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**EU-ILO Project**  
**“Towards safe, healthy and declared work in Ukraine”**

**Draft Legal Act**  
**“Technical Regulation of Workers’ Safety and Health Signs”**  
**Proposed by the State Labour Service of Ukraine**

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

**March, 2021**

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# EXECUTIVE SUMMARY

## Background

The draft legal act concerning “Technical Regulation of Workers’ Safety and Health Signs” is aimed at aligning national legislation with the Council [Directive 92/58/EEC](#), of 24 June 1992, on the minimum requirements for the provision of safety and/or health signs at work, as foreseen in Article 424 and Annex<sup>1</sup> XL to Chapter 21 of the [Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part](#) (AA).

It was developed by the State Labour Service of Ukraine (SLS) and is expected to be submitted to the consideration of the Ministry of Development of Economy, Trade and Agriculture (ME), prior to its formal submission to social partners for consultation and, subsequently, to CMU, for adoption.

The present technical advice and recommendations, to the aforesaid draft legal act, are provided within the scope of the EU-ILO Project “[Towards safe, healthy and declared work in Ukraine](#)”, under the activities 1.1.1 and 1.1.2 (of Output 1.1).

They are intended to promote a better alignment of this draft legal act with the main applicable International<sup>2</sup> and European<sup>3</sup> labour standards and best practices.

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

They also follow an on-line training on “Occupational Safety and Health (OSH)”, carried out by the EU-ILO Project on 30th July 2020, within the “Summer Marathon of Online Trainings on International and European Labour Standards and best practices”, and attended around 500

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<sup>1</sup> See pp. L 161/157 and L 161/1983, of the Official Journal of the European Union, of 29.5.2014.

<sup>2</sup> In particular, with the ILO [Occupational Safety and Health Convention, 1981 \(No. 155\)](#), [Chemicals Convention, 1990 \(No. 170\)](#), [Labour Inspection Convention, 1947 \(No. 81\)](#) and [Labour Inspection \(Agriculture\) Convention, 1969 \(No. 129\)](#).

<sup>3</sup> Most especially with EU Council [Directive 89/391/EEC](#), of 12 June 1989, on the introduction of measures to encourage improvements in the safety and health of workers at work; EU Council [Directive 92/58/EEC](#), of 24 June 1992, on the minimum requirements for the provision of safety and/or health signs at work; EU Council [Directive 98/24/EC](#), of 7 April 1998, on the protection of the health and safety of workers from the risks related to chemical agents at work; [Regulation \(EC\) No. 1907/2006](#), of the European Parliament and of the Council, of 18 December 2006, concerning the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94, as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC; and [Regulation \(EC\) No. 1272/2008](#), of the European Parliament and of the Council, of 16 December 2008, on classification, labelling and packaging of substances and mixtures (CLP), amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006.

experts from the government, parliament, trade unions, employers' organizations, research institutions and academia.<sup>4</sup>

They also follow three sets of technical recommendations, regarding the ME draft Law "On Occupational Safety and Health of Workers", provided by the EU-ILO Project in October and November of 2020 and in February 2021.<sup>5</sup>

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

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

### **Main positive aspects**

Looking at the provisions of the draft legal act under analysis, in light of the main applicable International and European Labour Standards and best practices, it is possible to identify some positive aspects.

The latter include, among others, the following:

1. The development of a modern legal act, aligning national legislation with the applicable International and European labour standards and best practices in the area of safety and health signs at work.
2. The specification of the main employers' obligations on safety and health signs at work (e.g., access the occupational risks, installation of most appropriate safety and health signs, provision of information, instructions and training to workers, and ensure their consultation and participation).
3. The establishment of the minimum requirements and rules to be applied in the selection and provision of safety and health signs.

### **Main aspects to improve**

When analyzing the proposed draft legal act, some aspects need to be further addressed and improved, in order to be better aligned with the aforesaid international and European labour standards and best practices.

They comprise, *inter alia*, the following:

1. This legal act should be a CMU Decree (instead of a Ministry Order), in order to have the necessary legal power to ensure its effective implementation, overcoming contrary provisions of existing legal acts, as well as to ensure its sustainability, perennality and

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<sup>4</sup> The video records and supporting materials of this online training session can be retrieved [here](#).

<sup>5</sup> The technical recommendations on the ME draft Law "On Occupational Safety and Health of Workers", provided by the EU-ILO project in February 2021, are available at: [https://www.ilo.org/budapest/what-we-do/projects/declared-work-ukraine/WCMS\\_774341/lang-en/index.htm](https://www.ilo.org/budapest/what-we-do/projects/declared-work-ukraine/WCMS_774341/lang-en/index.htm).

relative immunity as regards occasional changes in the competent ministry policy, as previously recommended<sup>6</sup>.

2. The title of the legal act should also be changed from “Technical regulation of workers’ safety and health signs”, advisable to “Minimum requirements for the provision of safety and health signs at work”, for the following reasons:
  - a. This legal act (as it also happens with the Directive that is being transposed) is much more than just a technical regulation, considering its object and scope and the fact that it also regulates, *inter alia*, several employers’ obligations (e.g., risk assessment; provision of safety and health signs; inform, instruct and consult workers and their representatives and ensure their participation; etc.), as well as its enforcement competencies and sanctioning framework;
  - b. The safety and health signs are not specifically or exclusively of workers (or, at least, not only of the workers - but also of the employers) but mostly because the safety and health signs are of the workplaces (or, as referred to in the Directive, “at work”) and not of other places where workers or employer may be in the course of other activities that are not connected with work;
  - c. To better align the legal act title with the title of the EU Directive 92/58/EEC.
3. The legal act systematics, structure and clarity should be improved, in order to simplify it and to facilitate its understanding and alignment with the EU Directive 92/58/EEC. Some examples:
  - a. All paragraphs of the Articles of the Decree, as well as all the Sections of the Annexes should be dully and hierarchically numbered, in order to facilitate the understanding of the legal provisions and their cross-reference within the text and, most especially, to facilitate its overall understanding and effective application.
  - b. Partial, total or temporary exemption of certain categories of employers to the application of the legal act provisions should be dealt with within the legal act “Object and scope of application” and not under the “Obligations of economic entities”.
  - c. The different application of the legal act provisions, depending on whether safety and health signs are, or not, already provided by the date it enters into force, should be regulated within “Final and transitional provisions” and not under the “Obligations of economic entities”.
  - d. It is also advisable to foresee, in the legal act structure, the regulation of the legal competencies for promoting and enforcing the compliance with its legal provisions, as well as foreseeing the sanctions for its non-compliance.

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<sup>6</sup> See, for example, the recommendation “To provide that the legal acts transposing the EU OSH legal framework have a reinforced nature in relation to other legislation”, as laid down on point 4) of section “2 - Legislative measures” of “Part IV – Recommendations”, in the in p. 48 of the [“White Paper on EU Directives and Reform of OSH and Labour Relations’ Legislation”](#), to avoid the risk of “Option for hierarchically lower legal sources” associated with the “Strategic measures” of “Assume a legislative intervention program”, as identified in the “Part V - Roadmap” table in the 53 of the same document.

- e. It is also recommended, under the proposed “Final and transitional provisions”, to provide for the date of entry into force of this legal act, the adjustment of its annexes where appropriate, and the implementation of the measures necessary to conform the legal framework with its provisions in order to ensure its effective application.
4. Some terms used throughout this legal act should be changed, in order to improve clarity, simplicity and terminology consistency and to better align them with International and European Labor Standards and best practices. Terms such as “economic entities“, “enterprise” or “enterprises and/or firms” should be replaced, throughout the text, by the more adequate term “employer”, not only because this legal act is part of labour legislation (thus regulating the rights and obligations of employers and workers, within employment relationships, and not as market or economic operators), but also to ensure the necessary consistency with the term “employer” already defined in the proposed fourth part of Article 21 of the Code of Labour Laws, as amended by the ME Draft Law “On amending the Code of Labour Laws of Ukraine concerning the definition of the concept of employment relationship and the indicators of its existence” and as also defined in the subparagraph 30) of paragraph 1 of Article 1 of the ME Draft Law “On Occupational Safety and Health of Workers”, aimed at transposing, to national legal framework, the EU Council framework Council Directive 89/391/EEC, of 12 June 1989, concerning the introduction of measures to encourage improvements in the safety and health of workers at work. In addition, the term “technical regulation” should also be replaced throughout the text by the more adequate term “minimum requirements for the provision of safety and/or health signs at work”, because, as mentioned above, this is much more than just a mere technical regulation, as already mentioned in point 2(a) above.
5. It should be specified, as recommended, that the provisions of the Law of Ukraine “On Occupational Safety and Health of Workers” (which transposes the EU OSH Framework Directive 89/391/EEC) also applies to the minimum requirements for the provision of safety and/or health signs at work, without prejudice to more stringent and/or specific provisions laid down in this present Decree, in order to better align with Article 1(4) of Directive 92/58/EEC and ensure an increased protection to the safety and health of the workers, avoiding legislative gaps and the need to repeat all the provisions of the legal act transposing the EU framework Directive in each legal act transposing each individual Directive.
6. Omission of the definition of the state authority that has the legal competence to promote, control and enforce compliance with its legal provisions. It is therefore recommended to provide that the central executive authority that implements the State policy on state control of compliance with the labour legislation have legal competencies to ensure the promotion, control and enforcement of the legal provisions of this legal act, ensuring a better alignment of this legal act with:
  - a. Article 9(1) of ILO Occupational Safety and Health Convention, 1981 (No. 155), according to which "the enforcement of laws and regulations concerning occupational

- safety and health and the working environment shall be secured by an adequate and appropriate system of inspection";
- b. Article 3(1) of the ILO Labour Inspection Convention, 1947 (No. 81) and Article 6(1) of the ILO Labour Inspection (Agriculture) Convention, 1969 (No. 129), which define the main functions of the system of labour inspection; and
  - c. Article 4(2) of EU Directive 89/391/EEC, according to which the States "shall ensure adequate controls and supervision".
7. Absence of legal provisions aimed at sanctioning the violation of the provisions of this legal act. It is therefore recommended to provide for adequate and dissuasive penalties for the violation of the provisions of this legal act, in order to ensure their compliance and to better align it with the applicable international and European labour standards. In particular, with the following:
- a. Article 9(2) of ILO Convention 155, according to which "The enforcement system shall provide for adequate penalties for violations of the laws and regulations"; and
  - b. Article 18 of ILO C081 and Article 24 of ILO C129, according to which "adequate penalties for violations of the legal provisions enforceable by labour inspectors and for obstructing labour inspectors in the performance of their duties shall be provided for by national laws or regulations and effectively enforced".
8. Omission of the final and transitional provisions, regarding the entrance into force of the Decree, as well as providing for the adequate adjustment of the Annexes where and when necessary to adapt them to national and international standards and to technical progress and for the need to ensure the conformity of other national legislation legal and procedures with this Decree. The recommended provisions should therefore be inserted, also ensuring a better alignment of the legal act with Article 9 and 11 of the Directive 92/58/EEC.

