)(11) and (13)	1. When designing mining works at mines, one should provide for possible exit of workers in case of emergency to a safe place within the self-rescuer operation time, and for efficient performance of rescue operations and emergency response works. Works in danger areas as well as works for elimination of hazardous and harmful production factors and accident consequences shall be performed according to the special measures approved by the mine chief engineer or the measures envisaged in the PDD. 2. In the PDD for takings, underground workings and road linings, a system of underground workers' self-rescue and rescue in case of emergencies must be specified. Mine workers must be familiarized with the technical documentation against signature.			x		no				x				DELETE THIS LINE. It misses the aim of this directive general provision. Moreover, it relates specifically to mine works.	
136	9	Various obligations on employers	1 (c)	The employer shall keep a list of occupational accidents resulting in a worker being unfit for work for more than three working days.	1.2	22	Investigation and recording of accidents, occupational diseases, and breakdowns	1	An employer must organize investigation and maintain records of accidents, occupational diseases and breakdowns according to the regulations approved by the Cabinet of Ministers of Ukraine by agreement with all-Ukrainian trade union associations.			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The directive provision refers to the specific obligation of the employer to keep a list of occupational accidents resulting in a worker being unfit for work for more than three working days.	
137	9	Various obligations on employers	1 (c)	The employer shall keep a list of occupational accidents resulting in a worker being unfit for work for more than three working days.	3.4.		"Reporting and information on accidents, and analysis of their causes "	57,58,59,60,61	"Based on the statements drawn up according to H-5 and H-1 forms, the employer shall submit state statistical reporting about the victims as per a form approved by the State Statistics Service of Ukraine, and shall be responsible for its validity. The employer shall be required to analyse causes of accidents on the quarterly, half-year, and annual basis, and to draft and implement an action plan for prevention of such accidents. Based on the form H-5 and H-1 statements, enterprise management bodies and local state administrations shall be required to analyse circumstances and causes of accidents on the half-year and annual basis, bring analysis findings to notice of the enterprises within their scope of management, and draft and implement an action plan for prevention of such accidents. Bodies of state labour protection management, bodies of state labour protection supervision, the Fund's executive directorate and its working bodies, and trade unions shall check, according to their competence, efficiency of the accident prevention work, and shall take measures to rectify any violations of requirements of this Procedure according to law. The recording shall be maintained by: enterprises and their management bodies – of all accidents; working bodies of the Fund's executive directorate – of all insured accidents; state fire supervision bodies – of persons victims of fires; institutions of the sanitary and epidemiological service and working bodies of the Fund's executive directorate – of persons victims of acute occupational diseases (poisonings); State Labour Service, other central executive authorities, local state administrations – routine recording of accidents subject to special investigation. Collection of statistical data and development of forms of state statistical reporting about persons victims of occupational accidents shall be carried out by state statistics bodies. "			x		yes				x				DELETE THIS LINE. It misses the aim of this directive general provision. It refers solely to the obligation of the employer to keep a list of occupational accidents resulting in a worker being unfit for work for more than three working days.	
138	9	Various obligations on employers	1 (c)	The employer shall keep a list of occupational accidents resulting in a worker being unfit for work for more than three working days.	4.7		Coal Mine Safety Rules	section IV(3)18	Every case of injury or acute disease must be reported by the victim or witness to the mining dispatcher and the work manager according to the Procedure for investigation and recording of occupational accidents, diseases, and production emergencies approved by the Cabinet of Ministers of Ukraine resolution. In case of any injury or acute disease, the mining dispatcher must call for a resuscitation and anti-shock group of the SPERS unit to render first aid to the victim.			x		no				x				DELETE THIS LINE. It misses the general aim of this directive general provision. Moreover, it relates specifically to mine works.	
139	9	Various obligations on employers	1 (d)	The employer shall draw up, for the responsible authorities and in accordance with national laws and/or practices, reports on occupational accidents suffered by his workers.	1.2	22	Investigation and recording of accidents, occupational diseases, and breakdowns	1	An employer must organize investigation and maintain records of accidents, occupational diseases and breakdowns according to the regulations approved by the Cabinet of Ministers of Ukraine by agreement with all-Ukrainian trade union associations.		x			yes		x							

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140	9	Various obligations on employers	1 (d)	The employer shall draw up, for the responsible authorities and in accordance with national laws and/or practices, reports on occupational accidents suffered by his workers.	3.4.		"Reporting and information on accidents, and analysis of their causes "	57,58,59,60,61	"Based on the statements drawn up according to H-5 and H-1 forms, the employer shall submit state statistical reporting about the victims as per a form approved by the State Statistics Service of Ukraine, and shall be responsible for its validity. The employer shall be required to analyse causes of accidents on the quarterly, half-year, and annual basis, and to draft and implement an action plan for prevention of such accidents. Based on the form H-5 and H-1 statements, enterprise management bodies and local state administrations shall be required to analyse circumstances and causes of accidents on the half-year and annual basis, bring analysis findings to notice of the enterprises within their scope of management, and draft and implement an action plan for prevention of such accidents. Bodies of state labour protection management, bodies of state labour protection supervision, the Fund's executive directorate and its working bodies, and trade unions shall check, according to their competence, efficiency of the accident prevention work, and shall take measures to rectify any violations of requirements of this Procedure according to law. The recording shall be maintained by: enterprises and their management bodies – of all accidents; working bodies of the Fund's executive directorate – of all insured accidents; state fire supervision bodies – of persons victims of fires; institutions of the sanitary and epidemiological service and working bodies of the Fund's executive directorate – of persons victims of acute occupational diseases (poisonings); State Labour Service, other central executive authorities, local state administrations – routine recording of accidents subject to special investigation. Collection of statistical data and development of forms of state statistical reporting about persons victims of occupational accidents shall be carried out by state statistics bodies. "		x			yes		x						
141	9	Various obligations on employers	1 (d)	The employer shall draw up, for the responsible authorities and in accordance with national laws and/or practices, reports on occupational accidents suffered by his workers.	4.7		Coal Mine Safety Rules	section IV(3)(18)	Every case of injury or acute disease must be reported by the victim or witness to the mining dispatcher and the work manager according to the Procedure for investigation and recording of occupational accidents, diseases, and production emergencies approved by the Cabinet of Ministers of Ukraine resolution. In case of any injury or acute disease, the mining dispatcher must call for a resuscitation and anti-shock group of the SPERS unit to render first aid to the victim.			x		no			x					DELETE THIS LINE. It misses the general aim of this directive general provision. Moreover, it relates specifically to mine works.
142	9	Various obligations on employers	2	Member States shall define, in the light of the nature of the activities and size of the undertakings, the obligations to be met by the different categories of undertakings in respect of the drawing-up of the documents provided for in paragraph 1 (a) and (b) and when preparing the documents provided for in paragraph 1 (c) and (d)	1.2	23	Information and reporting on the labour protection situation	4	At the state level, uniform state statistical reporting on labour protection shall be maintained, the format of which shall be endorsed by the central executive authority that implements the state policy on labour protection, trade unions, and the Social Insurance Fund of Ukraine.			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. National legislation lacks, in this respect, provisions that (taking into account the nature of the activities and size of the undertakings), regulate: the drawing-up of the risk assessment reports [art. 9, para 1(a)]; this report on the protective measures decided to be implemented and protective equipment to use [art. 9, para 1(b)]; list of accidents generating more than 3 working days of absence [art. 9, para 1(c)]; the reports on accidents at work [art. 9, para 1(d)].
143	10	Worker information	1 (a)	The employer shall take appropriate measures so that workers and/or their representatives in the undertaking and/or establishment receive all the necessary information concerning the safety and health risks and protective and preventive measures and activities in respect of both the undertaking and/or establishment in general and each type of workstation and/or job (which may take into account, inter alia, the size of the undertaking and/or establishment).	1.2	5	Rights to labour protection during conclusion of an employment agreement	2	When concluding an employment agreement, the employer must inform the worker against signed receipt about working conditions and about there being hazardous and harmful production factors at their workplace not yet eliminated, possible consequences of their impact upon the worker's health, and the worker's right to benefits and compensations for work in such conditions according to legislation and pursuant to a collective agreement.			x		yes				x		Regulated rather partially because the Law contains no provision on the identification of hazards, on risk assessment and management, hence, on information of workers about the risks.		NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. Besides the reasons appointed in the SLS comments, it is also non-provided because: the information is not only on the risks, but also on the preventive and protective measures to adopt; the risk assessment and measures are regarding not only the undertaking/establishment in general, but also regarding each workstation; the information should be given not only on the beginning of the employment relationship but continuously, as necessary.

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144	10	Worker information	1 (a)	The employer shall take appropriate measures so that workers and/or their representatives in the undertaking and/or establishment receive all the necessary information concerning the safety and health risks and protective and preventive measures and activities in respect of both the undertaking and/or establishment in general and each type of workstation and/or job (which may take into account, inter alia, the size of the undertaking and/or establishment).	1.2	23	Information and reporting on the labour protection situation	para. 2	Workers and/or their representatives shall be granted access to information and documents containing results of workplace assessment, preventive measures planned by an employer, findings of investigation, recording and analysis of accidents and occupational diseases and reports on these matters, as well as to notices, requests and instructions issued by bodies of state supervision over labour protection.			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This directive disposition is a general provision concerning the obligation of all employers of continuously provide information to workers on risks and consequent preventive and protective measures regarding the workplace and all workstations. Is not just about granting access to documents.
145	10	Worker information	1 (a)	The employer shall take appropriate measures so that workers and/or their representatives in the undertaking and/or establishment receive all the necessary information concerning the safety and health risks and protective and preventive measures and activities in respect of both the undertaking and/or establishment in general and each type of workstation and/or job (which may take into account, inter alia, the size of the undertaking and/or establishment).	4.7 1.10	35	Coal Mine Safety Rules; Mining Law of Ukraine	section IV(1)(1); section IV(1)(2); section IV(1)(19)	"1. A coal mine is a high-risk mining enterprise where hazardous and harmful production factors (HHPF) can emerge during production operations in underground workings, and where workers must be protected against such factors. 2. Designing, construction, reconstruction and operation of coal mines shall be performed subject to requirements of the Laws of Ukraine: ""On Architectural Activities"", ""On Regulation of Urban Development Activities"", ""On Labour Protection"", ""On Ensuring Sanitary and Epidemic Well-being of the Population"", ""On Compulsory State Social Insurance against an Occupational Accident or Disease That Caused Loss of Working Capacity"", ""On Environmental Protection"", ""On High-risk Facilities"", Mining Law of Ukraine; Coal Mine Safety Rules, and other regulatory legal acts. 3. The PDD shall include a package of technical and sanitary measures that ensures normal working conditions and health care of workers by means of preventing or restricting any adverse impact of hazardous and harmful production factors (HHPF), and reducing the risk of occupational and work-related disease incidence."			x		no				x				DELETE THIS LINE. This directive disposition is a general provision concerning the obligation of all employers to continuously provide information to workers on risks and consequent preventive and protective measures regarding the workplace and all workstations. It should be applied to all employers and not just to the ones of coal mining sector.
146	10	Worker information	1 (a)	The employer shall take appropriate measures so that workers and/or their representatives in the undertaking and/or establishment receive all the necessary information concerning the safety and health risks and protective and preventive measures and activities in respect of both the undertaking and/or establishment in general and each type of workstation and/or job (which may take into account, inter alia, the size of the undertaking and/or establishment).	4.8	2.2.	Requirements to organization and ensuring the safety at workplaces	par 1	Workers shall be informed and instructed on actions in case of emergency situation at the enterprise, constituting direct danger to their life and health, an on prevention and protection measures taken or to be taken.			x		yes				x				DELETE THIS LINE. This directive provision do not concern information in situations of emergency.
147	10	Worker information	1 (b)	The employer shall take appropriate measures so that workers and/or their representatives in the undertaking and/or establishment receive all the necessary information concerning the measures taken pursuant to Article 8 (2) [the designated workers to implement the measures for first aid, fire-fighting and the evacuation of workers], which may take into account, inter alia, the size of the undertaking and/or establishment.	1.2	5	Rights to labour protection during conclusion of an employment agreement	2	When concluding an employment agreement, the employer must inform the worker against signed receipt about working conditions and about there being hazardous and harmful production factors at their workplace not yet eliminated, possible consequences of their impact upon the worker's health, and the worker's right to benefits and compensations for work in such conditions according to legislation and pursuant to a collective agreement.			x		yes				x		Regulated rather partially because the Law contains no provision on the identification of hazards, on risk assessment and management, hence, on information of workers about the risks.		NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This directive disposition concerns exclusively the information that should be given (not only on admission, but continuously) to the workers designated to implement the measures for first aid, fire-fighting and the evacuation of premises.

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148	10	Worker information	1 (b)	The employer shall take appropriate measures so that workers and/or their representatives in the undertaking and/or establishment receive all the necessary information concerning the measures taken pursuant to Article 8 (2) [the designated workers to implement the measures for first aid, fire-fighting and the evacuation of workers], which may take into account, inter alia, the size of the undertaking and/or establishment.	1.5	20	Tasks and responsibilities of economic entities	1	Tasks and responsibilities of economic entities in the field of civil defence shall include:...			x		yes				x				DELETE THIS LINE. This directive disposition concerns exclusively the information that should be given (not only on admission, but continuously) to the workers designated to implement the measures for first aid, fire-fighting and the evacuation of premises.
149	10	Worker information	1 (b)	The employer shall take appropriate measures so that workers and/or their representatives in the undertaking and/or establishment receive all the necessary information concerning the measures taken pursuant to Article 8 (2) [the designated workers to implement the measures for first aid, fire-fighting and the evacuation of workers], which may take into account, inter alia, the size of the undertaking and/or establishment.	4.8	2.2.	Requirements to organization and ensuring the safety at workplaces	par 2	Employer shall provide workers and their authorized representatives on labour protection with full and exhaustive information on potential dangerous situations, on measures taken to prevent or eliminate them and on actions the workers shall take in case of emergency situations.			x		yes				x				DELETE THIS LINE. This directive disposition concerns exclusively the information that should be given (not only on admission, but continuously) to the workers designated to implement the measures for first aid, fire-fighting and the evacuation of premises.
150	10	Worker information	2	The employer shall take appropriate measures so that employers of workers from any outside undertakings and/or establishments engaged in work in his undertaking and/or establishment receive adequate information concerning the points referred to in paragraph 1 (a) [the safety and health risks and protective and preventive measures and activities in respect of both the undertaking and/or establishment in general and each type of workstation and/or job] and (b) [the designated workers to implement the measures for first aid, fire-fighting and the evacuation of workers], which is to be provided to the workers in question.								x						x				NON-PROVIDED FOR

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151	10	Worker information	2	The employer shall take appropriate measures so that employers of workers from any outside undertakings and/or establishments engaged in work in his undertaking and/or establishment receive adequate information concerning the points referred to in paragraph 1 (a) [the safety and health risks and protective and preventive measures and activities in respect of both the undertaking and/or establishment in general and each type of workstation and/or job] and (b) [the designated workers to implement the measures for first aid, fire-fighting and the evacuation of workers], which is to be provided to the workers in question.	4.7		Coal Mine Safety Rules	section 4(5)(6)	Works performed by workers of any section (service) in mining of another section (service) as well as works performed by outside organizations must be agreed upon with the manager of the section (service) where they are being performed, and approved by the person responsible for the mine's work in the given shift. Organization of safe performance of works must be specified in the former case by a mine order, and in the latter case by a joint order of the enterprise managers.			x		no				x				DELETE THIS LINE. This directive disposition concerns exclusively the obligation of employers to ensure that employers of workers from any outside undertakings and/or establishments engaged in work in his undertaking and/or establishment receive adequate information concerning: 1) the risks and consequent preventive and protective measures regarding the workplace and all workstations; 2) the workers designated to implement the measures for first aid, fire-fighting and the evacuation of premises. Moreover, it does not apply only to coal mine workers.
152	10	Worker information	2	The employer shall take appropriate measures so that employers of workers from any outside undertakings and/or establishments engaged in work in his undertaking and/or establishment receive adequate information concerning the points referred to in paragraph 1 (a) [the safety and health risks and protective and preventive measures and activities in respect of both the undertaking and/or establishment in general and each type of workstation and/or job] and (b) [the designated workers to implement the measures for first aid, fire-fighting and the evacuation of workers], which is to be provided to the workers in question.	4.8	2.6.	Requirements to organization and ensuring the safety at workplaces		"in cases, when the activities of several enterprises are carried out on one territory or in one work zone, the cooperation shall be established between them, mutual informing, coordination of actions and of persons responsible for labour protection, taking into account the nature of activity regarding protection against dangers and their prevention in accordance with the legislation in force; involved workers of other enterprises shall be subject to medical examination and briefing on labour protection taking into account the specific working conditions at the enterprise that receives works; such workers shall be provided with personal protective equipment."			x		yes				x				DELETE THIS LINE. This directive disposition concerns exclusively the obligation of employers (and not enterprises, which is a much more narrowed concept) to ensure that employers of workers from any outside undertakings and/or establishments engaged in work in his undertaking and/or establishment receive adequate information concerning: 1) the risks and consequent preventive and protective measures regarding the workplace and all workstations; 2) the workers designated to implement the measures for first aid, fire-fighting and the evacuation of premises.
153	10	Worker information	3 (a)	The employer shall take appropriate measures so that workers with specific functions in protecting the safety and health of workers, or workers' representatives with specific responsibility for the safety and health of workers shall have access to the risk assessment and protective measures and equipment referred to in Article 9 (1) (a) and (b), in order to carry out their functions.	1.2	23	Information and reporting on the labour protection situation	2	Workers and/or their representatives shall be granted access to information and documents containing results of workplace assessment, preventive measures planned by an employer, findings of investigation, recording and analysis of accidents and occupational diseases and reports on these matters, as well as to notices, requests and instructions issued by bodies of state supervision over labour protection.			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. It refers specifically to access of workers, or workers' representatives with specific responsibility for the safety and health of workers, to the reports of risks assessment and to the reports on the protective and preventive measures that consequently should be implemented at the workplaces.

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154	10	Worker information	3 (b)	The employer shall take appropriate measures so that workers with specific functions in protecting the safety and health of workers, or workers' representatives with specific responsibility for the safety and health of workers shall have access to the list and reports on occupational accidents, referred to in Article 9 (1) (c) and (d), in order to carry out their functions.	1.2	23	Information and reporting on the labour protection situation	2	Workers and/or their representatives shall be granted access to information and documents containing results of workplace assessment, preventive measures planned by an employer, findings of investigation, recording and analysis of accidents and occupational diseases and reports on these matters, as well as to notices, requests and instructions issued by bodies of state supervision over labour protection.		x			yes		x						
155	10	Worker information	3 (b)	The employer shall take appropriate measures so that workers with specific functions in protecting the safety and health of workers, or workers' representatives with specific responsibility for the safety and health of workers shall have access to the list and reports on occupational accidents, referred to in Article 9 (1) (c) and (d), in order to carry out their functions.	4.7		Coal Mine Safety Rules	section IV(3)/(18)	Every case of injury or acute disease must be reported by the victim or witness to the mining dispatcher and the work manager according to the Procedure for investigation and recording of occupational accidents, diseases, and production emergencies approved by the Cabinet of Ministers of Ukraine resolution. In case of any injury or acute disease, the mining dispatcher must call for a resuscitation and anti-shock group of the SPERS unit to render first aid to the victim.			x		no				x				DELETE THIS LINE. This national provision misses the point: the access to the list and reports of accidents at work. Moreover, it only applies to coal mine workers.
156	10	Worker information	3 (c)	The employer shall take appropriate measures so that workers with specific functions in protecting the safety and health of workers, or workers' representatives with specific responsibility for the safety and health of workers shall have access to the information yielded by protective and preventive measures, inspection agencies and bodies responsible for safety and health, in order to carry out their functions.	1.2	23	Information and reporting on the labour protection situation	2	Workers and/or their representatives shall be granted access to information and documents containing results of workplace assessment, preventive measures planned by an employer, findings of investigation, recording and analysis of accidents and occupational diseases and reports on these matters, as well as to notices, requests and instructions issued by bodies of state supervision over labour protection.		x			yes		x						
157	10	Worker information	3 (c)	The employer shall take appropriate measures so that workers with specific functions in protecting the safety and health of workers, or workers' representatives with specific responsibility for the safety and health of workers shall have access to the information yielded by protective and preventive measures, inspection agencies and bodies responsible for safety and health, in order to carry out their functions.	3.4		"Reporting and information on accidents, and analysis of their causes "	58	The employer shall be required to analyse causes of accidents on the quarterly, half-year, and annual basis, and to draft and implement an action plan for prevention of such accidents.			x		yes				x				DELETE THIS LINE. This national provision misses the point: the access workers with specific functions in protecting the safety and health of workers, or workers' representatives with specific responsibility for the safety and health of workers shall have access to the information yielded by protective and preventive measures, inspection agencies and bodies responsible for safety and health.
158	11	Consultation and participation of workers	1 (1)	Employers shall consult workers and/or their representatives and allow them to take part in discussions on all questions relating to safety and health at work.	1.2	16	Labour protection commission at an enterprise	1	In order to ensure proportionate participation of workers in addressing any matters of occupational safety and health and the working environment, a labour protection commission may be established at an enterprise by the work collective's decision.			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This directive provision is a general provision that imposes to employers the obligation to formally consult the workers and/or their representatives and allow them to take part in all OSH discussions.
159	11	Consultation and participation of workers	1 (1)	Employers shall consult workers and/or their representatives and allow them to take part in discussions on all questions relating to safety and health at work.	1.12	1	Collective agreement or contract		A collective agreement or contract shall be concluded on the basis of the current legislation, subject to the commitments undertaken by the parties for the purpose of regulating the production, employment and socio-economic relations and aligning interests of workers and employers.			x		yes				x				DELETE THIS LINE. This national provision is not general. It refers to a specific way of participation.

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160	11	Consultation and participation of workers	1 (1)	Employers shall consult workers and/or their representatives and allow them to take part in discussions on all questions relating to safety and health at work.	4.1	1	General provisions	1.3	The Commission is a standing consultative and advisory body. The goal of establishing the Commission at an enterprise is to ensure the workers' proportionate participation in addressing any matters of occupational safety and health and the working environment.			x		yes				x				DELETE THIS LINE. This national provision is not general. It refers to a specific way of participation.
161	11	Consultation and participation of workers	1 (2)	It implies the employers' obligation to consult their workers on OSH matters.	1.2	16	Labour protection commission at an enterprise	1	In order to ensure proportionate participation of workers in addressing any mattes of occupational safety and health and the working environment, a labour protection commission may be established at an enterprise by the work collective's decision.			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This directive provision is a general provision that imposes to employers the obligation to formally consult the workers and/or their representatives on OSH matters.
162	11	Consultation and participation of workers	1 (3)	It implies the right of workers and/or their representatives to make proposals on OSH.	1.2	16	Labour protection commission at an enterprise	1	In order to ensure proportionate participation of workers in addressing any mattes of occupational safety and health and the working environment, a labour protection commission may be established at an enterprise by the work collective's decision.			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This directive provision is a general provision that gives the workers and/or their representatives the right to present to employers proposals on OSH matters.
163	11	Consultation and participation of workers	1 (4)	It implies the balanced participation of workers and employers, in accordance with national laws and/or practices.	1.2	16	Labour protection commission at an enterprise	1	In order to ensure proportionate participation of workers in addressing any mattes of occupational safety and health and the working environment, a labour protection commission may be established at an enterprise by the work collective's decision.			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. It is not enough. This directive sets a general obligation. The national provision is just one way to ensure participation. Moreover, it refers only to enterprises (leaving out other organizations and the self-employed with workers). Furthermore, this national provision says that "labour protection commission may be established at an enterprise by the work collective's is an obligation (not a possibility) ensuring the balanced participation of workers and employers. It means that is an obligation, not a possibility, and that such participation should also include the balanced participation of the employer - not just of workers!
164	11	Consultation and participation of workers	1 (4)	It implies the balanced participation of workers and employers, in accordance with national laws and/or practices.	1.12	3	Parties of a collective agreement or contract		A collective contract shall be concluded by an employer of the one part and one or more trade union bodies or, if no such bodies exist, workers' representatives elected and authorized by the work collective of the other part. Parties of collective agreements shall be parties of social dialogue composition whereof shall be determined according to the legislation on social dialogue.			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This directive provision is a general provision that imposes to the states the obligation to ensure the balanced participation of both the workers and employers on OSH matters. The collective bargaining is just one of the possible ways to ensure it. But the directive provision is a general one. Not specific. So, national legislation should have a general provision and also specific ones, regarding each mean of ensuring the aforesaid balanced participation.
165	11	Consultation and participation of workers	2 (a)	Workers or workers' representatives with specific responsibility for the safety and health of workers shall take part in a balanced way or shall be consulted in advance and in good time by the employer on any measure which may substantially affect safety and health.	1.2	23	Information and reporting on the labour protection situation	1, 2	"An employer shall be required to inform workers or persons authorized to exercise public control of compliance with requirements of regulatory legal acts on labour protection and the Social Insurance Fund of Ukraine about the labour protection situation, causes of breakdowns, accidents and occupational diseases, and measures taken to eliminate them and provide working conditions and labour protection at the enterprise at the level prescribed by regulatory requirements. Workers and/or their representatives shall be granted access to information and documents containing results of workplace assessment, preventive measures planned by an employer, findings of investigation, recording and analysis of accidents and occupational diseases and reports on these matters, as well as to notices, requests and instructions issued by bodies of state supervision over labour protection."			x		yes				x				DELETE THIS LINE. This national provision misses de point: is not about the obligation to inform. Is the obligation of the employers to ensure the prior consultation or balanced participation of workers or workers' representatives with specific responsibility for the safety and health of workers, regarding any measure which may substantially affect safety and health.