The more detailed recommendations, concerning the main aspects referred to above, as well as many others, along with their respective rationale, are presented in the next section.

It is our expectation that these technical recommendations may contribute to an improved legislation, better aligned with the main applicable international and European labour standards and best practices, and which can effectively enhance decent working conditions in the country.

Kyiv, 23 March 2021

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"Towards safe, healthy and declared work in Ukraine"

ILO Office for Central and Eastern Europe

## EU-ILO PROJECT DETAILED RECOMMENDATIONS

CMU draft law provision's wording	Recommended wording	Rationale
<p>APPROVED</p> <p>Order of the Ministry for Development of Economy, Trade and Agriculture of Ukraine</p> <p>No. ___ of _____ 2020</p>	<p>APPROVED</p> <p><del>Order</del> <b>Decree</b> of the <del>Ministry for Development of Economy, Trade and Agriculture</del> <b>Cabinet of Ministers of Ukraine</b></p> <p>No. ___ of _____ 2020</p>	<p>Should be changed, as recommended, in order to ensure that the EU Council Directive 92/58/EEC, of 24 June 1992, on the minimum requirements for the provision of safety and/or health signs at work, is transposed through a CMU Decree (Постанова Кабінету Міністрів України) and not through a Ministry Oder, thus securing the necessary legal power (to be effective and to overcome eventual contradictory provisions contained in existing legal acts), as well as guaranteeing its sustainability and legal stability over time.</p>
<p>TECHNICAL REGULATION OF WORKERS' SAFETY AND HEALTH SIGNS</p>	<p><b>MINIMUM REQUIREMENTS FOR THE PROVISION OF SAFETY AND HEALTH SIGNS AT WORK</b></p>	<p>Title should be changed, as recommended, not only to better align with EU Directive 92/58/EEC, but also because:</p> <ol style="list-style-type: none"> <li>1. This legal act (as it also happens with the Directive that is being transposed) is much more than just a technical regulation, considering its object and scope and the fact that it also regulates, <i>inter alia</i>, several employers' obligations (e.g., risk assessment; provision of safety and health signs; inform, instruct and consult workers and their representatives and ensure their participation; etc.), as well as its enforcement competencies and sanctioning framework. The term "technical regulation" should be therefore replaced throughout the text, by the more appropriate term</li> </ol>



CMU draft law provision's wording	Recommended wording	Rationale
		<p>“Minimum requirements for the provision of safety and health signs at work”.</p> <p>2. The safety and health signs are not specifically or exclusively of workers (or, at least, not only of the workers - but also of the employers) but mostly because the safety and health signs are of the workplaces (or, as referred to in the Directive, “at work”) and not of other places where workers or employer may be in the course of other activities that are not connected with work.</p>
General provisions	<p><b>Section I. General provisions</b></p> <p><b>Article 1. Object and scope of application</b></p>	Should be inserted to better align with EU Directive 92/58/EEC and also to improve legal act systematics, structure and clarity.
<p>1. This Technical Regulation lays down minimum requirements for workers’ safety and health signs at work. The Technical Regulation has been developed to implement the provisions of the Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work.</p>	<p>1. This <b>Decree</b> lays down <b>the</b> minimum requirements for <del>workers’</del> safety and health signs at work. <del>The Technical Regulation has been developed to</del> <b>and implements</b> the provisions of the Council Directive 92/58/EEC, of 24 June 1992, on the minimum requirements for the provision of safety and/or health signs at work, <b>as evidenced in Annex 10.</b></p>	<p>Should be changed, as recommended, not only to better align with EU Directive 92/58/EEC, but also because:</p> <p>1. This legal act (which should be a CMU Decree), as it also happens with the Directive it aims to transpose, is much more than just a technical regulation (as explained above) also including the regulation, <i>inter alia</i>, of several employers’ obligations.</p> <p>2. The safety and health signs are not specifically or exclusively of workers (or, at least, not only of the workers - but also of the employers) but mostly because the safety and health signs are of the workplaces (or, as referred to in the Directive, “at work”) and not of other places where workers or employer may be in the course of other activities that are not connected with work.</p>

CMU draft law provision's wording	Recommended wording	Rationale
		<p>3. It should refer to Annex 10, which evidences the correspondence between the provisions of the Directive and its Annexes I to IX with the provisions of this Decree and its Annexes 1 to 9.</p>
	<p><b>2. The provisions of the Law of Ukraine “On Occupational Safety and Health of Workers” shall apply in full to the whole area referred to in paragraph 1, without prejudice to more stringent and/or specific provisions in this Decree.</b></p>	<p>This paragraph should be inserted, in order to better align with Article 1(4) of Directive 92/58/EEC, ensuring that the provisions of the Law of Ukraine “On Occupational Safety and Health of Workers” (which transposes the EU OSH Framework Directive 89/391/EEC) also applies to the minimum requirements for the provision of safety and/or health signs at work, without prejudice to more stringent and/or specific provisions laid down in this present Decree.</p>
<p>2. This Technical Regulation shall apply to workers’ safety and health signs which, with the aid of graphic symbols, colours, illuminated signs or acoustic signals, verbal or hand signals, establish a prohibition of unsafe actions or actions likely to cause danger, or which give instruction to take safety and/or health measures or prescribe certain behaviour to ensure safety and health of workers at work.</p>	<p><b>3. <del>This Technical Regulation</del> These minimum requirements for the provision of safety and/or health signs at work shall apply to <del>workers’</del> safety and health signs which, with the aid of <b>signboard</b>, colours, illuminated signs or acoustic signals, verbal or hand signals, establish a prohibition of unsafe actions or actions likely to cause danger, or which give instruction to take safety and/or health measures or prescribe certain behaviour to ensure safety and health of workers at work.</b></p>	<p>Should be changed, as recommended, not only to better align with EU Directive 92/58/EEC, but also because:</p> <ol style="list-style-type: none"> <li>1. This legal act (as it also happens with the Directive that is being transposed) is much more than just a technical regulation, as it also regulates, <i>inter alia</i>, several employers’ obligations (e.g., providing safety and health signs; inform, instruct and consult workers and their representatives and ensure their participation);</li> <li>2. The safety and health signs are not specifically or exclusively of workers (or, at least, not only of the workers - but also of the employers) but mostly because the safety and health signs are of the workplaces (or, as referred to in the Directive, “at work”) and not of other places where workers or</li> </ol>

CMU draft law provision's wording	Recommended wording	Rationale
		<p>employer may be in the course of other activities that are not connected with work.</p> <p>3. The terms need to be consistent with the definitions contained in Articles 2(a) and 2(g) of EU Directive 92/58/EEC.</p> <p>Should also be changed to renumber the paragraph.</p>
<p>3. Requirements of this Technical Regulation shall not apply to signs which:</p>	<p><del>4. Requirements of this Technical Regulation</del>  <b>These minimum requirements for the provision of safety and/or health signs at work</b> shall not apply to signs which:</p>	<p>Should be changed, as recommended, not only to better align with EU Directive 92/58/EEC, but also because this legal act (as it also happens with the Directive that is being transposed) is much more than just a technical regulation, as it also regulates, <i>inter alia</i>, several employers' obligations (e.g., providing safety and health signs; inform, instruct and consult workers and their representatives and ensure their participation).</p> <p>Should also be changed to renumber the paragraph.</p>
<p>1) .....</p>		
<p>2) .....</p>		
<p>3) .....</p>		
<p>Categories of enterprises allowed to replace totally, partially or temporarily the illuminated signs and /or acoustic signals provided for in this Technical Regulation by alternative measures which afford the same level of protection may be specified.</p>	<p><b>5. Taking account of the types of activity and/or size of the undertakings concerned, certain categories of undertakings allowed to replace totally, partially or temporarily the illuminated signs, and/or acoustic signals provided for in this Decree and its Annexes by alternative measures which afford the same level of protection, through an Order of the central executive authority that ensures the formulation of the state policy on safety and health of workers,</b></p>	<p>This new paragraph (moved up from the first paragraph of second part of the Article on "Obligations of economic entities") should be inserted here, in order to improve legal act systematics, structure and clarity (as this paragraph is not an employer obligation, but has to do with the legal act scope and object), as well as to better align it with Articles 1, 6(1) and 6(3) of Directive 92/58/EEC.</p> <p>In addition, the term "enterprises" should be replaced by the more adequate term</p>

CMU draft law provision's wording	Recommended wording	Rationale
	<b>provided that the concerned employers' and workers' organizations are consulted.</b>	“employers”, not only because this legal act is part of labour legislation (thus regulating the rights and obligations of employers and workers, within employment relationships, and not as market or economic operators), but also to ensure the necessary consistency with the term “employer” already defined in the proposed fourth part of Article 21 of the Code of Labour Laws, as amended by the ME Draft Law “On amending the Code of Labour Laws of Ukraine concerning the definition of the concept of employment relationship and the indicators of its existence” and as also defined in the subparagraph 30) of paragraph 1 of Article 1 of the ME Draft Law “On Occupational Safety and Health of Workers”, aimed at transposing, to national legal framework, the EU Council framework Council Directive 89/391/EEC, of 12 June 1989, concerning the introduction of measures to encourage improvements in the safety and health of workers at work.
4. The terms used herein shall have the following meanings:	<b>Article 2. Definitions</b> <b>1.</b> The terms used herein shall have the following meanings:	To improve legal act systematics, structure and clarity.
.....	<b>1)</b> .....	To number the subparagraph.
graphic symbol – a combination of a geometric shape, a colour, and a picture or pictogram;	<b>Should be deleted.</b>	Should be deleted because: 1. It has the same meaning of the term “signboard” as defined below and as also defined in Article 2(g) of Directive 92/58/EEC; 2. Except for this definition in this paragraph of this Article, the term “graphic symbol” is not used anywhere else in this legal act (and in

CMU draft law provision's wording	Recommended wording	Rationale
		any of its annexes) and is also not used in the Directive 92/58/EEC.
.....	<b>2)</b> .....	To number the subparagraph.
.....	<b>3)</b> .....	
.....	<b>4)</b> .....	
information signs - signs providing information other than contained in prohibition signs, warning signs, and mandatory signs (first-aid signs, rescue signs, or fire safety signs);	<b>5)</b> information signs - signs providing information other than contained in prohibition signs, warning signs, <del>and</del> mandatory signs <b>and emergency signs (evacuation and rescue signs, first-aid signs, or fire safety signs);</b>	Should be changed for clarity and to better align with Article 2(f) of EU Directive 92/58/EEC and with the proposed definitions of “information signs” and “emergency signs”. Also to number the subparagraph.
safety colours - colours to which a specific meaning (content) is assigned;	<b>6)</b> safety colours - colours to which a specific meaning ( <del>content</del> ) is assigned;	The expression “(content)” should be deleted, because the safety colour is the one to which a specific meaning is attributed, regardless of the form or content of the sign, thus ensuring a better alignment with Article 2(i) of EU Directive 92/58/EEC. Should also be changed to number the subparagraph.
picture or pictogram - a figure which describes a situation or prescribes specific behaviour and which is used on signboards or illuminated surface;	<b>7)</b> <b>Symbol</b> or pictogram - a figure which describes a situation or prescribes specific behaviour and which is used on signboards or illuminated surface;	Should be changed to better align the terminology with Article 2(j) of EU Directive 92/58/EEC. Should also be changed to number the subparagraph.
.....	<b>8)</b> .....	To number the subparagraph.
emergency escape or first-aid signs - signs showing a direction to evacuation routes and/or emergency exit, first-aid facility (means), or rescue facilities;	<b>9)</b> emergency <del>signs - escape or first-aid signs</del> signs showing a direction to evacuation routes, <del>and/or</del> emergency exits, first-aid facilities <b>and means (means) and/or to rescue facilities and fire safety signs;</b>	Should be changed for clarity and to better align with Article 2(e) of Directive 92/58/EEC and with the proposed definitions of “information signs” and emergency signs. Also to number the subparagraph.
illuminated sign – a sign, a conventional signal produced by a device made of transparent or translucent materials, with an internal or	<b>10)</b> Illuminated sign – a sign, <del>a conventional signal</del> <b>signal</b> produced by a device made of transparent or translucent materials, <del>with an internal or external source of light that</del>	Should be changed to better align with Article 2(k) of Directive 92/58/EEC. Also to number the subparagraph.