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166	11	Consultation and participation of workers	2 (a)	Workers or workers' representatives with specific responsibility for the safety and health of workers shall take part in a balanced way or shall be consulted in advance and in good time by the employer on any measure which may substantially affect safety and health.	4.1	2	Commission's tasks and rights	2.1	The Commission's core tasks are as follows: ... preparing recommendations to the employer and workers concerning prevention of occupational injuries and occupational diseases based on analysis of the occupational safety and working conditions situation; practical implementation of the principles of state policy on labour protection at the enterprise; aligning, through bipartite consultations, the parties' positions as to addressing practical issues of labour protection to ensure combination of interests of the employer and the work collective and every worker; preventing conflict situations at the enterprise;			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This directive provision is a general provision that establishes the obligation of the employers to ensure the prior consultation or balanced participation of workers or workers' representatives with specific responsibility for the safety and health of workers, regarding any measure which may substantially affect safety and health. The referred Commission is just only way to ensure that participation which, moreover should also include the balanced participation of the employer. Furthermore, the directive provision also foresees the obligation of prior consultation, which is absent from the national provision.
167	11	Consultation and participation of workers	2 (b)	Workers or workers' representatives with specific responsibility for the safety and health of workers shall take part in a balanced way or shall be consulted in advance and in good time by the employer on the designation of workers referred to in Articles 7 (1) and 8 (2) and on the activities referred to in Article 7 (1).								x						x				NON-PROVIDED FOR
168	11	Consultation and participation of workers	2 (c)	Workers or workers' representatives with specific responsibility for the safety and health of workers shall take part in a balanced way or shall be consulted in advance and in good time by the employer on the information referred to in Articles 9 (1) and 10.	1.2	16	Labour protection commission at an enterprise	para. 1	In order to ensure proportionate participation of workers in addressing any matters of occupational safety and health and the working environment, a labour protection commission may be established at an enterprise by the work collective's decision.			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This national provision misses the point: The directive provision states that the employer should ensure the participation or prior consultation of workers and/or workers representatives on the information regarding: risks, preventive and protective measures, list and reports of accidents at work, designated workers to implement the measures for first aid, fire-fighting and the evacuation of workers, and to the information yielded by protective and preventive measures, inspection agencies and bodies responsible for safety and health.
169	11	Consultation and participation of workers	2 (d)	Workers or workers' representatives with specific responsibility for the safety and health of workers shall take part in a balanced way or shall be consulted in advance and in good time by the enlistment, where appropriate, of the competent services or persons outside the undertaking and/ or establishment, as referred to in Article 7 (3).								x						x				NON-PROVIDED FOR

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170	11	Consultation and participation of workers	2 (d)	Workers or workers' representatives with specific responsibility for the safety and health of workers shall take part in a balanced way or shall be consulted in advance and in good time by the enlistment, where appropriate, of the competent services or persons outside the undertaking and/ or establishment, as referred to in Article 7 (3).	4.7		Coal Mine Safety Rules	section 4(1)(7)	7. Ministry of Coal Industry and coal industry economic entities ("economic entities") shall establish a labour protection service according to the requirements in the Model regulations on a labour protection service, approved by the Order of the State Committee for Labour Protection Supervision No. 255 of 15.11.2004 (z1526-04) registered with the Ministry of Justice of Ukraine on 1.12.2004 under No. 1526/10125 (hereinafter referred to as NPAOP 0.00-4.35-04).			x		no				x				DELETE THIS LINE. This national provision misses the point. This directive provision concerns the imposition of the obligation to employers, of ensuring the prior consultation or balanced participation of the workers or workers' representatives with specific responsibility for the safety and health of workers, in the choosing of the providers of the OSH external services or persons.
171	11	Consultation and participation of workers	2 (e)	Workers or workers' representatives with specific responsibility for the safety and health of workers shall take part in a balanced way or shall be consulted in advance and in good time by the enlistment, where appropriate, of the planning and organization of the training referred to in Article 12.							x							x				NON-PROVIDED FOR
172	11	Consultation and participation of workers	2 (e)	Workers or workers' representatives with specific responsibility for the safety and health of workers shall take part in a balanced way or shall be consulted in advance and in good time by the enlistment, where appropriate, of the planning and organization of the training referred to in Article 12.	4.7		Coal Mine Safety Rules	section 4(1)(14)	" 14. Mine workers' training and knowledge testing on labour protection must be conducted as per the requirements of NPAOP 0.00-4.12-05 (z0231-05). Mine workers must be familiarized with technical documentation against signature. Written job orders shall be issued to work managers and performers who have proper skills and whose professional duties include the given work category."			x		no				x				DELETE THIS LINE. This national provision misses the point. This directive provision concerns the imposition of the obligation to employers, of ensuring the prior consultation or balanced participation of the workers or workers' representatives with specific responsibility for the safety and health of workers, in the planing and organization of the OSH training of the workers.
173	11	Consultation and participation of workers	3	Workers' representatives with specific responsibility for the safety and health of workers shall have the right to ask the employer to take appropriate measures and to submit proposals to him to that end to mitigate hazards for workers and/or to remove sources of danger.	1.2	42	Persons authorized by wage workers to address labour protection matters	1	The persons authorized by wage workers to address labour protection matters shall have the right to check, without obstruction, compliance with labour protection requirements at enterprises and to submit proposals, binding on an employer, concerning elimination of any identified violations of regulatory legal acts on occupational safety and health.			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This directive provision is not about giving the workers' representatives with specific responsibility for the safety and health of workers the right to control the compliance of the OSH regulations by the workers' representatives and issue bidding orders if the legislation is not complied with, because the workers are not a public authority. This directive provision is about giving the workers' representatives with specific responsibility for the safety and health of workers the right to ask the employer to take appropriate measures and to submit proposals to him in order to mitigate hazards for workers and/or to remove sources of danger. Moreover these are not just the wage workers' representatives. These are the representatives of all the workers.
174	11	Consultation and participation of workers	4	The workers referred to in paragraph 2 and the workers' representatives referred to in paragraphs 2 and 3 may not be placed at a disadvantage because of their respective activities referred to in paragraphs 2 and 3.	1.2	42	Persons authorized by wage workers to address labour protection matters	3	Legitimate interests of workers in connection with their performing the duties of persons authorized by wage workers to address labour protection matters may not be infringed upon. Dismissing or holding them liable in disciplinary or financial terms shall only be possible by consent of wage workers according to the procedure established by a collective agreement.			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This directive provision is more strict than the national provision indicated. According to this directive provision, the workers or workers' representatives or designated for taking care of any safety and health activity cannot, in any circumstance, be placed at a disadvantage because of their respective activities. Moreover, it is not just regarding the workers authorized by the wage workers, but the representatives of all workers and the ones designated by the employer.

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175	11	Consultation and participation of workers	5	Employers must allow workers' representatives with specific responsibility for the safety and health of workers adequate time off work, without loss of pay, and provide them with the necessary means to enable such representatives to exercise their rights and functions deriving from this Directive.	1.2	42	Persons authorized by wage workers to address labour protection matters	2	To carry out these responsibilities, the employer shall, at its own expense, organize training, provide necessary means, and release the persons authorized by wage workers to address labour protection matters from work for a period envisaged by a collective agreement, with retention of average earnings for them.			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This directive provision foresees the provision of these workers with: 1) "Adequate time"- national legislation should than specify what that means; 3) the necessary means. 2) without loss of pay;
176	11	Consultation and participation of workers	6 (1)	Workers and/or their representatives are entitled to appeal, in accordance with national law and/or practice, to the authority responsible for safety and health protection at work 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.	1.2	42	Persons authorized by wage workers to address labour protection matters	4	If the persons authorized by wage workers to address labour protection matters believe that the preventive measures taken by an employer are not sufficient they may approach a body of state supervision over labour protection for assistance. They shall also have the right to take part in, and submit appropriate proposals during, such bodies' inspection visits to enterprises or to production facilities of natural persons who use hired labour according to law.		x			yes		x						According to this directive provision, not only the workers representatives - but also the workers themselves - are entitled to appeal, in accordance with national law and/or practice, to the authority responsible for safety and health protection at work.
177	11	Consultation and participation of workers	6 (2)	Workers' representatives must be given the opportunity to submit their observations during inspection visits by the competent authority.	1.2	42	Persons authorized by wage workers to address labour protection matters	4	They shall also have the right to take part in, and submit appropriate proposals during, such bodies' inspection visits to enterprises or to production facilities of natural persons who use hired labour according to law.		x			yes		x						According to this directive provision, it is not only regarding enterprises (it also refers to other organizations and self-employed person with workers) and is not regarding production facilities (but concerning all workplaces and workstations, as necessary).
178	12	Training of workers	1 (1)	"The employer shall ensure that each worker receives adequate safety and health training, in particular in the form of information and instructions specific to his workstation or job on recruitment"	1.2	18	Training on labour protection	1	At hiring and in the course of work, workers must undergo, at an employer's expense, instruction and training on labour protection, on provision of first aid to accident victims, and on rules of conduct in case of a breakdown.		x			yes		x						The national provision lacks the mention to: 1) The training should be in the form of information and instructions; 2) this training has to be specific to the worker's workstation or job
179	12	Training of workers	1 (1)	"The employer shall ensure that each worker receives adequate safety and health training, in particular in the form of information and instructions specific to his workstation or job on recruitment"	1.2	18	Training on labour protection	2	Workers employed on high-risk works and those requiring occupational selection must undergo, at an employer's expense, special training and knowledge testing on relevant regulatory legal acts on labour protection on an annual basis.		x			yes		x						DELETE THIS LINE. Although important, this national provision is not aiming at the same particular issue in which is focused this directive provision. Moreover, it only refers to workers of high-risk works.
180	12	Training of workers	1 (1)	"The employer shall ensure that each worker receives adequate safety and health training, in particular in the form of information and instructions specific to his workstation or job on recruitment"	1.2	18	Training on labour protection	4	Officials whose activities are related to the organization of safe performance of works shall undergo training and knowledge testing on labour protection with involvement of trade unions at hiring and periodically, once every three years.		x			yes		x						DELETE THIS LINE. Although important, this national provision is not aiming at the same particular issue in which is focused this directive provision.
181	12	Training of workers	1 (1)	"The employer shall ensure that each worker receives adequate safety and health training, in particular in the form of information and instructions specific to his workstation or job on recruitment"	1.2	18	Training on labour protection	7	If workers, including officials, demonstrate unsatisfactory knowledge on labour protection matters they shall be required to undergo repeated training and knowledge testing within one month.		x			yes		x						DELETE THIS LINE. Although important, this national provision is not aiming at the same particular issue in which is focused this directive provision.

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182	12	Training of workers	1 (1)	"The employer shall ensure that each worker receives adequate safety and health training, in particular in the form of information and instructions specific to his workstation or job on recruitment"	4.2.	6	Organization of labour protection briefings	6.1.-6.7.	"At hiring and then regularly, workers shall undergo briefings at an enterprise on labour protection, pre-medical care to accident victims, and rules of conduct and actions in case of emergencies, fires and disasters. In terms of character and time, the labour protection briefings (""briefings"") shall be divided into introductory, initial, repeated, extraordinary, and targeted. Introductory briefing It shall be provided to: - all workers hired for permanent or temporary work, regardless of their education, service record, and position; - workers of other organizations having arrived at the enterprise and taking direct part in the production process or performing other works for the enterprise; - pupils and students having arrived at the enterprise to undertake labour training or vocational training; - visitors in case of an excursion to the enterprise. Initial briefing shall be provided prior to commencement of work directly at the workplace to the worker: - newly hired (on a permanent or temporary basis) to the enterprise or to a natural person using hired labour; - transferred from one to another structural unit of the enterprise; - who will be performing work new to them; - seconded from another enterprise and taking direct part in the production process at the enterprise. It shall be provided to pupils, cadets, trainees and students of educational institutions: - prior to labour training or vocational training; - prior to performance of every learning task connected to the use of various mechanisms, tools, materials, etc. Repeated briefing shall be provided at a workplace individually to a worker or a group of workers performing jobs of the same type, its scope and content being the same as in initial briefing. Repeated briefing shall be provided within the timeframe determined by the sector’s current regulatory legal acts on labour protection, or by the employer (natural person using hired labour), with account of specific working conditions, but at least: - every 3 months at high-risk works; - every 6 works at all other works. Extraordinary briefing shall be provided to workers at the workplace or in the labour protection office: - when new or revised regulatory legal acts on labour protection are put into effect, or when they are amended or supplemented; - in case of changes in a production process, replacement or upgrading of equipment, devices and tools, source raw materials, and other factors affecting the labour protection situation; - if workers violate requirements of the regulatory legal acts on labour protection, thereby entailing injuries, accidents, fires, etc.; - in case of a break in the worker's activity for more than 30 calendar days – for high-risk works, and for more than 60 days – for all other works. Extraordinary briefing for pupils, students, cadets and trainees shall be provided during their labour training and vocational training in case they have violated the requirements of regulatory legal acts on labour protection that can cause, or have caused, injuries, accidents, fires, etc. Targeted briefing shall be provided to workers in case of: - elimination of an accident or natural disaster; - performance of works for which, according to legislation, a work permit, order or instruction must be drawn up. Targeted briefing shall be provided individually to a worker or a group of workers. Scope and content of targeted briefing shall be determined by the type of works to be performed."						x				yes		x																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							