CMU draft law provision's wording	Recommended wording	Rationale
external source of light that illuminates surface of such a device;	<del>illuminates surface of such a device, which</del> <b>are illuminated from the inside or the rear in such a way as to give the appearance of a luminous surface;</b>	
hand signal - movements of the arms and palms to transmit a message, order or directives to workers when they perform works involving a risk or danger;	<b>11)</b> hand signal - movements of the arms and/or hands <del>palms</del> <b>hands, in coded form,</b> to transmit a message, order or directives to workers when they perform works involving a risk or danger;	Should be changed to better align with Article 2(n) of Directive 92/58/EEC. Also to number the subparagraph.
.....	<b>12)</b> .....	To number the subparagraph.
signboard - a sign which provides specific information by a combination of a geometric shape, colours and a conventional sign or a pictogram and which is rendered visible by lighting of certain intensity;	signboard - a sign which provides specific information by a combination of a geometric shape, colours and a <b>symbol</b> or <b>a</b> pictogram and which is rendered visible by lighting of certain intensity;	Should be changed to better align the terminology with Article 2(g) of EU Directive 92/58/EEC. Should also be changed to number the subparagraph.
.....	<b>13)</b> .....	To number the subparagraph.
	<b>Section II. Employers' obligations</b>	Should be inserted to better align with EU Directive 92/58/EEC and also to improve legal act systematics, structure and clarity.
Obligations of economic entities	<b>Article 3. Employers' obligations</b>	Should be changed, in order to:
1. An economic entity shall be obligated to ensure:	<b>1. Employers shall:</b>	<ol style="list-style-type: none"> <li>1. Better align with Section II of Directive 92/58/EEC;</li> <li>2. Ensure the improvement of the legal act systematics, structure and clarity.</li> <li>3. Use the term "Employer" (instead of the term "economic entities") not only because this legal act is part of labour legislation (thus regulating the rights and obligations of employers and workers, within employment relationships, and not as market or economic operators) but also to ensure the necessary consistency with the term "employer" already defined in the proposed</li> </ol>

CMU draft law provision's wording	Recommended wording	Rationale
		fourth part of Article 21 of the Code of Labour Laws, as amended by the ME Draft Law "On amending the Code of Labour Laws of Ukraine concerning the definition of the concept of employment relationship and the indicators of its existence" and as also defined in the subparagraph 30) of paragraph 1 of Article 1 of the ME Draft Law "On Occupational Safety and Health of Workers", aimed at transposing, to national legal framework, the EU Council framework Council Directive 89/391/EEC, of 12 June 1989, concerning the introduction of measures to encourage improvements in the safety and health of workers at work.
installation of the signs defined by this Technical Regulation if hazard cannot be avoided or reduced by using collective protective equipment or by taking measures in the organization of work, introduction of safe production processes and work methods;	<b>1) Ensure the installation of the safety and health signs <del>defined by this Technical Regulation</del> in accordance with the minimum requirements for the provision of safety and/or health signs at work provided for in this Decree and its Annexes 1 to 9,</b> if hazard cannot be avoided or reduced by using collective protective equipment or by taking measures in the organization of work, introduction of safe production processes and work methods;	To better align with Article 3(1) of Directive 92/58/EEC. Also to number the paragraph.
training of employees in the meaning of the safety and health signs at work.	<b>Should be deleted (duplication).</b>	Should be deleted, as recommended, because it repeats the content of the proposed subparagraphs 1) and 2) of the proposed paragraph 3 of Article 3, regarding the provision of training and instructions to workers. Should also be deleted to improve legal act systematics, structure and clarity.

CMU draft law provision's wording	Recommended wording	Rationale
<p>2. Employers shall take into account any risk evaluation concerning activity types and/or size of the enterprise.</p>	<p><b>2) Employers shall Take</b> into account any risk <del>assessment evaluation concerning activity types and/or size of the enterprise</del> <b>made in accordance with the Law of Ukraine "On Occupational Safety and Health of Workers"</b>.</p>	<p>To better align with Article 3(1) of Directive 92/58/EEC. Also to renumber the paragraph.</p>
<p>Categories of enterprises allowed to replace totally, partially or temporarily the illuminated signs and /or acoustic signals provided for in this Technical Regulation by alternative measures which afford the same level of protection may be specified.</p>	<p><b>To be moved up as paragraph 5 of Article 1 (Object and scope of application)</b></p>	<p>This paragraph should be moved up (as new paragraph 5 of Article 1 - Object and scope of application), in order to improve legal act systematics, structure and clarity (as this paragraph is not about employers' obligations, but has to do with the legal act scope and object), as well as to better align it with Articles 1, 6(1) and 6(3) of Directive 92/58/EEC.</p>
<p>3. Without prejudice to the minimum requirements for the signs for obstacles and dangerous locations as well as traffic routes, the signs used for road, rail, air, inland waterway and sea transport shall be installed, if it is necessary for such forms of transport, inside enterprises and/or firms.</p>	<p><b>3) Install</b> the signs used for road, rail, air, inland waterway and sea transport <b>in their premises and workplaces</b> <del>shall be installed</del>, if it is necessary for such forms of transport, <b>without prejudice to the minimum requirements for the signs for obstacles and dangerous locations, as well as for marking</b> traffic routes.</p>	<p>To better align with Article 3(2) and Annex V of Directive 92/58/EEC and for clarity. Also to renumber the subparagraph.</p>
<p>4. The safety and health signs used at work for the first time must fulfil the minimum requirements set out in Annexes 1 to 9 to this Technical Regulation.</p>	<p><b>Should be moved below as paragraph 2 of Article 6 (Final and transitional provisions).</b></p>	<p>This paragraph (which is aimed at transposing Article 4 of Directive 92/58/EEC) should be moved as paragraph 2 of Article 6 (Final an transitional provisions) and complemented with a new provision to be also introduced as paragraph 3 of Article 6 (to transpose Article 5 of Directive 92/58/EEC), in order to improve legal act systematics, structure and clarity, as this provision, rather than an employer obligation <i>stricto sensu</i>, refers to the different application of the minimum requirements for the provision of</p>



CMU draft law provision's wording	Recommended wording	Rationale
		safety and/or health signs at work, depending on whether the safety and health signs are, or not, in use by the date of entry into force of this Decree.
<p>5. Workers and/or their authorized representatives for labour protection shall be informed of all the measures taken concerning the safety and health signs at work.</p>	<p><b>2. Without prejudice to employers' obligation to provide information to workers and their representatives foreseen in the Law of Ukraine "On Occupational Safety and Health of Workers", employers shall provide information to workers and/or their authorized representatives for labour protection safety and health shall be informed of about</b> all the measures taken concerning the safety and health signs <b>used</b> at work.</p>	<p>This paragraph should be changed as recommended:</p> <ol style="list-style-type: none"> <li>1. To better align with Article 7(1) of Directive 92/58/EEC and to better articulate it with the employers' obligation to provide information on OSH to workers and their representatives, foreseen in the ME Draft Law "On Occupational Safety and Health of Workers" (aimed at transposing, to national legal framework, the EU Council framework Council Directive 89/391/EEC, in particular its Article 10);</li> <li>2. To improve legal act systematics, structure and clarity; and</li> <li>3. To renumber the paragraph.</li> </ol>
<p>6. Workers must be given suitable instruction, in particular in the form of specific directions concerning the safety and health signs at work.</p>	<p><b>3. Without prejudice to employers' obligation to provide adequate training to workers and their representatives, foreseen in the Law of Ukraine "On Occupational Safety and Health of Workers", employers shall provide workers with suitable training and instructions, in particular:</b></p> <ol style="list-style-type: none"> <li><b>1)</b> In the form of specific directions concerning the safety and health signs <b>used</b> at work.</li> </ol>	<p>These paragraphs should be changed as recommended:</p> <ol style="list-style-type: none"> <li>1. To better align with Article 7(2) of Directive 92/58/EEC and to better articulate them with the employers' obligation to provide training and instructions on OSH to workers and their representatives, foreseen in the ME Draft Law "On Occupational Safety and Health of Workers" (aimed at transposing, to national legal framework, the EU Council framework Council Directive 89/391/EEC, in particular its Article 12);</li> </ol>
<p>In particular, the instruction shall cover the meaning of the signs, especially signs incorporating words, and the general and specific behaviour to be adopted.</p>	<ol style="list-style-type: none"> <li><b>2)</b> The meaning of the <b>safety and health signs at work</b>, especially signs incorporating words, and the general and specific behaviour to be adopted.</li> </ol>	<ol style="list-style-type: none"> <li>2. To improve legal act systematics, structure and clarity; and</li> </ol>

CMU draft law provision's wording	Recommended wording	Rationale
		3. To renumber the paragraph and subparagraphs.
7. Employers shall consult workers and/or their authorized representative for labour protection if no trade union exists at the enterprise, and enable them to take part in consideration of the matters covered by this Technical Regulation, including Annexes 1 to 9, and as regards ensuring their safety and health in workplaces.	<b>4. Employers shall consult workers and/or their authorized representative for labour protection if no trade union exists at the enterprise safety and health and enable them to take part in consideration of the in the decisions regarding the matters covered by this Technical Regulation Decree, including its Annexes 1 to 9, in accordance with the Law of Ukraine "On Occupational Safety and Health of Workers". and as regards ensuring their safety and health in workplaces.</b>	This paragraph should be changed to better align with Article 8 of Directive 92/58/EEC and to better articulate it with the employers' obligation to ensure the consultation and participation of workers on OSH, foreseen in the ME Draft Law "On Occupational Safety and Health of Workers" (aimed at transposing, to national legal framework, the EU Council framework Council Directive 89/391/EEC, in particular its Article 11). Should also be changed to renumber the paragraph.
	<b>Section III. State control and supervision</b>	Should be inserted to improve legal act systematics, structure and clarity.
	<b>Article 4. Central executive authority that implements the state policy on state control of compliance with the labour legislation</b>	It should be inserted, in order to ensure the alignment of this Decree with:
	The state measures for promoting, controlling, ensuring and improving compliance with the the provisions of this Decree and its Annexes 1 to 9, shall be taken by the central executive authority that implements the state policy on state control of compliance with the labour legislation.	<ol style="list-style-type: none"> <li>1. Article 9(1) of ILO Occupational Safety and Health Convention, 1981 (No. 155), according to which "the enforcement of laws and regulations concerning occupational safety and health and the working environment shall be secured by an adequate and appropriate system of inspection";</li> <li>2. Article 3(1) of the ILO Labour Inspection Convention, 1947 (No. 81) and Article 6(1) of the ILO Labour Inspection (Agriculture) Convention, 1969 (No. 129), which define the main functions of the system of labour inspection; and</li> </ol>

CMU draft law provision's wording	Recommended wording	Rationale
		3. Article 4(2) of EU Directive 89/391/EEC, according to which the States "shall ensure adequate controls and supervision".
	<b>Article 5. Employers' liability</b>	It should be inserted, in order to ensure the alignment of this Decree with: 1. Article 9(2) of ILO Convention 155, according to which "The enforcement system shall provide for adequate penalties for violations of the laws and regulations"; and 2. Article 18 of ILO C081 and Article 24 of ILO C129, according to which "adequate penalties for violations of the legal provisions enforceable by labour inspectors and for obstructing labour inspectors in the performance of their duties shall be provided for by national laws or regulations and effectively enforced".
	<b>1. Employers shall be held liable to a fine for the violation of the provisions of this Decree, including its Annexes 1 to 9.</b>	
	<b>2. The fine for the violation of any provision of this Decree or of its Annexes 1 to 9 is in the amount of "X" minimum wages for each violation.</b>	
	<b>3. The minimum wage rate established according to the legislation as of the violation moment shall be used to determine the amount of the fines mentioned in the previous paragraph.</b>	
	<b>4. If a repeated similar violation is found within a year from the date when the previous violation was found, the amount of the fine shall be doubled.</b>	
	<b>5. The fines imposition of which is provided for by this Article shall be financial sanctions and shall not belong to the administrative economic sanctions laid down in Chapter 27 of the Economic Code of Ukraine.</b>	
	<b>6. Payment of a fine shall not release the employer from the obligation to comply with the provisions of this Decree and its Annexes 1 to 9.</b>	
	<b>Section IV. Miscellaneous provisions</b>	Should be inserted to improve legal act systematics, structure and clarity.
	<b>Article 6. Final and transitional provisions</b>	

CMU draft law provision's wording	Recommended wording	Rationale
	<b>1. This Decree enters into force one year after the date of its publication in the official journal.</b>	To give some time to employers, workers, their representatives and the suppliers of safety and health signs to adapt to this Decree provisions.
4. The safety and health signs used at work for the first time must fulfil the minimum requirements set out in Annexes 1 to 9 to this Technical Regulation.	<b>2. Without prejudice to paragraph 5 of Article 1, the safety and health signs used at work for the first time after the entry into force of this Decree must fulfil the minimum requirements set out in Annexes 1 to 9 to this Technical Regulation.</b>	This paragraph (which is aimed at transposing Article 4 of Directive 92/58/EEC) should be moved here, and complemented with the proposed paragraph 2 of this Article (to also transpose Article 5 of Directive 92/58/EEC), in order to: <ol style="list-style-type: none"> <li>1. Improve the legal act systematics, structure and clarity, as this provision is not an employer obligation <i>stricto sensu</i>, but the regulation of the application of the minimum requirements in time, based on the date of use at work of the safety and health signs; and</li> <li>2. Provide for the foreseen different application of the minimum requirements for the provision of safety and/or health signs at work, depending on whether the safety and health signs are, or not, in use by the date of entry into force of this Decree.</li> </ol>
	<b>3. Without prejudice to paragraph 5 of Article 1, the safety and health signs which were already in use at work before the date of entry into force of this Decree must fulfil the minimum requirements set out in Annexes 1 to 9 by no later than eighteen months after that date.</b>	This paragraph should be inserted, in order to align with Article 5 of Directive 92/58/EEC, taking into account the application of these minimum requirements for the provision of safety and/or health signs at work to situations where the safety and health signs are already in use at work before the date of entry into force of this Decree.
	<b>4. When appropriate, Cabinet of Ministers of Ukraine will set forth adaptations of technical nature to Annexes 1 to 9, in order to ensure:</b>	This paragraph and subparagraphs should be inserted, in order to align with Article 9 of Directive 92/58/EEC.
	<b>1) The approximation to relevant international and national standards</b>	

CMU draft law provision's wording	Recommended wording	Rationale
	concerning the design and manufacture of safety and/or health signs or devices at work;	
	2) The adaptation to technical progress, changes in international rules or specifications and advances in knowledge in the field of safety and/or health signs at work.	
	5. The Cabinet of Ministers shall, within one year from the date of publication of this Decree:	This paragraph and corresponding subparagraphs should be inserted, in order to align with Article 11(1) of Directive 92/58/EEC and ensure the effective application of the Decree.
	1) prepare its proposals on bringing laws of Ukraine into conformity with this Decree, and submit them to the Verkhovna Rada of Ukraine for consideration;	
	2) Bring its regulatory legal acts into conformity with this Decree;	
	3) Ensure adoption of regulatory legal acts necessary to implement this Decree;	
	4) Ensure that ministries and other central executive authorities bring their regulatory legal acts into conformity with this Decree.	
Annex 1	Annex 1 <b>GENERAL MINIMUM REQUIREMENTS CONCERNING SAFETY AND HEALTH SIGNS AT WORK</b> (Paragraphs 1 and 4 of Article 3, Article 4, paragraphs 1, 2 and 6 of Article 5 and paragraphs 2 and 3 of Article 6)	Should be changed, to: • Delete “Technical Regulation of Workers’ Safety and Health Signs”, because the Decree is much more than a technical regulations (also foreseeing, for example, employers’ obligations to install the safety and health signs and to provide information, training and ensuring workers’ consultation and participation) and the safety and health signs are not of the workers but of the workplaces;
to the Technical Regulation of Workers’ Safety and Health Signs	Should be deleted.	
(Section II, paras. 4, 7)	Should be changed.	

CMU draft law provision's wording	Recommended wording	Rationale
MINIMUM REQUIREMENTS CONCERNING SAFETY AND HEALTH SIGNS AT WORK	<b>Should be moved up, closer to the number of the Annex.</b>	<ul style="list-style-type: none"> <li>• Slightly change the name of this Annex because it refers to the “<u>General</u>” minimum requirements concerning safety and health signs at work.</li> <li>• Move up the name of the Annex, in order to be closer to its number;</li> <li>• Update the numbering of the references to the Annexes in the text of the Decree, following the alterations recommended.</li> </ul>
1. General provisions		
1. Where health and/or safety signs are required by paras. 1 and 2 of Section II of this Technical Regulation, they must conform to the specific requirements in Annexes 2 to 9.	<b>1.1.</b> Where <b>safety</b> and/or <b>health</b> signs are required <del>by paras. 1 and 2 of Section II pursuant paragraph 1 of Article 3 of this Decree Technical Regulation</del> , they must conform to the specific requirements in Annexes 2 to 9.	To better align with Section 1.1 of Annex I of the Directive 92/58/EEC and to maintain consistency, across the Decree and its Annexes, on the use of the term “safety and/or health signs”, instead of interchanging it with the term “health and/or safety signs”. Also to renumber the Section, for clarity.
2. ....	<b>1.2.</b> .....	To renumber the Section, for clarity.
3. Health and/or safety signs must be used only to convey the message or information specified in this Technical Regulation.	<b>1.3.</b> <b>Safety</b> and/or <b>health</b> signs must be used only to convey the message or information specified in the Decree.	To maintain consistency, across the Decree and its Annexes, on the use of the term “safety and/or health signs”, instead of interchanging it with the term “health and/or safety signs”. Also to renumber the Section, for clarity.
4. ....	<b>1.4.</b> .....	To renumber the Section, for clarity.
2. Types of signs		
.....	<b>2.1.</b> Permanent signs	To renumber the Section, for clarity.
1. Permanent signboards and/or safety colours shall be used as signs relating to prohibitions, warnings and mandatory requirements and the location and identification of emergency escape routes and first-aid facilities.	<b>2.1.1.</b> Permanent signboards <del>and/or safety colours</del> shall be used as signs relating to prohibitions, warnings and mandatory requirements and the location and identification of emergency escape routes and first-aid facilities.	To better align with Section 2.1.1 of Annex I of the Directive 92/58/EEC, to improve consistency on the use of the term “safety and/or health signs” across the decree and its Annexes and also to renumber the Section, for clarity.

CMU draft law provision's wording	Recommended wording	Rationale
.....	<b>2.1.2.</b> Signboards and/or safety colours must be used to mark permanently the location and identification of fire-fighting equipment.	To renumber the Sections, for clarity.
2. ....	<b>2.1.3.</b> Signboards on containers and pipes must be placed as laid down in Annex 3.	
3. ....	<b>2.1.4.</b> Places where there is a risk of colliding with obstacles or of falling must be permanently marked with a safety colour and/or with signboards.	
	<b>2.1.5.</b> Traffic routes must be permanently marked with a safety colour.	To align with Section 2.1.4. of Annex I of the Directive 92/58/EEC and to renumber the Section, for clarity.
Temporary signs used occasionally (in necessary cases)	<b>2.2.</b> Temporary signs <del>used occasionally (in necessary cases)</del>	To better align with Section 2.2. of Annex I of the Directive 92/58/EEC and to number the Section, for clarity
1. Illuminated signs, acoustic signals and/or verbal messages must be used where the occasion requires, taking into account the possibilities for interchanging and combining signs set out in para. 1 of Annex 1 to this Technical Regulation, to signal danger, to call workers to take special measures, and for emergency evacuation of persons.	<b>2.2.1.</b> Illuminated signs, acoustic signals and/or verbal messages must be used where the occasion requires, taking into account the possibilities for interchanging and combining signs set out in <b>Section 3 para. 1</b> of <b>this Annex 1 to this Technical Regulation</b> , to signal danger, to call workers to take special measures, and for emergency evacuation of persons.	To better align with Section 2.2.1. of Annex I of the Directive 92/58/EEC and to renumber the Section, for clarity
2. Hand signals and/or verbal signals must be used to guide workers carrying out works involving risk or danger for a limited period of time.	2.2.2. Hand signals and/or verbal signals must be used to guide workers carrying out works involving risk or danger, <b>where the occasion requires. for a limited period of time.</b>	To better align with Section 2.2.2. of Annex I of the Directive 92/58/EEC and to renumber the Section, for clarity.
3. Interchanging and combining signs		
1. ....	<b>3.1.</b> .....	To renumber the Section, for clarity.
.....	<b>3.1.1.</b> .....	
.....	<b>3.1.2.</b> .....	
.....	<b>3.1.3.</b> .....	
2. ....	<b>3.2.</b> .....	