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184	12	Training of workers	1 (2)	The employer shall ensure that each worker receives adequate safety and health training (in particular in the form of information and instructions specific to his workstation or job) in the event of a transfer or a change of job.	1.2	18	Training on labour protection	1	At hiring and in the course of work, workers must undergo, at an employer’s expense, instruction and training on labour protection, on provision of first aid to accident victims, and on rules of conduct in case of a breakdown.		x			yes		x						DELETE THIS LINE. This national provision refers to training on hiring, and not, as the directive provision, on transfer.
185	12	Training of workers	1 (2)	The employer shall ensure that each worker receives adequate safety and health training (in particular in the form of information and instructions specific to his workstation or job) in the event of a transfer or a change of job.	4.2.	6	Organization of labour protection briefings	6.1.-6.7.	"Introductory briefing It shall be provided to: - all workers hired for permanent or temporary work, regardless of their education, service record, and position; - workers of other organizations having arrived at the enterprise and taking direct part in the production process or performing other works for the enterprise; - pupils and students having arrived at the enterprise to undertake labour training or vocational training; - visitors in case of an excursion to the enterprise. Initial briefing shall be provided prior to commencement of work directly at the workplace to the worker: - newly hired (on a permanent or temporary basis) to the enterprise or to a natural person using hired labour; - transferred from one to another structural unit of the enterprise; - who will be performing work new to them; - seconded from another enterprise and taking direct part in the production process at the enterprise."		x			yes		x					The national provision lacks the mention to: 1) The training should be in the form of information and instructions; 2) this training has to be specific to the worker's workstation or job. Moreover, and contrary to the directive disposition, the national provision refers to the obligation that impends solely on "enterprises" and not, as in the directive provision, to all types of employers (which includes employers of other types of organizations as well as to self-employed with workers).	
186	12	Training of workers	1 (2)	The employer shall ensure that each worker receives adequate safety and health training (in particular in the form of information and instructions specific to his workstation or job) in the event of a transfer or a change of job.	4.7		Coal Mine Safety Rules	section 4(4)(6)	6. Directors and chief engineers, their deputies, shift managers and labour protection engineers, chief technologists, geologists and mining surveyors, managers of VTB, PRTB, BRP and degassing sections, and managers of production and preparation sections of the mines hazardous in terms of sudden rushes and mines developing rock bump-prone seams, shall be allowed to work only upon training at the lead sectoral training centre and passing of examinations for knowledge of relevant instructions and rules of mining and demolition works.		x			no		x					DELETE THIS LINE. This national provision only refers to initial training of certain workers/functions of the coal mine sector workers, and not, as the directive provision, of training (information and instructions specific to the workstation or job) on transfer.	
187	12	Training of workers	1 (3)	The employer shall ensure that each worker receives adequate safety and health training (in particular in the form of information and instructions specific to his workstation or job) in the event of the introduction of new work equipment or a change in equipment.	1.2	18	Training on labour protection	1	At hiring and in the course of work, workers must undergo, at an employer’s expense, instruction and training on labour protection, on provision of first aid to accident victims, and on rules of conduct in case of a breakdown.		x			yes		x					DELETE THIS LINE. This national provision refers only to training on hiring, and not, as the directive provision, in the case of change or introduction of new equipment.	
188	12	Training of workers	1 (3)	The employer shall ensure that each worker receives adequate safety and health training (in particular in the form of information and instructions specific to his workstation or job) in the event of the introduction of new work equipment or a change in equipment.	4.2.	6	Organization of labour protection briefings	6.1.-6.7.	"Extraordinary briefing shall be provided to workers at the workplace or in the labour protection office: - when new or revised regulatory legal acts on labour protection are put into effect, or when they are amended or supplemented; - in case of changes in a production process, replacement or upgrading of equipment, devices and tools, source raw materials, and other factors affecting the labour protection situation; - if workers violate requirements of the regulatory legal acts on labour protection, thereby entailing injuries, accidents, fires, etc.; - in case of a break in the worker’s activity for more than 30 calendar days – for high-risk works, and for more than 60 days – for all other works. Extraordinary briefing for pupils, students, cadets and trainees shall be provided during their labour training and vocational training in case they have violated the requirements of regulatory legal acts on labour protection that can cause, or have caused, injuries, accidents, fires, etc. Targeted briefing shall be provided to workers in case of: - elimination of an accident or natural disaster; - performance of works for which, according to legislation, a work permit, order or instruction must be drawn up. Targeted briefing shall be provided individually to a worker or a group of workers. Scope and content of targeted briefing shall be determined by the type of works to be performed."		x			yes		x					The national provision lacks the mention to: 1) The training should be in the form of information and instructions; 2) this training has to be specific to the worker's workstation or job. Moreover, and contrary to the directive disposition, the national provision refers to the obligation that impends solely on "enterprises" and not, as in the directive provision, to all types of employers (which includes employers of other types of organizations as well as to self-employed with workers).	

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189	12	Training of workers	1 (3)	The employer shall ensure that each worker receives adequate safety and health training (in particular in the form of information and instructions specific to his workstation or job) in the event of the introduction of new work equipment or a change in equipment.	4.7		Coal Mine Safety Rules	section 4(4)(7)	7. Managers and specialists of mining enterprises of all forms of ownership shall undergo training and knowledge testing on labour protection according to the requirements of NPAOP 00.0-4.12-05 (z0231-05) and NPAOP 00.0-8.24-05 (z0232-05).		x			no		x							DELETE THIS LINE. This national provision only refers to training of certain workers/functions of the coal mine sector workers, and not, as the directive provision, to training (information and instructions specific to the workstation or job) in the case of change or introduction of new equipment.
190	12	Training of workers	1 (4)	The employer shall ensure that each worker receives adequate safety and health training (in particular in the form of information and instructions specific to his workstation or job) in the event of the introduction of any new technology.	1.2	18	Training on labour protection	1	At hiring and in the course of work, workers must undergo, at an employer’s expense, instruction and training on labour protection, on provision of first aid to accident victims, and on rules of conduct in case of a breakdown.		x			yes		x							
191	12	Training of workers	1 (4)	The employer shall ensure that each worker receives adequate safety and health training (in particular in the form of information and instructions specific to his workstation or job) in the event of the introduction of any new technology.	4.2.	6	Organization of labour protection briefings	6.1.-6.7.	"Extraordinary briefing shall be provided to workers at the workplace or in the labour protection office: - when new or revised regulatory legal acts on labour protection are put into effect, or when they are amended or supplemented; - in case of changes in a production process, replacement or upgrading of equipment, devices and tools, source raw materials, and other factors affecting the labour protection situation; - if workers violate requirements of the regulatory legal acts on labour protection, thereby entailing injuries, accidents, fires, etc.; - in case of a break in the worker's activity for more than 30 calendar days – for high-risk works, and for more than 60 days – for all other works. Extraordinary briefing for pupils, students, cadets and trainees shall be provided during their labour training and vocational training in case they have violated the requirements of regulatory legal acts on labour protection that can cause, or have caused, injuries, accidents, fires, etc. Targeted briefing shall be provided to workers in case of: - elimination of an accident or natural disaster; - performance of works for which, according to legislation, a work permit, order or instruction must be drawn up. Targeted briefing shall be provided individually to a worker or a group of workers. Scope and content of targeted briefing shall be determined by the type of works to be performed."		x			yes		x						The national provision lacks the mention to: 1) The training should be in the form of information and instructions; 2) this training has to be specific to the worker's workstation or job. Moreover, and contrary to the directive disposition, the national provision refers to the obligation that impends solely on "enterprises" and not, as in the directive provision, to all types of employers (which includes employers of other types of organizations as well as to self-employed with workers).	
192	12	Training of workers	1 (4)	The employer shall ensure that each worker receives adequate safety and health training (in particular in the form of information and instructions specific to his workstation or job) in the event of the introduction of any new technology.	4.7		Coal Mine Safety Rules	section 4(4)(10)	10. All workers servicing machines, mechanisms or electric installations must have special certificates confirming their right to service and operate them, which are issued after training at the training course facilities having a license for educational services from the Ministry of Education and Science of Ukraine according to the Resolution of the Cabinet of Ministers of Ukraine No. 1019 of 8.08.2007 N 1019 (1019-2007-n) "On licensing of activities in provision of educational services". Only persons at the age of at least 22 may be appointed as hoist operators and demolition specialists.		x				no		x						This national provision only refers to training of certain workers of the coal mine sector and not, as the directive provision, to training (information and instructions specific to the workstation or job) in the case of introduction of new technology. Moreover, it lacks the specification that this training should be in the form of information and instructions and concerning the worker's workstation or job.
193	12	Training of workers	1 (5)	The training shall be adapted to take account of new or changed risks.								x						x			Training must be adapted subject to new or changing risks	NON-PROVIDED FOR	

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194	12	Training of workers	1 (5)	The training shall be adapted to take account of new or changed risks.	4.2.	6	Organization of labour protection briefings	6.1.-6.7.	"At hiring and then regularly, workers shall undergo briefings at an enterprise on labour protection, pre-medical care to accident victims, and rules of conduct and actions in case of emergencies, fires and disasters. In terms of character and time, the labour protection briefings (""briefings"") shall be divided into introductory, initial, repeated, extraordinary, and targeted. Introductory briefing It shall be provided to: - all workers hired for permanent or temporary work, regardless of their education, service record, and position; - workers of other organizations having arrived at the enterprise and taking direct part in the production process or performing other works for the enterprise; - pupils and students having arrived at the enterprise to undertake labour training or vocational training; - visitors in case of an excursion to the enterprise. Initial briefing shall be provided prior to commencement of work directly at the workplace to the worker: - newly hired (on a permanent or temporary basis) to the enterprise or to a natural person using hired labour; - transferred from one to another structural unit of the enterprise; - who will be performing work new to them; - seconded from another enterprise and taking direct part in the production process at the enterprise. It shall be provided to pupils, cadets, trainees and students of educational institutions: - prior to labour training or vocational training; - prior to performance of every learning task connected to the use of various mechanisms, tools, materials, etc. Repeated briefing shall be provided at a workplace individually to a worker or a group of workers performing jobs of the same type, its scope and content being the same as in initial briefing. Repeated briefing shall be provided within the timeframe determined by the sector’s current regulatory legal acts on labour protection, or by the employer (natural person using hired labour), with account of specific working conditions, but at least: - every 3 months at high-risk works; - every 6 works at all other works. Extraordinary briefing shall be provided to workers at the workplace or in the labour protection office: - when new or revised regulatory legal acts on labour protection are put into effect, or when they are amended or supplemented; - in case of changes in a production process, replacement or upgrading of equipment, devices and tools, source raw materials, and other factors affecting the labour protection situation; - if workers violate requirements of the regulatory legal acts on labour protection, thereby entailing injuries, accidents, fires, etc.; - in case of a break in the worker’s activity for more than 30 calendar days – for high-risk works, and for more than 60 days – for all other works. Extraordinary briefing for pupils, students, cadets and trainees shall be provided during their labour training and vocational training in case they have violated the requirements of regulatory legal acts on labour protection that can cause, or have caused, injuries, accidents, fires, etc. Targeted briefing shall be provided to workers in case of: - elimination of an accident or natural disaster; - performance of works for which, according to legislation, a work permit, order or instruction must be drawn up. Targeted briefing shall be provided individually to a worker or a group of workers. Scope and content of targeted briefing shall be determined by the type of works to be performed."				x	yes												DELETE THIS LINE. This national provision misses the point: the adaptation of the training contents to new or changed risks.
195	12	Training of workers	1 (5)	The training shall be adapted to take account of new or changed risks.	4.7		Coal Mine Safety Rules	section 4(4)(7)	7. Managers and specialists of mining enterprises of all forms of ownership shall undergo training and knowledge testing on labour protection according to the requirements of NPAOP 00.0-4.12-05 (z0231-05) and NPAOP 00.0-8.24-05 (z0232-05).			x		no				x						DELETE THIS LINE. This national provision misses the point: the adaptation of the training contents to new or changed risks.		
196	12	Training of workers	1 (6)	The training shall be repeated periodically if necessary.	1.2	18	Training on labour protection	para. 2	Workers employed on high-risk works and those requiring occupational selection must undergo, at an employer’s expense, special training and knowledge testing on relevant regulatory legal acts on labour protection on an annual basis.			x		yes				x						DELETE THIS LINE. This national provision misses the point: the obligation of the employer to repeat the training as often as necessary.		

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197	12	Training of workers	1 (6)	The training shall be repeated periodically if necessary.	4.2.	6	Organization of labour protection briefings	6.1.-6.7.	"At hiring and then regularly, workers shall undergo briefings at an enterprise on labour protection, pre-medical care to accident victims, and rules of conduct and actions in case of emergencies, fires and disasters. In terms of character and time, the labour protection briefings (""briefings"") shall be divided into introductory, initial, repeated, extraordinary, and targeted. Introductory briefing It shall be provided to: - all workers hired for permanent or temporary work, regardless of their education, service record, and position; - workers of other organizations having arrived at the enterprise and taking direct part in the production process or performing other works for the enterprise; - pupils and students having arrived at the enterprise to undertake labour training or vocational training; - visitors in case of an excursion to the enterprise. Initial briefing shall be provided prior to commencement of work directly at the workplace to the worker: - newly hired (on a permanent or temporary basis) to the enterprise or to a natural person using hired labour; - transferred from one to another structural unit of the enterprise; - who will be performing work new to them; - seconded from another enterprise and taking direct part in the production process at the enterprise. It shall be provided to pupils, cadets, trainees and students of educational institutions: - prior to labour training or vocational training; - prior to performance of every learning task connected to the use of various mechanisms, tools, materials, etc. Repeated briefing shall be provided at a workplace individually to a worker or a group of workers performing jobs of the same type, its scope and content being the same as in initial briefing. Repeated briefing shall be provided within the timeframe determined by the sector’s current regulatory legal acts on labour protection, or by the employer (natural person using hired labour), with account of specific working conditions, but at least: - every 3 months at high-risk works; - every 6 works at all other works. Extraordinary briefing shall be provided to workers at the workplace or in the labour protection office: - when new or revised regulatory legal acts on labour protection are put into effect, or when they are amended or supplemented; - in case of changes in a production process, replacement or upgrading of equipment, devices and tools, source raw materials, and other factors affecting the labour protection situation; - if workers violate requirements of the regulatory legal acts on labour protection, thereby entailing injuries, accidents, fires, etc.; - in case of a break in the worker’s activity for more than 30 calendar days – for high-risk works, and for more than 60 days – for all other works. Extraordinary briefing for pupils, students, cadets and trainees shall be provided during their labour training and vocational training in case they have violated the requirements of regulatory legal acts on labour protection that can cause, or have caused, injuries, accidents, fires, etc. Targeted briefing shall be provided to workers in case of: - elimination of an accident or natural disaster; - performance of works for which, according to legislation, a work permit, order or instruction must be drawn up. Targeted briefing shall be provided individually to a worker or a group of workers. Scope and content of targeted briefing shall be determined by the type of works to be performed."				x	yes												NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION: The national provision as to be general and specify that the employer is obliged to repeat the training as often as may be necessary. It can than specify that without prejudice to the that said obligation, the training should be repeated, at least x times in a period of y months/years.
198	12	Training of workers	1 (6)	The training shall be repeated periodically if necessary.	4.7		Coal Mine Safety Rules	section 4(4)(7)	7. Managers and specialists of mining enterprises of all forms of ownership shall undergo training and knowledge testing on labour protection according to the requirements of NPAOP 00.0-4.12-05 (z0231-05) and NPAOP 00.0-8.24-05 (z0232-05).			x		no					x					DELETE THIS LINE. It is focused on specific types of workers of the coal mine industry; the obligation is limited to enterprises (excluding other organizations and self-employed with workers); and it did not state the general obligation of the employers to repeat the training whenever necessary.		

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199	12	Training of workers	2	The employer shall ensure that workers from outside undertakings and/or establishments engaged in work in his undertaking and/or establishment have in fact received appropriate instructions regarding health and safety risks during their activities in his undertaking and/or establishment.	4.2.	6	Organization of labour protection briefings	6.3.	"Introductory briefing It shall be provided to: - all workers hired for permanent or temporary work, regardless of their education, service record, and position; - workers of other organizations having arrived at the enterprise and taking direct part in the production process or performing other works for the enterprise; - pupils and students having arrived at the enterprise to undertake labour training or vocational training; - visitors in case of an excursion to the enterprise."		x			yes		x						The national provision fails to state that the training should be in the form of instruction on OSH. It also fails on the scope (it is applied only to enterprises, leaving out other organizations and the self-employed with workers).
200	12	Training of workers	2	The employer shall ensure that workers from outside undertakings and/or establishments engaged in work in his undertaking and/or establishment have in fact received appropriate instructions regarding health and safety risks during their activities in his undertaking and/or establishment.	4.7		Coal Mine Safety Rules	section 4(5)(6)	Works performed by workers of any section (service) in mining of another section (service) as well as works performed by outside organizations must be agreed upon with the manager of the section (service) where they are being performed, and approved by the person responsible for the mine's work in the given shift. Organization of safe performance of works must be specified in the former case by a mine order, and in the latter case by a joint order of the enterprise managers.		x			no		x						DELETE THIS LINE. It only refers to coal mine workers and does not specify that such training has to be in form of instructions on OSH.
201	12	Training of workers	3	Workers' representatives with a specific role in protecting the safety and health of workers shall be entitled to appropriate training.	1.2	42	Persons authorized by wage workers to address labour protection matters	2	To carry out these responsibilities, the employer shall, at its own expense, organize training, provide necessary means, and release the persons authorized by wage workers to address labour protection matters from work for a period envisaged by a collective agreement, with retention of average earnings for them.		x			yes		x						Is not only organizing training for them. Is ensuring that they receive the appropriate training.
202	12	Training of workers	3	Workers' representatives with a specific role in protecting the safety and health of workers shall be entitled to appropriate training.	1.2	18	Training on labour protection	1	At hiring and in the course of work, workers must undergo, at an employer's expense, instruction and training on labour protection, on provision of first aid to accident victims, and on rules of conduct in case of a breakdown.			x		yes	x			x				DELETE THIS LINE. This national provision misses the point: it does not addresses specifically the training of the worker's representatives.
203	12	Training of workers	3	Workers' representatives with a specific role in protecting the safety and health of workers shall be entitled to appropriate training.	4.7		Coal Mine Safety Rules	section 4(1)(3)	"3. Based on the List of high-risk works (z0232-05) approved by the Order of the State Committee of Ukraine for Labour Protection Supervision ("SCLPS") No. 15 of 26.01.2005 (z0231-05), registered with the Ministry of Justice of Ukraine on 15.02.2005 under No. 232/10512 (hereinafter referred to as NPAOP 00.0-8.24-05), the mine director shall draft and approve a relevant list of high-risk work performance of which requires special training and annual knowledge testing on labour protection. Workers engaged in works specified in the approved list of high-risk works must undertake special training and annual knowledge testing on labour protection according to the Model Regulations on the procedure for training and knowledge testing on labour protection approved by the SCLPS Order No. 15 of 26.01.2005 (z0231-05), registered with the Ministry of Justice of Ukraine on 15.02.2005 under No. 232/10511 (hereinafter referred to as NPAOP 00.0-4.12-05)."			x		no				x				DELETE THIS LINE. This national provision misses the point: it does not addresses specifically the training of the worker's representatives. Moreover, its scope is limited to coal mine workers.
204	12	Training of workers	4 (1)	The training referred to in paragraphs 1 and 3 may not be at the workers' expense or at that of the workers' representatives.	1.2	42	Persons authorized by wage workers to address labour protection matters	2	To carry out these responsibilities, the employer shall, at its own expense, organize training, provide necessary means, and release the persons authorized by wage workers to address labour protection matters from work for a period envisaged by a collective agreement, with retention of average earnings for them.		x			yes		x						This directive provision do not refers exclusively to the training of worker's representatives for OSH, but it also includes all the workers.
205	12	Training of workers	4 (1)	The training referred to in paragraphs 1 and 3 may not be at the workers' expense or at that of the workers' representatives.	1.2	18	Training on labour protection	1	At hiring and in the course of work, workers must undergo, at an employer's expense, instruction and training on labour protection, on provision of first aid to accident victims, and on rules of conduct in case of a breakdown.		x			yes		x						This directive provision do not refers exclusively to the training on recruitment, it also includes the training that should be provided on transfer, on changes of equipment and technology as whenever necessary.
206	12	Training of workers	4 (1)	The training referred to in paragraphs 1 and 3 may not be at the workers' expense or at that of the workers' representatives.	4.7		Coal Mine Safety Rules	section 4(1)(3)	"3. Based on the List of high-risk works (z0232-05) approved by the Order of the State Committee of Ukraine for Labour Protection Supervision ("SCLPS") No. 15 of 26.01.2005 (z0231-05), registered with the Ministry of Justice of Ukraine on 15.02.2005 under No. 232/10512 (hereinafter referred to as NPAOP 00.0-8.24-05), the mine director shall draft and approve a relevant list of high-risk work performance of which requires special training and annual knowledge testing on labour protection. Workers engaged in works specified in the approved list of high-risk works must undertake special training and annual knowledge testing on labour protection according to the Model Regulations on the procedure for training and knowledge testing on labour protection approved by the SCLPS Order No. 15 of 26.01.2005 (z0231-05), registered with the Ministry of Justice of Ukraine on 15.02.2005 under No. 232/10511 (hereinafter referred to as NPAOP 00.0-4.12-05)."			x		no				x				DELETE THIS LINE. This directive provision refers to training in all sectors of activity and types of workers. And is focused on ensuring that the costs arising from it are not supported by the workers or their representatives.

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	ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	NUMBER OF LEGISLATIVE DOCUMENT	ARTICLE	TITLE	PARA, SUB-PARA, LINE	TEXT	FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT				
207	12	Training of workers	4 (2)	The training referred to in paragraph 1 must take place during working hours.	1.2	18	Training on labour protection	1	At hiring and in the course of work, workers must undergo, at an employer’s expense, instruction and training on labour protection, on provision of first aid to accident victims, and on rules of conduct in case of a breakdown.			x		yes				x					NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. The national provision indicated misses the point: this directive general provision intends to stipulate that the training provided to workers (in particular in the form of information and instructions specific to his workstation or job), which should be given whenever necessary and, in particular, on recruitment and in the event of a transfer or a change of job, change of equipment or change in technology should be given during working hours.
208	12	Training of workers	4 (2)	The training referred to in paragraph 1 must take place during working hours.	4.7		Coal Mine Safety Rules	section 4(1)(3)	"3. Based on the List of high-risk works (z0232-05) approved by the Order of the State Committee of Ukraine for Labour Protection Supervision (“SCLPS”) No. 15 of 26.01.2005 (z0231-05), registered with the Ministry of Justice of Ukraine on 15.02.2005 under No. 232/10512 (hereinafter referred to as NPAOP 00.0-8.24-05), the mine director shall draft and approve a relevant list of high-risk work performance of which requires special training and annual knowledge testing on labour protection. Workers engaged in works specified in the approved list of high-risk works must undertake special training and annual knowledge testing on labour protection according to the Model Regulations on the procedure for training and knowledge testing on labour protection approved by the SCLPS Order No. 15 of 26.01.2005 (z0231-05), registered with the Ministry of Justice of Ukraine on 15.02.2005 under No. 232/10511 (hereinafter referred to as NPAOP 00.0-4.12-05)."			x		no				x				DELETE THIS LINE. This national provision indicated misses the point: this directive general provision intends to stipulate that the training provided to workers (in particular in the form of information and instructions specific to his workstation or job), which should be given whenever necessary and, in particular, on recruitment and in the event of a transfer or a change of job, change of equipment or change in technology should be given during working hours. In addition, it is only applicable to coal mine workers.	
209	12	Training of workers	4 (3)	The training referred to in paragraph 3 must take place during working hours or in accordance with national practice either within or outside the undertaking and/or the establishment.	1.2	42	Persons authorized by wage workers to address labour protection matters	2	To carry out these responsibilities, the employer shall, at its own expense, organize training, provide necessary means, and release the persons authorized by wage workers to address labour protection matters from work for a period envisaged by a collective agreement, with retention of average earnings for them.			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This national provision misses the point: this directive general provision intends to stipulate that the training provided to worker's representatives, should be given during working hours or within or outside the undertaking/establishment.	
210	12	Training of workers	4 (3)	The training referred to in paragraph 3 must take place during working hours or in accordance with national practice either within or outside the undertaking and/or the establishment.	4.7		Coal Mine Safety Rules	section 4(1)(3)	"3. Based on the List of high-risk works (z0232-05) approved by the Order of the State Committee of Ukraine for Labour Protection Supervision (“SCLPS”) No. 15 of 26.01.2005 (z0231-05), registered with the Ministry of Justice of Ukraine on 15.02.2005 under No. 232/10512 (hereinafter referred to as NPAOP 00.0-8.24-05), the mine director shall draft and approve a relevant list of high-risk work performance of which requires special training and annual knowledge testing on labour protection. Workers engaged in works specified in the approved list of high-risk works must undertake special training and annual knowledge testing on labour protection according to the Model Regulations on the procedure for training and knowledge testing on labour protection approved by the SCLPS Order No. 15 of 26.01.2005 (z0231-05), registered with the Ministry of Justice of Ukraine on 15.02.2005 under No. 232/10511 (hereinafter referred to as NPAOP 00.0-4.12-05)."			x		no				x			DELETE THIS LINE. This national provision misses the point: this directive general provision intends to stipulate that the training provided to worker's representatives, should be given during working hours or within or outside the undertaking/establishment.		
211	13	Workers' obligations	1	It shall be the responsibility of each worker to take care, as far as possible, of his own safety and health and that of other persons affected by his acts or omissions at work in accordance with his training and the instructions given by his employer.	1.2	14	Duties of a worker for compliance with requirements of regulatory legal acts on labour protection	1	A worker shall be required to: care for their personal safety and health as well as for safety and health of people around them in the process of performing any work or during the stay in the enterprise territory;		x			yes		x						It still lacks addressing: 1) for its acts or omissions; 2) taking into consideration the training and instructions provided by the employer; and 3) it should not be applied only to enterprises but also to other organizations and self employed with workers.	

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212	13	Workers' obligations	1	It shall be the responsibility of each worker to take care, as far as possible, of his own safety and health and that of other persons affected by his acts or omissions at work in accordance with his training and the instructions given by his employer.	4.7		Coal Mine Safety Rules	section 4(5)(11)	"11. During work, the worker must monitor safe conditions of the workplace, observance of the dust and gas conditions, working order of the equipment serviced, devices, and means of protection and control. 1. If any hazard signs are found, the worker must stop working immediately, warn workers around him, and exit to a safe place, notifying the shift work manager or the mining dispatcher. In case of any failure of machines and equipment, the worker must take measures to rectify it. If rectifying the failure without outside help is impossible, the worker must inform the shift work manager or the mining dispatcher to that effect."			x	x	no			x	x					NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. CONTRADICTORY WITH DIRECTIVE PROVISIONS - REVIEW NATIONAL PROVISION. The national provision applies only to coal mine workers; it does not take into consideration the training and instructions given by the employer. Moreover, it appears to be in contradiction with the provisions of article 6 of this directive, as it imposes to the workers the additional obligation "to monitor safe conditions of the workplace, observance of the dust and gas conditions, working order of the equipment serviced, devices, and means of protection and control" - which are obligations of the employer.
213	13	Workers' obligations	1	It shall be the responsibility of each worker to take care, as far as possible, of his own safety and health and that of other persons affected by his acts or omissions at work in accordance with his training and the instructions given by his employer.	1.1	159	Obligation of a worker to comply with requirements of regulatory acts on labour protection	para. 1, para. 5, rows 4, 5	"A worker shall be obliged to: personally take feasible measures to eliminate any workplace situation that poses a hazard to their life or health or to persons around him. "			x	x	yes			x	x					NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. CONTRADICTORY WITH DIRECTIVE PROVISIONS - REVIEW NATIONAL PROVISION. This national provision imposes an obligation to workers that goes far beyond what is expected by this directive provision that clearly states "as far as possible" and " in accordance with his training and the instructions given by his employer". Moreover, this provision seems to be in contradiction to the directive articles 8/3(b), 8/3(c), 8/4 and 8/5. The workers should have the right (not the obligation) to intervene, in the absence of its supervisor (see article 8/5). Moreover, they should no be placed at any disadvantage for this actions, unless they acted carelessly or there was negligence on their part.
214	13	Workers' obligations	2 (a)	The workers must in particular, in accordance with their training and the instructions given by their employer, make correct use of machinery, apparatus, tools, dangerous substances, transport equipment and other means of production.	1.2	14	Duties of a worker for compliance with requirements of regulatory legal acts on labour protection	2	A worker shall be required to: know and comply with requirements of regulatory legal acts on labour protection as well as rules of handling of machines, mechanisms, equipment and other production means, and use collective and personal protective equipment;		x			yes		x							This national provisional is not enough. The directive provision concerns the worker obligation of the correct use of those types of equipment, according to the training and instructions given by the employer, and not with the workers knowledge of the applicable legislation.....
215	13	Workers' obligations	2 (a)	The workers must in particular, in accordance with their training and the instructions given by their employer, make correct use of machinery, apparatus, tools, dangerous substances, transport equipment and other means of production.	4.7		Coal Mine Safety Rules	section 4(4)(10)	10. All workers servicing machines, mechanisms or electric installations must have special certificates confirming their right to service and operate them, which are issued after training at the training course facilities having a license for educational services from the Ministry of Education and Science of Ukraine according to the Resolution of the Cabinet of Ministers of Ukraine No. 1019 of 8.08.2007 N 1019 (1019-2007-n) "On licensing of activities in provision of educational services". Only persons at the age of at least 22 may be appointed as hoist operators and demolition specialists.			x		no				x					DELETE THIS LINE. This national provision misses the point. The obligation is the correct use of those types of equipment, according to the training and instructions given by the employer and not the training itself. Moreover, it is only applicable to coal mine workers.
216	13	Workers' obligations	2 (a)	The workers must in particular, in accordance with their training and the instructions given by their employer, make correct use of machinery, apparatus, tools, dangerous substances, transport equipment and other means of production.	1.1	139	Duties of workers	para. 1	" The workers shall be required to ... comply timely and precisely with instructions given by the owner or the body authorized thereby, and observe workplace and process discipline "			x		yes				x					DELETE THIS LINE. This national provision is about compliance with instructions of the employer and not about the obligation of the correct use of the machinery and other types of work equipment (according to the training and instructions given by the employer).