CMU draft law provision's wording	Recommended wording	Rationale
.....	<b>3.2.1.</b> .....	
.....	<b>3.2.2.</b> .....	
.....	<b>3.2.3.</b> .....	
If the meaning of signs is the same, the economic entity shall be allowed to choose freely between a hand signal, an acoustic signal and/or a verbal signal.	<b>Should be deleted.</b>	This paragraph should be deleted because the interchangeability between signs is already regulated on Section 3.1 of this Annex 1 (see above). Moreover, it does not depend on the meaning of the signals their selves but on whether they are, or not, equally effective. Finally, the interchangeability should only be allowed between the possibilities offered by Section 3.1. of this Annex 1, and not between every and each sign.
4. The instructions applying to safety colours:	4. The instructions applying <b>to to all signs incorporating a safety colour:</b>	For clarity and to better align with Section 4 of Annex I of Directive 92/58/EEC.
<TABLE>		Proposed table is ok and in conformity with Section 4 of Annex I of Directive 92/58/EEC.
5. The effectiveness of a sign must not be affected by:	5. The effectiveness of a sign must not be <b>adversely</b> affected by:	For clarity and better alignment with Section 5 of Annex I of Directive 92/58/EEC.
1) .....	<b>5.1.</b> .....	To renumber the Sections, for clarity.
.....	<b>5.1.1.</b> .....	
.....	<b>5.1.2.</b> .....	
.....	<b>5.1.3.</b> .....	
.....	<b>5.1.4.</b> .....	
.....	<b>5.1.5.</b> .....	
2) .....	<b>5.2.</b> .....	
6. Depending on the suggested requirements, signs and signalling devices must be cleaned, maintained, checked, repaired, and replaced on a regular basis to ensure that they retain their intrinsic functional qualities.	6. Depending on <del>the suggested</del> requirements, signs and signalling devices must be cleaned, maintained, checked, repaired, and replaced on a regular basis to ensure that they retain their intrinsic <b>and/or</b> functional qualities.	To better align with Section 6 of Annex I of Directive 92/58/EEC.
7. The number and positioning of danger signalling devices shall be appropriate to the	7. The number and positioning of <del>danger</del> <b>safety and health signs or</b> signalling devices shall be	To better align with Section 7 of Annex I of Directive 92/58/EEC.



CMU draft law provision's wording	Recommended wording	Rationale
extent of risks or dangers as well as to the size of the obstacle or dangerous location where they are used.	appropriate to the extent of risks or dangers, as well as to the size <b>and configuration of the obstacle of the zone to be covered. or dangerous location where they are used.</b>	
8. ....		
9. ....		
10. Illuminated signs and/or acoustic signals must be reactivated immediately after use.	10. Illuminated signs <b>and/or</b> acoustic signals must be reactivated immediately after use.	To better align with Section 9(2) of Annex I of Directive 92/58/EEC.
11. Technical conditions and effective functioning of devices for transmission of illuminated and/or acoustic signals must be checked before they are put into service and after repeated use.	11. Technical conditions and effective functioning of devices for transmission of illuminated <b>signs and/or</b> acoustic signals must be checked before they are put into service and <b>subsequently at sufficiently frequent intervals. after repeated use.</b>	To better align with Section 10 of Annex I of Directive 92/58/EEC.
12. ....		
13. ....		
Annex 2	Annex 2 <b>MINIMUM GENERAL REQUIREMENTS CONCERNING SIGNBOARDS (Paragraphs 1 and 4 of Article 3, Article 4, paragraphs 1, 2 and 6 of Article 5 and paragraphs 2 and 3 of Article 6)</b>	Should be changed, to: <ul style="list-style-type: none"> <li>• Delete “Technical Regulation of Workers’ Safety and Health Signs”, because the Decree is much more than a technical regulations (also foreseeing, for example, employers’ obligations to install the safety and health signs and to provide information, training and ensuring workers’ consultation and participation) and the safety and health signs are not of the workers but of the workplaces;</li> <li>• Slightly change the name of this Annex because it refers to the minimum “<u>general</u>” requirements concerning signboards.</li> <li>• Move up the name of the Annex, in order to be closer to its number;</li> </ul>
to the Technical Regulation of Workers’ Safety and Health Signs	<b>Should be deleted.</b>	
(Section II, paras. 4, 7)	<b>Should be changed.</b>	
MINIMUM REQUIREMENTS CONCERNING SIGNBOARDS	<b>Should be moved up, closer to the number of the Annex.</b>	

CMU draft law provision's wording	Recommended wording	Rationale
		<ul style="list-style-type: none"> <li>Update the numbering of the references to the Annexes in the text of the Decree, following the alterations recommended.</li> </ul>
1. Principal features		
1. The shape and colours of signboards must comply with the requirements set out in section 3 of this Annex (prohibition signs, warning signs, mandatory signs, emergency exits/routes, fire safety signs).	<b>1.1.</b> The shape and colours of signboards must comply with the requirements set out in <b>Section 3</b> of this Annex, <b>in accordance with their specific object</b> (signboards indicating a prohibition <del>signs</del> , a warning <del>signs</del> , a mandatory <b>action signs</b> , an emergency exits/routes, <b>or</b> fire safety <b>equipment signs</b> ).	To better align the sense of the paragraph with the provision of the Section 1.1. of Annex II of Directive 92/58/EEC. Also to renumber this Section, for clarity.
Fire safety signs must be designed in accordance with the current State Standard of Ukraine (DSTU) ISO 6309:2007 "Fire protection. Safety signs. Shape and colour".	<b>1.2.</b> Fire safety signs must be designed in accordance with the current <b>State Standard of Ukraine (DSTU) ISO 6309:2007</b> "Fire protection. Safety signs. Shape and colour".	To rectify translation. Also to number this Section, for clarity.
2. ....	<b>1.3.</b> ....	To renumber this Section, for clarity.
3. ....	<b>1.4.</b> ....	To renumber this Section, for clarity.
4. Safety signs must be weather-resistant, clearly visible and, as far as necessary, made using luminous paints, reflective materials and artificial lighting to ensure their visualization.	<b>1.5. <del>Safety signs</del> Signboards</b> must be <b>made of shock and</b> weather-resistant <b>material</b> , clearly visible and, as far as necessary, made using luminous paints, reflective materials and artificial lighting to ensure their visualization.	To better align this provision with Section 1.4. of Annex II of Directive 92/58/EEC. Also to renumber this Section, for clarity.
5. ....	<b>1.6.</b> ....	To renumber the Section, for clarity.
2. Conditions of use		
1. ....	<b>2.1.</b> ....	To renumber this Section, for clarity.
Without prejudice to the safety and health in workplaces, phosphorescent colours, reflective materials or artificial lighting should be used where the level of natural light is poor.	<b>2.2.</b> Without prejudice to the <b>minimum requirements for</b> safety and health <del>in</del> <b>at</b> workplaces, phosphorescent colours, reflective materials or artificial lighting should be used where the level of natural light is poor.	To better align this provision with Section 2.1(2) of Annex II of Directive 92/58/EEC. Also to renumber this Section, for clarity.
2. ....	<b>2.3.</b> ....	To renumber this Section, for clarity.
3. Signboards to be used		
	<b>3.1. Prohibition signs:</b>	

CMU draft law provision's wording	Recommended wording	Rationale
1. Prohibition signs must be of round shape with a black pictogram on white background, red edging and diagonal line (from left to right at 45 degrees to horizontal). The red safety colour must take up at least 35% of the total area of the sign.	<b>3.1.1.</b> Prohibition signs must be of round shape with a black pictogram on white background, red edging and diagonal line (from left to right at 45 degrees to horizontal). The red safety colour must take up at least 35% of the total area of the sign.	To improve the structure and clarity of the Section and renumber the paragraphs.
Signs to be used:	<b>3.1.2. Prohibition</b> signs to be used:	
<No smoking>		All prohibition signs ok.
<Smoking and naked flames forbidden>		
<No access for pedestrians>		
<Do not extinguish with water>		
<Not drinkable>		
<No access for unauthorized persons>		
<No access for industrial vehicles>		
<Do not touch>		
2. Warning signs must be of triangular shape with a black pictogram on a yellow background with black edging. The yellow safety colour must take up at least 50 % of the total area of the sign).	<b>3.2. Warning signs:</b> <b>3.2.1.</b> Warning signs must be of triangular shape with a black pictogram on a yellow background with black edging. The yellow safety colour must take up at least 50 % of the total area of the sign).	To improve the structure and clarity of the Section and renumber the paragraphs.
	<b>3.2.2. Warning signs to be used:</b>	
<Flammable material or high temperature <sup>1</sup> >		Signs ok.
<sup>(1)</sup> In the absence of a specific sign for high temperature		
<Explosive material>		
<Toxic material>		
<Corrosive material>		
<Radioactive material>		
<Overhead load>		
<Industrial vehicles>		
<Danger: electricity>		
<General danger>	<General danger <sup>2</sup> > <sup>(2)</sup> This warning sign shall not be used to warn about hazardous chemical substances or mixtures, except for cases when the	Should be changed, as recommended, in order to better align with Section 3.2. of Annex II and with

CMU draft law provision's wording	Recommended wording	Rationale
	warning sign is used in accordance with the Section 6.2. of Annex 3 to indicate the stores of hazardous substances or mixtures.	the second paragraph of Section 5 of Annex III of Directive 92/58/EEC.
<Laser beam>		Signs ok.
<Oxidant material>		
<Non-ionizing radiation>		
<Strong magnetic field>		
<Obstacles>		
<Drop>		
<Biological risk>		
<Low temperature>		
<Harmful or irritant material>		To improve the structure and clarity of the Section and renumber the paragraphs.
3. Mandatory must be of round shape with a white pictogram on a blue background. The blue safety colour must take up at least 50% of the total area of the sign.	<p><b>3.3. Mandatory signs:</b></p> <p><b>3.3.1.</b> Mandatory signs must be of round shape with a white pictogram on a blue background. The blue safety colour must take up at least 50% of the total area of the sign.</p> <p><b>3.3.2. Mandatory signs to be used:</b></p>	
<Eye protection must be worn>		All mandatory signs ok.
<Safety helmet must be worn>		
<Ear protection must be worn>		
<Respiratory equipment must be worn>		
<Safety boots must be worn>		
<Safety gloves must be worn>		
<Safety overalls must be worn>		
<Face protection must be worn>		
<Safety harness must be worn>		
<Pedestrians must use this route>		
<General mandatory sign (to be accompanied where necessary by another sign)>		
4. Emergency escape or first-aid signs must be of rectangular or square shape with a white pictogram on a green background. The green	<p><b>3.4. Emergency escape or first-aid signs:</b></p> <p><b>3.4.1.</b> Emergency escape or first-aid signs must be of rectangular or square shape with a white</p>	To improve the structure and clarity of the Section and renumber the paragraphs.