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217	13	Workers' obligations	2 (a)	The workers must in particular, in accordance with their training and the instructions given by their employer, make correct use of machinery, apparatus, tools, dangerous substances, transport equipment and other means of production.	1.1	159	Obligation of a worker to comply with requirements of regulatory acts on labour protection	para. 1, para. 2, rows 1, 2	" A worker shall be obliged to: know and comply with ... rules of handling of machines, mechanisms, equipment and other production means "		x			yes		x						The directive provision concerns the worker obligation of the correct use of those types of equipment, according to the training and instructions given by the employer, which is not the same as "know and comply with ... rules of handling of machines, mechanisms, equipment and other production means"
218	13	Workers' obligations	2 (b)	The workers must in particular, in accordance with their training and the instructions given by their employer, make correct use of the personal protective equipment supplied to them and, after use, return it to its proper place.	1.2	14	Duties of a worker for compliance with requirements of regulatory legal acts on labour protection	2	A worker shall be required to: know and comply with requirements of regulatory legal acts on labour protection as well as rules of handling of machines, mechanisms, equipment and other production means, and use collective and personal protective equipment;		x			yes		x						This national provision needs revision. The directive provision concerns the worker's obligation, "in accordance with the training and instructions of the employer", to "make correct use of the PPE supplied and return it to its proper place after use". It is not about knowing regulatory legal acts.
219	13	Workers' obligations	2 (b)	The workers must in particular, in accordance with their training and the instructions given by their employer, make correct use of the personal protective equipment supplied to them and, after use, return it to its proper place.	4.7		Coal Mine Safety Rules	section 4(3)(10)	10. Self-contained self-rescuers must be provided to every person descending to a mine. Every mine worker must be provided with an individual self-rescuer against signature in a respective log, and the number of self-rescuers must correspond to the number of workers engaged in underground operations.			x		no				x				DELETE THIS LINE. This national provision is about provision of PPE, not about its correct use. Moreover, it is only applicable to coal mine workers.
220	13	Workers' obligations	2 (b)	The workers must in particular, in accordance with their training and the instructions given by their employer, make correct use of the personal protective equipment supplied to them and, after use, return it to its proper place.	1.1	159	Obligation of a worker to comply with requirements of regulatory acts on labour protection	para. 1, para. 2, rows 2, 3	" A worker shall be obliged to: use ... personal protective equipment "		x			yes		x						This directive provision is not just about the obligation to use PPE. It also addresses the obligation to use it correctly (in accordance with the training and instructions given by the employer) and the obligation to return it after use.
221	13	Workers' obligations	2 (b)	The workers must in particular, in accordance with their training and the instructions given by their employer, make correct use of the personal protective equipment supplied to them and, after use, return it to its proper place.	1.2	14	Duties of a worker for compliance with requirements of regulatory legal acts on labour protection	2	A worker shall be required to: know and comply with requirements of regulatory legal acts on labour protection as well as rules of handling of machines, mechanisms, equipment and other production means, and use collective and personal protective equipment;		x			yes		x						This directive provision is not just about the obligation to use PPE. It also addresses the obligation to use it correctly (in accordance with the training and instructions given by the employer) and the obligation to return it after use.
222	13	Workers' obligations	2 (c)	The workers must in particular, in accordance with their training and the instructions given by their employer, refrain from disconnecting, changing or removing arbitrarily safety devices fitted (e.g. to machinery, apparatus, tools, plant and buildings) and use such safety devices correctly.								x						x				NON-PROVIDED FOR
223	13	Workers' obligations	2 (c)	The workers must in particular, in accordance with their training and the instructions given by their employer, refrain from disconnecting, changing or removing arbitrarily safety devices fitted (e.g. to machinery, apparatus, tools, plant and buildings) and use such safety devices correctly.	4.7		Coal Mine Safety Rules	section 4(2)(7)	" 7. Tools and appliances used to attend to technical devices must meet the safety requirements, working conditions, the job being done, and have an instruction on their safe operation. If using mechanized tools and appliances, one should comply with the manufacturing plant's requirements specified in operation documents. "			x		no				x				DELETE THIS LINE. This national provision misses the point: the obligation of workers to refrain from disconnecting, changing or removing arbitrarily safety devices sand of using them correctly.

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224	13	Workers' obligations	2 (d)	The workers must in particular, in accordance with their training and the instructions given by their employer, immediately inform the employer and/or the workers with specific responsibility for the safety and health of workers of any work situation they have reasonable grounds for considering represents a serious and immediate danger to safety and health and of any shortcomings in the protection arrangements.	1.1	159	Obligation of a worker to comply with requirements of regulatory acts on labour protection	para. 1, para. 5, rows 4, 5	" A worker shall be obliged to: notify their immediate supervisor or official [on a hazard]"			x		yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This directive obligation is just concerning "situation they have reasonable grounds for considering represents a serious and immediate danger to safety and health and of any shortcomings in the protection arrangements", and not regarding "risks" or "hazards" in general.
225	13	Workers' obligations	2 (d)	The workers must in particular, in accordance with their training and the instructions given by their employer, immediately inform the employer and/or the workers with specific responsibility for the safety and health of workers of any work situation they have reasonable grounds for considering represents a serious and immediate danger to safety and health and of any shortcomings in the protection arrangements.	1.2	6	Rights of workers to labour protection at work	2	A worker shall have the right to reject an assigned job if a workplace situation dangerous to their life or health, or to persons around him, or to the working or natural environment has emerged. The worker shall be required to notify their immediate supervisor or employer thereon.			x		yes				x				DELETE THIS LINE. This national provision misses the point. Is not about the right of the worker to reject an assign job, but about the obligation to immediately inform the employer and/or the workers with specific responsibility for the safety and health of workers of any work situation they have reasonable grounds for considering represents a serious and immediate danger to safety and health and of any shortcomings in the protection arrangements.
226	13	Workers' obligations	2 (d)	The workers must in particular, in accordance with their training and the instructions given by their employer, immediately inform the employer and/or the workers with specific responsibility for the safety and health of workers of any work situation they have reasonable grounds for considering represents a serious and immediate danger to safety and health and of any shortcomings in the protection arrangements.	4.7		Coal Mine Safety Rules	section 4(3)(8)	"8. In case an emergency occurs at a mine of any form of ownership, the ERP (emergency response plan) shall be put into effect immediately. The mine chief engineer (authorized person) and, until their arrival, the mining dispatcher shall be a responsible manager of emergency response works. Their instructions shall be binding on all the persons and organizations involved in the emergency response. If it is impossible for the mine chief engineer (authorized person) to perform their emergency response duties, their performance shall be delegated only through a written order in an operations log of the higher technical manager who must take charge of the emergency response or appoint another responsible person."			x		no				x				DELETE THIS LINE. This national provision misses the point. Is not about emergency procedures in coal mines, but about the obligation of the worker to immediately inform the employer and/or the workers with specific responsibility for the safety and health of workers of any work situation they have reasonable grounds for considering represents a serious and immediate danger to safety and health and of any shortcomings in the protection arrangements.
227	13	Workers' obligations	2 (d)	The workers must in particular, in accordance with their training and the instructions given by their employer, immediately inform the employer and/or the workers with specific responsibility for the safety and health of workers of any work situation they have reasonable grounds for considering represents a serious and immediate danger to safety and health and of any shortcomings in the protection arrangements.	1.2	6	Workers' right to the labour protection at work	2	Worker has right to refuse to do work in case of danger for his/here life or health for danger for people surrounding him/here, or for working environment or for environment			x		yes				x				DELETE THIS LINE. This national provision misses the point. Is not about the right of the worker to refuse to work, but about the obligation of the worker to immediately inform the employer and/or the workers with specific responsibility for the safety and health of workers of any work situation they have reasonable grounds for considering represents a serious and immediate danger to safety and health and of any shortcomings in the protection arrangements.

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228	13	Workers' obligations	2 (e)	The workers must in particular, in accordance with their training and the instructions given by their employer, cooperate, in accordance with national practice, with the employer and/or workers with specific responsibility for the safety and health of workers, for as long as may be necessary to enable any tasks or requirements imposed by the competent authority to protect the safety and health of workers at work to be carried out.								x						x				NON-PROVIDED FOR
229	13	Workers' obligations	2 (e)	The workers must in particular, in accordance with their training and the instructions given by their employer, cooperate, in accordance with national practice, with the employer and/or workers with specific responsibility for the safety and health of workers, for as long as may be necessary to enable any tasks or requirements imposed by the competent authority to protect the safety and health of workers at work to be carried out.	4.7		Coal Mine Safety Rules	section 4(5)(1)	" 1. A mine worker shall be required to: know ERP for their workplace, emergency warning signals, rules of conduct in emergencies, emergency exits, places where emergency protection and self-rescue means are situated, and be able to use them; undergo medical examinations, training, briefings and knowledge testing concerning the rules, standards and instructions on labour protection; take measures to eliminate hazardous workplace situations; report any detected or identified hazards to their direct work manager or mining dispatcher; know first aid techniques according to the training program, and be able to provide first aid to victims during accidents; cooperate with the mine management in ensuring and organizing safe and healthy working conditions. "				x						x			DELETE THIS LINE. This national provision, besides referring only to coal mine workers, misses the point: the obligation of the workers to cooperate with the employer and worker's representatives for OSH, for the time needed for the compliance with the competent authority instructions.
230	13	Workers' obligations	2 (f)	The workers must in particular, in accordance with their training and the instructions given by their employer, cooperate, in accordance with national practice, with the employer and/or workers with specific responsibility for the safety and health of workers, for as long as may be necessary to enable the employer to ensure that the working environment and working conditions are safe and pose no risk to safety and health within their field of activity.							x			Yes		x						DELETE THIS LINE. It is partially foreseen in article 159 of legislative act 1.1.
231	13	Workers' obligations	2 (f)	The workers must in particular, in accordance with their training and the instructions given by their employer, cooperate, in accordance with national practice, with the employer and/or workers with specific responsibility for the safety and health of workers, for as long as may be necessary to enable the employer to ensure that the working environment and working conditions are safe and pose no risk to safety and health within their field of activity.	1.1	159	Obligation of a worker to comply with requirements of regulatory acts on labour protection	para. 1; para. 5, rows 1, 2	" A worker shall be obliged to: cooperate with an owner or a body authorized thereby in the organization of safe and non-harmful working conditions"		x				Yes		x					It misses: 1) to cooperate with other workers (with specific responsibility for the safety and health of workers); 2, for as long as may be necessary (to enable the employer to ensure that the working environment and working conditions are safe and pose no risk to safety and health within their field of activity); 3) in accordance with their training and the instructions given by their employer.