CMU draft law provision's wording	Recommended wording	Rationale
safety colour must take up at least 50% of the total area of the sign.	pictogram on a green background. The green safety colour must take up at least 50% of the total area of the sign.	
	<b>3.4.2. Emergency escape or first-aid signs to be used:</b>	
<Emergency exit / escape route>		All emergency escape or first-aid signs ok.
<This way (supplementary information sign)>		
<First-aid post>		
<Stretcher>		
<Safety shower>		
<Eyewash>		
<Emergency telephone for first-aid or escape>		
5. Fire-fighting signs must be of rectangular or square shape with a white pictogram on a red background. The red safety colour must take up at least 50% of the total area of the sign.	<b>3.5. Fire-fighting signs:</b> <b>3.5.1.</b> Fire-fighting signs must be of rectangular or square shape with a white pictogram on a red background. The red safety colour must take up at least 50% of the total area of the sign.	To improve the structure and clarity of the Section and renumber the paragraphs.
	<b>3.5.2. Fire-fighting signs to be used:</b>	
<Fire hose>		All fire-fighting signs ok.
<Ladder>		
<Fire extinguisher>		
<Emergency fire telephone>		
<This way (supplementary information sign)>		
Annex 3	Annex 3 <b>MINIMUM REQUIREMENTS CONCERNING SIGNS ON CONTAINERS AND PIPES (Paragraphs 1 and 4 of Article 3, Article 4, paragraphs 1, 2 and 6 of Article 5 and paragraphs 2 and 3 of Article 6)</b>	Should be changed, to: • Delete “Technical Regulation of Workers’ Safety and Health Signs”, because the Decree is much more than a technical regulations (also foreseeing, for example, employers’ obligations to install the safety and health signs and to provide information, training and
to the Technical Regulation of Workers’ Safety and Health Signs	<b>Should be deleted.</b>	

CMU draft law provision's wording	Recommended wording	Rationale
(Section II, paras. 4, 7)	<b>Should be changed.</b>	ensuring workers' consultation and participation) and the safety and health signs are not of the workers but of the workplaces;
MINIMUM REQUIREMENTS CONCERNING SIGNS ON CONTAINERS AND PIPES	<b>Should be moved up, closer to the number of the Annex.</b>	<ul style="list-style-type: none"> <li>• Move up the name of the Annex, in order to be closer to its number;</li> <li>• Update the numbering of the references to the Annexes in the text of the Decree, following the alterations recommended.</li> </ul>
1. The safety signs provided for by paras. 1-3 of section 3 of Annex 2 to this Technical Regulation shall be used for containers used at work for dangerous substances and containers used for the storage of such dangerous substances or their transportation by pipes.	<b>1. Containers used at work for chemical substances or mixtures classified as hazardous and containers used for the storage of such hazardous substances or mixtures, together with the visible pipes containing or transporting such hazardous substances and mixtures, must be labelled with the relevant hazard pictograms in accordance with the legislation on the classification, labelling and packaging of substances and mixtures to be set forth by the Cabinet of Ministers of Ukraine.</b>	<p>This first Section should change, as recommended, in order to better align with Section 1 of Annex II of Directive 92/58/EEC and also to pave the way for the future alignment of national legislation with:</p> <ul style="list-style-type: none"> <li>• ILO Chemicals Convention, 1990 (No. 170);</li> <li>• EU Council Directive 98/24/EC, of 7 April 1998, on the protection of the health and safety of workers from the risks related to chemical agents at work;</li> <li>• Regulation (EC) No. 1907/2006, of the European Parliament and of the Council, of 18 December 2006, concerning the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94, as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC; and</li> <li>• Regulation (EC) No. 1272/2008, of the European Parliament and of the Council, of</li> </ul>

CMU draft law provision's wording	Recommended wording	Rationale
		16 December 2008, on classification, labelling and packaging of substances and mixtures (CLP), amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006. This Regulation (CLP), entered into force on 20 January 2009, also aligns the EU legislation with the United Nations' Globally Harmonized System (GHS).
2. It is allowed not to apply the safety signs to containers used at work for brief periods nor to containers whose contents change frequently, provided that alternative safety measures are taken, in particular for information and/or training of workers, which ensure a proper level of protection.	2. <b>The provisions of the first Section of this Annex III do not apply</b> to containers used at work for brief periods nor to containers whose contents change frequently, provided that alternative <b>adequate</b> measures are taken, in particular for information and/or training of workers, which ensure <b>the same</b> level of protection.	To improve clarity and to better align with part two of Section 1 of Annex III of the Directive 92/58/EEC.
3. ....		
replaced by warning signs as provided for in Annex 2 to this Technical Regulation, using the same pictograms or symbols,	<b>3.1.</b> replaced by warning signs as provided for in <b>Section 3.2. of</b> Annex 2 <del>to this Technical Regulation</del> , using the same pictograms or symbols,	To better align with paragraph 1 of the third part of Section 1 of the Annex III of the Directive 92/58/EEC. Also to number the Section.
.....	<b>3.2.</b> .....	To number the Section.
.....	<b>3.3.</b> .....	
4. Where appropriate, the signs referred to in section 1 of this Annex must have the principal features defined in section 1.4. of Annex 2 and must fulfil the conditions of use for signboards laid down in section 2 of Annex 2.	4. Where appropriate, the signs referred to in <b>Section 1</b> of this Annex must have the principal features defined in <b>Section 1.5.</b> of Annex 2 and must fulfil the conditions of use for signboards laid down in <b>Section 2</b> of Annex 2.	To correct the reference, adjusting to the above proposed change, in Annex 2, of the number of the Section 1.4. to Section 1.5.
5. The safety sign must be mounted on the visible side of the container or pipe, at reasonable horizontal intervals, such as to be	5. The safety sign must be mounted on the visible side of the container or pipe, <b>in unpliant, self-adhesive or painted form</b> , at reasonable	To better align with paragraph 2 of Section 2 of the Annex III of the Directive 92/58/EEC.

CMU draft law provision's wording	Recommended wording	Rationale
visible in the vicinity of dangerous points (valves, joints, etc.).	horizontal intervals, such as to be visible in the vicinity of dangerous points (valves, joints, etc.).	
	<b>6. Areas, rooms or enclosures:</b>	Should be included this Section, in order to improve legal act structure, clarity and simplicity.
6. Areas, rooms or enclosures used for the storage of significant quantities of dangerous substances or preparations must be indicated by a suitable warning sign taken from section 3.2 of Annex 2, or marked as provided in section 1 of Annex 3, unless the labelling of the individual packages or containers is adequate for this purpose, taking into account Annex 2, point 1.5 with regard to dimensions.	<b>6.1.</b> Areas, rooms or enclosures used for the storage of significant quantities of dangerous substances or preparations must be indicated by a suitable warning sign taken from <b>Section 3.2</b> of Annex 2, or marked as provided in <b>Sections 1 to 3 of this Annex</b> , unless the labelling of the individual packages or containers is adequate for this purpose, taking into account <b>Section 1.6. of Annex 2, point 1.5</b> with regard to dimensions.	To correct the reference, adjusting to the above proposed change, in Annex 2, of the number of the Section 1.5. to Section 1.6. Also to renumber the Section.
Stores of certain dangerous substances or preparations may be indicated by the warning sign for general danger.	<b>6.2.</b> Stores of <b>several</b> dangerous substances or preparations may be indicated by the warning sign for general danger.	To better align with the sense of, respectively, the second and the third paragraphs of Section 5 of the Annex III of the Directive 92/58/EEC.
The signs or labels referred to above must be positioned near the storage area or on the door leading into the storage room.	<b>6.3.</b> The signs or labels referred to <b>in this Section</b> must be positioned near the storage area or on the door leading into the storage room.	Also to number this Sections.
Annex 4	Annex 4 <b>MINIMUM REQUIREMENTS FOR THE IDENTIFICATION AND LOCATION OF FIRE-FIGHTING EQUIPMENT (Paragraphs 1 and 4 of Article 3, Article 4, paragraphs 1, 2 and 6 of Article 5 and paragraphs 2 and 3 of Article 6)</b>	Should be changed, to: • Delete “Technical Regulation of Workers’ Safety and Health Signs”, because the Decree is much more than a technical regulations (also foreseeing, for example, employers’ obligations to install the safety and health signs and to provide information, training and ensuring workers’ consultation and participation) and the safety and health signs are not of the workers but of the workplaces; • Move up the name of the Annex, in order to be closer to its number;
to the Technical Regulation of Workers’ Safety and Health Signs	<b>Should be deleted.</b>	
(Section II, paras. 4, 7)	<b>Should be changed.</b>	
MINIMUM REQUIREMENTS FOR THE IDENTIFICATION AND LOCATION OF FIRE-FIGHTING EQUIPMENT	<b>Should be moved up, closer to the number of the Annex.</b>	



CMU draft law provision's wording	Recommended wording	Rationale
		<ul style="list-style-type: none"> <li>Update the numbering of the references to the Annexes in the text of the Decree, following the alterations recommended.</li> </ul>
1. ....		
2. Fire-fighting equipment must be identified by using specific colours for the equipment and placing a location signboard, and/or by using specific colours for the places where such equipment is located and their access points.	2. Fire-fighting equipment must be identified by using <b>a specific colour</b> for the equipment and placing a location signboard, and/or by using <b>a specific colour</b> for the places where such equipment is located and their access points.	To ensure the same meaning as the transposed provision, by stressing that it should be “a specific colour” (red, in particular) and not “colours” (in plural), thus ensuring a better alignment with Section 2 of the Annex IV of the Directive 92/58/EEC.
3. The colour for identifying the equipment is red.	3. The colour for identifying <b>this</b> equipment is red.	Is should be changed, as recommended, because the colour red should be used to identify, not “the” equipment (i.e., not any equipment), but “this” (Fire-fighting equipment) in particular. That is why it is suggested to replace the indefinite article “the” by the definitive article “this”.
.....	<b>4.</b> .....	To number the Section.
4. The signboards provided for in section 3.5 of Annex 2 must be used to mark the location of such equipment.	<b>5.</b> The signboards provided for in <b>Section</b> 3.5 of Annex 2 must be used to mark the location of <b>this</b> equipment.	Should be changed, to replace “such” by “this”, for the reasons already expended above. Should also be changed to renumber the Section.
Annex 5	Annex 5 <b>MINIMUM REQUIREMENTS FOR MARKING OBSTACLES, DANGEROUS LOCATIONS AND TRAFFIC ROUTES</b> <b>(Paragraphs 1 and 4 of Article 3, Article 4, paragraphs 1, 2 and 6 of Article 5 and paragraphs 2 and 3 of Article 6)</b>	Should be changed, to: <ul style="list-style-type: none"> <li>Delete “Technical Regulation of Workers’ Safety and Health Signs”, because the Decree is much more than a technical regulations (also foreseeing, for example, employers’ obligations to install the safety and health signs and to provide information, training and ensuring workers’ consultation and participation) and the safety and health signs are not of the workers but of the workplaces;</li> <li>Move up the name of the Annex, in order to be closer to its number;</li> </ul>
to the Technical Regulation of Workers’ Safety and Health Signs	<b>Should be deleted.</b>	
(Section II, paras. 4, 7)	<b>Should be changed.</b>	
MINIMUM REQUIREMENTS FOR MARKING OBSTACLES, DANGEROUS LOCATIONS AND TRAFFIC ROUTES	<b>Should be moved up, closer to the number of the Annex.</b>	