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232	13	Workers' obligations	2 (f)	The workers must in particular, in accordance with their training and the instructions given by their employer, cooperate, in accordance with national practice, with the employer and/or workers with specific responsibility for the safety and health of workers, for as long as may be necessary to enable the employer to ensure that the working environment and working conditions are safe and pose no risk to safety and health within their field of activity.	4.7		Coal Mine Safety Rules	section 4(5)(1)	cooperate with the mine management in ensuring and organizing safe and healthy working conditions.			x		no				x					DELETE THIS LINE. It only applies to coal mine workers. Moreover, It misses: 1) to cooperate with the employer and/or other workers (with specific responsibility for the safety and health of workers); 2, for as long as may be necessary (to enable the employer to ensure that the working environment and working conditions are safe and pose no risk to safety and health within their field of activity); 3) in accordance with their training and the instructions given by their employer.
233	14	Health surveillance	1	Measures shall be introduced in accordance with national law and/or practices, to ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work.	4.7		Coal Mine Safety Rules	section 4(4)(1)	"1. Occupational selection as well as preliminary and regular medical examinations of mine workers shall be organized by the mine director (authorized person) as per the requirements of the Procedure for conducting health examinations of certain worker categories, approved by the Ministry of Health Order No. 246 of 21.05.2007 registered with the Ministry of Justice of Ukraine on 23.07.2007 under No. 846/14113. Job placement of a worker not able to continue working in the given occupation for health reasons shall correspond to requirements of the current legislation. "			x		no				x					NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This directive generic provision requires that the national legislation foresees that all workers (not just the coal mining workers) receive health surveillance, which, moreover, should be appropriate to the occupational risks to which they are, or may be, exposed.
234	14	Health surveillance	1	Measures shall be introduced in accordance with national law and/or practices, to ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work.	1.2	17	Compulsory medical examinations of certain worker categories		An employer shall be required to ensure, at its own expense, financing of, and organize, preliminary (at hiring) and periodic (during work activities) medical examinations of the workers employed on heavy works, works with harmful or hazardous working conditions, or works requiring occupational selection, as well as annual compulsory medical examinations of persons under 21. Based on findings of periodic medical examinations, the employer must ensure implementation of appropriate health-improving activities where necessary. Medical examinations shall be conducted by respective health care activities staff whereof shall bear responsibility, according to law, for correspondence of a medical opinion to a worker's actual state of health. A procedure of medical examinations shall be established by the central executive authority that ensures state policy-making in health care. An employer shall have the right to hold, according to the procedure established by law, a worker evading a compulsory medical examination liable in disciplinary terms as well as shall be required to suspend them from work without pay. An employer shall be required to ensure, at its own expense, an extraordinary medical examination of workers: upon a worker's application if the worker believes that aggravation of their health is related to working conditions; upon its own initiative if a worker's state of health prevents the worker from performing their employment duties. For the period of a medical examination, workers shall retain their job (position) and average earnings.		x			Yes		x							The health surveillance must me appropriate to the occupational risks to which the workers are exposed. Moreover, it should be applicable to all workers in all activity sectors, and not just to workers employed on heavy works, works with harmful or hazardous working conditions, or works requiring occupational selection, as well to persons under 21.
235	14	Health surveillance	2	The measures referred to in paragraph 1 shall be such that each worker, if he so wishes, may receive health surveillance at regular intervals	1.2	17	Compulsory medical examinations of certain worker categories		An employer shall be required to ensure, at its own expense, financing of, and organize, preliminary (at hiring) and periodic (during work activities) medical examinations of the workers employed on heavy works, works with harmful or hazardous working conditions, or works requiring occupational selection, as well as annual compulsory medical examinations of persons under 21. Based on findings of periodic medical examinations, the employer must ensure implementation of appropriate health-improving activities where necessary. Medical examinations shall be conducted by respective health care activities staff whereof shall bear responsibility, according to law, for correspondence of a medical opinion to a worker's actual state of health. A procedure of medical examinations shall be established by the central executive authority that ensures state policy-making in health care. An employer shall have the right to hold, according to the procedure established by law, a worker evading a compulsory medical examination liable in disciplinary terms as well as shall be required to suspend them from work without pay. An employer shall be required to ensure, at its own expense, an extraordinary medical examination of workers: upon a worker's application if the worker believes that aggravation of their health is related to working conditions; upon its own initiative if a worker's state of health prevents the worker from performing their employment duties. For the period of a medical examination, workers shall retain their job (position) and average earnings.		x			Yes		x						It should be applicable to all workers in all activity sectors, and not just to workers employed on heavy works, works with harmful or hazardous working conditions, or works requiring occupational selection, as well to persons under 21.	
236	14	Health surveillance	2	The measures referred to in paragraph 1 shall be such that each worker, if he so wishes, may receive health surveillance at regular intervals	4.7		Coal Mine Safety Rules	section 4(4)(1)	1. Occupational selection as well as preliminary and regular medical examinations of mine workers shall be organized by the mine director (authorized person) as per the requirements of the Procedure for conducting health examinations of certain worker categories, approved by the Ministry of Health Order No. 246 of 21.05.2007 registered with the Ministry of Justice of Ukraine on 23.07.2007 under No. 846/14113.			x		no				x				DELETE THIS LINE. It only applies to coal mine sector and, within this sector, only to certain worker categories.	

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	ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	NUMBER OF LEGISLATIVE DOCUMENT	ARTICLE	TITLE	PARA, SUB-PARA, LINE	TEXT	FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT			
237	14	Health surveillance	3	Health surveillance may be provided as part of a national health system.								x					x					NON-PROVIDED FOR
238	14	Health surveillance	3	Health surveillance may be provided as part of a national health system.	1.2	17	Compulsory medical examinations of certain worker categories		" An employer shall be required to ensure, at its own expense, financing of, and organize, preliminary (at hiring) and periodic (during work activities) medical examinations of the workers employed on heavy works, works with harmful or hazardous working conditions, or works requiring occupational selection, as well as annual compulsory medical examinations of persons under 21. Based on findings of periodic medical examinations, the employer must ensure implementation of appropriate health-improving activities where necessary. Medical examinations shall be conducted by respective health care activities staff whereof shall bear responsibility, according to law, for correspondence of a medical opinion to a worker's actual state of health. A procedure of medical examinations shall be established by the central executive authority that ensures state policy-making in health care. An employer shall have the right to hold, according to the procedure established by law, a worker evading a compulsory medical examination liable in disciplinary terms as well as shall be required to suspend them from work without pay. An employer shall be required to ensure, at its own expense, an extraordinary medical examination of workers: upon a worker's application if the worker believes that aggravation of their health is related to working conditions; upon its own initiative if a worker's state of health prevents the worker from performing their employment duties. For the period of a medical examination, workers shall retain their job (position) and average earnings. " 			x		Yes				x				DELETE THIS LINE. This national provision misses the point: the legal possibility of the health surveillance of workers could be provided as part of the national health system (e.g. for the micro, and SME's).
239	14	Health surveillance	3	Health surveillance may be provided as part of a national health system.	1.4.	28	Provision of the health-promoting conditions for work, study, welfare and rest		"To ensure health-promoting conditions for work, study, welfare and rest, prevent injuries and occupational diseases, poisonings, and avert other possible damage to health, uniform sanitary and hygienic requirements shall be established for the organization of production and other processes related to human activities, as well as for the quality of machines, equipment, consumer goods and other items able to cause adverse impact on health. The State shall ensure supervision and control over the provision of health-promoting conditions of work, study, welfare and rest, and shall promote public control for these matters. " 			x		Yes				x				DELETE THIS LINE. This national provision misses the point: the legal possibility of the health surveillance of workers could be provided as part of the national health system (e.g. for the micro, and SME's).
240	14	Health surveillance	3	Health surveillance may be provided as part of a national health system.	4.7		Coal Mine Safety Rules	section 4(5)(1)	"As per the requirements of the Procedure for conducting health examinations of certain worker categories, approved by the Ministry of Health Order No. 246 of 21.05.2007 registered with the Ministry of Justice of Ukraine on 23.07.2007 under No. 846/14113. Job placement of a worker not able to continue working in the given occupation for health reasons shall correspond to requirements of the current legislation. " 			x		no				x				DELETE THIS LINE. This national provision misses the point: the legal possibility of the health surveillance of workers could be provided as part of the national health system (e.g. for the micro, and SME's).
241	15	Risk groups	1	Particularly sensitive risk groups must be protected against the dangers which specifically affect them								x						x				NON-PROVIDED FOR. This directive provision is a general provision, stating that particularly sensitive risk groups must be protected against the dangers which specifically affect them. The national legislation should have an equal general provision, applicable to all workers of all sectors of activity. Afterwards, special provisions, focusing on the special protection of specific groups of workers (young workers, workers with disabilities, pregnant workers and workers who have recently given birth or are breastfeeding, etc.) should be in place.

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242	15	Risk groups	1	Particularly sensitive risk groups must be protected against the dangers which specifically affect them	1.2	10	Female labour protection		"It shall be prohibited to employ females on heavy works and on works with harmful or hazardous working conditions, or on underground works, except for some types of the latter (non-manual works or works related to sanitary and welfare services), as well as to employ females in lifting and movement of items the mass of which exceeds the limits set for them, according to the list of heavy works and works with harmful or hazardous conditions, and limits of lifting and movement of heavy items, as approved by the central executive authority that ensures state policy-making in health care. Work of pregnant women and women having a minor child shall be regulated by legislation. "			x	x	Yes			x	x						NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. CONTRADICTORY WITH DIRECTIVE 2006/54/EC PROVISIONS - REVIEW NATIONAL PROVISION. This national provision is specific (focused on the employment of female workers) and not general as the directive provision. The national legislation should have an equal general provision, applicable to all workers of all sectors of activity. Afterwards, special provisions, focusing on the special protection of specific groups of workers (young workers, workers with disabilities, pregnant workers and workers who have recently given birth or are breastfeeding, etc.) should be in place. Moreover, this national provision seems to be contrary to the Equality between men and women, which is a fundamental principle of Community law under Article 2 and Article 3 (2) of the Treaty and the case-law of the Court of Justice. It also seems contrary to the DIRECTIVE 2006/54/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, of 5 July 2006, on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).
243	15	Risk groups	1	Particularly sensitive risk groups must be protected against the dangers which specifically affect them	1.2	11	Minors’ labour protection		"It shall not be allowed to employ minors on heavy works and on works with harmful or hazardous working conditions, on underground works, night work, overtime work, and work on day-offs as well as in lifting and movement of items the mass of which exceeds the limits set for them, according to the list of heavy works and works with harmful or hazardous conditions, and limits of lifting and movement of heavy items, as approved by the central executive authority that ensures state policy-making in health care. Minors shall only be hired after a preliminary medical examination. A procedure of labour and vocational training of minors in professions connected with heavy works and on works with harmful or hazardous working conditions shall be specified in regulations approved by the central executive authority that ensures state policy-making in the field of labour protection. The allowable employment age, hours of work, duration of leave, and some other conditions of minors’ labour shall be established by law."			x		Yes				x					NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This national provision is specific (focused on the employment of minor workers) and not general as the directive provision. The national legislation should have an equal general provision, applicable to all workers of all sectors of activity. Afterwards, special provisions, focusing on the special protection of specific groups of workers (young workers, workers with disabilities, pregnant workers and workers who have recently given birth or are breastfeeding, etc.) should be in place.	
244	15	Risk groups	1	Particularly sensitive risk groups must be protected against the dangers which specifically affect them	1.2	12	Labour protection for persons with disabilities		"Enterprises employing persons with disabilities shall be obliged to provide them with working conditions that take account of a medico-social expert commission’s recommendations and individual rehabilitation programmes, and to take additional occupational safety measures corresponding to specific characteristics of this worker category. In the cases provided for by law, an employer shall be required to arrange training, retraining and job placement of persons with disabilities according to medical recommendations. Employment of persons with disabilities in overtime and night work shall only be possible given their consent and provided that it does not contradict a medico-social expert commission’s recommendations."			x		Yes				x					NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This national provision is specific (focused on the employment of people with disabilities) and not general as the directive provision. The national legislation should have an equal general provision, applicable to all workers of all sectors of activity. Afterwards, special provisions, focusing on the special protection of specific groups of workers (young workers, workers with disabilities, pregnant workers and workers who have recently given birth or are breastfeeding, etc.) should be in place.	

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245	15	Risk groups	1	Particularly sensitive risk groups must be protected against the dangers which specifically affect them	1.1.	174	Works on which female labour is prohibited	XII	"It shall be prohibited to employ females on heavy works and on works with harmful or hazardous working conditions, or on underground works, except for some types of the latter (non-manual works or works related to sanitary and welfare services). It shall also be prohibited to involve females in lifting and movement of items the mass of which exceeds the limits set for them. "			x	x	Yes			x	x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. CONTRADICTIONARY WITH DIRECTIVE 2006/54/EC PROVISIONS - REVIEW NATIONAL PROVISION. This national provision is specific (focused on the employment of female workers) and not general as the directive provision. The national legislation should have an equal general provision, applicable to all workers of all sectors of activity. Afterwards, special provisions, focusing on the special protection of specific groups of workers (young workers, workers with disabilities, pregnant workers and workers who have recently given birth or are breastfeeding, etc.) should be in place. Moreover, this national provision appears to be in contradiction to the Equality between men and women, which is a fundamental principle of Community law under Article 2 and Article 3 (2) of the Treaty and the case-law of the Court of Justice. It also appears to be contradictory to the provisions of the DIRECTIVE 2006/54/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, of 5 July 2006, on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).
246	15	Risk groups	1	Particularly sensitive risk groups must be protected against the dangers which specifically affect them	1.1.	175	Restriction of female labour in night time	XII	It shall not be allowed to employ women in the night time, except in the economic sectors where it is required by a special need and allowed as a temporary measure.			x	x	Yes			x	x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. CONTRADICTIONARY WITH DIRECTIVE 2006/54/EC PROVISIONS - REVIEW NATIONAL PROVISION. This national provision is specific (focused on the employment of female workers) and not general as the directive provision. The national legislation should have an equal general provision, applicable to all workers of all sectors of activity. Afterwards, special provisions, focusing on the special protection of specific groups of workers (young workers, workers with disabilities, pregnant workers and workers who have recently given birth or are breastfeeding, etc.) should be in place. Moreover, this national provision appears to be in contradiction with the Equality between men and women, which is a fundamental principle of Community law under Article 2 and Article 3 (2) of the Treaty and the case-law of the Court of Justice. It also seems contradictory with the provisions of the DIRECTIVE 2006/54/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, of 5 July 2006, on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).

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247	15	Risk groups	1	Particularly sensitive risk groups must be protected against the dangers which specifically affect them	1.1.	176	Prohibition of employment of pregnant women and women having under-3 children on night work, overtime work, and weekend work, and of sending them on business trips.	XII	It shall not be allowed to employ pregnant women and women having under-3 children on night work, overtime work, and weekend work, and to send them on business trips.			x		Yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This national provision is specific (focused on the employment of pregnant workers) and not general as the directive provision. The national legislation should have an equal general provision, applicable to all workers of all sectors of activity. Afterwards, special provisions, focusing on the special protection of specific groups of workers (young workers, workers with disabilities, pregnant workers and workers who have recently given birth or are breastfeeding, etc.) should be in place.
248	15	Risk groups	1	Particularly sensitive risk groups must be protected against the dangers which specifically affect them	1.1	188	Allowable employment age	XIII	"It shall not be allowed to employ persons younger than sixteen years of age. Persons having attained fifteen years of age may exceptionally be employed by consent of a parent or a person replacing him/her. To prepare young people for productive work, it shall be allowed to employ pupils of general secondary schools, vocational and secondary special educational institutions to perform easy work that does no harm to health and does not disturb the training process, in their free time after their having attained fourteen years of age by consent of a parent or a person replacing him/her. "			x		Yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This national provision is specific (focused on the employment of minor workers) and not general as the directive provision. The national legislation should have an equal general provision, applicable to all workers of all sectors of activity. Afterwards, special provisions, focusing on the special protection of specific groups of workers (young workers, workers with disabilities, pregnant workers and workers who have recently given birth or are breastfeeding, etc.) should be in place.
249	15	Risk groups	1	Particularly sensitive risk groups must be protected against the dangers which specifically affect them	1.1.	190	Works on which labour of persons under 18 is prohibited	XIII	"It shall not be allowed to employ persons under 18 on heavy works and on works with harmful or hazardous working conditions, as well as on underground works. It shall also be prohibited to engage persons under 18 in lifting and movement of items the mass of which exceeds the limits set for them "			x		Yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This national provision is specific (focused on the employment of minor workers) and not general as the directive provision. The national legislation should have an equal general provision, applicable to all workers of all sectors of activity. Afterwards, special provisions, focusing on the special protection of specific groups of workers (young workers, workers with disabilities, pregnant workers and workers who have recently given birth or are breastfeeding, etc.) should be in place.
250	15	Risk groups	1	Particularly sensitive risk groups must be protected against the dangers which specifically affect them	1.1.	191	Medical examinations of persons under 18	XIII	All persons under 18 years of age shall only be hired after a preliminary medical examination, and shall be subject to a compulsory medical examination on the annual basis thereafter, until attainment of 21 years of age.			x		Yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This national provision is specific (focused on the employment of minor workers) and not general as the directive provision. The national legislation should have an equal general provision, applicable to all workers of all sectors of activity. Afterwards, special provisions, focusing on the special protection of specific groups of workers (young workers, workers with disabilities, pregnant workers and workers who have recently given birth or are breastfeeding, etc.) should be in place.