CMU draft law provision's wording	Recommended wording	Rationale
		<ul style="list-style-type: none"> <li>Update the numbering of the references to the Annexes in the text of the Decree, following the alterations recommended.</li> </ul>
1. ....		
1. The place where there is a risk of falling, colliding with an obstacles, or of objects falling should be marked with alternating yellow and black, or red and white stripes of equal width. The stripes must be at an angle of 45 degrees.	<b>1.1.</b> The place where there is a risk of falling, colliding with <del>an</del> obstacles, or of objects falling should be marked with alternating yellow and black, or red and white stripes <b>of equal width and at an angle of 45 degrees.</b>	Should be changed to improve clarity and simplicity and to better align with Sections 1.1 and 1.3 of Annex V of the Directive 92/58/EEC. Also to renumber the Section.
2. ....	<b>1.2.</b> .....	To renumber the Section.
3. ....	<b>1.3.</b> .....	
<SIGN>		Sign proposed is ok.
2. ....		
1. Traffic routes for vehicles within the economic entity's work areas must be identified by continuous white or yellow stripes, depending on the colour of the ground, and ensure a safe distance between the vehicles moving thereon and any objects and footwalks.	<b>2.1.</b> Traffic routes for vehicles <b>at workplaces</b> must be <b>clearly</b> identified by continuous white or yellow stripes, depending on the colour of the ground, and ensure a safe distance between the vehicles moving thereon and any objects <b>or pedestrians.</b>	To better align with Section 2.1 of the Annex V of the Directive 92/58/EEC and to replace "within the economic entity's work areas" by "at workplaces", not only for simplicity, but also because the term "economic entity" should be deleted or, at least, replaced by the more adequate term "employer". In fact the term "Employer" (instead of the term "economic entities") is more adequate not only because this legal act is part of labour legislation (thus regulating the rights and obligations of employers and workers, within employment relationships, and not as market or economic operators) but also to ensure the necessary consistency with the term "employer" already defined in the proposed fourth part of Article 21 of the Code of Labour Laws, as amended by the ME Draft Law "On amending the Code of Labour Laws of Ukraine concerning the definition of the concept of employment relationship and the indicators of its

CMU draft law provision's wording	Recommended wording	Rationale
		existence” and as also defined in the subparagraph 30) of paragraph 1 of Article 1 of the ME Draft Law “On Occupational Safety and Health of Workers”, aimed at transposing, to national legal framework, the EU Council framework Council Directive 89/391/EEC. Also to renumber the Section.
2. ....	<b>2.2.</b> .....	To renumber the Section.
3. Permanent traffic routes outside work areas should be similarly marked, unless they are provided with suitable barriers or pavements.	<b>2.3.</b> Permanent traffic routes <b>in outdoors premises</b> should be similarly marked, unless they are provided with suitable barriers or pavements.	Should be changed to better align with Section 2.3. of the Annex V of the Directive 92/58/EEC. Also to renumber the Section.
Annex 6	Annex 6 <b>MINIMUM REQUIREMENTS FOR ILLUMINATED SIGNS (Paragraphs 1 and 4 of Article 3, Article 4, paragraphs 1, 2 and 6 of Article 5 and paragraphs 2 and 3 of Article 6)</b>	Should be changed, to: <ul style="list-style-type: none"> <li>• Delete “Technical Regulation of Workers’ Safety and Health Signs”, because the Decree is much more than a technical regulations (also foreseeing, for example, employers’ obligations to install the safety and health signs and to provide information, training and ensuring workers’ consultation and participation) and the safety and health signs are not of the workers but of the workplaces;</li> <li>• Move up the name of the Annex, in order to be closer to its number;</li> <li>• Update the numbering of the references to the Annexes in the text of the Decree, following the alterations recommended.</li> </ul>
to the Technical Regulation of Workers’ Safety and Health Signs	<b>Should be deleted.</b>	
(Section II, paras. 4, 7)	<b>Should be changed.</b>	
MINIMUM REQUIREMENTS FOR ILLUMINATED SIGNS	<b>Should be moved up, closer to the number of the Annex.</b>	
1. Principal features		
1. The illuminated sign must be clearly visible and contrast with its environment, in accordance with the intended conditions of use of the sign, but without producing glare for an excessive	<b>1.1.</b> The illuminated sign must <b>produce a luminous</b> contrast with its environment, in accordance with the intended conditions of use of the sign, but without producing glare for an	To better align with Section 1.1. of the Annex VI of the Directive 92/58/EEC. Also to renumber the Section.

CMU draft law provision's wording	Recommended wording	Rationale
amount of light or poor visibility as a result of insufficient light.	excessive amount of light or poor visibility as a result of insufficient light.	
2. ....	<b>1.2.</b> .....	To renumber the Section.
3. Every colour in the illuminated sign must correspond to the requirements set out in section 4 of Annex 1 to this Technical Regulation.	<b>1.3. The single</b> colour in the illuminated sign must correspond to the requirements set out in section 4 of Annex 1 <del>to this Technical Regulation.</del>	To better align with Sections 1.2. and 1.3. of the Annex VI of the Directive 92/58/EEC, whereas, in this context, it is not “every” colour that have to correspond to the requirements of section 4 of Annex 1 but, specifically, the “single” colour of the luminous area emitting a sign. Also to delete “technical regulation”, for the reasons already explained above. Also to renumber the Section.
4. If the sign contains a pictogram, the latter must comply with the requirements set out in section 3 of Annex 2 to this Technical Regulation.	<b>1.4.</b> If the sign contains a pictogram, the latter must comply with the requirements set out in <del>section 3 of Annex 2 to this Technical Regulation.</del>	Should be amended, as recommended: <ul style="list-style-type: none"> <li>• Because the requirements that the sign which contains a pictogram has to comply with, are not just the ones on Section 3 of Annex 2 (regarding the types of Signboards to be used), but also the ones established in Sections 1 (regarding their characteristics) and 2 (concerning their conditions of use) of that Annex 2.</li> <li>• Because the term “technical regulation” should be deleted, as this Decree, for the reasons already explained above, is not just a mere technical regulation;</li> <li>• To renumber the paragraph, for clarity.</li> </ul>
2. Specific rules governing use		
1. The device used to produce an illuminated sign can have a unit for change between continuous and intermittent light that means a higher level of danger or the need for urgent implementation of measures to prevent danger.	<b>2.1. If a device can emit both continuous and intermittent signs, the intermittent sign should be used to indicate a higher level of danger or a more urgent need for the requested / imposed intervention or action than is indicated by the continuous sign.</b>	Should be replaced, as recommended, to better align with Section 2.1. of the Annex VI of the Directive 92/58/EEC. Also to renumber the Section, for clarity.

CMU draft law provision's wording	Recommended wording	Rationale
.....	<b>2.2.</b> .....	To renumber the Section, for clarity.
- unambiguous understanding of the meaning of the sign;	<b>2.2.1.</b> unambiguous understanding of the message;	To better align with the first paragraph of the second part of Section 2.1. of the Annex VI of the Directive 92/58/EEC, in order to ensure the achievement of the desired result (the understanding of the message). In fact, what is crucial is not so much to understand the meaning of the sign (that is only a mean, not the end in itself) but to understand the message - that is the end result that we desire to attain with a sign! Also to renumber the Section, for clarity.
.....	<b>2.2.2.</b> .....	To renumber the Section, for clarity.
2. ....	<b>2.3.</b> .....	To renumber the Section, for clarity.
3. ....	<b>2.4.</b> .....	To renumber the Section, for clarity.
Annex 7	Annex 7 <b>MINIMUM REQUIREMENTS FOR ACOUSTIC SIGNALS</b> <b>(Paragraphs 1 and 4 of Article 3, Article 4, paragraphs 1, 2 and 6 of Article 5 and paragraphs 2 and 3 of Article 6)</b>	Should be changed, to: <ul style="list-style-type: none"> <li>• Delete “Technical Regulation of Workers’ Safety and Health Signs”, because the Decree is much more than a technical regulations (also foreseeing, for example, employers’ obligations to install the safety and health signs and to provide information, training and ensuring workers’ consultation and participation) and the safety and health signs are not of the workers but of the workplaces;</li> <li>• Move up the name of the Annex, in order to be closer to its number;</li> <li>• Update the numbering of the references to the Annexes in the text of the Decree, following the alterations recommended.</li> </ul>
to the Technical Regulation of Workers’ Safety and Health Signs	<b>Should be deleted.</b>	
(Section II, paras. 4, 7)	<b>Should be changed.</b>	
MINIMUM REQUIREMENTS FOR ACOUSTIC SIGNALS	<b>Should be moved up, closer to the number of the Annex.</b>	
1. ....		
1. ....	<b>1.1.</b> .....	To renumber the Section, for clarity.

CMU draft law provision's wording	Recommended wording	Rationale
- a sound level which is higher than the level of workplace noise, so that it is audible without being painful;	<b>1.1.1.</b> .....	To renumber the Section, for clarity.
- pulse length of intermittent acoustic signal and intervals between pulses or groups of pulses, distinct from any other acoustic signal or ambient noise.	<b>1.1.2.</b> pulse length of intermittent acoustic signal and intervals between pulses or groups of pulses, distinct from any other acoustic signal or ambient noise, <b>so as to be easily recognizable.</b>	To better align with Section 1.1(b) of the Annex VII of the Directive 92/58/EEC. Also to renumber the Section, for clarity.
2. The device used to produce acoustic signals is fitted with a unit to provide intermittent sounds at stable frequency as well as to change frequency of pulses. The change of frequency of impulses versus stable frequency means a higher level of danger or the need for urgent implementation of measures to prevent danger.	<b>1.2. If a device can emit an acoustic signal at variable and constant frequencies, the variable frequency should be used to indicate a higher level of danger or a more urgent need for the requested / imposed intervention or action in relation to the stable frequency.</b>	Should be replaced, as recommended, to better align with Section 1.2. of the Annex VII of the Directive 92/58/EEC. Also to renumber the Section, for clarity.
2. ....		
.....	<b>2.1.</b> .....	To renumber the Section, for clarity.
Annex 8	Annex 8 <b>MINIMUM REQUIREMENTS FOR VERBAL SIGNALS (Paragraphs 1 and 4 of Article 3, Article 4, paragraphs 1, 2 and 6 of Article 5 and paragraphs 2 and 3 of Article 6)</b>	Should be changed, to: <ul style="list-style-type: none"><li>• Delete “Technical Regulation of Workers’ Safety and Health Signs”, because the Decree is much more than a technical regulations (also foreseeing, for example, employers’ obligations to install the safety and health signs and to provide information, training and ensuring workers’ consultation and participation) and the safety and health signs are not of the workers but of the workplaces;</li><li>• Move up the name of the Annex, in order to be closer to its number;</li><li>• Update the numbering of the references to the Annexes in the text of the Decree, following the alterations recommended.</li></ul>
to the Technical Regulation of Workers’ Safety and Health Signs	<b>Should be deleted.</b>	
(Section II, paras. 4, 7)	<b>Should be changed.</b>	
MINIMUM REQUIREMENTS FOR VERBAL SIGNALS	<b>Should be moved up, closer to the number of the Annex.</b>	
1. ....		
1. ....	<b>1.1.</b> .....	To renumber the Section, for clarity.