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251	15	Risk groups	1	Particularly sensitive risk groups must be protected against the dangers which specifically affect them	1.1.	192	Prohibition of employment of persons under 18 on night work, overtime work, and weekend work.	XIII	It shall be prohibited to employ persons under 18 years of age on nigh work, overtime work, and weekend work.			x		Yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This national provision is specific (focused on the employment of minor workers) and not general as the directive provision. The national legislation should have an equal general provision, applicable to all workers of all sectors of activity. Afterwards, special provisions, focusing on the special protection of specific groups of workers (young workers, workers with disabilities, pregnant workers and workers who have recently given birth or are breastfeeding, etc.) should be in place.
252	15	Risk groups	1	Particularly sensitive risk groups must be protected against the dangers which specifically affect them	1.9.	25			Enterprises, institutions and organizations, and persons using hired labour shall provide safe and non-harmful working conditions, take measures to prevent disability and to restore working capacity of persons with disabilities. In case of job placement, persons with disabilities shall be provided with reasonable workplace accommodation.			x		Yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This national provision is specific (focused on the employment of people with disabilities) and not general as the directive provision. The national legislation should have an equal general provision, applicable to all workers of all sectors of activity. Afterwards, special provisions, focusing on the special protection of specific groups of workers (young workers, workers with disabilities, pregnant workers and workers who have recently given birth or are breastfeeding, etc.) should be in place.
253	15	Risk groups	1	Particularly sensitive risk groups must be protected against the dangers which specifically affect them	4.7	Coal Mine Safety Rules		section 4(1){8}	"8. A mine must have functioning automatic devices and systems of emergency protection for mine workings, facilities, machines, equipment and workplaces as well as collective protective equipment for workers, means and ways of detecting and removing any hazardous and harmful production factors. Newly created and upgraded automated systems having information storage functions must rule out any possibility of mine workers' interference with the information stored. Methane-hazardous mines must have a functioning uniform system of mine air methane monitoring (except category I mines). Officials specially designated by the economic entity shall supervise efficient use of such systems at coal enterprises. { Section IV(1)(8) as supplemented with a new paragraph as per the Order of the Ministry of Emergencies No. 960 (z1135-11) of 07.09.2011 } "			x		no				x				DELETE THIS LINE. This national provision has nothing to do with the obligation of protecting particularly sensitive risk groups against the dangers which specifically affect them.
254	16	General scope of this Directive	3	The provisions of this Directive shall apply in full to all the areas covered by the individual Directives (e.g., workplaces, work equipment, personal protective equipment, work with visual display units, handling of heavy loads involving risk of back injury, temporary or mobile work sites, fisheries and agriculture), without prejudice to more stringent and/or specific provisions contained in these individual Directives.	1.2	4	State policy on labour protection	7	State policy on labour protection shall be based on the principles of uniform requirements to labour protection for all enterprises and establishments regardless the property form and types of activity ;			x		Yes				x				NATIONAL PROVISION INDICATED DO NOT TRANSPOSE THE DIRECTIVE PROVISION. This general provision of the directive is not transposed by the indicated national provision. In fact, what this directive provision says is that the provisions of this directive shall apply in full to all the areas covered by the other EU OSH individual directives (which are mainly focused in specific risks, sectors of activity and/or different types of workers), without prejudice to more stringent and/or specific provisions contained in these individual Directives. It means that the legal act that will transpose this directive has also to mentioned that it will also applied to specific areas covered by other national OSH legislation, without prejudice to more stringent and/or specific provisions contained in those other national OSH legal acts.

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255	18	Final provisions	1	"Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive"																		Just to remind that, in accordance with article 424. ⁹ of the Chapter 21 (p. 157) and Annex XL to Chapter 21 (p. 1981) of the ASSOCIATION AGREEMENT between the European Union and its Member States, of the one part, and Ukraine, of the other part, Ukraine should bring into force the laws, regulations and administrative provisions necessary to comply with this Directive, within 3 years of the entry into force of this Agreement, i.e., no later than 31 August 2020.

LIST OF REVISED LEGISLATION

Council Directive No. 89/391/EEC, of 12 June 1989, on the introduction of measures to encourage improvements in the safety and health of workers at work
(As amended by: Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003; Directive 2007/30/EC of the European Parliament and of the Council of 20 June 2007;
Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008)

CODE (NUMBER OF THE LEGISLA- TIVE ACT)	LEGISLATIVE DOCUMENT						LAST AMENDMENTS INTRODUCED	
	ISSUER	LEGISLATIVE DOCU- MENT	NUMBER	DATE OF ADOPTION	NAME/SUBJECT OF THE LEGAL ACT	DATE OF ENTRY INTO FORCE	DATE OF LAST AMENDMENT	LEGAL ACT
1. Parliament (Verkhovna Rada) of Ukraine								
1.1	Parliament	Law	322-VIII	12/10/1971	Labour Code	6/1/1972	12/24/2015	Law No.911-VIII, of 24 December 2015, amending several legal acts of Ukraine.
1.2	Parliament	Law	2694-XII	10/14/1992	On Labour Protection	11/24/1992	2/12/2015	Law No. 191-VIII of 12 February 2015 «On amending some legislative acts of Ukraine to simplify the business environment (deregulation)»
1.3	Parliament	Law	1045-XIV	9/15/1999	On Trade Unions, Their Rights and Guarantees of Their Activities	10/5/1999	12/23/2015	Law No. 901-VIII of 23.12.2015 «On amending some legislative acts of Ukraine because of the adoption of the Law of Ukraine «On National Police»
1.4	Parliament	Law	2801-XII	11/19/1992	Fundamentals of the Legislation of Ukraine on Health Care	12/15/1992	4/6/2017	Law No. 2002-VIII of 06.04.2017 «On amending some legislative acts of Ukraine to improve the legislation on operation of health care facilities»
1.5	Parliament	Law	5403-VI	10/2/2012	Code of Civil Defence of Ukraine	11/21/2012	4/13/2017	Law No. 2020-VIII of 13.04.2017 "On amending some legislative acts of Ukraine to improve the conditions for construction activities"
1.6	Parliament	Law	4004-XII	2/24/1994	On Ensuring Sanitary and Epidemic Well-being of the Population	4/8/1994	12/23/2015	Law No. 901-VIII of 23.12.2015 «On amending some legislative acts of Ukraine because of the adoption of the Law of Ukraine «On National Police»
1.7	Parliament	Law	2862-17	12/23/2010	On Social Dialogue in Ukraine	12/23/2010		
1.8	Parliament	Law	5026-17	6/22/2012	On Employers’ Organizations, Their Associations, Rights and Guarantees of Their Activities		11/2/2016	Law No. 1666-19 «On amending some legislative acts of Ukraine to improve state registration of real estate titles and protection of ownership rights»
1.9.	Parliament	Law	875-12	10/26/2017	On the Fundamentals of Social Protection of Persons with Disabilities in Ukraine		6/22/2017	Law No. 2109-VIII (2109-19) of 22.06.2017
1.10.	Parliament	Law	1127-XIV	10/6/1999	Mining Law of Ukraine	11/11/1999	2/12/2015	Law No. 191-VIII of 12 February 2015 «On amending some legislative acts of Ukraine to simplify the business environment (deregulation)»
1.11	Parliament	Law	877-V	4/5/2007	On Basic Principles of State Supervision (Control) in Economic Activities	12/26/2007	/1/2017	Law No. 1726-VIII «On amending the Law of Ukraine «On Basic Principles of State Supervision (Control) in Economic Activities» to liberalize the system of state supervision (control) in economic activities»
1.12	Parliament	Law	3356-XII	7/1/1993	On Collective Agreements	7/1/1993	1/1/2015	Law No.77-VIII «On amending some legislative acts of Ukraine to reform the general compulsory state social insurance and legalize the labour remuneration fund»
1.13	Parliament	Law	436-IV	1/16/2003	Economic Code of Ukraine	1/1/2004	4/13/2017	Law No. 2019-VIII «On the electricity market»
1.14	Parliament	Law	1105-XIV	9/23/1999	On Compulsory State Social Insurance	1/1/2015	10/3/2017	Law No. 2148-VIII «On amending some laws of Ukraine to increase pensions»
1.15	Parliament	Law	1704-VI	11/5/2009	On Construction Norms	11/5/2009	11/20/2012	Law No. № 5496-VII «On amending some legislative acts of Ukraine on the regulation of urban development activities»
1.16	Parliament	Law	8073-x	12/7/1984	Code of Ukraine on Administrative Offences	12/7/1984	10/3/2017	Law № 2147-VIII “On amending the Code of Economic Procedure of Ukraine, the Code of Civil Procedure of Ukraine, the Code of Administrative Procedure of Ukraine, and other legislative acts”
1.17	Parliament	Decree	244/95-BP	6/23/1995	On State Supervision over Safe Performance of Works at Enterprises, in Institutions, Organizations, and in Military Units of Military Formations and Bodies of Internal Affairs and State Service of Ukraine	6/23/1995	12/21/2000	Law No. 2171-III «On amending some legislative acts of Ukraine in view of adoption of the Law of Ukraine «On disbandment of the National Guard of Ukraine»
2. President of Ukraine								
2.1	President	Decree	400/2011	4/6/2011	On Regulations on the Sanitary and Epidemiological Service of Ukraine	4/6/2011	2/14/2012	Decree of the President of Ukraine No. 85-2012 «On amending some decrees of the President of Ukraine»
3. Cabinet of Ministers of Ukraine								
3.1	Cabinet of Ministers of Ukraine	Decree	608	8/4/1995	On measures for implementation of the Resolution of the Verkhovna Rada of Ukraine No. 244 of 23.06.1995	8/4/1995	5/1/2016	CMU Decree No. 726 of 25.05.2006 «On amending some acts of the Cabinet of Ministers of Ukraine concerning the activities of the Foreign Intelligence Service»
3.2	Cabinet of Ministers of Ukraine	Decree	994	6/27/2003	On approval of the list of labour protection activities and means expenses on implementation and procurement whereof are incorporated in costs	6/27/2003	2/11/2016	CMU Decree No. 76 of 11.02.2016
3.3	Cabinet of Ministers of Ukraine	Decree	442	8/1/1992	On the Procedure for workplace assessment in terms of working conditions	8/1/1992	10/5/2016	CMU Decree No. 741 of 05.10.2016
3.4	Cabinet of Ministers of Ukraine	Decree	1232	11/30/2011	Some matters of investigation and recording of occupational accidents, diseases, and emergencies	11/30/2011	4/26/2017	CMU Decree No. 294 of 26.04.2017

CODE (NUMBER OF THE LEGISLA- TIVE ACT)	LEGISLATIVE DOCUMENT						LAST AMENDMENTS INTRODUCED	
	ISSUER	LEGISLATIVE DOCU- MENT	NUMBER	DATE OF ADOPTION	NAME/SUBJECT OF THE LEGAL ACT	DATE OF ENTRY INTO FORCE	DATE OF LAST AMENDMENT	LEGAL ACT
4. Ministries and other state authorities								
4.1	State Committee of Ukraine for Industrial Safety, Labour Protection, and Mining Supervision	Order	55	3/21/2007	Model Regulations on the labour protec- tion commission at an enterprise	4/4/2007		
4.2	State Committee of Ukraine for Labour Protection Super- vision	Order	15	1/26/2005	On approval of the Model Regulations on the procedure for training and knowledge testing on labour protection	2/15/2005	1/30/2017	Order of the Ministry of Social Policy No. 140 of 30.01.2017
4.3	State Committee of Ukraine for Labour Protection Super- vision	Order	255	11/15/2004	On approval of the Model Regulations on a labour protection service	12/1/2004	1/31/2017	Order of the Ministry of Social Policy No. 148 of 31.01.2017
4.4	State Committee of Ukraine for Labour Protection Super- vision	Order	15	1/26/2005	List of high-risk works	2/15/2005		
4.5	Ministry of Health and State Committee of Ukraine for La- bour Protection Supervision	Order	263/121	9/23/1994	List of works requiring occupational selec- tion	1/25/1995	6/6/1995	Order of the Ministry of Health No. 102/85 of 06.06.1995
4.6	State Committee of Ukraine for Industrial Safety, Labour Protection, and Mining Supervision	Order	56	3/21/2007	On approval of the Model Regulations on persons authorized by wage workers to address labour protection matters	3/6/2007		
4.7	State Committee of Ukraine for Industrial Safety, Labour Protection, and Mining Supervision	Order	62	3/22/2010	On approval of the Coal Mine Safety Rules	7/5/2010	9/24/2014	Order of the Ministry of Energy and Coal Industry No. 661 of 24.09.2014
4.8	Ministry of Emergency Situa- tions of Ukraine	Order	67	1/25/2012	On approval of the General requirements to the labour protection measures to be taken by employers	2/14/2012		