CMU draft law provision's wording	Recommended wording	Rationale
2. Verbal signals must short, simple and clear. The verbal skills of the worker transmitting verbal signals (emitter) and the hearing abilities of the worker (hearer) who they are directed at must ensure reliable communication of verbal signals.	<b>1.2.</b> Verbal signals must <b>be</b> short, simple and clear. The verbal skills of the worker transmitting verbal signals (emitter) and the hearing abilities of the worker(s) <b>to whom</b> they are directed ( <b>hearers</b> ) must ensure reliable communication of verbal signals.	To improve clarity and better align with Section 1.2. of the Annex VIII of the Directive 92/58/EEC. Also to renumber the Section, for clarity.
3. A verbal signal can be produced by means of the human voice (direct) or using a technical means broadcasting a human or synthesized voice (indirect).	<b>1.3.</b> A verbal signal can be produced by means of the human voice (direct) or using a technical means broadcasting a human or synthesized voice (indirect).	To renumber the paragraph.
2. ....		
1. ....	<b>2.1.</b> .....	To renumber the Section, for clarity.
2. If verbal signals used instead of, or together with, hand signals, the following words should be used:	<b>2.2.</b> If verbal signals used instead of, or together with, hand signals, the following <b>code</b> words should be used:	To improve clarity and better align with Section 2.2. of the Annex VIII of the Directive 92/58/EEC. Also to renumber the Section, for clarity.
<TABLE>		Table is ok.
Annex 9	Annex 9 <b>MINIMUM REQUIREMENTS FOR HAND SIGNALS (Paragraphs 1 and 4 of Article 3, Article 4, paragraphs 1, 2 and 6 of Article 5 and paragraphs 2 and 3 of Article 6)</b>	Should be changed, to: <ul style="list-style-type: none"> <li>• Delete “Technical Regulation of Workers’ Safety and Health Signs”, because the Decree is much more than a technical regulations (also foreseeing, for example, employers’ obligations to install the safety and health signs and to provide information, training and ensuring workers’ consultation and participation) and the safety and health signs are not of the workers but of the workplaces;</li> <li>• Move up the name of the Annex, in order to be closer to its number;</li> <li>• Update the numbering of the references to the Annexes in the text of the Decree, following the alterations recommended.</li> </ul>
to the Technical Regulation of Workers’ Safety and Health Signs	<b>Should be deleted.</b>	
(Section II, paras. 4, 7)	<b>Should be changed.</b>	
MINIMUM REQUIREMENTS FOR HAND SIGNALS	<b>Should be moved up, closer to the number of the Annex.</b>	
1. ....		
.....	<b>1.1.</b> .....	To renumber the Section, for clarity.

CMU draft law provision's wording	Recommended wording	Rationale
<p>.....</p> <p>The signals used may vary slightly or be more detailed than those shown in section 3 of this Annex; they must, however, be equally meaningful and comprehensible, provided that they fulfil the requirements given above.</p>	<p><b>1.2.</b> .....</p> <p><b>1.3.</b> The signals used may vary slightly or be more detailed than those shown in section 3 of this Annex, <b>provided that they are</b> equally meaningful and comprehensible, <b>and</b> fulfil the requirements given above.</p>	<p>To improve clarity and better align with paragraph 3 of Section 1. of the Annex IX of the Directive 92/58/EEC.</p> <p>Also to renumber the Section, for clarity.</p>
<p>2. ....</p>		
<p>1. ....</p>	<p><b>2.1.</b> .....</p>	<p>To renumber the Section, for clarity.</p>
<p>2. ....</p>	<p><b>2.2.</b> .....</p>	
<p>3. The signalperson's duty consists solely of directing manoeuvres and ensuring the safety of workers in the area visible to the person.</p>	<p><b>2.3.</b> The signalperson's <b>duties consist</b> solely of directing manoeuvres and ensuring the safety of workers <b>in the vicinity</b>.</p>	<p>To improve clarity and better align with Section 2.3. of the Annex IX of the Directive 92/58/EEC.</p> <p>Also to renumber the Section, for clarity.</p>
<p>4. If the conditions set out in point 2.2 of this Annex can not be fulfilled, one or more extra signalpersons should be deployed.</p>	<p><b>2.4.</b> If the conditions set out in <b>Section</b> 2.2 of this Annex can not be fulfilled, one or more extra signalpersons should be deployed.</p>	<p>To improve clarity, substituting “point” by “Section” and renumbering the Section.</p>
<p>5. ....</p>	<p><b>2.5.</b> .....</p>	<p>To renumber the Section, for clarity.</p>
<p>6. The operator must be able to recognize the signalperson without difficulty. The signalperson must wear one or more distinctive items similar within the enterprise, e.g. a jacket, helmet, sleeves or armbands, or carry bats. All the items must be brightly coloured, preferably all of the same colour and for the exclusive use of the signalperson.</p>	<p><b>2.6.</b> Accessories</p>	<p>To improve clarity, by renumbering the section and better structuring and aligning it with the three paragraphs of Section 2.6. of the Annex IX of the Directive 92/58/EEC. It should be deleted “similar within the enterprise” in the proposed section 2.6.2, because they should not be “similar” but “distinctive” and not the term “enterprise” is also misplaced, as the employer can be also and non-enterprise organization (e.g., association, public service, etc.) or even a self-employed person with employees.</p>
	<p><b>2.6.1.</b> The operator must be able to recognize the signalperson without difficulty.</p>	
	<p><b>2.6.2.</b> The signalperson must wear one or more <b>appropriate</b> distinctive items <del>similar within the enterprise</del>, e.g. a jacket, helmet, sleeves or armbands, or carry bats.</p>	
<p><b>2.6.3.</b> <b>The distinctive items</b> must be brightly coloured, preferably all of the same colour and for the exclusive use of signalperson.</p>		
<p>7. Hand signals should be complied with regardless of any other commands used in the activity areas mentioned in para. 3 of this Technical Regulation.</p>	<p><b>Should be deleted.</b></p>	<p>This provision should be deleted because is contradictory with the provision of Section 2.5. of this Annex, which clears foresee that “The operator must interrupt the ongoing manoeuvre in order to request new instructions when he is</p>



CMU draft law provision's wording	Recommended wording	Rationale
		unable to carry out the orders he has received with the necessary safety guarantees".
3. Hand signals for use:	3. <b>Coded</b> hand signals <b>to be</b> use:	Should be changed, as recommended, to better align with Section 3. of the Annex IX of the Directive 92/58/EEC, as what really makes these hand signals so important is the fact that <u>they are a code</u> i.e., they are a common and generally accepted and understood language to communicate through hand signals.
<TABLE>General signals - START	<b>The illustration should be improved.</b>	Because the palms <b>ARE NOT</b> facing forward.
<TABLE> General signals - STOP		Because the palm <b>IS NOT</b> facing forward.
<TABLE> General signals - END		Illustration ok
<TABLE> Vertical movements - RAISE		
<TABLE> Vertical movements - LOWER		
<TABLE> Vertical movements - VERTICAL DISTANCE		
<TABLE> Horizontal movements - MOVE FORWARDS		
<TABLE> Horizontal movements - MOVE BACKWARDS		
<TABLE> Horizontal movements - RIGHT		
<TABLE> Horizontal movements - LEFT		
<TABLE> Horizontal movements - HORIZONTAL DISTANCE		
<TABLE> Danger - DANGER Emergency stop		
<TABLE> Danger - QUICK		
<TABLE> Danger - SLOW		
Annex 10	Annex 10 <b>TABLE OF CORRESPONDENCE between the provisions of the Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work and its Annexes I to IX with</b>	Should be changed, to: <ul style="list-style-type: none"> <li>• Delete "Technical Regulation of Workers' Safety and Health Signs", because the Decree is much more than a technical regulations (also foreseeing, for example, employers'</li> </ul>

CMU draft law provision's wording	Recommended wording	Rationale		
	<b>the provisions of this Decree and its Annexes 1 to 9 (Paragraph 1 of Article 1)</b>	<p>obligations to install the safety and health signs and to provide information, training and ensuring workers' consultation and participation) and the safety and health signs are not of the workers but of the workplaces;</p> <ul style="list-style-type: none"> <li>• Move up the name of the Annex, in order to be closer to its number;</li> <li>• Change the reference, in the Annex 10, to the Decree provisions that mentioned it: from "Section II, paras. 4, 7" to "Paragraph 1 of Article 1", following the alterations recommended.</li> </ul>		
to the Technical Regulation of Workers' Safety and Health Signs	<b>Should be deleted.</b>			
(Section II, paras. 4, 7)	<b>Should be changed.</b>			
TABLE OF CORRESPONDENCE between the provisions of the Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work (ninth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) and the draft Technical Regulation of Workers' Safety and Health Signs	<b>Should be moved up, closer to the number of the Annex.</b>			
<TABLE>				
<b>DIRECTIVE</b>	<b>DECREE</b>	<b>DIRECTIVE</b>	<b>DECREE</b>	
Section I -	Section I	<b>Article 1</b> -	<b>Article 1</b>	<p>To revise, as recommended, to improve information and evidence on the correspondence between the Articles of the Directive 92/58/EEC with the Articles of the Decree.</p>
Section II -	Section II	<b>Article 2</b> -	<b>Article 2</b>	
Section III -	Section III	<b>Article 3</b> -	<b>Article 3, Paragraph 1</b>	
		<b>Article 4</b> -	<b>Article 6, Paragraph 2</b>	
		<b>Article 5</b> -	<b>Article 6, Paragraph 3</b>	
		<b>Article 6</b> -	<b>Article 1, Paragraph 5</b>	
		<b>Article 7</b> -	<b>Article 3, Paragraphs 2 and 3</b>	
		<b>Article 8</b> -	<b>Article 3, Paragraph 4</b>	
		-	<b>Article 4</b>	
		-	<b>Article 5</b>	
		<b>Article 9</b> -	<b>Article 6, Paragraph 4</b>	
		<b>Article 10</b> -	<b>Article 6, Paragraph 5</b>	
		<b>Article 11</b> -	<b>Article 6, Paragraphs 1 and 5</b>	
		<b>Article 12</b> -	-	
Annex I -	Annex 1			Correspondences OK
Annex II -	Annex 2			

CMU draft law provision's wording	Recommended wording	Rationale
Annex III - Annex 3		
Annex IV - Annex 4		
Annex V - Annex 5		
Annex VI - Annex 6		
Annex VII - Annex 7		
Annex VIII - Annex 8		
Annex IX - Annex 9		
- - Annex 10		

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